

**MINUTES
CITY COUNCIL MEETING
MONDAY, AUGUST 15, 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 Mayor Pro Tem Nicolls.

ROLL CALL

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

City Staff: Acting City Manager/Police Chief Copsey, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Community Development Director Buckingham, and Public Works Director/City Engineer Ray were also present.

CLOSED SESSION ANNOUNCEMENTS

None at this time.

AGENDA REVIEW

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

CEREMONIAL CALENDAR

None at this time.

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. Jennifer Jaswick, Education Coordinator, Surfrider Foundation, expressed concerns regarding ocean water quality and use of an outfall line at the wastewater treatment plant.
- B. Jeff Pienack, Chair, Surfrider Foundation, expressed concerns regarding treatment methods at the wastewater treatment plant.
- C. Brad Snook, Volunteer Coordinator, Surfrider Foundation, expressed concerns regarding management of the Sanitation District and representation by the Board of Directors.
- D. Guy King, Grover Beach, expressed concerns regarding the installation and safety of SmartMeters. He then spoke in support of maintaining the two-term limit for the office of directly-elected Mayor.

PUBLIC HEARINGS

1. Rate Adjustment Request from South County Sanitary Service.

Mayor Shoals 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, Administrative Services Director Chapman provided an overview of the services provided by South County Sanitary Service and stated the company had requested a rate adjustment that, if approved, would allow rates to increase by up to 5.15%. She stated the request had been reviewed by staff, as well as independently by Bill Statler, former Finance Director for the City of San Luis Obispo, whose services were retained by the Cities of Grover Beach, Arroyo Grande, and Pismo Beach, and the Oceano Community Services District. She also outlined cost factors considered for the rate adjustment, which were deemed reasonable. Staff then responded to questions from the Council.

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

Tom Martin, General Manager, South County Sanitary Service, responded to Council questions regarding the company's rate structure, the variable rate structure established by Pismo Beach because it had originally contracted with a different recycling company, and the estimated timeframe to construct an anaerobic digester system at the landfill.

There were no further public comments received.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to adopt Resolution No. 11-56 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 Bright, Molnar, Peterson, Mayor Pro Tem Nicolls,
and Mayor Shoals.
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.

Resolution No. 11-56: A Resolution of the City Council of the City of Grover Beach Amending the Master Fee Schedule for Rate Increase for Collection of Trash and Recycling Materials by South County Sanitary Service.

CONSENT AGENDA

Upon unanimous consensus, the Council approved Consent Agenda Item No. 2, as recommended.

2. Treasurer's Report for the Period July 28 - August 10, 2011.

Action: Approved as submitted.

REGULAR BUSINESS

3. Confirmation of Project Scope and Authorization to Proceed with Bidding Process for the West Grand Avenue Project, Phase 2.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray provided an overview of the West Grand Avenue Enhancement Project. He outlined estimated costs for Phase 2 of the project between 8th and 11th Streets, described grant sources to construct the project, and noted restrictions associated with the grant funds. In order to reduce impacts to nearby businesses, it was recommended that construction be suspended between late November and January 1st. He then responded to questions from the Council.

Brief Council discussion was held regarding proposed locations for medians, landscaping, restricted uses for grant-funded projects, when the funds would become available, and storm drain improvements that would be constructed as part of a future project.

Mayor Shoals invited public comments on this matter. There was no response received and he closed the public comment period for this item.

Council discussion was held regarding street improvements needed outside the project area on South 11th Street and Rockaway Avenue (near Miner's Hardware) and on South 13th Street and Longbranch Avenue. Additional discussion was held regarding unsightly debris left after construction of the Longbranch Avenue Demonstration project, as well as traffic speeds in the downtown area and options for reducing downtown traffic speeds.

Action: Upon unanimous consensus, the Council confirmed the project scope and authorized staff to proceed with the bid process.

4. Response to Grand Jury Report Regarding “Rate Setting as a Water Conservation Tool”.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, Acting City Manager/Police Chief Copsey reviewed the San Luis Obispo County Grand Jury’s findings and recommendations regarding rate setting as a water conservation tool, as well as the City’s recommended responses to the report.

Administrative Services Director Chapman responded to questions from the Council regarding the recommendation to revise information on City utility bills, which was cost prohibitive at this time. She also stated that sewer fees were not based on usage, but were instead charged at a flat rate.

Brief Council discussion was held regarding amending the draft letter.

Mayor Shoals invited public comments on this matter. There was no response received and he closed the public comment period for this item.

Action: Upon unanimous consensus, the Council: 1) approved amending the response letter to the Grand Jury Report as follows: (deleted text indicated with ~~strikeout~~, added text indicated with double underline): “Please let us know if the Grand Jury has any further *If there are any* questions regarding the above responses, *please don’t hesitate to contact me or the City Manager at Grover Beach City Hall*”, and 2) authorized the Mayor to execute the letter on behalf of the City.

5. Second Reading and Adoption of Ordinance Confirming Intent to Permit the Continued Existence and Operation of the Improvement Agency of the City of Grover Beach.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz provided an overview of the Ordinance introduced at the last meeting that would provide the City with the ability to continue redevelopment activities. It was noted that the Ordinance was required to be enacted prior to November 1, 2011. City Attorney Koczanowicz and Administrative Services Director Chapman responded to questions from the Council regarding whether to reallocate funds for the required payments to the State, and alternatives if the Supreme Court determined AB 1X 26 and 27 were unconstitutional.

Mayor Shoals invited public comments on this matter. There was no response received and he closed the public comment period for this item.

Action: It was m/s by Council Members Bright/Peterson to conduct second reading, by title only, and adopt Ordinance No. 11-03. 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.

Ordinance No. 11-03: An Ordinance of the City Council of the City of Grover Beach, California, Determining it Will Comply with the Voluntary Alternative Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order to Permit the Continued Existence and Operation of the Redevelopment Agency of the City of Grover Beach.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

Council Member Bright stated she had nothing to report.

Council Member Molnar stated the Integrated Waste Management Authority (IWMA) would be meeting in September to vote on an ordinance to ban single-use bags. She requested Council input regarding the ordinance, noting there had been concerns raised in other cities, as well as by grocery store chains.

City Attorney Koczanowicz briefly described the steps necessary to add an item to the agenda for Council discussion this evening or instead, to schedule the matter for a future meeting.

Council Member Bright suggested giving the public advance notice that it would be discussed by the City Council so as to provide an opportunity for the Council to receive public comments.

Action: It was m/s by Mayor Pro Tem Nicolls/Mayor Shoals to add "discussion of the proposed Countywide ordinance to ban single use bags" to this agenda as an urgency item. The motion *failed* on the following roll call vote (due to lack of a super majority vote of the members present):

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

Action: Upon unanimous consensus, this issue was scheduled for discussion at the next regular City Council meeting on Monday, September 19, 2011.

Recess: Upon consensus of the City Council, the meeting recessed at 7:44 p.m.
Reconvene: At 7:48 p.m., the meeting reconvened with all Council Members present.

Council Member Peterson stated she had nothing to report at this time.

Mayor Shoals stated he had nothing to report at this time.

Mayor Pro Tem Nicolls reported on the meeting of the South San Luis Obispo County Sanitation District. He also noted that the Board had approved the District's budget, separate contracts were approved for the administrator and for engineering services, and the written response to the Grand Jury Report would be presented at the next District meeting.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

- A. Council Member Molnar stated she had provided information for the City Manager regarding a company offering alternative options for the installation of solar panels at City facilities.

She then requested Council consensus to schedule a discussion regarding the appointment process to various boards, particularly to the South San Luis Obispo County Sanitation District.

Action: Upon consensus, the process of appointing City Council representatives to the South San Luis Obispo County Sanitation District would be scheduled for discussion at a future City Council meeting.

CITY MANAGER'S REPORTS AND COMMENTS

6. **Consideration of Scheduling a Special Meeting Regarding the Grover Beach Lodge and Conference Center Project.**

Acting City Manager/Police Chief Copsey briefly described actions taken at the last Planning Commission meeting regarding the Grover Beach Lodge and Conference Center project. He stated the next step would be to schedule a special City Council meeting.

Brief discussion was held regarding potential meeting dates.

Action: Upon unanimous consensus, the Council authorized scheduling a Special City Council meeting regarding the Grover Beach Lodge & Conference Center project on Wednesday, September 28, 2011 at 6:30 p.m.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 7:55 p.m., the Council met in Closed Session regarding the following item:

1. **Conference with Legal Counsel - Existing Litigation**

Pursuant to Government Code Section 54956.9(a)

Sipple v. City of Alameda, et al CV BC462270

Closed Session Announcements: At 8:01 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present, and announced the City Council had approved settlement of the litigation (5-0).

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 8:01 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK

(Approved at CC Mtg 09/19/2011)