

**MINUTES
CITY COUNCIL MEETING
MONDAY, MAY 21, 2012**

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 Kaitlyn Aguilar, a 10-year-old, 4th grade student at Grover Beach Elementary School.

ROLL CALL

City Council: Council Members Bright, Molnar, Mayor Pro Tem Nicolls, and Mayor Shoals were present. Council Member Peterson was absent.

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, and Public Works Supervisor Barclay were also present.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, May 7, 2012 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

Action: Upon consensus (Council Member Peterson absent), the Council adopted the agenda as presented.

CEREMONIAL CALENDAR

1. **Proclamation Honoring Grover Beach Elementary School Principal Juan Olivarria on His Retirement from the Lucia Mar Unified School District.**

Mayor Shoals read and presented the proclamation to retiring Grover Beach Elementary School Principal Juan Olivarria.

2. **Proclamation Declaring May 20 - 26, 2012 as "National Public Works Week".**

Mayor Pro Tem Nicolls read and presented the proclamation to Public Works Supervisor John Barclay.

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. Brad Snook, Chair, Surfrider Foundation, expressed concerns regarding operations at the South San Luis Obispo County Sanitation District.

PUBLIC HEARINGS

3. Appeal of Planning Commission Non-action for Development Permit Application No. 10-023. Appellant/Applicant: T-Mobile West Corp.; Project Location: 170 West Grand Avenue (APN 060-206-026).

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 provided an overview of the appeal filed regarding the Planning Commission's non-action of the request to modify an existing commercial building by increasing the height of the cupola by two feet and installing a cellular antenna within the cupola. Electrical and other related equipment was proposed to be located within the interior and exterior of the building. Community Development Director Buckingham displayed an aerial map of the project site, as well as building elevations and diagrams of the cupola. He then summarized comments by the Planning Commission and noted that, subsequent to distribution of the agenda packet, additional correspondence had been received and distributed to the Council from Robert Lee, Property Manager for California Property Services. Community Development Director Buckingham then responded to questions from the Council.

City Attorney Koczanowicz noted that, although absent from this meeting, Council Member Peterson would have been precluded from deliberating on this item due to a conflict of interest as her office was located within 500 feet of the subject property. Further, the applicant had submitted a report with findings that the proposed project would not expose the general public to radio frequency electromagnetic fields greater than the Federal Communications Commission (FCC) guidelines. He pointed out that the City was not authorized to pre-empt or alter regulations of the FCC regarding human exposure to radio frequency electromagnetic fields.

Brief Council discussion was held regarding the types of allowable uses in the Coastal Visitor Serving zone, the types of uses suitable for that neighborhood, and alternate sites that had been considered.

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

Charles Dunn, Synergy Development Services, representative for Applicant/Appellant T-Mobile West Corporation, spoke in support of the proposed project and granting the appeal. He described design features to minimize visual impacts, factors that precluded the project from being considered a "nuisance", and noted that co-location on a communications facility with another vendor was not an option. He later responded to questions from the Council regarding the proposed equipment and on-site equipment maintenance.

The following persons spoke in *opposition* to the proposed project, citing concerns regarding human exposure to radio frequency electromagnetic fields and potential noise disturbance from the mechanical equipment impacting nearby residents and outdoor restaurant patrons, and in *support* of selecting an alternate site in an industrial area:

- John Koepf, Arroyo Grande resident and Grover Beach property owner;
- Anita Shower, Grover Beach resident
- Peggy Koepf, Arroyo Grande resident and Grover Beach property owner; and
- Chris Rivas, Grover Beach business owner.

The following person spoke in *support* of the proposed project:

- Sharon Brown, Grover Beach resident, to accommodate tourists visiting the beach area.

No further public comments were received and the Mayor closed the Public Hearing.

Council discussion ensued regarding noise concerns, compatibility with the surrounding businesses and nearby residential units, and establishing more suitable sites to locate cellular antennas.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Molnar to deny the project and direct staff to prepare an appropriate Resolution for Council consideration at the next regular City Council meeting. The motion carried on the following roll call vote:

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

4. Grover Beach Lodge and Conference Center, Development Permit Application No. 10-003.

Mayor Shoals read the title to the foregoing item, declared the continued Public Hearing open, and deferred to staff for a report. For the information of those present, City Manager Perrault briefly described actions taken to date regarding the Grover Beach Lodge and Conference Center Project. He stated that discussions with State representatives to the Joint Authority and Pacifica Companies regarding the development of a financing plan were not yet completed. Staff therefore recommended continuing this matter to June 4, 2012. He noted that Pacifica Companies had indicated agreement with the recommendation for a continuance.

Action: Upon consensus (Council Member Peterson absent), no public testimony was received at this time and the Public Hearing for this item was continued to the City Council meeting scheduled for Monday, June 4, 2012.

CONSENT AGENDA

It was m/s by Council Members Bright/Molnar to approve Consent Agenda Item Nos. 4, 5, 6, 7, 8, and 9 as recommended. The motion carried on the following roll call vote:

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

5. Treasurer's Report for the Period April 30, 2012 through May 15, 2012.

Action: Approved as submitted.

6. Minutes of the City Council Meeting of April 16, 2012.

Action: Approved the minutes as submitted.

7. Letter of Response to Grand Jury Report Regarding Employee Accumulated Vacation and Sick Leave Pay - Review of the San Luis Obispo County Grand Jury 2011-2012 Final Report regarding employee vacation and sick leave accumulation and the rules and regulations governing these accumulations.

Action: Approved the responses to the Grand Jury Report and authorized the Mayor to execute the letter on behalf of the City.

8. Letter of Response to Grand Jury Report Regarding Citizen Complaints and Internal Affairs Investigations - Review of the San Luis Obispo County Grand Jury 2011-2012 Final Report regarding citizen complaints filed with the Grover Beach Police Department.

Action: Approved the responses to the Grand Jury Report and authorized the Mayor to execute the letter on behalf of the City.

9. Requesting Support for the Grover Beach Municipal Network Project - Consider sending letters to local legislators requesting their support of the Grover Beach Municipal Network Project.

Action: Authorized the Mayor to: 1) work with the City Manager in finalizing letters to local legislators, and 2) execute the letters on behalf of the City.

Recess: Upon consensus of the City Council, the meeting recessed at 7:48 p.m.

Reconvene: At 7:59 p.m., the meeting reconvened with all Council Members present, except for Council Member Peterson who was absent from this meeting.

REGULAR BUSINESS

10. Consideration of a Proposal for Law Enforcement Services.

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 provided an overview of current operations in the Grover Beach Police Department and the proposed staffing structure for the next fiscal year. He then summarized the proposal received from the City of Arroyo Grande for consolidated law enforcement services. He noted that, although combining services had potential merit, staff's analysis of the proposal determined that, as presented, it would not be in the best interest of Grover Beach for the following reasons:

- loss of control over police services and associated costs by the City of Grover Beach;
- proposal did not represent a true consolidation of the two Police Departments;
- proposal appeared to be dependent on the successful passage of a bond measure to finance a new police facility in Arroyo Grande; and
- the financial benefit to the City of Grover Beach was uncertain.

City Manager Perrault then responded to questions from the Council.

Mayor Shoals invited public comment on this matter.

Sharon Brown, Grover Beach resident, spoke in *opposition* of the proposal.

Judy Schwarm, Grover Beach resident, spoke in *support* of the proposal.

There were no further public comments received and the Mayor closed this portion of the public comment period.

Council discussion ensued regarding the merits of the proposal, anticipated costs, and the Council's consistently expressed preference to consider a proposal for "consolidation" of, but not "contract" for, law enforcement services.

Action: Upon consensus (Council Member Peterson absent), the Council authorized the City Manager to respond to the City of Arroyo Grande indicating the Proposal for Law Enforcement Services was not in the best interests of the City of Grover Beach, and to thank the City of Arroyo Grande for efforts expended in drafting the proposal.

11. Review Request for Proposal for Street Sweeping Services.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, Public Works Director/City Engineer Ray provided an overview of alternatives and service level options for sweeping streets and City parking lots. He then described the mechanical process of street sweeping technology, the challenges presented with current street conditions, and responded to questions from the Council.

Brief discussion was held regarding proposed service level alternatives and focusing street sweeping efforts primarily on arterial and collector streets.

Mayor Shoals invited public comments on this matter.

Sandy Darling, Grover Beach resident, suggested establishing a regular street sweeping schedule and prohibiting on-street parking for street segments scheduled to be swept.

Judy Schwarm, Grover Beach resident, suggested increasing the frequency of street sweeping during high tourist seasons.

Jeff Lee, Chair, Parks, Recreation & Beautification Commission, requested the proposal specifically include the Ramona Avenue corridor near the bus transit area and Ramona Garden Park.

Sharon Brown, Grover Beach resident, expressed concerns that reduced street sweeping might negatively impact the effectiveness of storm drains during periods of heavy rainfall.

No further public comments were received.

Further Council discussion was held regarding the alternative service levels presented. It was noted that another opportunity would be available to discuss service level options and preferences when the award of bid was scheduled for Council consideration.

Action: Upon consensus (Council Member Peterson absent), the Council:

- 1) amended the proposal for street sweeping services to include: a) additional sweeps during high traffic tourist seasons, and b) additional sweeps for the street segment on Ramona Avenue near the bus transit center;
- 2) approved the Request for Proposal, as amended; and
- 3) authorized staff to advertise for proposals.

12. Consideration of Disposition of City-owned Property Located on 920 Brighton Avenue.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, City Attorney Koczanowicz briefly reviewed actions taken to date to identify underutilized City-owned property that might be suitable for sale. He described the reasons why the Council at later meetings identified 920 Brighton Avenue to be sold and the subsequent rezoning of that property, as well as other properties within the same vicinity, to reflect their current uses and achieve consistency with the surrounding properties. He noted that, pursuant to state law, the Planning Commission evaluated and determined that the proposed disposition was consistent with the City's adopted General Plan, and that report was being presented to the Council. He then responded to questions from the Council regarding estimated costs for a property appraisal and confirmed that City-owned property not deemed "surplus" could be sold on the open market.

Mayor Shoals invited public comments on this matter.

Linda Voth, Grover Beach resident, objected to the proposed property sale.

Judy Schwarm, Grover Beach resident, questioned the estimated cost for an appraisal.

Jeff Lee, Chair, Parks, Recreation & Beautification Commission described previous and upcoming discussions by the Commission regarding community gardens.

Sharon Brown, Grover Beach resident, requested and received information regarding revenue collected and operational costs for the community garden.

No further public comments were received.

Further Council discussion was held regarding retaining the services of a real estate appraiser, rather than a broker, for property valuation; and the severe economic downturn that prompted the difficult decision to sell this property.

Council Member Molnar objected to spending funds for the services of a real estate broker and objected to the proposed property sale.

Action: Upon consensus (Council Member Molnar voting "no", Council Member Peterson absent), the Council authorized the disposition of the parcel on 920 Brighton Avenue and directed staff to: 1) obtain an appraisal of the property; 2) list the property with a professional realtor, with the listing price to be determined based on a comparable market analysis; and 3) return with potential relocation alternatives for the community garden for Council consideration.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

Council Member Bright reported on the meeting of the Homeless Services Oversight Committee and the recently adopted Safe Parking Program.

Council Member Molnar reported on the meeting of the Zone Three Advisory Committee and distributed copies of her summarized Committee Report to the other members of the City Council.

She then requested Council consensus to schedule a future discussion to consider amending the City's contract regarding Lopez Dam in order to strengthen each agency's position for more decision-making authority.

Action: Upon consensus, the Council authorized scheduling a future discussion regarding the Zone Three Advisory Committee and potentially amending the City's contract with the County of San Luis Obispo regarding Lopez Lake, and requested that this item not be scheduled for discussion until after adoption of the FY 13 Budget.

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

Mayor Shoals reported on the meeting of the Five Cities Fire Authority, noted that labor negotiations were underway, and outlined future discussions to be scheduled regarding revenue augmentation and the formation of a benefit assessment district.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

None at this time.

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 meeting at 9:31 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 06/18/2012)