

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, OCTOBER 15, 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 Haley Madison Ayers, a 10-year-old, 5<sup>th</sup> grade student at Grover Heights 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 Clerk McMahon, Administrative Services Director Chapman, Community Development Director Buckingham, and Acting Police Chief Miller were also present.

Also present were Tim Williams and Fred Dyste of Digital West Networks, Inc.

**CLOSED SESSION ANNOUNCEMENTS**

None at this time.

**AGENDA REVIEW**

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

**CEREMONIAL CALENDAR**

1. **Proclamation Declaring the Week of October 23 through October 31, 2012 as “Red Ribbon Week”.**

Mayor Shoals read and presented the proclamation to Acting Police Chief Miller.

**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. Anita Shower, Chair of the Board of Directors of the Exploration Station, invited members of the City Council and the general public to attend the Exploration Station’s annual fundraiser, “Chemistry of Cocktails”, to be held on Sunday, November 4, 2012 with local celebrity judges and silent auction items.
- B. Jeff Pienack, Oceano resident, and former Chair of the Surfrider Foundation, expressed concerns regarding the fine recently levied by the Regional Water Quality Control Board against the South San Luis Obispo County Sanitation District, as well as seismic studies to be conducted along the Central Coast by PG&E.

**PUBLIC HEARINGS**

None at this time.

**CONSENT AGENDA**

It was m/s by Council Members Peterson/Bright to approve Consent Agenda Item Nos. 2, 3, and 4 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.

2. **Treasurer's Report for the Period September 25, 2012 - October 9, 2012.**  
**Action:** Approved as submitted.
3. **Minutes of the City Council Meetings of August 6, 2012 and August 20, 2012.**  
**Action:** Approved the minutes as submitted.
4. **Second Reading and Adoption of Ordinance No. 12-06 Amending Grover Beach Municipal Code Article IX Planning and Zoning Regulations and Article VII Public Works Associated with Development Application No. 11-12 (Zoning Code Update) - Amending the Zoning Code to maintain consistency with the General Plan Land Use and Housing Elements and change the Zoning Map to maintain consistency with the General Plan Land Use Element.**  
**Action:** Adopted Ordinance No. 12-06.

**Ordinance No. 12-06: An Ordinance of the City Council of the City of Grover Beach Amending Grover Beach Municipal Code Article IX Planning and Zoning Regulations and Article VII Public Works Associated with Development Permit Application No. 11-12.**

#### **REGULAR BUSINESS**

5. **Status Report and Request for Direction Regarding Implementation of the First Phase of the Grover Beach Municipal Network ("Virtual Port").**

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 the Technology Master Plan for the development of the Grover Beach Municipal (broadband) Network. He then provided an overview of efforts that focused on the first phase of implementation. Discussions were held with Pacific Crossing regarding establishing a Point of Presence in Grover Beach and accessing Pacific Crossing's trans-Pacific fiber optic cable, banking institutions regarding financing the initial capital, the County of San Luis Obispo regarding connecting County-owned offices located in Grover Beach to the broadband system, and Digital West regarding the development of a public-private partnership to establish broadband fiber in key locations within the City that would also connect to other regional areas within the County. He described potential concepts for a public-private partnership with Digital West that would include installing fiber in desired service areas, leveraging access to the trans-Pacific cable, and having Digital West oversee service delivery operations and marketing. He then responded to questions from the Council.

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

The following persons spoke in support of the Grover Beach Municipal Network and responded to questions:

- Tim Williams, President/Chief Executive Officer, Digital West; and
- Fred Dyste, Digital West.

Anita Shower, Grover Beach, requested and received additional information regarding the broadband network.

No further public comments were received.

Discussion was held regarding the advantages of a broadband system for improving Internet connectivity for businesses and strengthening the City's economic base; the construction process for installing fiber; cost efficiencies achieved through interagency collaborations and private entity partnerships; and grant opportunities for potential expansion into under-served areas. Additional discussion was held regarding the strong interest expressed by existing businesses in connecting to a broadband system; the unique advantages of a trans-Pacific cable landing station located in Grover Beach; alternate funding sources due to the dissolution of the Improvement Agency; and potential terms subject to negotiations for a franchise agreement with Digital West. It was also noted that the initial Municipal Network concept was for a City-owned utility, which was subsequently changed to a system that would be owned and operated by Digital West.

The Council thanked and praised Digital West for their assistance.

**Action:** Upon m/s by Mayor Pro Tem Nicolls/Council Member Molnar, the Council authorized staff to proceed with the development of a public-private partnership with Digital West to establish broadband fiber in key locations within the City and connect to Digital West's Regional Network. 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.

**6. Request to Close City Hall During the Holiday Period from Monday, December 24, 2012 through Tuesday, January 1, 2013, and Cancel the First City Council Meeting in January.**

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 the proposed closure of City Hall offices during the winter holiday period, noting the period included three City-approved holidays and a mandatory unpaid employee furlough day. If approved, it was also requested that the first meeting in January be cancelled. He then responded to questions from the Council.

Brief discussion was held regarding meeting schedule options, upcoming items tentatively scheduled for Council consideration and, if approved, providing the public with advance notification regarding the extended period when City Hall offices would be closed.

**Action:** Upon unanimous consensus, the Council authorized:

- 1) Scheduling a "light agenda" for the City Council on Monday, November 5, 2012;
- 2) Closing City Hall offices for the winter holiday period from Monday, December 24, 2012 through Tuesday, January 1, 2013;
- 3) Scheduling "Council Committee Assignments" on the agenda for December 17, 2012;
- 4) Cancelling the City Council meeting scheduled for Monday, January 7, 2013; and
- 5) Scheduling the first meeting of the new year to be held on Monday, January 14, 2013.

**PULLED CONSENT AGENDA ITEMS**

None at this time.

**COUNCIL COMMITTEE REPORTS**

Council Member Bright stated that she had nothing to report.

Council Member Molnar stated that she had nothing to report.

Mayor Pro Tem Nicolls reported on the meeting of the South San Luis Obispo County Sanitation District. Brief discussion was held regarding the recent fine levied by the Regional Water Quality Control Board, as well as the District's contract with the Wallace Group.

Council Member Peterson stated that she had nothing to report.

Mayor Shoals reported on the meeting of the San Luis Obispo Council of Governments and funding programmed for the Train Station Expansion Project. It was noted that the funds were restricted for transit and rail projects only and, therefore, could not be used towards rehabilitating local streets. Mayor Shoals also announced that Council Member Molnar would be attending the next South County Area Transit meeting.

**CITY COUNCIL MEMBER ITEMS**

None at this time.

### **COUNCIL COMMUNICATIONS**

- A. Council Member Bright displayed a postcard she recently received regarding the City's Charter ballot measure, Measure I-12, and commented that the information in the campaign mailer was inaccurate. She encouraged residents to read the proposed Charter document that was available at City Hall and on the City website.

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

City Manager Perrault briefly described a presentation at a recent meeting of City Managers by Dr. Gil Stork, President of Cuesta College, regarding the issue of accreditation. He inquired if the Council might be interested in having the presentation at an upcoming City Council meeting.

Upon consensus, the Council requested scheduling the presentation by Dr. Stork.

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

None at this time.

### **CLOSED SESSION**

It was announced that, due to the absence of the City Attorney from this meeting, the closed session item was cancelled and would be rescheduled to a future City Council meeting.

1. ~~Conference with Legal Counsel – Anticipated Litigation~~  
~~— Significant exposure to litigation pursuant to Government Code~~  
~~— Section 54956.9(b): One (1) potential case~~

### **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 8:03 p.m.

/s/ JOHN P. SHOALS, MAYOR

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