

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, NOVEMBER 5, 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 Abigail Ibuna, an 8-year-old, 3<sup>rd</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 Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Community Development Director Buckingham, Police Chief Copsey, and Parks & Recreation Program Director Petker were also present.

Also present were Clifford Clark, Grover Beach resident and businessperson, and Geoff Straw, Executive Director, San Luis Obispo Regional Transit Authority.

**CLOSED SESSION ANNOUNCEMENTS**

None at this time.

**AGENDA REVIEW** Mayor Shoals requested switching the order of Ceremonial Calendar Item Nos. 1 and 2. City Manager Perrault announced that a noticed Public Hearing scheduled for this meeting regarding the Affordable Housing Project by Vernon and Associates at 920 South 10<sup>th</sup> Street (northwest corner of South 10<sup>th</sup> Street and Farroll Road) had been pulled from the agenda. He stated that the staff report was not ready for Council consideration at this time, and the Public Hearing would be re-advertised.

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

**CEREMONIAL CALENDAR**

**ORDER OF THE DAY:** As announced earlier in the meeting, the order of Ceremonial Item Nos. 1 and 2 were reversed.

**2. Mayor's Commendation Recognizing Grover Beach Resident and Businessperson Clifford Clark.**

Mayor Shoals read and presented the Mayor's Commendation to Mr. Clark. The Council thanked and praised Mr. Clark for his many contributions to Grover Beach, as well as to the South San Luis Obispo County community.

**1. Certificate of Appreciation to Grover Heights Elementary School's Friday Night Live Leadership Teams (Bright Futures Program - Grades 3 through 6).**

Parks & Recreation Program Director Petker described the twice-a-month student volunteer efforts to clean Grover Heights Park and the group picnic areas. Mayor Shoals was joined by all members of the City Council in presenting the Certificate of Appreciation to Team Leader Debbie Johnston and the student teams.

**ORDER OF THE DAY:** At this time the Order of the Day resumed to the agenda as posted.

**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. Tom Martin, General Manager, South County Sanitary Service, described an appeal filed by Cold Canyon Landfill regarding conditions of approval for the landfill expansion project

by the San Luis Obispo County Planning Commission, citing onerous financial implications to ratepayers.

- B. Linda McClure, Grover Beach resident and business owner, disputed allegations made by Liz Doukas White regarding her company's property management services involving a rental unit on Atlantic City Avenue.
- C. Liz Doukas White, Grover Beach resident, distributed information outlining her concerns regarding structural conditions of a neighbor's home on Atlantic City Avenue.

### **PUBLIC HEARINGS**

None at this time.

### **CONSENT AGENDA**

Prior to consideration of the Consent Agenda, Item No. 6 was pulled pursuant to requests from Mayor Pro Tem Nicolls and Council Members Molnar and Peterson. It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to approve Consent Agenda Item Nos. 3, 4, and 5 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 October 9, 2012 - October 30, 2012.**

**Action:** Approved as submitted.

#### **4. Minutes of the City Council Meetings of September 17, 2012; October 1, 2012; and October 15, 2012.**

**Action:** Approved the minutes as submitted.

#### **5. Consideration of a Resolution in Support of Cuesta College Accreditation - Resolution communicating the City's support as Cuesta College proceeds with reaffirming its accreditation status.**

**Action:** Adopted Resolution No. 12-69.

**Resolution No. 12-69: A Resolution of the City Council of the City of Grover Beach Supporting the Affirmation of Accreditation for Cuesta College.**

### **REGULAR BUSINESS**

#### **7. Memorandum of Understanding Between the San Luis Obispo Council of Governments, the Regional Transit Authority, and the South County Area Transit.**

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 regarding the recent designation of the area served by South County Area Transit (SCAT) as an "Urbanized Area", which would enable the local transit provider to access additional federal funds for transit purposes. He then introduced Geoff Straw, Executive Director of the San Luis Obispo Regional Transit Authority.

Mr. Straw described the additional federal funds that were anticipated for the entire County as a result of the 2010 census and federal urbanization designation. He also responded to questions regarding the timeline for agencies to submit project applications for review and consideration. He then thanked and praised Mayor Shoals for his leadership on the Regional Transit Authority.

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:** Upon unanimous consensus, the City Council directed the Council's SCAT representative to support the adoption of the Memorandum of Understanding.

**8. FY 13 Budget - First Quarter Report.**

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 a status report regarding the first quarter of the budget through the end of September 30, 2012. He stated that General Fund expenditures and revenues were close to projected levels. He then described funds previously advanced to the Special Event Fund per Council authorization. Although revenues in the fund were increasing, it was recommended that General Fund Reserves be allocated to cover the shortfall from FY 10 and FY 11. Staff then responded to questions from the Council.

Discussion ensued regarding special event costs; fund-raising efforts by the Parks, Recreation & Beautification Commission; decreasing the amount of General Fund subsidies for special events; and reconciling budget shortfalls within no more than one or two years for the Special Event Fund.

It was noted that monthly reports regarding special events, including information regarding attendance, participation levels, and costs, were included in the Parks, Recreation & Beautification Commission agenda packets that were also distributed to the City 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.

**Action:** It was m/s by Council Members Peterson/Molnar to adopt Resolution No. 12-70. 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. 12-70: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 2<sup>nd</sup> Amendment to the Annual Appropriation Resolution No. 12-60 by Providing a Subsidy to the Special Event Fund to Cover Prior Years' Expenditures.**

**PULLED CONSENT AGENDA ITEMS**

**Prior to discussion of Agenda Item No. 6, Council Member Molnar declared a conflict of interest due to her business being located within 500 feet of the subject property. She then stepped down from the dais and left the Council Chambers.**

**6. South 13<sup>th</sup> Street Sidewalk Improvements Project: Award of Construction Contract (Manhattan Avenue to Mentone Avenue).**

Upon request, City Manager Perrault described bids received for construction of accessible corner ramps, sidewalk, curb, gutter, and miscellaneous street repairs on South 13<sup>th</sup> Street between Manhattan Avenue and Mentone Avenue. Staff then responded to questions from the Council.

Brief discussion was held regarding construction costs; available funding and fiscal impacts to the other street projects identified in the five-year Capital Improvement Program; anticipated cost savings with the removal of existing curb, gutter, and sidewalk within the project area; and extending the improvements to Trouville Avenue (Base Bid and Alternate A). Additional discussion was held regarding the concept of allocating a specific budgeted amount in each street rehabilitation project to construct sidewalk improvements, as well being mindful of the street segments on Brighton Avenue and Nice Avenue that continued to be carried over on the list of streets to be rehabilitated. Direction was provided to retain existing sidewalk where possible.

**Action:** It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to adopt Resolution No. 12-71 awarding the construction contract for the Base Bid and Alternate A to the lowest responsive bidder, CalPortland Construction; 2) authorize the City Manager to sign and affirm change orders up to \$17,241; and 3) authorize the Mayor to execute the contract on behalf of the City. The motion carried on the following roll call vote:

AYES: Council Members Bright, Peterson, Mayor Pro Tem Nicolls,  
and Mayor Shoals.  
NOES: Council Members - None.  
ABSENT: Council Members - None.  
ABSTAIN: Council Members - None.  
RECUSED: Council Member Molnar (due to a conflict of interest).

**Resolution No. 12-71: Resolution of the City Council of the City of Grover Beach, California, Awarding the South 13<sup>th</sup> Street Sidewalk Improvement Project.**

**At this time Council Member Molnar returned to the dais.**

### **COUNCIL COMMITTEE REPORTS**

Council Member Bright stated she had nothing to report.

Council Member Molnar stated she had nothing to report.

Council Member Peterson reported on meetings of the San Luis Obispo County Visitors & Conference Bureau and the Economic Vitality Corporation.

Mayor Shoals stated he had nothing to report.

Mayor Pro Tem Nicolls reported on the meeting of the South San Luis Obispo County Sanitation District and distributed a document entitled "Report to Member Agencies, October 22, 2012" regarding the District's appeal of a fine levied against the District for a December 2010 spill event, as well as actions taken by the District to prevent the reoccurrence of a spill.

### **CITY COUNCIL MEMBER ITEMS**

None at this time.

### **COUNCIL COMMUNICATIONS**

- A. Mayor Shoals announced that the Central Coast Economic Forecast was scheduled to be held at the Madonna Expo Center on Friday, November 10, 2012. He asked staff to inquire whether elected officials were again being offered complimentary guest passes to attend the event. He then reminded all residents to be sure to take time to vote on Election Day, Tuesday, November 6<sup>th</sup>.

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

None at this time.

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

None at this time.

### **CLOSED SESSION**

At 8:02 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)  
Lopez v. City of Grover Beach, et al CV 120210
2. **Conference with Real Property Negotiators**  
Pursuant to Government Code Section 54956.8  
Property: Various City Public Rights of Way (ROW)

Agency negotiator: City Manager and City Attorney  
Negotiating party: Digital West Networks, Inc.  
Under negotiation: Terms and conditions of franchise/ROW

Closed Session Announcements: At 8:34 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present, and announced there were no reportable actions taken during Closed Session.

**ADJOURNMENT**

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 8:35 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 11/19/2012)