

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, NOVEMBER 1, 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 Brady MacMurphey, an 11-year-old, sixth grade student from Fairgrove Elementary School.

**ROLL CALL**

City Council: Council Members Bright, Mires, 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, Police Chief Copsey, and Human Resources Coordinator Barrett were also present.

Also present were Patricia Wilmore, Local Area Manager for PG&E; Jack Leonard, Vice President of Building and Safety, JAS Pacific; Leah Greeley, Chair, Grover Beach Parks, Recreation and Beautification Commission; and Jeff Lee, Vice Chair, Grover Beach Parks, Recreation and Beautification Commission.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, October 18, 2010 after meeting in Closed Session regarding:

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)

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

**AGENDA REVIEW**

**Action:** Upon unanimous consensus, 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: Danielle Bainbridge, Steve Bergstrom (two separate cards were drawn with the same name), Bruce Brown, Erlane Greene, Lois Hughes, Janet Reese, Chris Reilly, Elizabeth Spears, and James Wilson.

2. **Proclamation of Appreciation to YWAM Volunteers for Beautification Efforts.**

Mayor Pro Tem Nicolls read and presented the Proclamation to YWAM (Youth With a Mission) Pismo Beach and Central Coast representatives: Tyler Dean, Mike Klomp, Jacquelyn Gowing, and Paulina Gudmundsson, and thanked them for assisting with a landscaping beautification project in front of the Exploration Station on Ramona Avenue.

**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. Jeff Lee, Vice Chair, Parks, Recreation and Beautification Commission, provided an overview of recent Commission activities and upcoming special events.

### **PUBLIC HEARINGS**

**3. Consideration of a Planning Commission Recommendation to Amend Zoning Ordinance Part 49: Affordable Housing Density Bonuses and Development Concessions/Incentives.**

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Community Development Director Buckingham stated that Part 49 of the City's Zoning Code implemented the State-adopted affordable housing incentives that applied to projects of five or more units, and also offered projects with four or fewer units certain incentives or concessions when at least one of the units was proposed to be affordable. He then provided an overview of the Council's direction on September 13, 2010 to initiate an amendment to Part 49 to provide additional incentives for developments that proposed all housing units to be affordable.

Community Development Director Buckingham then reviewed recommendations from the Planning Commission at its meeting of October 12, 2010 regarding incentives to encourage development of housing units at even more affordable income levels, as well as an additional incentive of allowing the reduction or elimination of the guest parking requirements. He stated these additional incentives for projects proposed exclusively as all affordable housing units would provide greater design flexibility and would be more likely to achieve the maximum density allowed. 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.

The following persons spoke in support of the proposed Ordinance amendments:

- Lenny Grant, architect, stating that he had past and current affordable housing projects with Habitat for Humanity, San Luis Obispo Housing Authority, People's Self-Help Housing, and Cal Poly Faculty Staff Housing;
- Jerry Rioux, Executive Director of the San Luis Obispo County Housing Trust Fund, who suggested amending the Ordinance further to apply the same incentives allowed under the State's affordable housing incentives for projects of four units or less; and
- Tom Martin, San Luis Obispo resident and Chair of the Site Acquisition Committee for Habitat for Humanity.

There were no further public comments received and the Public Hearing was closed.

Brief discussion was held regarding: 1) staff providing the Council with a side-by-side comparison of the proposed Ordinance with the State's Density Bonus Law as a regular business item for further discussion, specifically identifying standards that were either discretionary or mandated; and 2) scheduling a Public Hearing thereafter with a draft Ordinance for Council consideration and public comments.

Further Council discussion was held regarding ensuring that the quality of affordable housing developments did not adversely impact surrounding neighborhoods, and making parking requirements less restrictive, but determining whether to eliminate the requirement for a two-car garage only on a case-by-case basis.

**Action:** Upon consensus, no formal action was taken regarding the proposed draft Ordinance until further information that compared the City's proposed Ordinance with the State's Density Bonus requirements could be provided and reviewed at a future Council meeting.

**4. Adoption of the 2010 California Building Codes.**

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Community Development Director Buckingham described the mandate for all cities and counties throughout the State to update building and construction codes every three years. He then provided an overview of the 2010 California Building Standards Code that would become effective statewide on January 1, 2011, and two new Codes that were also required to be adopted in 2010: the Residential Code applicable to new and existing one- and two-family dwellings and townhomes up to three stories in height, and the Green Standards Building Code, also known as the CalGreen Code, for energy efficiency requirements and environmentally-friendly construction practices. He also described the 2009 International Property Maintenance Code that would replace the currently adopted 2006 version, stating that it would be a beneficial tool for building and fire inspectors, especially related to code enforcement issues.

Community Development Director Buckingham then introduced Jack Leonard, Vice President for Building and Safety from JAS Pacific, the consulting firm contracted by the City to assist with updates, plan checks, and building inspection services. Mr. Leonard and staff responded to questions from the Council regarding code enforcement issues.

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; however, the Public Hearing was not closed.

**Action:** It was m/s by Council Members Peterson/Mires to: 1) introduce Ordinance No. 10-06, by title only, and 2) schedule the second reading and adoption at the next regular City Council meeting. The motion carried on the following roll call vote:

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

**Ordinance No. 10-06: An Ordinance of the City Council of the City of Grover Beach Amending Article VIII of the Grover Beach Municipal Code Adopting by Reference the 2010 California Administrative Code, 2010 California Building Code, 2010 California Residential Code, 2010 California Electrical Code, 2010 California Mechanical Code, 2010 California Plumbing Code, 2010 California Energy Code, 2010 California Historical Building Code, 2010 California Existing Building Code, 2010 California Green Standards Building Code, and the 2009 International Property Maintenance Code. (First Reading only.)**

**CONSENT AGENDA**

It was m/s by Mayor Pro Tem Nicolls/Council Member 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, Mires, 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 October 14 - 26, 2010.**

**Action:** Approved as submitted.

**6. Minutes of the Following City Council Meetings:**

- Monday, May 17, 2010 City Council Meeting;
- Monday, May 17, 2010 Joint City Council / Improvement Agency Meeting;
- Monday, June 7, 2010 City Council Meeting;
- Monday, June 7, 2010 Joint City Council / Improvement Agency Meeting;

- Monday, June 21, 2010 City Council Meeting;
- Monday, June 21, 2010 Joint City Council / Improvement Agency Meeting; and
- Wednesday, June 23, 2010 Special Joint City Council / Improvement Agency Meeting.

**Action:** Approved the minutes as submitted.

**7. Proposed One-year Memorandum of Understanding with the Grover Beach Police Officers' Association (GBPOA).**

**Action:** Adopted Resolution No. 10-67 approving the proposed one-year successor MOU with the GBPOA for the period July 1, 2010 - June 30, 2011; and 2) adopted Resolution No. 10-68 amending the Classification and Compensation Plan for certain job classes represented by the GBPOA.

**Resolution No. 10-67: A Resolution of the City Council of the City of Grover Beach, California Approving a Memorandum of Understanding with the Grover Beach Police Officers' Association from July 1, 2010, to June 30, 2011.**

**Resolution No. 10-68: A Resolution of the City Council of the City of Grover Beach, California, Amending Resolution No. 02-73 to Adjust Sworn Salary Ranges Consistent with the City's Agreement with Grover Beach Police Officers' Association (GBPOA) for Fiscal Year 2010 - 2011.**

**REGULAR BUSINESS**

Prior to discussion of Regular Business Item No. 8, Mayor Shoals declared a conflict of interest, stating that his employer was the utility company Pacific Gas & Electric (PG&E). He then stepped down from the dais and left the Council Chambers.

**8. Authorization to Participate in the San Luis Obispo County Energy Watch Program.**

Mayor Pro Tem Nicolls read the title to the foregoing item and deferred to staff for a report. City Manager Perrault described the San Luis Obispo County Energy Watch Program (SLOEW) as a partnership between the County of San Luis Obispo, municipalities, and Pacific Gas and Electric Company (PG&E) to provide cities, businesses, and residents with options for reducing and conserving energy usage. He stated there would be no financial commitment required of the City for participation in the program, and that allocation of staff time would be minimal.

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

Patricia Wilmore, Local Area Manager, PG&E, spoke in support of the City's participation in the program. She described program benefits, distributed brochures, and introduced Christine Rogers of the Economic Vitality Corporation, who was assisting with program coordination. She also confirmed that, once Grover Beach approved participation, all cities in the County would be program participants.

There were no further public comments received.

**Action:** It was m/s by Council Members Bright/Peterson to adopt Resolution No. 10-69 authorizing the City to participate in the San Luis Obispo County Energy Watch Program. The motion carried on the following roll call vote:

AYES: Council Members Bright, Mires, Peterson, and Mayor Pro Tem Nicolls.  
NOES: Council Members - None.  
ABSENT: Council Members - None.  
ABSTAIN: Council Members - None.  
RECUSED: Mayor Shoals (due to a conflict of interest).

**Resolution No. 10-69: A Resolution of the City Council of the City of Grover Beach, California, Authorizing Participation in the San Luis Obispo County Energy Watch Program.**

**At this time, Mayor Shoals returned to the dais.**

**9. Request to Initiate a Code Amendment to Comply With a State-mandated Requirement to Allow Emergency Shelters.**

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 Senate Bill 2 (SB 2) that required housing elements to be adopted with specific language mandating that cities provide a minimum of one zoning district or an overlay on a particular site or sites to allow emergency shelters by right. He listed the zoning districts identified in the City's adopted Housing Element where emergency shelters would be considered: R-3 (Multiple Residential), L-M (Light Manufacturing), or C-I (Coastal Industrial). He stated that the Council could consider other zoning districts or specific overlays within the City. He also pointed out the time frame to amend the Zoning Ordinance, and outlined recommended performance standards to ensure that emergency shelters were operated in a manner that did not impact the adjacent neighborhood. 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. There were no public comments received.

Discussion ensued regarding:

- clarifying requirements of the State mandate;
- locating shelters within close proximity of public transportation services,
- revising the recommended performance standards so that any agreement or management plan by the operator to mitigate, reduce or eliminate impacts on the neighborhood be submitted to "the City" for approval, rather than to "the neighborhood";
- the need for further updates to the Zoning Map and Zoning Code Use Tables; and
- scheduling this item for future Council consideration with staff to identify specific areas in the L-M and C-I zoning districts for proposed overlays that were not adjacent to residential areas or proposed future sites of high tech industries.

**Action:** Upon unanimous consensus, the Council requested staff to schedule this matter for a future Council meeting with the discussion focused on L-M and C-I zones and specific areas for a proposed overlay to comply with the State mandate regarding emergency shelters.

**PULLED CONSENT AGENDA ITEMS**

None at this time.

**COUNCIL COMMITTEE REPORTS**

Council Member Bright reported on the meeting of the Air Pollution Control District.

Council Member Mires stated that he had nothing to report.

Council Member Peterson reported on meetings of the San Luis Obispo County Economic Vitality Corporation (EVC) and the San Luis Obispo County Visitors & Conference Bureau

Mayor Pro Tem Nicolls reported on the meeting of the San Luis Obispo Countywide 10-Year Plan to End Chronic Homelessness.

Mayor Shoals stated that he had nothing to report.

**CITY COUNCIL MEMBER ITEMS**

None at this time.

### **COUNCIL COMMUNICATIONS**

- A. Council Member Mires praised the San Luis Obispo County Energy Watch Program presented earlier in the meeting and thanked the PG&E representatives for their presentation.
- B. Council Member Peterson stated the City had received rather late notice regarding participating in the Central Coast Railroad Festival. She suggested the Council consider how the City could become a more active participant in future railroad festivals to promote the Grover Beach Train Station.
- C. Mayor Shoals thanked and praised Parks and Recreation Department staff for the success of the recent Carved Pumpkin Event. He also expressed his appreciation and that of his family for the condolences expressed regarding the passing of his father.

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

City Manager Perrault outlined the following major issues to be discussed at future Council meetings in the coming months that might require scheduling special meetings: the West Grand Avenue Master Plan; the Grover Beach Lodge and Conference Center Project, noting that the Environmental Impact Report would soon be available for public comment; short- and long-term strategies regarding Street Rehabilitation; and short- and long-term plans regarding Water.

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

None at this time.

### **CLOSED SESSION**

None at this time.

### **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 8:15 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 02/07/2011)