

**MINUTES
CITY COUNCIL MEETING
MONDAY, JUNE 17, 2013**

CALL TO ORDER Mayor Pro Tem Bright 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 for Mayor Peterson's family for the tragic loss of her 24-year-old nephew Andrew Peterson.

FLAG SALUTE The flag salute was led by Council Member Nicolls.

ROLL CALL

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

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Assistant Administrative Services Director Byrd, Community Development Director Buckingham, Public Works Director/City Engineer Ray, Police Commander Peters, Parks & Recreation Program Director Petker, Human Resources Coordinator Barrett, Planner II Reese, and Recreation Coordinator O'Donnell were also present.

Also present were Tim Williams, Founder/CEO, Digital West, and Parks, Recreation & Beautification Commission Member Debbie Johnston, Vice Chair Heidi Boatman, and Chair Dee Santos.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, June 3, 2013 after meeting in Closed Session regarding:

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)
2. Conference with Real Property Negotiators
Pursuant to Government Code Section 54956.8
Property: Hillcrest cell tower site (APN 060-581-041)
Agency negotiator: City Manager and City Attorney
Negotiating party: Crown Castle, Inc.
Under negotiation: Terms of extension of the lease or potential sale.
3. Conference with Real Property Negotiators
Pursuant to Government Code Section 54956.8
Property: Various City Rights-of-Way (ROW)
Agency negotiator: City Manager and City Attorney
Negotiating party: Digital West Networks, Inc.
Under negotiation: Potential Terms of Lease Agreement

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

AGENDA REVIEW

Council Member Nicolls requested continuing Public Hearing Item No. 5 so that further information could be provided in the staff report. Brief discussion was held regarding continuing the matter to a date certain and allowing public comment this evening. City Manager Perrault noted a correction to Business Item No. 13, stating that the deadline to respond to the Grand Jury Report was 90 days rather than 60 and, since the Mayor had some interest in discussing that item, the Council could continue the matter to the City Council meeting of July 15, 2013. Also, due to the Mayor's absence

from this meeting, City Attorney Koczanowicz requested continuing Closed Session Item No. 2 to the City Council meeting of July 15, 2013.

Action: Upon consensus (Mayor Peterson absent), the Council adopted the agenda as amended, continuing Public Hearing Item No. 5 to a meeting in either July or August, and continuing Regular Business Item No. 13 and Closed Session Item No. 2 to the meeting of July 15, 2013.

CEREMONIAL CALENDAR

- 1. Certificates of Appreciation for 2013 Spring Garden Tour Participants -**
 - Paul & Theresa Drew, 483 North 11th Street;
 - Diane Smith, 1007 Saratoga Avenue;
 - Paul & Sue Thole, 663 Oceanview Avenue;
 - Barry & Kathleen Rogers, 280 Saratoga Avenue;
 - Terry & Toni Agrusa, 997 Saratoga Avenue;
 - Cynthia Glenn of Mr. Glenn's Dress Shop, 551 W. Grand Avenue; and
 - Dee Santos, 850 Atlantic City Avenue.

Parks and Recreation Program Director Petker and Recreation Coordinator O'Donnell joined Parks, Recreation & Beautification Commission Chair Santos, Vice Chair Boatman, and Commissioner Johnston in presenting Certificates of Appreciation to the above-listed 2013 Spring Garden Tour participants

It was noted that certificates would be sent to the following participants who were not available to attend the City Council meeting:

- Richard & Shannon Orton, 1189 Saratoga Avenue;
- The Hernandez Family, 175 South 5th Street; and
- Dennis & Angela Jacobsen, 334 North 10th Street.

- 2. Proclamation Declaring July 1-7, 2013 as "Pismo State Beach & Oceano Dunes 'Access for All'™ Week".**

Council Member Lee read and presented duplicate proclamations to Craig Angello, representing Friends of the Oceano Dunes, and Brent Marshall, representing the Oceano Dunes District and State Vehicular Recreation Area (SVRA).

At this time Mayor Pro Tem Bright invited public comments on this matter.

The following persons spoke in support of the proclamation:

- Peter Keith, former Mayor and member of the SVRA Technical Review Committee;
- Andrea Seastrand, Grover Beach resident and former Assembly Member;
- Laura Mordaunt, San Luis Obispo County resident; and
- Linda McClure, Grover Beach business owner.

PRESENTATIONS

- 3. Presentation by the Economic Vitality Corporation Regarding the Potential Regional Economic Benefits from the Grover Beach Lodge & Conference Center Project.**

Christine Rogers of the Economic Vitality Corporation provided an overview of the Countywide Economic Strategy Economic Analysis Program and described the anticipated regional economic benefits from the Grover Beach Lodge & Conference Center Project.

- 4. Presentation from Dave Mullinax, League of California Cities Channel Counties Division Representative - Legislative Update.**

Mr. Mullinax provided an overview of League activities, outlined the legislative process conducted in Sacramento, described proposed legislation that would impact local government, and noted recommended methods for effectively communicating with legislators.

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. Melissa Peters, San Luis Obispo County Tobacco Control Program, described a program to encourage property owners and managers to provide smoke-free, multi-unit housing.
- B. Andrea Seastrand, Grover Beach resident and former Assembly Member, praised the legislative update provided earlier by Mr. Mullinax and urged the League and the City Council to also take note of several proposed constitutional amendments that would diminish legislation approved by Proposition 13.

PUBLIC HEARING

5. Introduction and First Reading of a Proposed Ordinance to Amend Grover Beach Municipal Code Article X, Chapter 4, Increasing the Number of Card Tables, Increasing Hours of Operation, and Removing the Liquor License Requirement.

Mayor Pro Tem Bright read the title to the foregoing item, declared the Public Hearing open, and invited public comment on this matter. No public comments were received at this time.

Action: Upon consensus (Mayor Peterson absent), the City Council continued the Public Hearing to the regular City Council meeting of August 5, 2013 at 6:30 p.m.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Council Member Nicolls requested and received information regarding cost savings achieved for animal care and control services. Regarding Consent Agenda Item No. 10, the Council expressed its appreciation for the successful conclusion of labor negotiations with the Service Employees International Union, Local 620.

It was m/s by Council Members Nicolls/Lee to approve Consent Agenda Item Nos. 6, 7, 8, 9, and 10 as recommended. The motion carried on the following roll call vote:

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

6. Treasurer's Report for the Period May 28, 2013 - June 11, 2013.

Action: Approved as submitted.

7. Minutes of the City Council Meeting of June 3, 2013.

Action: Approved the minutes as amended.

8. Contract with San Luis Obispo County for Animal Care and Control Services for FY 14 - FY 16 - Continuing the agreement for animal care and control services with the County of San Luis Obispo for a three-year contract period.

Action: Adopted Resolution No. 13-25.

Resolution No. 13-25: A Resolution of the City Council of the City of Grover Beach, California Approving the Contract for Animal Care and Control Services with the County of San Luis Obispo.

9. Establishing Guidelines for Compliance with the Affordable Care Act (ACA) - Authorizing guidelines for complying with new federally-mandated health care requirements.

Action: Adopted Resolution No. 13-26.

Resolution No. 13-26: A Resolution of the City Council of the City of Grover Beach, California, to Establish Guidelines by Which the City of Grover Beach will Comply with the Affordable Care Act (ACA).

- 10. Proposed One-year Successor Memorandum of Understanding with Service Employees International Union, Local 620 (SEIU)** - Approving a one-year successor Memorandum of Understanding (MOU) for employees represented by the Service Employees International Union, Local 620 for the period July 1, 2013 through June 30, 2014.

Action: Adopted Resolution No. 13-27.

Resolution No. 13-27: A Resolution of the City Council of the City of Grover Beach, California, Ratifying a Memorandum of Understanding with Service Employees International Union, Local 620 (SEIU) from July 1, 2013, to June 30, 2014.

Recess: Upon consensus, the City Council recessed at 8:11 p.m.

Reconvene: At 8:16 p.m. the City Council reconvened with all members present, except for Mayor Peterson who was absent from this meeting.

REGULAR BUSINESS

- 11. Status Report on Phase I of the Grover Beach Municipal Network.**

Mayor Pro Tem Bright 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 the development of a broadband network with infrastructure installed in key locations within the city. He then outlined elements for a successful network through a public/private partnership and introduced Tim Williams, Founder/CEO of Digital West.

Mr. Williams provided a brief overview regarding broadband communications and described its benefits. He also described his company, now a California public utility, its expanding infrastructure, and the unique asset of having cable landing stations located within the area. He then responded to questions from the Council.

Brief discussion was held regarding the benefits of developing a broadband network in Grover Beach, the potential for revenue sharing, and the capacity for faster and more consistent Internet connections through a glass fiber network.

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

Sharon Brown, Grover Beach, requested and received information regarding the proposed network and related infrastructure.

There were no further public comments received.

Action: The report was received and filed.

- 12. 2013 HOME Investment Partnerships Program Application.**

Mayor Pro Tem Bright read the title to the foregoing item and deferred to staff for a report. For the information of those present, Planner II Reese provided an overview of the program application for grant funds, described the programs and projects available to income-eligible households, and outlined the recommended activities for inclusion in the application. Staff then responded to questions from the Council.

Brief discussion was held regarding the application process, income restrictions, time restrictions for expending the grant funds, and performance criteria that might impact future applications.

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

Sharon Brown, Grover Beach resident, requested and received information regarding the process to review applications received and qualify those who were income-eligible.

Action: It was m/s by Council Members Nicolls/Lee to adopt Resolution No. 13-28. The motion carried on the following roll call vote:

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

Resolution No. 13-28: A Resolution of the City Council of the City of Grover Beach Authorizing the Submission of a HOME Investment Partnerships Program Application for First Time Homebuyer and Owner Occupied Rehabilitation Programs.

13. Response to Grand Jury Report Regarding Email Accessibility to City Government.

As announced earlier in the meeting under Agenda Review, this item was continued to the regularly scheduled City Council meeting of Monday, July 15, 2013.

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

14. Formalization of Ownership Transfer for Property Previously Owned by Improvement Agency for Low and Moderate Housing Purposes.

Mayor Pro Tem Bright 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 the two property assets acquired by the Improvement Agency with Low- and Moderate- Income Housing Funds for the development of affordable housing. With the dissolution of redevelopment agencies, he noted that the City Council assumed the role of the Successor Agency to the Improvement Agency and the transfer of ownership needed to be formalized. He then responded to questions from the Council.

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

Actions:

City Council in its capacity as Successor Agency: It was m/s by Council Members Marshall/Nicolls to: 1) adopt Resolution No. SA-13-02 authorizing the transfer of the properties to the Housing Successor Agency, and 2) authorize the Mayor to execute both deeds and any other documents necessary to effectuate the transfer. The motion carried on the following roll call vote:

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

Resolution No. SA-13-02: A Resolution of the City Council for the City of Grover Beach in its Function as Successor Agency Approving the Formal Transfer of Title for Certain Parcels of Land Formerly Owned by the Grover Beach Improvement Agency for Affordable Housing Development to the Successor Housing Agency.

Successor Housing Agency: It was m/s by Council Members Marshall/Nicolls to: 1) adopt Resolution No. SA-13-03 accepting ownership of those parcels, and 2) authorize the Mayor to execute any documents necessary to effectuate the transfer. The motion carried on the following roll call vote:

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

Resolution No. SA-13-03: A Resolution of the City Council for the City of Grover Beach in its Function as Successor Housing Agency Accepting the Formal Transfer of Title for Certain Parcels of Land Formerly Owned by the Grover Beach Improvement Agency for Affordable Housing Development.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

Mayor Pro Tem Bright stated that she had nothing to report.

Council Member Lee stated that he had nothing to report.

Council Member Marshall stated that he had nothing to report.

Council Member Nicolls stated that he had nothing to report.

Mayor Peterson was absent from this meeting.

CITY COUNCIL MEMBER ITEMS

15. Discussion Regarding Upcoming Brown Act and Public Records Act Workshop -

City Manger Perrault noted that Mayor Peterson had requested the Council discuss items for inclusion in the workshop scheduled to be held on Wednesday, June 26, 2013.

Brief discussion was held regarding the upcoming workshop.

Upon request, Mayor Pro Tem Bright invited comments from those in the audience who wished to be heard on this matter.

Sharon Brown, Grover Beach resident, inquired whether the workshop would include a discussion regarding the Grand Jury's recent findings. It was noted that discussion and an opportunity to receive public comments regarding the reports would be scheduled for an upcoming regularly scheduled City Council meeting.

Action: Upon consensus, the workshop on June 26, 2013 would focus only on regulations of the Brown Act. The Council also requested that examples be provided of its application to local government.

COUNCIL COMMUNICATIONS

None at this time.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault noted that, in the absence of the Mayor, he was recently interviewed by a local television station regarding Phase 2 of the West Grand Avenue Enhancement Project.

CITY ATTORNEY'S REPORTS AND COMMENTS

City Attorney Koczanowicz inquired whether the Council was interested in scheduling a discussion regarding the development of an anti-nepotism policy, noting the topic had been raised by previous City Councils as an item for future discussion. He then responded to questions from the Council.

Action: Upon consensus, the City Council had no interest in developing an anti-nepotism policy.

CLOSED SESSION

As announced earlier in the meeting under Agenda Review, Closed Session Item No. 2 was continued to the regularly scheduled meeting of Monday, July 15, 2013. At 9:22 p.m., the Council met in Closed Session regarding the following items:

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)

2. ~~**Conference with Real Property Negotiators**~~

~~Pursuant to Government Code Section 54956.8~~

~~Property: Various City Rights-of-Way (ROW)~~

~~Agency negotiator: City Manager and City Attorney~~

~~Negotiating party: Digital West Networks, Inc.~~

~~Under negotiation: Potential Terms of Lease Agreement~~

3. **Public Employee Performance Evaluation**

Pursuant to Government Code Section 54957

Employee: City Manager

Closed Session Announcements: At 9:47 p.m., Mayor Pro Tem Bright reconvened the meeting in open session with all Council Members present (except for Mayor Peterson 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 Bright adjourned the meeting at 9:48 p.m.

/s/ KAREN BRIGHT, MAYOR PRO TEM

Attest:

/s/ DONNA L. McMAHON, CITY CLERK

(Approved at CC Mtg 07/15/2013)