

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, FEBRUARY 4, 2013**

**CALL TO ORDER** Mayor Peterson 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** In lieu of holding a moment of silence, Mayor Peterson described a fundraiser recently held for a Grover Beach family who were the victims of a domestic violence incident. She thanked and praised Mongo's Restaurant, the event coordinators, and a list of community participants.

**FLAG SALUTE** The flag salute was led by Diana Diaz, a 10-year-old, 5<sup>th</sup> grade student at Grover Beach Elementary.

**ROLL CALL**

City Council: Council Members Lee, Nicolls, Mayor Pro Tem Bright, and Mayor Peterson were present.

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, and Police Chief Copsey were also present.

Also present were Fire Chief Joel Aranaz, Five Cities Fire Authority; Tom Martin, Waste Connections; and Bill Statler, consultant.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, January 14, 2013 after meeting in Closed Session regarding:

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 Legal Counsel - Pending Litigation  
Pursuant to Government Code Section 54956.9(c)  
Initiation of Litigation: One (1) potential case].

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 Support for the "Start by Believing" Public Awareness Campaign.**

Council Member Lee read and presented the proclamation to Jennifer Adams, Executive Director of the North County Women's Shelter & Resource Center (NCWS) and Sexual Assault Recovery & Prevention Center (SARP).

**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. John Wysong, Grover Beach, expressed concerns regarding the local economy.

**PUBLIC HEARING**

2. **Proposed Rate Adjustment Request from South County Sanitary Service.**

Mayor Peterson 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 request from South County Sanitary Service for a 3.2% increase in solid waste disposal rates for properties and customers receiving solid waste services within Grover Beach. He then introduced consultant Bill Statler and the General Manager of South County Sanitary Service, Tom Martin.

Mr. Statler provided an overview of his analysis regarding the request for a rate increase. He explained the rate-setting process and methodology utilized, outlined previous rate reviews conducted by the City, and summarized his findings that supported the requested rate increase. Mr. Statler and Mr. Martin then responded to questions from the Council. It was noted that South County Sanitary Service was owned by Waste Connections.

Brief discussion was held regarding the rate-setting process and methodology, allowable costs, and salary reductions at South County Sanitary Service due to the retirement of a long-time employee.

Mayor Peterson invited comments from the public regarding this item. There were no public comments received, and the Mayor closed the Public Hearing.

**Action:** It was m/s by Council Member Nicolls/Mayor Pro Tem Bright to adopt Resolution No. 13-04 amending the Master Fee Schedule authorizing South County Sanitary Service to institute the rate increase as requested. The motion carried on the following roll call vote:

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

**Resolution No. 13-04: A Resolution of the City Council of the City of Grover Beach Authorizing a Rate Increase for Collection of Trash and Recycling Materials by South County Sanitary Service and Amending the Master Fee Schedule to Reflect the New Pass Through Rates.**

### **CONSENT AGENDA**

Prior to consideration of the Consent Agenda, regarding Consent Agenda Item No. 4: City Attorney Koczanowicz confirmed that Council Member Lee was authorized to vote regarding approval of the meeting minutes of November 19, 2012. Regarding Consent Agenda Item No. 5: a typographical error was noted on page 44 of the audit under "Note 8" - the amount of ~~\$38,5000~~ should have been "\$38,500" (correct amount indicated with double underline).

Upon unanimous consensus, the City Council approved Consent Agenda Item Nos. 3, 4, and 5 as recommended.

**3. Treasurer's Report for the Period January 9, 2013 - January 29, 2013.**

**Action:** Approved as submitted.

**4. Minutes of the Regular City Council Meeting of November 19, 2012, and Special City Council Meeting of December 6, 2012.**

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

**5. FY 12 Comprehensive Annual Financial Report (CAFR) - Financial report prepared by the independent auditing firm of Moss, Levy, and Hartzheim.**

**Action:** Received and filed the FY 12 Comprehensive Annual Financial Report.

### **REGULAR BUSINESS**

**6. Request to Schedule a Special City Council Meeting.**

Mayor Peterson 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 request from the Five Cities Fire Authority to schedule a Special Meeting on Monday, February 25, 2013 for a presentation regarding financing options for fire suppression services.

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

Council Member Nicolls, the City's representative to the Five Cities Fire Authority, stated that the Authority was requesting each member agency receive the presentation within a consecutive three-day period in order to keep consultant costs to a minimum.

**Action:** Upon unanimous consensus, the City Council scheduled a Special Meeting to be held on Monday, February 25, 2013 at 6:30 p.m.

**7. Selection of Method for Filling Vacancy on the City Council Created by the Resignation of Council Member Molnar.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. For the information of those present, City Attorney Koczanowicz provided an overview regarding procedures pursuant to state law for filling a vacancy on the City Council due to the resignation of Council Member Molnar. He noted there was a 60-day deadline from the commencement of the vacancy to either fill the vacancy by appointment or call for a special election to fill the vacancy.

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

Sharon Brown, Grover Beach, spoke in support of filling the vacancy by appointment.

John Wysong, Grover Beach, spoke in support of either calling a special election or appointing one of the City Council candidates from the November 2012 General Municipal Election.

Brief Council discussion was held regarding the remaining two years of former Council Member Molnar's term of office and the change in her primary residence shortly after the November 2012 General Municipal Election.

Upon question, City Attorney Koczanowicz confirmed there were no issues that might invalidate Council actions over the past months.

Further Council discussion was held regarding a previous City Council decision to cancel the November 2010 General Municipal Election because the three seats for elective office were uncontested, as well as various methods for filling the current vacancy by appointment.

**Action:** It was m/s by Council Members Nicolls/Lee for each Council Member to submit the name of a nominee for consideration of appointment to the Council vacancy. The motion *failed* on the following roll call vote:

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

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

- 1) Authorized soliciting letters of interest from qualified residents of Grover Beach who were interested in being appointed to the City Council to serve the remainder of the term vacated by former Council Member Molnar;
- 2) Set the deadline of Tuesday, February 19, 2013 for receipt of letters of interest; and
- 3) Selected the Special City Council meeting date of Monday, February 25, 2013 to also include Council candidate interviews.

**PULLED CONSENT AGENDA ITEMS**

None at this time.

### **COUNCIL COMMITTEE REPORTS**

Mayor Pro Tem Bright reported on the meeting of the Zone Three Advisory Committee and distributed a document regarding a “five-year billing estimate” of costs for Grover Beach.

Council Member Lee reported on meetings of the Arroyo Grande & Grover Beach Chamber of Commerce and the Grover Beach Business Alliance. He also announced that Chaplain Judy Boen of Captive Hearts Ministry was selected as the Grover Beach Citizen of the Year.

Council Member Nicolls reported on the meeting of the Five Cities Fire Authority.

Mayor Peterson reported on the meeting of the South San Luis Obispo County Sanitation District and the request for each member agency to schedule a discussion regarding the District’s meeting location and potentially expanding the number of members appointed to the Board.

**Action:** Upon unanimous consensus, the Council authorized scheduling a discussion at the next regular City Council meeting on February 19, 2013 regarding whether to: 1) rotate the location for Sanitation District meetings, and 2) expand the number of members appointed to the Board.

Mayor Peterson then reported on a Tourism Summit held earlier that same day at Grover Beach City Hall with City staff and representatives from various tourism agencies in the South County.

### **CITY COUNCIL MEMBER ITEMS**

None at this time.

### **COUNCIL COMMUNICATIONS**

A. Council Member Lee described a recent presentation to the Board of Supervisors regarding a Veterans Treatment Court Program and inquired whether there was any interest in having that same presentation scheduled at a future City Council meeting.

**Action:** Upon consensus, the Council authorized scheduling a 10-15 minute presentation regarding the Veterans Treatment Court Program at a future Council meeting.

B. Mayor Peterson requested and received information regarding City offices being closed for mandatory employee furloughs.

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

City Manager Perrault provided an update on recent conference calls/meetings regarding the Grover Beach Lodge and Conference Center project. He noted the project was anticipated to be scheduled for Coastal Commission consideration at the Commission’s March meeting in San Diego. He then described sessions he had attended in late January at the League of California Cities City Managers Conference in San Francisco.

Regarding the Grover Beach Lodge and Conference Center Project, Mayor Peterson commented on inaccuracies in a recent newspaper article regarding the Joint Authority’s contract, stating that the contract was between the City of Grover Beach and State Parks, not the Off-Highway Vehicular Recreation Area.

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

None at this time.

**CLOSED SESSION**

At 8:10 p.m., the Council met in Closed Session regarding the following item:

1. **Conference with Labor Negotiators**

Pursuant to Government Code Section 54957.6.

Agency Negotiator(s): City Manager, Administrative Services Director, Assistant  
Administrative Services Director, Human Resources  
Coordinator, Police Chief, and/or Commander (may  
include some or all of the above)

Employee Group: All employee groups (represented and unrepresented)

Closed Session Announcements: At 8:19 p.m., Mayor Peterson 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 Peterson adjourned the meeting at 8:20 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 03/04/2013)