

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, DECEMBER 5, 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 Luis Esquivel, an 8-year-old, 3<sup>rd</sup> grade student 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, Parks & Recreation Director Petker, and Human Resources Coordinator Barrett were also present.

Also present was Parks, Recreation & Beautification Commissioner Leah Greeley.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, November 21, 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)

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

**AGENDA REVIEW**

Mayor Shoals requested that the Council recess after Consent Agenda Item No. 2 to convene the Joint City Council / Improvement Agency meeting also scheduled for this same evening in order to receive an update regarding the fiscal year.

**Action:** Upon unanimous consensus, the Council adopted the agenda as amended.

**CEREMONIAL CALENDAR**

None at this time.

**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. Leah Greeley, Parks, Recreation & Beautification Commissioner, announced the upcoming Holiday of Lights decorating contest.

**PUBLIC HEARING**

1. **Resolutions Electing to be Subject to the California Public Employees' Medical and Hospital Care Act.**

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Administrative Services Director Chapman provided a brief overview of the completed negotiations with all employee units regarding participation in the CalPERS plan for medical coverage. She described the resolutions prepared to meet requirements for participation, explained the two different methods for employers to select regarding payment of a portion of the health premiums for active employees and annuitants, and noted the estimated cost savings to the City for participation in the plan. She then responded to questions from the Council.

**Actions:**

- 1) It was m/s by Council Members Bright/Peterson to adopt Resolution No. 11-66 electing to be subject to the Public Employees' Medical and Hospital Care Act for **Executive Management** employees. 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. 11-66: Resolution Electing to be Subject to Public Employees' Medical and Hospital Care Act Only with Respect to Members of a Specific Employee Organization and Fixing the Employer's Contribution for Employees and the Employer's Contribution for Annuitants at Different Amounts.**

- 2) It was m/s by Council Members Bright/Peterson to adopt Resolution No. 11-67 electing to be subject to the Public Employees' Medical and Hospital Care Act for **Management and Confidential** employees. 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. 11-67: Resolution Electing to be Subject to Public Employees' Medical and Hospital Care Act Only with Respect to Members of a Specific Employee Organization and Fixing the Employer's Contribution for Employees and the Employer's Contribution for Annuitants at Different Amounts.**

- 3) It was m/s by Council Members Bright/Peterson to adopt Resolution No. 11-68 electing to be subject to the Public Employees' Medical and Hospital Care Act for **Service Employees International Union (SEIU), Local 620**, employees. 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. 11-68: Resolution Electing to be Subject to Public Employees' Medical and Hospital Care Act Only with Respect to Members of a Specific Employee Organization and Fixing the Employer's Contribution for Employees and the Employer's Contribution for Annuitants at Different Amounts.**

- 4) It was m/s by Council Members Bright/Peterson to adopt Resolution No. 11-69 electing to be subject to the Public Employees' Medical and Hospital Care Act for **Grover Beach Police Officers' Association** employees. 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. 11-69: Resolution Electing to be Subject to Public Employees' Medical and Hospital Care Act Only with Respect to Members of a Specific Employee Organization and Fixing the Employer's Contribution for Employees and the Employer's Contribution for Annuitants at Different Amounts.**

### **CONSENT AGENDA**

Upon unanimous consensus, the Council adopted Consent Agenda Item No. 2 as presented.

**2. Treasurer's Report for the Period November 17 - 28, 2011.**

**Action:** Approved as submitted.

**Recess:** Upon consensus of the City Council, the meeting recessed at 6:41 p.m. to the Joint City Council / Improvement Agency meeting, which was also scheduled for this same evening.

**Reconvene:** At 7:34 p.m., the meeting reconvened with all Council Members present.

### **REGULAR BUSINESS**

**3. Discussion Regarding Sale of City-owned Property. (Continued from the City Council meeting of November 21, 2011).**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, City Manager Perrault outlined previous actions authorized by the City Council to mitigate the budget deficit, including the sale of City-owned property. He stated the property located at 920 Brighton Avenue continued to be the best candidate for sale as it was no longer considered feasible that the property could be joined to Ramona Garden Park, which was the original intent when it was purchased. He then summarized a recent discussion with Charles Okui regarding the drainage basin on South 13<sup>th</sup> Street. He noted the Okui family had limited interest in repurchasing the parcel and were primarily concerned with its potential development to a use that might conflict with the operation of the adjacent strawberry fields.

City Manager Perrault stated the issue for consideration this evening was the request to initiate the process to amend the General Plan and complete a zone change of the property at 920 Brighton Avenue, bringing it into consistency with zoning for properties located on the south side of Brighton Avenue. He then outlined the process if the Council chose to offer the property for sale to other public agencies, the Improvement Agency, or the open market. He and City Attorney Koczanowicz then responded to questions from the Council.

Discussion was held regarding the timeline to complete a zone change and previous Council direction for staff to continue reviewing three specific parcels for potential sale: 920 Brighton Avenue, the drainage basin on South 13<sup>th</sup> Street and The Pike, and the vacant property on South 13<sup>th</sup> Street dedicated for parks and recreation purposes, which was deemed not suitable for further consideration regarding its potential sale at this time.

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

The following persons spoke in opposition to rezoning the property at 920 Brighton Avenue and in opposition to selling the property:

- Judy Schwarm, Grover Beach;
- Linda Voth, Grover Beach;
- Darrell Voth, Grover Beach;

- Michael Clark, Atascadero, who stated he was also speaking on behalf of Eric Greening, who was unable to attend the meeting;
- Dori Stone, Atascadero; and
- Debbi Criswell, Grover Beach.

There were no further public comments received regarding this matter.

Further Council discussion was held regarding other potential locations for a community garden.

Council Member Molnar objected to selling the property at 920 Brighton Avenue and expressed support for its continued use as a community garden.

**Action:** It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to authorize staff to initiate the process to amend the General Plan, complete a zone change, and amend the Ramona Specific Plan precedent to selling the City-owned property located at 920 Brighton Avenue. 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.

#### 4. **Air Pollution Control District Grant Agreement.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray provided an overview of the grant received in 2005 for the City to purchase an alternative fuel vehicle. No affordable vehicle could be located and the Air Pollution Control District (APCD) subsequently agreed that the funds could be used towards the installation of an electric charging station. He then outlined reporting requirements in the proposed agreement and described the potential benefits of locating the charging station at City Hall rather than off-site. Staff then responded to questions from the Council.

Brief discussion was held regarding use of the charging station for City-owned hybrid vehicles in addition to public access, potential costs, and terms of the agreement.

Mayor Shoals invited public comments on this matter. There was no response received.

**Action:** It was m/s by Council Members Bright/Molnar to: 1) adopt Resolution No. 11-71 authorizing participation in the APCD Voluntary Emission Reduction Program; 2) approve the Grant Agreement; and 3) 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, Molnar, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals.  
NOES: Council Members - None.  
ABSENT: Council Members - None.  
ABSTAIN: Council Members - None.

**Resolution No. 11-71: A Resolution of the City Council of the City of Grover Beach, California, Authorizing Participation in the San Luis Obispo County Air Pollution Control District Voluntary Emission Reduction Program.**

#### **PULLED CONSENT AGENDA ITEMS**

None at this time.

## **COUNCIL COMMITTEE REPORTS**

Council Member Bright reported on the meeting of the Air Pollution Control District (APCD). She confirmed that she had presented the Council's concerns regarding the proposed "fugitive dust" rule, but that the rule had been approved.

Council Member Molnar stated she had nothing to report.

Mayor Pro Tem Nicolls stated he had nothing to report.

Council Member Peterson stated she had a copy of the Economic Vitality Corporation's recent presentation regarding the Economic Forecast and offered to make the report available to the other Council Members.

Mayor Shoals briefly described transportation projects scheduled for consideration at the next meeting of the San Luis Obispo Council of Governments (SLOCOG), which included a request for Phase III improvements for the West Grand Avenue Enhancement Project from Highway 1 to the beach.

## **CITY COUNCIL MEMBER ITEMS**

None at this time.

## **COUNCIL COMMUNICATIONS**

- A. Mayor Pro Tem Nicolls commended the Grover Beach Police Department and Police Chief Copey regarding recent news of a traffic stop on North 4<sup>th</sup> Street that resulted in several arrests and the recovery of a stolen vehicle and other property.
- B. Council Member Bright commended the Parks & Recreation Department for the success of the recent Holiday Parade and Santa's Workshop & Craft Faire.
- C. Mayor Shoals praised and thanked all those involved in the Holiday Parade and Santa's Workshop & Craft Faire, noting both events appeared to have a higher attendance than in previous years.

He then stated Grover Beach resident David Delatorre had approached him with a request that the City host an ethnic event focusing on the issue of diversity. The Mayor and City Manager recently met with Mr. Delatorre to discuss the matter further. Mayor Shoals then inquired whether anyone was interested in participating in a subcommittee to discuss plans for a diversity faire to be held at Ramona Garden Park. Council Member Bright volunteered to serve on the subcommittee.

Mayor Shoals also stated that Grover Beach residents Jeff Lee and Richard Roberts had previously expressed interest in serving on a committee to discuss a potential third phase of pedestrian improvements at 9<sup>th</sup> Street and Ramona Avenue. He stated he would be contacting both residents to determine if they were still interested in serving on a committee to discuss the improvements and would report back to the rest of the Council.

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

City Manager Perrault announced that the Off Highway Vehicle Division of the State Department of Parks and Recreation would be hosting two presentations regarding results of an economic impact study of the Oceano Dunes State Vehicle Recreation Area at the Ramona Garden Park Center on Thursday, December 8, 2011.

### **5. Discussion Regarding Cancellation of the Regular City Council Meeting of Monday, December 19, 2011.**

City Manager Perrault stated the next regular City Council meeting coincided with the week that included two days of mandatory unpaid leave on Wednesday, December 21 and Thursday, December 22, as well as a legal holiday on Friday, December 23. He noted City

offices were also scheduled to be closed on Monday, December 26 in observance of the Christmas holiday. He then described labor regulations regarding management employees working during furlough periods and suggested cancelling the meeting of December 19. City Manager Perrault then responded to questions from the Council

**Action:** Upon unanimous consensus, the Council cancelled the next regular City Council meeting of Monday, December 19, 2011.

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

City Attorney Koczanowicz stated Mayor Pro Tem Nicolls had requested that he review an audio tape of the Air Pollution Control District's recent meeting. He stated he had completed that review and confirmed that the Board's legal counsel had provided advice that was within his legal duties to provide.

### **CLOSED SESSION**

At 8:49 p.m., the Council met in Closed Session regarding the following item:

1. **Conference with Real Property Negotiators**  
Pursuant to Government Code Section 54956.8  
Property: Hillcrest cell tower site (APN 060-581-041)  
Agency negotiator: City Manager and City Attorney  
Negotiating party: Crown Castle, Inc.  
Under negotiation: Terms of extension of the lease or potential sale.

Closed Session Announcements: At 8:58 p.m., Mayor Shoals reconvened the meeting in 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 8:58 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:  
/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 01/03/2012)