

**MINUTES
CITY COUNCIL MEETING
MONDAY, SEPTEMBER 17, 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 A moment of silence was held in memory of Maisie Campbell, mother of Council Member Bright.

FLAG SALUTE The flag salute was led by Lola Sharpe, an 8-year-old, 3rd 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, and Police Chief Copsy were also present.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, August 20, 2012 after meeting in Closed Session regarding:

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

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. Proclamation Declaring October 2012 as “Energy Awareness Month”.

Council Member Peterson read and presented the proclamation to Jim McNamara, Energy Services Director, Community Action Partnership of San Luis Obispo (CAPSLO), who distributed a flyer regarding energy awareness activities scheduled throughout the month.

2. Proclamation Declaring September 17 - 23, 2012 as “Constitution Week 2012”.

Mayor Shoals read and presented the proclamation to Patti Redding, who received the proclamation on behalf of the Captain Henry Sweetser Chapter of the Daughters of the American Revolution.

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. Sharon Brown, Grover Beach, thanked the City Council and staff for providing an annual event for citizens to remember and honor the victims killed in the terrorist attacks on September 11, 2001.
- B. Bill Senna and Mario Zambo, representatives of the Central Coast Narvacanian Association, invited members of the City Council and the public to attend the annual Sister City celebration events, which would begin with a dinner on Saturday, September 29, 2012 and conclude with an afternoon picnic on Sunday, September 30, 2012.

PUBLIC HEARINGS

None at this time.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item Nos. 5 and 7 were pulled pursuant to the request of Council Member Molnar. It was m/s by Council Members Bright/Peterson to approve Consent Agenda Item Nos. 3, 4, and 6, 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.

3. Treasurer's Report for the Period August 14, 2012 - September 11, 2012.

Action: Approved as submitted.

4. Minutes of the Following City Council Meetings:

- Monday, June 4, 2012 Regular City Council Meeting;
- Monday, June 18, 2012 Special City Council Meeting; and
- Monday, June 18, 2012 Regular City Council Meeting.

Action: Approved the minutes as submitted.

6. Declaration of Stage I Water Shortage and Water Shortage Contingency Plan Update

- Status report regarding the City's water supply, water conservation recommendations, and declaring the appropriate stage of action based on that information.

Action: Adopted Resolution No. 12-59.

Resolution No. 12-59: A Resolution of the City Council of the City of Grover Beach, California, continuing the Stage I Water Shortage Condition in Accordance with the Adopted Water Shortage Contingency Plan.

REGULAR BUSINESS

8. Revised FY 13 Budget.

Mayor Shoals 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 a brief overview of the FY 13 Budget adopted on June 18, 2012. She outlined the steps taken since then to eliminate the deficit in the General Fund through employee concessions, workforce reductions, concessions from the Five Cities Fire Authority, the sale of City-owned property, and subsequent information received regarding revenues and transfers in that exceeded expenditures and transfers out. She also noted that, although Enterprise Fund expenditures were positively impacted by the employee concessions, the City was notified that new water sampling requirements would increase estimated costs. Any additional information was anticipated to be presented at the mid-year budget. She and City Manager Perrault then responded to questions from the Council.

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

Brief discussion was held regarding the mandatory employee furlough program and efforts to notify the public regarding the specific dates when City Hall offices would be closed. The Council expressed its appreciation for the collaborative efforts exhibited by all employee groups and the Five Cities Fire Authority that resulted in a revised and balanced budget.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to adopt Resolution No. 12-60. 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. 12-60: A Resolution of the City Council of the City of Grover Beach, California Re-adopting the FY 13 Budget.

9. Options for the Rehabilitation of Oak Park Boulevard.

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 briefly described North Oak Park Boulevard and previous street repair efforts that began in the mid-1980s. He outlined several options for repairing all or portions of North Oak Park Boulevard from West Grand Avenue to El Camino Real, and suggested potential project funding sources. Staff then responded to questions from the Council.

Brief discussion was held regarding suspected causes for the poor street condition, previous repair efforts, and the steps regarding inspection of materials and workmanship.

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

Further Council discussion was held regarding pursuing all the suggested funding options presented, with the exception of using Reserve Funds, to rehabilitate Oak Park Boulevard; and scheduling a future discussion regarding the long-term strategy for rehabilitating streets.

Action: Upon unanimous consensus, the Council authorized staff to proceed with the testing and design for the repair of Oak Park Boulevard.

It was noted that a Resolution amending the FY 13 Budget for the rehabilitation of Oak Park Boulevard would be presented at the next City Council meeting.

10. Update and Information Report Regarding Water Billing Complaints.

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 described the process for responding to water utility billing complaints, investigating suspected leaks, and the steps for testing the meters, service lines, and water mains. Staff then responded to questions from the Council.

Brief discussion was held regarding water meters, typical residential water usage, and the limited space on utility billing statements for including additional information.

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

Action: The information was received and filed.

PULLED CONSENT AGENDA ITEMS

At this time Mayor Shoals called for discussion of Consent Agenda Item No. 5.

5. Update of Master Fee Schedule for Surcharges Added to Parking Violations.

Upon question it was noted that, although the surcharge of \$3.00 per ticket was implemented by the State in October 2010, it had not been collected locally due to unanticipated delays in updating the citywide Master Fee Schedule.

Mayor Shoals invited public comments on this matter. No public comments were received at this time.

Action: It was m/s by Council Members Bright/Peterson to adopt Resolution No. 12-61 amending the Master Fee Schedule to include the phrase “any additional fees set or reduced by other agencies that affect the revenue of parking violations will be added or reduced to the amount set by the City for all tickets issued”. 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. 12-61: A Resolution of the City Council of the City of Grover Beach Amending the Master Fee Schedule for Any Additional Fees Set by Other Agencies.

7. Program Supplemental Agreement for the West Grand Avenue Enhancement Project, Phase 2.

Public Works Director/City Engineer Ray provided a brief overview regarding the Supplemental Agreement with Caltrans for the administration of federal funds on behalf of the City for the West Grand Avenue Enhancement Project. Staff then responded to questions from the Council.

Brief discussion was held regarding project funding and anticipated construction dates.

Mayor Shoals invited public comments on this matter. No public comments were received at this time.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to adopt Resolution No. 12-62. 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. 12-62: A Resolution of the City Council of the City of Grover Beach, California, Identifying the City Manager as the Authorized Official to Execute Program Supplement Agreement No. 006-N to Administering Agency-State Agreement No. 05-5359R.

COUNCIL COMMITTEE REPORTS

Council Member Bright reported on the meeting of the Integrated Waste Management Authority, noting that the court ruling was anticipated soon regarding the plastic bag initiative, which was scheduled to go into effect October 1st. She then distributed re-useable plastic bags to each of the Council Members.

Mayor Pro Tem Nicolls reported on the meeting of the Homeless Services Oversight Committee, and the recent hearing before the Regional Water Quality Control Board regarding the South San Luis Obispo County Sanitation District, which was continued to October 3, 2012.

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

Council Member Peterson commented on the recent Stone Soup Music Faire and announced the dates for the upcoming Savor the Central Coast event.

Mayor Shoals noted that Mayor Pro Tem Nicolls had attended the meeting of the San Luis Obispo Council of Governments as the City’s alternate representative. He then outlined issues under discussion at the Five Cities Fire Authority, and described a recent meeting between the City and Coastal Commission staff regarding the Grover Beach Lodge and Conference Center Project.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

- A. Council Member Bright expressed her appreciation for the City's sponsorship of the September 11th memorial event.
- B. Council Member Peterson stated that she had received citizen comments regarding problems with the volume while watching City Council meetings on Channel 20.

Zeke Turley, AGP representative, encouraged members of the Council to speak directly into their microphones.
- C. Council Member Molnar reported on the success of the recent Coastal Clean Up Day event, noting that she had participated as the local site captain with the highest number of volunteers, and that the local group gathered over 600 pounds of trash and debris from the beach.

CITY MANAGER'S REPORTS AND COMMENTS

None at this time.

CITY ATTORNEY'S REPORTS AND COMMENTS

11. Discussion Regarding Confidentiality of Attorney/Client Communications.

City Attorney Koczanowicz cited a recent incident involving the news media that included a verbatim quote from a confidential memorandum he had sent to members of the City Council regarding the December 2010 sewage spill and the South San Luis Obispo County Sanitation District. He briefly explained that no single Council Member could waive attorney-client confidentiality and that the privilege could only be waived by a majority vote of the City Council. Upon question, he noted the release of confidential information by a Council Member was a violation of the Brown Act (potentially subject to prosecution as a misdemeanor) and cautioned the Council regarding the consequences, under certain circumstances, of such a release.

CLOSED SESSION

At 8:06 p.m., the Council met in Closed Session regarding the following items:

- 1. **Conference with Legal Counsel - Existing Litigation**
Pursuant to Government Code Section 54956.9(a)
City of Grover Beach v. Shukla, CV 120229
- 2. **Conference with Legal Counsel - Pending Litigation**
Pursuant to Government Code Section 54956.9(c)
Initiation of Litigation: One (1) potential case
- 3. **Public Employee Performance Evaluation**
Pursuant to Government Code Section 54957
Employee: City Manager

Closed Session Announcements: At 9:45 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present and announced the following reportable action in reference to Closed Session Item No. 2: the City Council authorized initiating litigation against Ward Automotive in the event code enforcement efforts were unsuccessful (on a vote of 5-0).

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 9:45 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 11/05/12)