

**MINUTES
CITY COUNCIL MEETING
MONDAY, MAY 2, 2011**

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 Brandon Ward, a 12-year-old, 6th grade student attending Fairgrove 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, Public Works Director/City Engineer Ray, and Police Chief Copesey were also present.

AGENDA REVIEW

City Attorney Koczanowicz requested that the Council cancel the second Closed Session item scheduled for discussion regarding "Public Employee Performance".

Action: Upon unanimous consensus, the City Council cancelled Closed Session Item No. 2 and adopted the agenda as amended.

CEREMONIAL CALENDAR

1. Drawing to Select Monthly Winners of the Local Economic Stimulus Program Shop Local, Shop Loyal Campaign - "Shop & Dine Grover Beach".

Administrative Services Director Chapman briefly described the "Shop & Dine Grover Beach" Program to encourage residents to shop and dine locally, thanking all those who participated in the program. A random drawing was held and the names of the following Shop & Dine Grover Beach winners were announced: Frances Acosta, Joel Anderson, Steven Garcia, Leah Greeley, Allan Johnson, Lori Kessler, Debbie Peterson (two separate cards were drawn with the same name), Paul Pettrichka, and Michelle Read.

2. Proclamation Declaring May 2011 as "National Tourism Month".

Council Member Peterson read the proclamation and, in the absence of a representative from the San Luis Obispo County Visitors and Conference Bureau (SLOCVCB), accepted the proclamation on their behalf as the City's representative to their Board of Directors.

3. Proclamation Declaring May 2011 as "Bike Month" and May 16-20, 2011 as "Bike to Work and School Week".

Council Member Bright read the proclamation. It was noted that there was no representative present to accept the proclamation and that it would be forwarded to San Luis Obispo County Regional Rideshare.

4. Proclamation Declaring May and June as "National Military Appreciation Months".

Council Member Molnar read and presented the proclamation to Jean Mankins Mollenkoff, Regent of the Captain Henry Sweetser Chapter of the Daughters of the American Revolution. At this time Council Member Molnar introduced her son, Thomas Molnar, who was seated in the audience, stating that he was currently on leave and served in the United States Navy as a Hospital Corpsman. She noted that he would soon be attached to the Marine Corps at Twentynine Palms and would then be deployed.

The City Council acknowledged and thanked Corpsman Molnar for his service to the country.

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. David De La Torre, Grover Beach, suggested that the City sponsor an event in response to the recent hate-crime event that occurred in March 2011 in Arroyo Grande to promote diversity and respect for all citizens and increase cultural awareness.
- B. Brad Snook, Volunteer Coordinator, Surfrider Foundation, expressed concerns regarding management of the South San Luis Obispo County Sanitation District.

There were no further public comments received.

Mayor Shoals briefly described a recent community workshop he attended in Arroyo Grande that included local officials, as well as representatives from the local chapter of the National Association for the Advancement of Colored People (NAACP) and the Anti-Defamation League. He stated that there had been some discussion regarding forming a diversity panel or cultural awareness program, and that a group from California Polytechnic State University, San Luis Obispo, had also expressed interest in assisting with those efforts.

PUBLIC HEARINGS

None at this time.

CONSENT AGENDA

It was m/s by Council Members Peterson/Bright to approve Consent Agenda Item Nos. 5, 6, and 7, 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.

5. Treasurer's Report for the Period April 13 - April 27, 2011.

Action: Approved as submitted.

6. Minutes of the City Council Meetings of March 7, 2011 and March 21, 2011.

Action: Approved the minutes as submitted.

7. Records Destruction Authorization - Authorization to destroy certain Police Department records in accordance with the City's records retention schedule.

Action: Adopted Resolution No. 11-30.

Resolution No. 11-30: A Resolution of the City Council of the City of Grover Beach Approving the Destruction of Police Department Records Identified in Exhibit "A".

REGULAR BUSINESS

8. Discussion Regarding Smoking Restrictions.

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 brief overview of the State's regulations that prohibited smoking in certain areas and disposing of tobacco-related waste within a playground or tot lot sand box area. He reviewed complaints received by the City over the past several years related to incidents of smoking at City parks or public restrooms, and summarized smoking restrictions among the other local jurisdictions. He outlined options for extending the restrictions and suggested involving the Parks,

Recreation & Beautification Commission in reviewing any draft ordinances. Staff then responded to questions from the Council.

Brief discussion was held regarding smoking restrictions that applied to residential or public health care facilities, and outdoor areas that could legally be designated for smoking.

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

Christina Lefevre, Health Education Specialist, Tobacco Control Program, San Luis Obispo Public Health Department, distributed resource materials regarding health impacts from tobacco and second-hand smoke, as well as model ordinances to regulate smoking and tobacco use. She praised the City for having the lowest number of incidents of illegal tobacco sales in the County.

Clint Weirick, Grover Beach, spoke in support of establishing local restrictions to extend smoking prohibitions, including restricting the use of smokeless tobacco products.

There were no further public comments received.

Brief discussion was held regarding potential areas that might benefit from a prohibition on smoking, such as the beach, parks, and recreational facilities. Additional discussion was held regarding smoking restrictions at health facilities, as well as respecting private property rights of individuals who chose to use tobacco products.

Action: Upon unanimous consensus, direction was provided for staff to provide the Council with further information regarding: 1) smoking restrictions for “public facilities”; 2) whether “residential care facilities” were considered health facilities and to clarify the term “health facility”; 3) a description of what enforcement actions would be taken to restrict smoking, if local regulations were enacted; 4) cost estimates for enforcing a no-smoking or smoking restriction policy; and 5) private property rights in relation to smoking restrictions. Additionally, the Council directed that this information be brought for review and consideration by the City Council before it was scheduled as an agenda item before the Parks, Recreation & Beautification Commission.

9. Scheduling of a Joint City Council and Planning Commission Workshop to Discuss Zoning Code Amendment 11-01.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, Community Development Director Buckingham provided a brief overview of proposed amendments to the City’s Zoning Code to bring commercial zoning districts into compliance with the recently updated Land Use Element and approved West Grand Avenue Master Plan. He stated that staff and the consultant would also be making recommendations to simplify and condense the Zoning Code and streamline the development review process. He noted that the workshop would be an opportunity to discuss and receive input regarding the proposed amendments prior to public hearings before the Planning Commission and City Council. He then responded to questions from the Council.

Brief discussion was held regarding potential meeting dates to schedule the joint workshop.

Action: Upon unanimous consensus, the target date of Tuesday, June 14, 2011 was selected for scheduling a Special Joint City Council and Planning Commission workshop to discuss draft revisions to the Zoning Code.

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.

Council Member Peterson stated that she had nothing to report.

Mayor Pro Tem Nicolls commented on the recent open house event held in Oceano by the San Luis Obispo County Department of Public Works regarding flooding and storm damage that occurred during the December 2011 storms.

Mayor Shoals reported on the meeting of the South County Area Transit (SCAT) and discussions regarding consolidating services and relocating the maintenance facility currently located on Farroll Road in Grover Beach. He also noted that there would be upcoming discussions regarding improving transit routes in Grover Beach. He then reported on the meeting of the Five Cities Fire Authority and efforts to retain a firm to conduct polling regarding the concept of forming an independent fire district.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

- A. Council Member Bright commented on a recent visit to Point San Luis Lighthouse and the improvements completed there. She encouraged residents to tour the lighthouse.
- B. Council Member Molnar noted a correction to a recent news article, clarifying that she was not the dissenting vote regarding the issue of sending a letter to the CPUC regarding SmartMeters that was discussed at the City Council meeting on April 18, 2011.
- C. Mayor Shoals stated that, in reference to an earlier public comment regarding sponsoring a cultural awareness program, he would be providing a memorandum to the City Manager regarding scheduling a future City Council agenda item regarding City participation on a diversity panel.

He then announced that the next dinner meeting of the League of California Cities Channel Counties Division would be held in San Luis Obispo at the Performance Arts Center on Friday, May 6, 2011.

CITY MANAGER'S REPORTS AND COMMENTS

10. Discussion Regarding the Scheduling of Special Meetings to Review the Revised FY 12 Budget.

City Manager Perrault stated that, at the conclusion of the Special City Council / Improvement Agency meeting of April 18, 2011, direction was provided regarding revisions to the FY 11 - FY 12 Budget; however, no date or dates were selected for scheduling the next budget review.

Brief discussion was held regarding potential meeting dates.

Action: Upon unanimous consensus, a Special Joint City Council / Improvement Agency Meeting to discuss the revised FY 11 - FY 12 Budget was scheduled for Wednesday, May 25, 2011 at 6:30 p.m., with additional dates to be determined, if necessary.

Recess: Upon consensus of the City Council, the meeting recessed at 7:42 p.m. to the Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 7:53 p.m., the meeting reconvened with all Council Members present.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 7:53 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: City Manager, Administrative Services Director, Assistant
Administrative Services Director, and Human Resources
Coordinator.
Represented Employee Group: General Employees - Service Employees
International Union, Local 620 (SEIU)

2. ~~Public Employee Performance Evaluation~~
~~Pursuant to Government Code Section 54957~~
~~Employee: City Manager~~

As previously announced under "Agenda Review", Closed Session Item No. 2 was
cancelled.

Closed Session Announcements: At 8:07 p.m., Mayor Shoals reconvened the meeting into 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 8:07 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:
/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 06/06/2011)