

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, AUGUST 20, 2012**

**CALL TO ORDER** Mayor Pro Tem Nicolls 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 Council Member Bright.

**ROLL CALL**

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

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Community Development Director Buckingham, Police Chief Copsey, and Planner II Reese were also present.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, August 6, 2012 after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Anticipated Litigation  
Significant exposure to litigation pursuant to Government Code  
Section 54956.9 (b): One (1) potential case - Threatened litigation  
regarding 691 Atlantic City Avenue.

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

**AGENDA REVIEW**

It was announced that the second item listed under Closed Session would be rescheduled to another meeting date when all members of the City Council were present.

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

**CEREMONIAL CALENDAR**

None at this time.

**PUBLIC COMMUNICATIONS** The Mayor Pro Tem 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. Jeffrey McMorrow, Grover Beach, introduced himself to the City Council and described his volunteer activities with non-profit agencies in the community.
- B. Chris DeConde, Grover Beach, requested an opportunity to provide public comment regarding Consent Agenda Item No. 2.

**PUBLIC HEARINGS**

None at this time.

**CONSENT AGENDA**

Prior to consideration of the Consent Agenda, Item Nos. 2 and 4 were pulled pursuant to the requests of Council Members Peterson and Molnar, respectively. It was m/s by Council Members Bright/Peterson to approve Consent Agenda Item Nos. 1, 3, and 5 as recommended. The motion carried on the following roll call vote:

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

1. **Treasurer's Report for the Period August 1, 2012 - August 14, 2012.**  
**Action:** Approved as submitted.
3. **Response to Grand Jury Report Regarding "A Vital Function of the Judicial System - Law Enforcement Property and Evidence Rooms".**  
**Action:** Approved the responses to the Grand Jury Report and authorized the Mayor to execute the letter on behalf of the City.
5. **Biennial Review of Conflict of Interest Code** - Update of the City's Conflict of Interest Code regarding persons appointed to designated job classifications who are required to file, or continue filing, Statements of Economic Interest with the City Clerk.  
**Action:** Adopted Resolution No. 12-58.

**Resolution No. 12-58: A Resolution of the City Council of the City of Grover Beach, California, Adopting a Revised Standardized Conflict of Interest Code for Designated Filers.**

#### **REGULAR BUSINESS**

#### **THE CITY COUNCIL SITTING IN ITS CAPACITY AS SUCCESSOR AGENCY TO THE DISSOLVED GROVER BEACH IMPROVEMENT AGENCY.**

6. **Adoption of Recognized Obligation Payment Schedule for January 1, 2013 to June 30, 2013.**

Mayor Pro Tem Nicolls read the title to the foregoing item and deferred to staff for a report. For the information of those present, Administrative Services Director Chapman provided an overview of the proposed payment schedule for submission to the Oversight Board for its consideration. She stated that, although the Department of Finance had recently made significant changes to the format of the schedule, the deadline for the Oversight Board to submit the schedule to the County Auditor-Controller and the Department of Finance by September 1, 2012 was unchanged. She then reviewed information contained in the payment schedule and described the review process conducted by the County and the State. Staff then responded to questions from the Council.

Mayor Pro Tem Nicolls invited comments from those in the audience who wished to be heard on this matter. No public comments were received at this time.

**Action:** It was m/s by Council Member Bright/Peterson to adopt Resolution No. SA-12-04 approving the Recognized Obligation Payment Schedule (ROPS) and authorize the City Manager to present the ROPS to the Oversight Board for its consideration and approval. The motion carried on the following roll call vote:

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

**Resolution No. SA-12-04: A Resolution of the Successor Agency to the Dissolved Grover Beach Improvement Agency Approving and Adopting an Initial Draft of the Recognized Obligation Payment Schedule (ROPS) Pursuant to Health and Safety Code Section 34177(I)**

7. **Review of Resolutions to be Considered at the Annual League of California Cities Conference.**

Mayor Pro Tem Nicolls read the title to the foregoing item and deferred to staff for a report.

For the information of those present, City Manager Perrault provided a brief overview regarding items scheduled for consideration by the General Assembly at the Annual League of California Cities Conference to be held on Friday, September 7, 2012.

Discussion ensued regarding each of the resolutions.

**Action:** Upon consensus, the Council provided the following direction to the City's voting delegate regarding resolutions to be considered by the General Assembly at the Annual League of California Cities Conference (indicated in *italics*):

Resolutions Referred to the Environmental Quality Policy Committee:

- Resolution No. 3: Resolution Encouraging California Cities to Oppose the California Desert Protection Act of 2011 = *Defer to delegate to determine at the meeting of the General Assembly whether to support or oppose.*
- Resolution No. 4: Resolution Requesting Consideration of Suspension of Implementation or Revision of the California Global Warming Solutions Act (AB 32 of 2006) = *Support.*

Resolution Referred to the Public Safety Policy Committee and Revenue and Taxation Policy Committee:

- Resolution No. 1: A Resolution Calling Upon the Governor and Legislature to Enact Legislation that Would Correct Inefficiencies in the Audit System, Distribution System, and Inequities in the Formulas for Distributing Court Ordered Arrest and Citation Fines, Fees and Assessments Generated by Local Government = *Support.*

Resolutions Referred to the Public Safety Policy Committee:

- Resolution No. 2: Resolution of the League of California Cities Raising Public Awareness and Supporting Tougher Laws Related to Internet Crimes Against Children = *Support.*
- Resolution No. 5: A Resolution Calling for an Emergency Management Mission for California Cities = *Support.*

**PULLED CONSENT AGENDA ITEMS**

2. **Second Reading and Adoption of Ordinance No. 12-05 Amending Grover Beach Municipal Code Article IX Planning and Zoning Regulations and Article VII Public Works Associated with Development Permit Application No. 11-2 (Zoning Code Update).** Applicant: City of Grover Beach.

Upon request, Community Development Director Buckingham displayed revisions to the Zoning Map (Attachment 2 to the staff report) in response to Council direction at the meeting of August 6, 2012.

Brief discussion was held regarding correspondence received after the agenda packet had been copied and distributed from Chris DeConde, dated August 17, 2012; whether to change the provision regarding the period of abandonment or discontinuation of use from six months back to one year; and the different allowable uses in the "Coastal Industrial Commercial" zones compared with the "Coastal Commercial" zones.

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

Chris DeConde, Grover Beach, property owner of an industrial building located on Beckett Place, requested more flexibility for properties in industrial zones, stating it would not be economically feasible to change the use of his property from industrial to commercial or retail within six months of it becoming vacant.

Further discussion was held regarding re-examining potential impacts of the proposed zoning changes on existing businesses, previous Council discussions regarding establishing the abandonment period at six months that focused primarily on properties along West Grand Avenue; and the maximum number of General Plan amendments allowed per year.

City Attorney Koczanowicz briefly described the process for amending the proposed Ordinance, including re-noticing a Public Hearing and conducting a first reading of a revised Ordinance.

**Action:** Upon consensus of the Council (Mayor Shoals absent), the Council: 1) directed staff to revise the proposed Ordinance to increase the abandonment period for legal non-conforming uses in the Coastal Commercial zone from six months to one year; and 2) authorized the revised Ordinance to be brought back to the City Council for introduction and first reading.

**4. Response to Grand Jury Report Regarding “Out of Sight, Out of Mind: Medical Marijuana”.**

Upon request, City Attorney Koczanowicz and Police Chief Copsey responded to questions regarding mobile dispensaries not being allowed to operate within City limits.

**Action:** Upon consensus (Mayor Shoals absent) , the Council approved the responses to the Grand Jury Report and authorized the Mayor to execute the letter on behalf of the City.

**COUNCIL COMMITTEE REPORTS**

Council Member Bright stated she had nothing to report.

Council Member Peterson reported on meetings of the Chamber of Commerce and the San Luis Obispo County Visitors & Conference Bureau. She then distributed material summarizing activities conducted by the Visitors & Conference Bureau and budget information as of June 30, 2012. She also noted that she had a copy of the Annual Report from the Economic Vitality Corporation.

Council Member Molnar stated she had nothing to report.

Mayor Pro Tem Nicolls reported on the meeting of the South San Luis Obispo County Sanitation District, and announced that a hearing before the Regional Water Quality Control Board was scheduled for Friday, September 7, 2012.

Mayor Shoals was absent from the City Council meeting.

**CITY COUNCIL MEMBER ITEMS**

None at this time.

**COUNCIL COMMUNICATIONS**

None at this time.

**CITY MANAGER'S REPORTS AND COMMENTS**

City Manager Perrault announced that the Air Pollution Control District was sponsoring a planning workshop regarding the reduction of greenhouse gas emissions. He stated that the workshop would be held at Cuesta College on August 23, 2012, and that a flyer with additional information would be distributed to members of the City Council on the following day.

**CITY ATTORNEY'S REPORTS AND COMMENTS**

None at this time.

**CLOSED SESSION**

At 7:51 p.m., the Council met in Closed Session regarding Closed Session Item No. 1 (as announced earlier in the meeting under “Agenda Review”, Closed Session Item No. 2 was pulled from the agenda until a meeting date when all members of the City Council were present):

- 1. Conference with Legal Counsel - Existing Litigation**  
Pursuant to Government Code Section 54956.9(a)  
City of Grover Beach v. Shukla, CV 120229

2. ~~Public Employee Performance Evaluation~~  
~~Pursuant to Government Code Section 54957~~  
~~Employee: City Manager~~

Closed Session Announcements: At 8:06 p.m., Mayor Pro Tem Nicolls reconvened the meeting in open session with all Council Members present (except for Mayor Shoals who was absent from this meeting), and announced there were no reportable actions taken during Closed Session.

**ADJOURNMENT**

There being no further business to come before the City Council, Mayor Pro Tem Nicolls adjourned the meeting at 8:06 p.m.

/s/ WILLIAM L. NICOLLS, MAYOR PRO TEM

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 10/15/2012)