

**MINUTES
CITY COUNCIL MEETING
MONDAY, JULY 15, 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 A moment of silent appreciation was held for the coordinated response by local fire agencies and the successful suppression of a fire earlier that day at the Pismo State Beach Oceano Campground.

FLAG SALUTE The flag salute was led by Mayor Pro Tem Bright.

ROLL CALL

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

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Public Works Director/City Engineer Ray, Police Chief Copsey, and Parks & Recreation Program Director Petker were also present.

Also present were Fire Chief Hubert, Battalion Chief Heath, and Engineer Searby of the Five Cities Fire Authority.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcements:

On Monday, June 17, 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: 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

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

AGENDA REVIEW After informally polling the audience regarding items on the posted City Council agenda, Mayor Peterson requested that Agenda Item No. 11, regarding an item to be discussed at an upcoming meeting of the Air Pollution Control District, be heard prior to Agenda Item No. 8.

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

CEREMONIAL CALENDAR

1. Mayor's Commendation Honoring Cynthia Glenn.

City Manager Perrault provided a brief overview regarding long-time community member and business owner Cynthia Glenn. Mayor Peterson then presented Mrs. Glenn with the Mayor's Commendation.

2. Proclamation Designating July as “National Park and Recreation Month”.

Council Member Lee read and presented the proclamation to Parks & Recreation Program Director Petker, who was joined in receiving the proclamation by current Parks, Recreation & Beautification Commission Chair Dee Santos and Commissioners Heidi Boatman and Ellie Ross, as well as former Commissioners Arnie Dowdy and Leah Greeley.

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. The following persons praised the City’s parks and recreation programs and staff:
- Jim Battersby, Arroyo Grande resident, retired California Polytechnic State University and Cuesta College recreation professor, and former Recreation Director for the City of Oakland;
 - Heidi Boatman, Parks, Recreation & Beautification Commissioner;
 - Gracia Bello, Grover Beach resident; and
 - Dee Santos, Parks, Recreation & Beautification Commission Chair.

At this time Mayor Peterson recognized the following individuals who were seated in the audience: San Luis Obispo County Board of Supervisor, District 3, Adam Hill; former Assembly Member Andrea Seastrand; and former Grover Beach Mayors Peter Keith, Stephen Lieberman, Dee Santos, and Larry Versaw.

- B. The following persons expressed concerns regarding Mayor Peterson serving on the Board of Directors for the Air Pollution Control District and the Mayor’s comments from a recent radio broadcast:
- Dr. Nell Langford, Pismo Beach; and
 - Pamela Dunlap, Arroyo Grande.
- C. Riley Smith, Grover Beach, requested the City ban all fireworks within city limits. He also displayed a large plastic bag of debris collected from his property after the July 4th Independence Day celebration.
- D. Kevin Rice, San Luis Obispo, praised Mayor Peterson for expressing her personal opinions, citing examples and distributing copies of news articles regarding other elected officials who had acted in a similar manner.
- E. Annie Steele, Arroyo Grande, spoke in support of protecting natural resources and preserving access to the beach.

There were no further public comments received at this time.

PUBLIC HEARING

3. 2013 Weed Abatement Cost Protest Hearing.

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, Battalion Chief Heath provided an overview of the Weed Abatement Program and costs to be assessed private property owners for the abatement of dry weeds, grass, stubble, brush, litter, and other flammable materials. He then responded to questions from the Council.

Mayor Peterson invited comments from those in the audience who wished to be heard on this matter. No public comments were received and the Mayor closed the Public Hearing.

Actions: It was m/s by Mayor Pro Tem Bright/Council Member Lee to adopt Resolution No. 13-29 authorizing the City Clerk to attach weed abatement costs to properties in the amounts listed on Exhibit “A” to the Resolution for assessment on County tax rolls. The motion carried on the following roll call vote:

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

Resolution No. 13-29: A Resolution of the City Council of the City of Grover Beach, California, Confirming the Report of the Five Cities Fire Authority Regarding the Weed and Rubbish Abatement Procedure and Making Assessments.

CONSENT AGENDA

Upon unanimous consensus, the Council approved Consent Agenda Item Nos. 4, 5, and 6 as recommended.

4. **Treasurer's Report for the Period June 11 - July 9, 2013.**
Action: Approved as submitted.
5. **Minutes of the Regular City Council Meeting of Monday, June 17, 2013, and the Special City Council Meeting / Workshop of Wednesday, June 26, 2013.**
Action: Approved the minutes as submitted.
6. **Business Tax Certificate Report: First Quarter 2013 - Business Tax Certificates issued January 1, 2013 through March 31, 2013.**
Action: The report was received and filed.

REGULAR BUSINESS

7. **Proposed Lease of Commercial Space Located at 180 Highway One.**

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 briefly described the proposed lease agreement with Monarch Grove Winery for use of the City-owned commercial space located adjacent to the Grover Beach Train Station for a visitor-serving retail business. He then introduced Joe Wais, owner of Monarch Grove Winery. Mr. Wais and City Manager Perrault responded to questions from the Council.

Brief discussion was held regarding the proposed business.

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

Heidi Boatman, Parks, Recreation & Beautification Commissioner, spoke in support of the proposed lease.

At this time, City Attorney Koczanowicz noted that Mayor Peterson had a conflict of interest due to her residence and business being located within 500 feet of the subject property. Mayor Peterson acknowledged the conflict, stepped down from the dais, and left the Council Chambers.

At this time, Mayor Pro Tem Bright presided over the meeting and reopened the item. Council waived the staff report and Mayor Pro Tem Bright invited comments from those in the audience who wished to be heard on this matter.

The following persons spoke regarding religious views and the consumption of liquor:
- Gary Kirkland, Atascadero; and
- Heidi Boatman, Parks, Recreation & Beautification Commissioner.

There were no further public comments received and no further Council discussion held.

Action: It was m/s by Council Members Marshall/Lee to authorize: 1) entering into a lease agreement with Joe Wais of Monarch Grove Winery for the City-owned property located at 180 Highway One; and 2) the Mayor to execute the agreement on behalf of the City. 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: Council Members - None.
ABSTAIN: Council Members - None.
RECUSED: Council Member Peterson (*due to a conflict of interest*).

At this time Mayor Peterson returned to the dais.

ORDER OF THE DAY: Pursuant to Council consensus during review of the posted agenda, Mayor Peterson called for discussion of Agenda Item No. 11.

CITY COUNCIL MEMBER ITEMS

11. Discussion Regarding Future Air Pollution Control District Item Related to Additional Permits and Fees Associated with the “Dust Rule”.

Mayor Peterson described her reasons for requesting Council discussion and public input regarding an upcoming issue scheduled to be discussed by the Air Pollution Control District (APCD) on July 24, 2013 regarding revisions to the APCD’s schedule of fees (Rule 302). She also expressed concerns regarding requirements imposed on State Parks for operation of the Oceano Dunes State Vehicle Recreation Area (ODSVRA) due to the “Dust Rule” (dust control regulation APCD Rule 1001), additional costs to State Parks for monitoring particulate matter, and information received subsequent to adoption of Rule 1001 that warranted its reconsideration. She then responded to questions from the Council.

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

The following persons spoke in support of Mayor Peterson’s comments regarding the proposed APCD fees, support for repealing the “Dust Rule” (Rule 1001), keeping the ODSVRA open, and allowing vehicles on the beach:

- Mark Viega, Oceano resident;
- Linda McClure, Grover Beach business owner, who clarified that the citizen/business group Grover Beach United had initiated the recent petition circulating online in support of repealing Rule 1001;
- Tom Rehder, Grover Beach business owner;
- Jeremy Ellis, Grover Beach resident;
- Justin Bradshaw, Grover Beach resident;
- Dave Ekbohm, former Grover Beach Mayor;
- Laura Mordaunt, San Luis Obispo County resident;
- Tom Dawsen, San Luis Obispo resident;
- Edward Veek, Atascadero resident;
- Andrea Seastrand, former Assembly Member and Grover Beach resident;
- Jeannie Nix, Pismo Beach resident;
- Peter Keith, former Grover Beach Mayor and Grover Beach property owner;
- Ed Waage, Pismo Beach Mayor Pro Tem;
- Dee Santos, former Grover Beach Mayor and current Parks, Recreation & Beautification Commission Chair;
- Lydia Thompson, (did not provide place of residence);
- Mike (could not distinguish last name), (did not provide place of residence);
- Kevin Rice, San Luis Obispo resident, who also distributed materials regarding the APCD and State Parks; and
- Gary Kirkland, Atascadero resident.

The following persons spoke in support of the APCD and retaining the “Dust Rule” (Rule 1001), expressed concerns regarding public health and air quality, disagreed that the “Dust Rule” threatened closure of the ODSVRA, objected to Mayor Peterson’s recent comments on a local radio broadcast, and/or disagreed with Mayor Peterson’s comments regarding the APCD, permits, fees, and the “Dust Rule”:

- Carla Haynie, Nipomo Mesa resident;
- Arlene Versaw, Nipomo Mesa resident and former Grover Beach Planning Commissioner;
- Larry Versaw, Nipomo Mesa resident and former Grover Beach Mayor;
- Dr. Nell Langford, Pismo Beach resident and Oceano property owner;
- Adam Hill, District 3, San Luis Obispo County Supervisor, who also distributed information regarding a summary of funds provided either directly to Grover Beach or the South County area from District 3 Community Project Funds, and comments from Air Pollution Control Officer Larry Allen in response to Mayor Peterson’s comments and the petition being circulated online regarding Rule 1001; and
- Pamela Dunlap, Nipomo Mesa resident.

The following persons also spoke:

- Steve Lieberman, former Grover Beach Mayor, expressed concerns regarding the process in which this issue was scheduled for discussion, and whether there had been recent Council discussion or consensus regarding the “Dust Rule” prior to the circulation of a petition; and

- Annie Steele, Arroyo Grande resident.

The Council thanked members of the public for attending the meeting and providing input. Council discussion ensued, with a majority of the Council expressing to the City's APCD representative no interest in requesting the APCD reconsider Rule 1001 or revising its proposed fees. Additional discussion was held with members of the City Council expressing concerns regarding the manner in which this item was developed and then brought forward to the Council for discussion, concerns regarding misinformation that was circulated, and various facts in dispute.

Action: No formal Council action was taken.

Recess: Upon consensus of the City Council, the meeting recessed at 9:17 p.m.
Reconvene: At 9:27 p.m., the meeting reconvened with all Council Members present.

ORDER OF THE DAY: The Order of the Day resumed to the agenda as posted.

REGULAR BUSINESS

8. Response to Grand Jury Report Regarding Email Accessibility to City Government.
(Continued Business Item from June 17, 2013.)

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 briefly described the Grand Jury's findings and recommendations regarding email access to elected officials. He then responded to questions from the Council.

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

Brief discussion was held regarding the current process for communicating electronically with the City Council, whether to revise that process, and the various options for responding to "Recommendation 1" in the Grand Jury's report.

Action: Upon unanimous consensus: 1) the response to "Recommendation 1" would be that the City would evaluate the option of assigning each Council Member an individual email address for posting on the website with a copy sent automatically to the City Management Office; 2) the remainder of the recommended responses were approved; and 3) the Mayor was authorized to execute a letter of response on behalf of the City.

9. Response to Grand Jury Report Regarding Consolidation of Public Safety Dispatch Systems.

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 briefly described the Grand Jury's findings and recommendations regarding the consolidation of public safety dispatch systems. He then responded to questions from the Council.

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

Brief discussion was held regarding the report. It was noted that the report did not include the City of Pismo Beach in the Grand Jury's discussion regarding the consolidation of public safety dispatch systems.

Action: Upon unanimous consensus of the City Council: 1) the recommended responses were approved; 2) the letter of response would convey the Council's concern that the Grand Jury's discussion regarding the consolidation of public safety dispatch systems did not include the City of Pismo Beach; and 3) the Mayor was authorized to execute a letter of response on behalf of the City.

10. Consideration of Policy for Establishment of "Mayor Emeritus" Title.

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 a brief overview of programs established to honor individuals for long-time service. He then outlined various issues to consider if the Council chose to pursue the matter further.

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; however, City Attorney Koczanowicz noted that former Mayor Stephen Lieberman had earlier expressed an interest in commenting on this item, but had already left the Council Chambers. Mr. Lieberman therefore submitted written comments that were distributed to the City Council, objecting to the proposed title.

Brief discussion was held regarding the proposed program, the desire to recognize and honor individuals who had served the community, and a previous photo display at City Hall of past elected officials.

Action: Upon consensus of the City Council: 1) no further action would be taken on establishing a "Mayor Emeritus" title; and 2) staff was requested to research options for displaying photographs of former Mayors and a list of former Council Members.

Mayor Peterson, Council Member Lee, and Council Member Marshall expressed their commitment to donate funds towards the purchase of picture frames.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

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

Council Member Lee reported on meetings of the Chamber of Commerce and Visit SLO County. He then noted that the City did not have a representative to the 5 Cities Homeless Coalition and requested Council consensus to discuss appointment of a representative.

Action: Upon consensus of the City Council, appointment of a representative to the 5 Cities Homeless Coalition would be scheduled for discussion at the next regular City Council meeting.

Council Member Nicolls reported on meetings of the Five Cities Fire Authority and South County Area Transit.

Mayor Peterson reported on the meeting of the Economic Vitality Corporation and described an upcoming reception that she would not be available to attend. Mayor Pro Tem Bright noted that she had already committed to attending the event. Mayor Peterson then reported on the meeting of the San Luis Obispo Regional Transit Authority and praised transit authority management for implementing certain performance measurements. She then requested that City Manager Perrault distribute copies of those performance measurements to the rest of the Council.

Council Member Marshall reported on meetings of the South San Luis Obispo County Sanitation District and the Homeless Services Oversight Committee.

COUNCIL COMMUNICATIONS

- A. Council Member Nicolls requested Council consensus to schedule a discussion regarding the City's representative to the Air Pollution Control District.

Action: Upon consensus of the City Council, appointment of the City's representative to the Air Pollution Control District would be scheduled for discussion at the next regular City Council meeting, along with appointment of a representative to the 5 Cities Homeless Coalition as agreed upon earlier in the meeting during Council Committee reports.

- B. Mayor Pro Tem Bright requested scheduling a discussion regarding residential water bills, expressing concerns regarding her utility bill and recent changes in water consumption.

City Manager Perrault suggested that staff meet with her directly to review her utility bills and test the water meter. He noted it was the same process that staff conducted with individual residents who questioned fluctuations in water usage. He noted that if there were global problems regarding this matter, it could then be scheduled for discussion at a future City Council meeting.

Mayor Pro Tem Bright agreed to the suggested course of action.

- C. Council Member Lee praised the recent training session he attended that was sponsored by the California Joint Powers Insurance Authority for newly-elected officials.
- D. Mayor Peterson thanked the other members of the City Council for stepping in at the last Council meeting which she had to miss due to the death of her nephew. She also thanked Commissioners and members of the public for attending the special workshop regarding the Brown Act held on June 26, 2013.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault provided updates and gave announcements regarding the following:

- *Grover Beach Lodge Project* - a Joint Authority meeting was scheduled for July 18, 2013. City representatives consisting of Mayor Peterson, former Mayor Shoals, City Manager Perrault, and City Attorney Koczanowicz would be meeting with State Parks representatives to discuss next steps for the developer to get the project under construction.
- *Hotel Project on El Camino Real* - staff anticipated a grading permit to be issued in the coming days and Council discussion regarding the provision of utilities was anticipated to be scheduled in August.
- *Planning Commission* - applications were being accepted to fill a scheduled vacancy.
- *People's Kitchen Program* - by July 31st the program would no longer be operating at the former location of the Shouts of Grace church on West Grand Avenue. The organization was in discussions with County officials for use of County-owned property on South 16th Street for approximately one year. He noted that the City would be issuing a Temporary Use Permit and the process for a Conditional Use Permit would commence shortly thereafter.

CITY ATTORNEY'S REPORTS AND COMMENTS

City Attorney Koczanowicz noted that, due to travel plans and a flight schedule, he might be arriving late to the next City Council meeting.

CLOSED SESSION

At 10:39 p.m., the Council met in Closed Session regarding the following items:

1. **Conference with Legal Counsel - Existing Litigation (2 cases)**
Pursuant to Government Code Section 54956.9(d)(1)
Lopez v. City of Grover Beach, et al CV 120210; and
Regional Water Quality Control Board v. City of Grover Beach, Complaint No. R3-2013-0039
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. **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 Groups: Grover Beach Police Officers' Association (GBPOA); Management & Confidential; and Executive Management.

Closed Session Announcements: At 11:28 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 11:29 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 08/05/2013)