

**MINUTES
CITY COUNCIL MEETING
MONDAY, JUNE 18, 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 Pledge of Allegiance was conducted earlier at the Special City Council meeting at 5:30 p.m.

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, Assistant Administrative Services Director Byrd, and Recreation Coordinator O'Donnell were also present.

Also present were Parks, Recreation & Beautification Commission Chair Jeff Lee, Vice Chair Dee Santos, and Commissioners Heidi Boatman and Ellie Ross; Fire Chief Joel Aranaz, Five Cities Fire Authority; Molly Cano, San Luis Obispo County Visitors & Conference Bureau; and Christine Rogers, Economic Vitality Corporation.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, June 4, 2012 after meeting in Closed Session regarding:

1. Conference with Real Property Negotiators
Pursuant to Government Code Section 54956.8
Property: APN-060-162-018
Agency negotiator: City Manager and City Attorney
Negotiating party: Darrell and Linda Voth
Under negotiation: Sale of property
2. Public Employee Performance Evaluation
Pursuant to Government Code Section 54957
Employee: City Attorney

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. **Certificates of Appreciation to Spring Garden Tour Participants:**
 - 551 West Grand Avenue - Cynthia Glenn;
 - 175 South 5th Street - The Hernandez Family;
 - 1480 Atlantic City Avenue - Jacqueline Ginsberg;
 - 250 North 10th Street - Molly Krishun;
 - 158 North 10th Street - Ellie Ross; and
 - 850 Atlantic City Avenue, Plant Exchange - Dee Santos.

Parks & Recreation Director Petker, Recreation Coordinator O'Donnell, and Mayor Shoals were joined by Parks, Recreation & Beautification Commission Chair Lee, Vice Chair Santos, and Commissioners Ross and Boatman, in presenting Certificates of Appreciation to the above-listed 2012 Spring Garden Tour participants.

It was noted that certificates would be sent to the following participants who were not available to attend the City Council meeting:

- 1624 Trouville Avenue - Wayne & Susan Embrey;
- 1273 Saratoga Avenue - Michelle Seybert & Ann F. Maliszewski;
- 620 Parkview Avenue - Michele Latin; and
- 900 Brighton Avenue - Darrell & Linda Voth.

2. Proclamation Honoring Grover Beach Resident Jaysson Bonds for Military Service in the United States Army.

Mayor Pro Tem Nicolls read and presented the proclamation to Mr. Bonds.

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

PUBLIC HEARING

3. Further Consideration of a Proposed Charter Ballot Measure.

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, City Manager Perrault provided an overview regarding the concepts of becoming a "Charter City" in order to have greater control over municipal affairs. He summarized Council comments from the meeting of May 14, 2012 and noted that revisions pursuant to Council direction had been incorporated into "Section 201 - Elected Officials", "Section 301 - Purchasing and Public Works Contracts", and "Section 501 - General Plan and Zoning Consistency". He then responded to questions from the Council.

City Attorney Koczanowicz provided a brief historical overview regarding term limits. He noted that term limits were enacted by majority vote of the electorate in 1996 to establish a limit of two consecutive terms, and the two-year term for the office of directly-elected Mayor was enacted by majority vote of the electorate in November 2006. He noted that any proposed change to term limits or the length of the Mayoral term would require voter approval and, if approved, would not affect the status of current office holders.

Brief discussion was held regarding various sections of the proposed Charter, the City's current purchasing and bid process, local authorized taxes, and state mandates. It was also noted that regardless of whether the proposed Charter was approved, the City would still be subject to prevailing wage requirements for projects that received state or federal funding. The exception would be applicable only to projects that were locally-funded and specifically designated as exempt by the City Council.

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

The following persons spoke either in opposition to the proposed Charter ballot measure, in support of prevailing wage requirements, and/or described various apprenticeship training programs:

- Steve Weiner, Executive Secretary/Treasurer, Tri Counties Building and Construction Trades Council, who distributed informational materials to the Council;
- Jim Conway, Statewide Construction Industry Coalition;
- Lisa Curtis, Cuesta College full-time faculty member;
- David Baldwin, Los Osos resident, Cement Masons Local Union;
- Alex Lantsberg, Smart Cities Prevail;
- Louis Robles, Grover Beach, ironworker;
- Liz Doukas White, Grover Beach;
- Dee Santos, Grover Beach, former Mayor and Board Member of the Lucia Mar Unified School District; and
- Walt French, Grover Beach, Plumber and Pipefitters Union, who also offered to speak

with Jaysson Bonds, who was recognized earlier in the meeting, to offer him the opportunity to participate in the Helmets to Hard Hats apprenticeship program.

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

Further Council discussion was held regarding the potential benefits of becoming a Charter City, strengthening local control, the increasing number of State take-aways and regulations, the opportunity to reduce costs for locally-funded projects, and a pending Supreme Court case regarding the issue of prevailing wages. Additional discussion was held regarding whether to include language in the proposed Charter to change term limits.

City Attorney Koczanowicz described the extended public review process now required for General Law cities to consider changing to a Charter City form of government.

Council Member Molnar expressed concern that changing the purchasing and bidding procedures might result in City contracts being awarded to unqualified contractors. She suggested deleting "Section 302 - Prevailing Wages" from the proposed Charter. She also expressed concern with the meeting schedule for receiving public comments on the Charter City concept, stating there should be additional workshops scheduled.

Mayor Shoals spoke in support of deferring a decision regarding whether to place the Charter measure on the ballot until additional public meetings or workshops were held to solicit further public input. He noted that including a section in the proposed Charter regarding prevailing wages might be premature until a decision was rendered in the Supreme Court case regarding the City of Vista.

Action: Upon consensus, no further changes were made to the text of the proposed Charter at this time. It was then m/s by Mayor Pro Tem Nicolls/Council Member Bright to: 1) continue the process for considering a Charter measure on the November 2012 ballot, and 2) schedule a third Public Hearing regarding the proposed Charter for the City Council meeting on Monday, July 16, 2012. The motion carried on the following roll call vote:

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

Recess: Upon consensus of the City Council, the meeting recessed at 8:16 p.m. to reconvene the Special City Council Meeting regarding the proposed FY 13 Budget, which was scheduled to begin earlier on this same date.

Reconvene: At 8:59 p.m., the meeting reconvened with all Council Members present.

CONSENT AGENDA

Prior to discussion of the Consent Agenda, Council Member Peterson suggested amending the draft meeting minutes (Consent Agenda Item No. 5) regarding "Disposition of City-owned Property Located at 920 Brighton Avenue" as follows: (*added text denoted with a double underline, deleted text denoted with ~~strikeout~~*):

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

It was m/s by Council Members Peterson/Molnar to approve Consent Agenda Item Nos. 4 and 6 as recommended and No. 5 as amended. The motion carried on the following roll call vote:

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

4. Treasurer's Report for the Period May 31, 2012 through June 13, 2012.

Action: Approved as submitted.

5. Minutes of the City Council Meeting of Monday, May 21, 2012.

Action: Approved the minutes, as amended.

6. Resolutions for the 2012 General Municipal Election for the Election of Certain Officers of the City - Adopting Resolutions necessary to call a General Municipal Election and consolidate it with the County of San Luis Obispo.

Action: 1) Adopted Resolution No. 12-37 calling and giving notice of a General Municipal Election to be held on November 6, 2012 for the election of certain officers of the City; 2) adopted Resolution No. 12-38 requesting the County Board of Supervisors to consolidate the City's General Municipal Election with the Statewide General Election; and 3) adopted Resolution No. 12-39 adopting regulations for candidates governing submittal of a Candidate's Statement.

Resolution No. 12-37: A Resolution of the City Council of the City Grover Beach, California, Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 6, 2012, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities.

Resolution No. 12-38: A Resolution of the City Council of the City of Grover Beach, California, Requesting the Board of Supervisors of the County of San Luis Obispo to Consolidate a General Municipal Election to be Held on Tuesday, November 6, 2012, with the Statewide General Election to be Held on the Date Pursuant to Section 10403 of the Elections Code.

Resolution No. 12-39: A Resolution of the City Council of the City of Grover Beach, California, Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election.

REGULAR BUSINESS

7. Five-Year Capital Improvement Program FY 13 to FY 17 Approval.

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 the five-year Capital Improvement Program for planning and management of the City's capital projects and infrastructure assets. He also described the primary sources of funding for capital improvements, and how the program was developed and maintained to reflect City Council goals and objectives, General Plan policies, and project recommendations by staff. Members of City staff then responded to questions from the City Council.

Brief discussion was held regarding street rehabilitation projects, funding sources for street rehabilitation projects, and specifically adding the northern section of "Oak Park Boulevard" to the list of Category II streets identified for rehabilitation over the next five-year period, rather than being identified as a "future project" at the end of the document

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There were no public comments received at this time.

Action: Upon unanimous consensus, "Oak Park Boulevard" was added to the list of Category II streets in the Five-Year CIP. It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to adopt Resolution No. 12-40 approving the Five-Year Capital Improvement Program for FY 13 to FY 17, as amended. 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. 12-40: A Resolution of the City Council of the City of Grover Beach, California Approving the Capital Improvement Program (CIP) for FY 13 through FY 17.

8. Northern Cities Management Area 2011 Annual Report.

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 the report summarizing water supply and demand conditions in the Northern Cities Management Area of the Santa Maria Groundwater Basin. He then responded to questions from the Council.

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

COUNCIL COMMITTEE REPORTS

Council Member Bright stated she had nothing to report at this time.

Council Member Molnar reported on meetings of the Housing Trust Fund and the San Luis Obispo County Water Resources Advisory Committee.

Mayor Pro Tem Nicolls reported on the meeting of the South San Luis Obispo County Sanitation District and the forum regarding a water recycling program.

Upon question, City Attorney Koczanowicz responded to questions regarding the confidential nature of pending or potential matters of litigation.

Council Member Peterson reported on the meeting of the Grover Beach Chamber of Commerce and the success of the new "Foodie Fest" event.

Mayor Shoals stated he had nothing to report at this time.

CITY COUNCIL MEMBER ITEMS

9. Selection of Voting Delegate and Alternate for the 2012 League of California Cities Annual Conference.

Brief discussion was held regarding which Council Members were planning to attend the upcoming League of California Cities conference to be held in San Diego, California on September 5-7, 2012.

Action: Upon unanimous consensus, Mayor Pro Tem Nicolls was selected to be the City's voting delegate, Mayor Shoals the first alternate, and Council Member Molnar the second alternate for the upcoming annual business meeting at the League of California Cities Annual Conference.

COUNCIL COMMUNICATIONS

- A. Council Member Bright praised staff members of the Parks and Recreation Department for organizing another successful summer concert series.
- B. Council Member Peterson commended staff on the concise format of the FY 13 Budget document and the significant accomplishments in each department.

CITY MANAGER'S REPORTS AND COMMENTS

None at this time.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 9:40 p.m., the Council met in Closed Session regarding the following items:

1. **Conference with Legal Counsel - Potential Litigation**
Pursuant to Government Code Section 54956.9(b) - one potential case
Damage claim by: Elsayed M. Elsayed

2. **Conference with Real Property Negotiators**
Pursuant to Government Code Section 54956.8
Property: APN-060-253-016
Agency negotiator: City Manager and City Attorney
Negotiating party: San Luis Obispo County YMCA
Under negotiation: Terms of the lease

3. **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 10:19 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present, and announced the following: regarding Closed Session Item No. 1 - the City Council voted (5-0) to deny the claim; regarding Closed Session Item Nos. 2 and 3 - there were no reportable actions taken.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 10:20 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 09/17/2012)