

**MINUTES  
SPECIAL CITY COUNCIL MEETING  
MONDAY, SEPTEMBER 13, 2010**

**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 Victoria Groh, a 10-year-old, 6<sup>th</sup> grade student at Grover Beach Elementary School.

**ROLL CALL**

City Council: Council Members Bright, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals were present. Council Member Mires was absent.

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 Copsey were also present.

**AGENDA REVIEW**

**Action:** Upon consensus (Council Member Mires absent), the Council adopted the agenda as presented.

**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 and encouraged residents to support local businesses by shopping and dining in Grover Beach. A random drawing was held and the names of the following Shop & Dine Grover Beach winners were announced: Kristy Ballentine, Glen Chapman, Barry Hauge (two separate cards were drawn with the same name), Phyllis Molnar, Cheryl Gilbride, Chris Reilly, J. Ginsberg, Julie Roy, and Jay Swift.

**2. Proclamation Declaring October 2010 as "Rideshare Month".**

Council Member Bright read and presented the Proclamation to Kelsy Greer, Program Coordinator for San Luis Obispo Regional Rideshare, a division of the San Luis Obispo Council of Governments.

**3. Proclamation Recognizing Brian Mandara for Attaining the Rank of Eagle Scout.**

Mayor Shoals read and presented the Proclamation to Grover Beach resident Brian Mandara.

**ORDER OF THE DAY:** At this time the Order of the Day was amended to consider Agenda Item Nos. 5 and 6 next.

**5. Proclamation Declaring September 17 - 23, 2010 as "Constitution Week".**

Mayor Pro Tem Nicolls read and presented the Proclamation to Betty Mankins, who stated she was accepting it on behalf of her daughter, Jean Mollenkopf, as a representative from the Daughters of the American Revolution.

**6. Proclamation Declaring Sea Otter Awareness Week, September 26 - October 3, 2010.**

Council Member Peterson read the Proclamation, noting that it would be sent to the organization's representatives, Defenders of Wildlife, to display at public awareness events and post on the organization's website.

**ORDER OF THE DAY:** At this time the Order of the Day resumed to the agenda as posted.

**4. Proclamation of Appreciation to Glenn Marshall for Serving on the Grover Beach Planning Commission.**

On behalf of the City Council, Mayor Shoals read and presented the Proclamation to Glenn Marshall, thanking him for serving six years on the Planning Commission.

**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 public comment process at the Special City Council meeting of Wednesday, August 16, 2010. He also urged the City Council to budget more funding for street repairs.

**PUBLIC HEARINGS**

**7. Application for a Certificate of Public Convenience of Necessity for Tri Counties Transit, Inc. DBA Beach Cities Cab Co., Yellow Cab Co. of SLO County, and Checker Cab Co. of SLO County.**

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, Police Chief Copsey provided an overview of the application for a Certificate of Public Convenience and Necessity received from Mr. Masood Babaeian, owner of Tri Counties Transit, Inc. He stated that Mr. Babaeian had purchased Beach Cities Cab Company and planned to change the company name to "Tri Counties Transit, Inc."

He noted there were two taxicab companies currently authorized to operate within city limits, 234 TAXI, LLC, and Beach Cities Cab Company, and the Grover Beach Municipal Code authorized the Council to allow up to 10 companies to be licensed. Chief Copsey then responded to questions regarding the process to conduct background checks of taxicab companies, owners, and drivers, as well as to conduct vehicle inspections.

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

Further Council discussion was held regarding the applicant screening process and providing the Council with further background information regarding the applicant's company. Council Member Bright stated that she had no objection to the current background investigation process conducted by the Police Department.

**Action:** Upon consensus (Council Member Mires absent and Council Member Bright voting "no"), the Council continued the Public Hearing to the next regular City Council meeting of Monday, October 4, 2010.

**8. Application for a Certificate of Public Convenience of Necessity for Central Coast Taxi.**

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Police Chief Copsey provided an overview of the application received from Mr. Fuad Alsaify, owner of Central Coast Taxi, for a Certificate of Public Convenience and Necessity. He noted that Mr. Alsaify had purchased Green Go Taxi and planned to change the name to "Central Coast Taxi".

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

Brief Council discussion was held regarding providing the Council with further background information regarding the applicant's company.

**Action:** Upon consensus (Council Member Mires absent), the Council continued the Public Hearing to the next regular City Council meeting of Monday, October 4, 2010.

**9. Introduction and First Reading of an Ordinance Adding Chapter 6 to Article II of the Grover Beach Municipal Code Regulating the Use of the City Seal, Letterhead, Logo, and Tagline.** (Continued Public Hearing from August 9, 2010.)

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Attorney Koczanowicz provided an overview of proposed regulations to control the use of City symbols, including the City seal, letterhead, and the new Council-approved logo and tagline, as well as to provide guidelines and policies for the authorized use of these symbols. He then responded to questions from the Council.

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

Brief Council discussion was held regarding potential scenarios when the City logo and tagline might be used without authorization, and the proposed Ordinance and trademark registration process currently underway to deter such use. Additional discussion was held regarding amending Section 2603 of the proposed Ordinance so that the City Manager, instead of the City Council, could be designated as the City official to monitor and control the use of these City symbols.

**Action:** It was m/s by Council Members Bright/Peterson to introduce and conduct first reading of Ordinance No. 10-05, as amended, by title only, and schedule second reading and adoption at the next regular City Council meeting. The motion carried on the following roll call vote:

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

**Ordinance No. 10-05: An Ordinance of the City Council of the City of Grover Beach, California, Amending Article II of the Grover Beach Municipal Code, by Adding Chapter 6 Use of Official City Symbols and Letterhead.** (First Reading only.)

**CONSENT AGENDA**

It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to approve Consent Agenda Item Nos. 10, 11, 12, and 13 as recommended. The motion carried on the following roll call vote:

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

**10. Treasurer's Report for the Period August 5 - September 8, 2010.**

**Action:** Approved as submitted.

**11. Minutes of the City Council Meetings of February 16, 2010 and March 1, 2010.**

**Action:** Approved as submitted.

**12. Consideration of Authorizing a Response to the Grand Jury Report Titled "Go Solar or Not to Go Solar" - Review of the draft response to the 2009-2010 San Luis Obispo County Grand Jury Report regarding energy-saving programs and the potential for rooftop solar installations on City buildings.**

**Action:** Authorized the Mayor to execute the letter on behalf of the City and directed that it be submitted to the Presiding Judge.

13. **South 4<sup>th</sup> Street, West Grand Avenue to Seabright Avenue, Street Improvements** - Formal acceptance of street improvements constructed on South 4<sup>th</sup> Street from West Grand Avenue to Seabright Avenue.  
**Action:** Adopted Resolution No. 10-62.

**Resolution No. 10-62: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting Construction of the South 4<sup>th</sup> Street, West Grand Avenue to Seabright Avenue, Street Improvements.**

#### **REGULAR BUSINESS**

14. **Review of City-owned Properties and Request for Direction.**

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 reviewed the Council's previous direction in April 2010 to conduct further analysis of the drainage basin or a portion of the basin located between Janet Avenue and The Pike to determine its suitability for development. He also noted that the City had subsequently received a petition signed by over 150 residents of the Golden West subdivision, located next to the drainage basin, expressing their opposition to the proposed development of the basin and requesting that it instead be designated as "open space".

City Manager Perrault reviewed the estimated costs to conduct an engineering analysis of the basin. He then outlined options to either continue pursuing development of the basin, including estimated costs to prepare an engineering analysis; review other City-owned properties for potential sale to the Improvement Agency; or take no further action relative to the sale of City-owned property, which would result in a loss of anticipated revenue to the General Fund of approximately \$300,000. He then responded to questions from the Council.

Brief discussion was held regarding other City-owned parcels that might have fewer physical constraints for future development, as well as being less costly to prepare for the development of an affordable housing project.

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

The following residents of the Golden West subdivision spoke *against* the proposed sale and development of the drainage basin facility located between Janet Avenue and The Pike:

- Gene Gates, former Council Member;
- Kay Roozen; and
- Paulette Messenheimer.

**Action:** Upon consensus (Council Member Mires absent), the Council authorized staff to: 1) continue researching other City-owned parcels for potential sale and development of an affordable housing project; and 2) take no further action at this time regarding the potential sale or development of the City-owned drainage basin facility located on Janet Avenue (APN 060-612-078) for an affordable housing project.

It was noted that this action did not bind actions that future Councils might consider regarding the drainage basin facility.

15. **Request for Direction Regarding Whether to Initiate a Review of Zoning Ordinance Part 40 Residential Common Area Development Standards.**

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 an overview of previous Council discussions regarding whether to amend the development standards for properties zoned as R-2 and R-3 as contained in Part 40 of the Zoning Ordinance. He stated that a comprehensive review of Part 40 would involve an assessment of all Planned Unit Development standards, including minimum lot size, lot coverage, setbacks, parking requirements, and open space requirements. He then responded to questions from the Council.

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

Paul Bischoff, Grover Beach, spoke in support of amending the development standards so that determinations regarding allowable density was based on the property's zoning designation rather than minimum lot size.

There were no further public comments received.

Brief Council discussion was held regarding whether to reserve development in R-3 zones to high density rental units or allow development of single-family Planned Unit Developments in those areas. Additional discussion was held regarding whether a comprehensive review of Zoning Ordinance Part 40 was a high priority item in the Council's approved Goals and Work Program, the staff resources that would be needed to commit toward this effort, and potentially scheduling a facilitated joint City Council / Planning Commission workshop to initiate the review process.

**Action:** Upon consensus (Council Member Mires absent), the Council requested this item be scheduled for further discussion at the next regular City Council meeting and for staff to bring information regarding the following: 1) the proposed time frame to conduct a comprehensive review of Zoning Ordinance Part 40, and 2) an estimate of the amount of staff resources required to complete a comprehensive review in relation to the Council-adopted Goals and Work Program.

**16. Request to Initiate a Zoning Ordinance Amendment to Part 49 Affordable Housing Density Bonuses and Concessions/Incentives.**

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 an overview of affordable housing incentives pursuant to Zoning Ordinance Part 49 for projects with fewer than five units and the State's affordable housing incentives for projects with five or more residential units. He noted that projects proposing that all of the units be affordable received no additional incentives.

**Action:** Upon consensus (Council Member Mires absent), the Council authorized staff to initiate a Zoning Ordinance Amendment to Part 49.

**17. Discussion Regarding the Potential to Increase Card Table Licenses in the City of Grover Beach.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz stated that, subsequent to the preparation and distribution of the staff report, information had been received from the State Gaming Commission that the City had no legal authority to increase the total number of card tables allowed in the city nor to increase the number of card tables per establishment. Discussion of the matter was therefore moot.

**Action:** Upon consensus (Council Member Mires absent), this item was tabled.

**18. Ramona Specific Plan, Phase III: Appointment of Two Members of City Council to a Subcommittee.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray briefly reviewed Council direction at the meeting of August 9, 2010 for staff to prepare a draft action plan regarding Phase III of the Ramona Specific Plan and to schedule Council discussion regarding forming a design subcommittee.

Brief discussion was held regarding citizens who had contacted individual Council Members expressing an interest in serving on the subcommittee, appointing two members

of the City Council to the subcommittee, and having the subcommittee deliberate on the proposed draft action plan and refine it as needed.

**Action:** Upon consensus (Council Member Mires absent), the Council: 1) appointed Mayor Shoals and Council Member Mires to the Ramona Specific Plan Phase III subcommittee, and 2) authorized the subcommittee to refine the Phase III draft action plan as needed.

**19. Consider Authorizing the Mayor to Send a Letter to the Board of Supervisors Regarding the Zone 3 Advisory Board and the City's Water Supply Contract with the County.**

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 reviewed previous Council discussions regarding water rate adjustments and increasing costs for receiving water from Lopez Lake. He stated representatives from the municipal water subcontractors had met recently to outline similar concerns regarding operations of the Lopez Lake water facilities and the desire for additional participation in the decision-making process regarding Lopez Lake.

He then reviewed a draft letter to the Board of Supervisors requesting: 1) a complete audit of expenditures for the Flood Control District, and 2) a discussion regarding restructuring the current relationship between the District Board and the Zone 3 Committee to provide the Committee with a greater role in the decision-making process.

Brief Council discussion was held regarding the draft letter.

**Action:** Upon consensus (Council Member Mires absent), the Council authorized the Mayor to execute the letter on behalf of the City.

### **COUNCIL COMMITTEE REPORTS**

Upon consensus, Council Committee Reports were deferred to the next City Council meeting.

### **CITY COUNCIL MEMBER ITEMS**

**20. Discussion Regarding the Next Proposed "Grover Beach Beautiful Day" on Saturday, September 25, 2010.**

Mayor Shoals invited the other members of the City Council and members of the public to participate in the next volunteer beautification effort dubbed as "Grover Beach Beautiful Day". He suggested individuals bring their own work gloves and meet at City Hall at 8:00 a.m. on Saturday, September 25<sup>th</sup> when the next beautification effort would focus on West Grand Avenue.

Upon request, Mayor Shoals opened the floor to receive public comments.

Phyllis Molnar, Council Member-elect, stated that she and many other citizens had already committed to participate in the Annual Coastal Clean-Up Day that was also scheduled for that same date and time and suggested rescheduling the City's event.

Mayor Shoals noted that members of the Grover Beach Rotary Club had already committed to assisting with the City's event on September 25<sup>th</sup> and that there would be opportunities for citizens to participate in future "Grover Beach Beautiful Day" events.

### **COUNCIL COMMUNICATIONS**

- A. Council Member Peterson described information in a recent newsletter from the San Luis Obispo Botanical Garden regarding workshops to encourage the use of native plant species and drought-resistant plants in landscaping. She stated she had spoken with one of the botanical garden representatives, a local university professor, who offered to volunteer his services to assist the City with updating the list of approved street trees and developing a list of recommended native plants for local landscaping projects.

- B. Council Member Bright commended staff from the Parks and Recreation Department for hosting the recent 9-11 Memorial Event held at Ramona Garden Park, specifically recognizing the efforts of Recreation Coordinator Nora O'Donnell. She also praised the participation of personnel from the Police Department and Five Cities Fire Authority.

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

##### **21. Update Regarding City Marketing Efforts.**

City Manager Perrault described recent efforts working with consultants from the firm Whizbang to develop marketing materials for visitors and businesses, as well as to develop a social media presence for the City on Facebook.

The consultant's primary focus now was in preparing for the City's participation in the *Sunset Magazine* Savor the Central Coast event scheduled for September 30 - October 3, 2010, and the City's "Block Party" event to celebrate completion of the West Grand Avenue Enhancement Project on the evening of October 7, 2010.

##### **22. Update Regarding the West Grand Avenue Enhancement Project Completion Event.**

This informational update was provided previously under Agenda Item No. 21.

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

None at this time.

#### **CLOSED SESSION**

At 8:53 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 Negotiators: City Manager, Administrative Services Director, Assistant Administrative Services Director, Human Resources Coordinator, Police Lieutenant, and Police Chief.  
Represented Employee Group: Grover Beach Police Officers' Association (GBPOA)

Closed Session Announcements: At 9:16 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present, except for Council Member Mires, and announced there were no reportable actions taken during the Closed Session.

#### **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 9:16 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:  
/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 12/06/2010)