

**MINUTES
CITY COUNCIL MEETING
MONDAY, NOVEMBER 15, 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 Nathan Park, a 10-year-old, 5th grade student at Grover Beach 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, Community Development Director Buckingham, Public Works Director/City Engineer Ray, Police Chief Copsey, and Parks and Recreation Director Petker were also present.

Also present were Leah Greeley, Chair, Parks, Recreation and Beautification Commission; Noreen Martin, representative of the San Luis Obispo County Visitors and Conference Bureau; Amanda Rounds, Shell Beach Floral Design; Steve Devencenzi, Planning Director, San Luis Obispo Council of Governments; David Foote, *firma*; and Martin Inoyue, Omni-Means.

CLOSED SESSION ANNOUNCEMENTS

None at this time.

AGENDA REVIEW

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

CEREMONIAL CALENDAR

1. Drawing for Five (5) Prize Packages Awarded to Participants in the “Your Ticket to Grover Beach” Train Ride at the “Savor the Central Coast” Event, October 2-3, 2010.

Parks and Recreation Director Petker introduced Noreen Martin, President of the San Luis Obispo County Visitors and Conference Bureau, who described the success of the *Sunset* magazine “Savor the Central Coast” event held at Santa Margarita Ranch and the positive economic impacts for local cities and the County.

Parks and Recreation Director Petker described the train ride that was co-sponsored by the City. She stated that more than 875 train passengers submitted tickets for chances to win prize packages featuring Grover Beach area businesses. A random drawing was held and the following prizes and winners were announced:

- A two-night stay at the Holiday Inn Express in Grover Beach, a horseback ride and picnic on the beach, courtesy of Pacific Dunes Ranch and Beach Butler’s Company - *awarded to Shawn Minton*;
- A Progressive Dinner Party for Four at Grover Beach restaurants: Café Vostro, Me and Z’s, and Sister Kitchen Thai Restaurant - *awarded to Alice Huang*;
- A Family Day at the Beach with hiking, Monarch butterfly viewing, adventure at the South County Exploration Station, and four passes to the Le Sage Riviera 9-hole executive golf course - *awarded to Adam Chapman*;
- Two round-trip tickets to Grover Beach on Amtrak’s Pacific Surfliner and lunch for two at Station Grill Restaurant - *awarded to Pat Davidson*; and
- A one-hour all-terrain vehicle ride on the beach and dunes from Steve’s ATV, and a seaside lunch for two at Fin’s Restaurant - *awarded to Jack Nock*.

2. Drawing for Six (6) Prizes Awarded to Participants of the Grover Beach “Beach Walk” Event Held on Thursday, October 7, 2010.

Parks and Recreation Director Petker described the first Grover Beach “Beach Walk” event and acknowledged and thanked Amanda Rounds of Shell Beach Floral Design and Chris Rivas of Station Grill for gathering the gift items. Ms. Rounds assisted with the random drawing and the following prizes and winners were announced:

- Gift certificates to Monarca Ice Cream Shop and Shell Beach Floral Design - *awarded to Chris and Rita Canclini;*
- Gift certificates to Station Grill and Shell Beach Floral Design - *awarded to Billy Meyers;*
- Gift certificates to Sister Kitchen Thai Restaurant and Monarca Ice Cream Shop - *awarded to “Beacher”;*
- Gift certificates to Café Vostro and Monarca Ice Cream Shop - *awarded to Joe Morelle;*
- A free motorcycle helmet from B.J.’s ATV and a gift certificate to Monarca Ice Cream Shop - *awarded to Connie Baird;* and
- A Grover Beach sweatshirt and a gift certificate to Monarca Ice Cream Shop - *awarded to Tyler Cotie.*

PRESENTATIONS

3. Presentation by a Representative of the San Luis Obispo Council of Governments (SLOCOG) Regarding the 2010 Regional Transportation Plan - Preliminary Sustainable Communities Strategy (2010 RTP-PSCS) and Draft Environmental Impact Report (DEIR), Which Will be Considered for Adoption by the SLOCOG Board at its December 8, 2010 Meeting.

Steve Devencenzi, Planning Director, San Luis Obispo Council of Governments (SLOCOG), provided an overview of the draft 2010 Regional Transportation Plan and Preliminary Sustainable Communities Strategy that described the region’s overall transportation systems. He outlined strategies to improve integration of land use with transportation systems, improve and maximize efficiencies, and provide enhanced alternatives for public transportation and bicycle and pedestrian systems. He also described opportunities for the public to review the draft documents and submit comments, and announced that SLOCOG would be considering adoption of the 2010 RTP-PSCS on December 8, 2010. He then responded to questions from the Council.

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 poor street conditions on some portions of West Grand Avenue. He also voiced his opposition to a new grocery store being proposed in Arroyo Grande.
- B. Nathan Spooner, Grover Beach, praised the outcome of the West Grand Avenue Enhancement Project and requested future consideration for street improvements on Newport Avenue. He then expressed concerns regarding excessive noise from a vacation home rental in his neighborhood, requesting the City regulate that type of activity.
- C. Tom Carter, Grover Beach, expressed concerns regarding vacation home rentals in his neighborhood.

Mayor Shoals requested any further public comments regarding vacation rentals to be received later under Agenda Item No. 9 when that issue was scheduled for discussion.

- D. Leah Greeley, Chair, Parks, Recreation and Beautification Commission, provided an update of recent Commission activities and the following upcoming events: the Annual Holiday Parade, Santa’s Workshop, and the Holiday Tree Lighting ceremony.

Upon request, City Manager Perrault described future improvements to be completed on West Grand Avenue and the warranty period for contractors to complete any needed repairs for public works projects.

PUBLIC HEARINGS

4. Consideration of Adopting the Bicycle Master Plan.

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, Parks and Recreation Director Petker provided an overview of the process completed to date to prepare a Bicycle Master Plan to promote bicycling as a viable transportation choice and enable the City to apply for certain grants to create improved bicycle facilities. She then introduced consultants David Foote of *firma* and Matin Inouye of Omni-Means, who collaborated in preparing the Bicycle Master Plan document.

Mr. Foote provided an overview of the process to develop the Bicycle Master Plan document and receive public comments. He described comments received from SLOCOG, and recommendations received from the Parks, Recreation and Beautification and Planning Commissions. He stated that an Initial Study and Mitigated Negative Declaration had been prepared so there would be one single environmental document completed for the Bicycle Master Plan, rather than having to later prepare separate environmental documents for individual projects.

Mr. Inouye described the data gathering process to prepare the Bicycle Master Plan to ensure that it was consistent with the City's General Plan and regional planning documents. He presented examples of bicycle facility standards, displayed a map and photographs of the City's existing bicycle corridors, and reviewed a prioritized list of recommended improvements and estimated costs. He and Mr. Foote then responded to questions from the Council.

Brief discussion was held regarding the draft document, why some streets were not designated as bicycle corridors, whether to reference trail systems located outside the City limits, and regulations regarding bicycling on sidewalks.

Upon question, Chief Copsey responded that bicyclists were required to follow regulations pursuant to the California Vehicle Code, and that he was unaware of any legal provision authorizing minors to bicycle on sidewalks.

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 Bicycle Master Plan:

- Dan Rivoire, Executive Director, San Luis Obispo Bicycle Coalition;
- Leah Greeley, Chair, Parks, Recreation and Beautification Commission; and
- Ralph Wright, Grover Beach.

Mayor Shoals stated that he had received a phone call from Parks, Recreation and Beautification Commissioner Dee Santos expressing her support for the Plan.

There were no further public comments received.

Further discussion was held regarding other jurisdictions that authorized minors to bicycle on sidewalks, as well as additional edits to the draft Plan.

Action: Upon consensus, the Council:

- 1) reaffirmed that bicycling on sidewalks was a prohibited activity in the City; and
- 2) authorized amending the Bicycle Master Plan further to:
 - designate Oak Park Boulevard as a "Class III bicycle route";
 - include the Beach Boardwalk to show trail connectivity;
 - keep South 13th Street as a designated bicycle route; and
 - designate 8th Street and Newport Avenue as "Class II bicycle lanes".

Further Council discussion was held regarding the term “shall” being used to describe implementation measures rather than a term used in policy documents, such as the Bicycle Master Plan; and the estimated time frame for the consultants to complete revisions to the document for further Council consideration and adoption.

City Attorney Koczanowicz suggested continuing the Public Hearing to a date certain.

Action: Upon unanimous consensus, the Council continued the Public Hearing to the City Council meeting of Monday, January 3, 2011.

5. Second Reading and 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 briefly described the State mandate to update building and construction codes every three years, and the Ordinance introduced for first reading at the November 1, 2010 City Council meeting to adopt the 2010 California Building Standards Code and the 2009 International Property Maintenance Code.

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

Action: It was m/s by Council Members Mires/Peterson to conduct second reading, by title only, and adopt Ordinance No. 10-06 adopting the 2010 California Building Standards Code and the 2009 International Property Maintenance Code. 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. (Second Reading)

CONSENT AGENDA

It was m/s by Council Members Bright/Mires to approve Consent Agenda Item Nos. 6, 7, and 8 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.

6. Treasurer’s Report for the Period October 26 - November 9, 2010.

Action: Approved as submitted.

7. Minutes of the Regular City Council Meetings of July 6, 2010 and July 19, 2010.

Action: Approved the minutes as submitted.

8. Authorize the Submission of an Application to the United State Department of Agriculture (USDA) Rural Development Agency for Funding of the West Grand Avenue Storm Drain Projects.

Action: 1) Adopted Resolution No. 10-70 authorizing the City to file an application with the USDA Rural Development Agency to fund storm water improvements; and 2) authorized the City Manager to execute application documents on the City's behalf.

Resolution No. 10-70: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the Filing of an Application for Financing with the United States Department of Agriculture (USDA) Rural Development Agency for the West Grand Avenue Storm Drain Project.

Recess: Upon consensus of the City Council, the meeting recessed at 8:25 p.m.

Reconvene: At 8:31 p.m., the meeting reconvened with all Council Members present.

REGULAR BUSINESS

9. Consideration of Planning Commission Comments and Request for Direction on Whether to Regulate Vacation Rentals.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Community Development Director Buckingham provided an overview of previous City Council and Planning Commission discussions regarding the issue of vacation rentals, and the Planning Commission's recommendations in January 2010 to regulate vacation rentals as simply as possible with an administrative permit issued at the staff level. He then outlined proposed requirements to be incorporated into a draft ordinance, based on vacation rental regulations in other cities. He also noted that a determination would be needed regarding the appropriate zoning district or districts to authorize vacation rentals.

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

The following persons spoke in support of regulating vacation rentals:

- Tom and Janine Carter, residents of Newport Avenue, Grover Beach, displayed vacation rental ads for 555 Newport Avenue and described on-going disturbances from "weekend renters";
- Trisha Witt, resident of N. 14th Street, Grover Beach, described problems from a vacation rental property at 334 N. 14th Street. She stated that she was also expressing the same concerns on behalf of her next door neighbor (name was not provided), who was unable to attend the meeting due to illness;
- Phyllis Molnar, Council Member-elect, Grover Beach, suggested prohibiting vacation rentals in the R-1 and R-2 residential zoning districts;
- Kurt Hoffman, resident of Brighton Avenue, Grover Beach, affirmed the previous comments and concerns expressed by Ms. Witt;
- Bill Awalt, resident of N. 14th Street, Grover Beach; and
- Brad Keller, resident of Saratoga Avenue, Grover Beach.

Linda Sartuche, Pismo Coast Management, property manager of 334 N. 14th Street, described her previous actions in response to complaints regarding the tenants.

There were no further public comments received.

Brief discussion was held regarding regulating vacation rentals to limit the maximum number of occupants and vehicles allowed, requiring property owners to provide emergency contact information to the City, and establishing a process for an administrative use permit and regulations regarding vacation rentals. Additional discussion was held regarding the appropriate zoning districts in which to locate vacation rentals, and providing the Planning Commission and City Council with an analysis regarding vacation rental regulations established in other communities.

Action: Upon unanimous consensus, the Council authorized staff to: 1) prepare a draft Ordinance to regulate vacation rentals with an administrative use permit process for review and comment by the Planning Commission, vacation rental owners, property managers, and interested residents; and 2) provide updated information regarding vacation rental regulations in other communities.

10. Amendment to the Agreement Between the San Luis Obispo County Flood Control and Water Conservation District and the City of Grover Beach for Water Supply and a Disclosure Agreement for Financing Purposes.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault provided an overview of the City's contractual obligations, along with other participating agencies, regarding the repayment of a 2000 Bond issue to finance improvements for the remediation of the Lopez Lake facility. Due to current favorable financial market conditions, the County of San Luis Obispo was requesting member agencies to participate in refinancing the bond issue to reduce annual debt service payments. If successful, the City could anticipate a savings of approximately \$10,000 per year to the City's Water Fund beginning in February 2011 and property owners could realize a slight reduction in property tax assessments. He then reviewed the necessary documents for financing purposes and responded to questions from the Council.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to adopt Resolution No. 10-71 authorizing the amendment to the water supply contract between the City and the San Luis Obispo County Flood Control and Conservation District and a Continuing Disclosure Agreement for water supply. 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.

Resolution No. 10-71: A Resolution of the City Council of the City of Grover Beach, California, Approving an Amendment to the Water Supply Contract with the San Luis Obispo County Flood Control and Water Conservation District.

Recess: Upon consensus of the City Council, the meeting recessed at 9:23 p.m. to the Joint City Council / Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 9:28 p.m., the meeting reconvened with all Council Members present.

COUNCIL COMMITTEE REPORTS

Council Member Bright stated that she had nothing to report.

Council Member Mires reported on meetings of the Integrated Waste Management Authority and the San Luis Obispo County Water Resources Advisory Board.

Mayor Pro Tem Nicolls reported on the meeting of the Klaproad Initiative Task Team.

Council Member Peterson stated that she had no Council Committee reports, but described the Economic Forecast presentation that she had attended, which was sponsored by the San Luis Obispo County Economic Vitality Corporation.

Mayor Shoals stated that he had nothing to report.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

None at this time.

CITY MANAGER'S REPORTS AND COMMENTS

11. Consideration of Meeting Schedule and Topics for the City Council Meetings of December 6, 2010 to February 7, 2011.

City Manager Perrault outlined several major issues for Council consideration in the upcoming two-month period and outlined a recommended schedule of topics and meeting dates in order to efficiently prioritize staff workloads.

Brief discussion was held regarding the proposed schedule, and whether to schedule a special meeting to adopt the Bicycle Master Plan to prevent jeopardizing funding deadlines.

Action: Upon unanimous consensus, the City Council authorized the following schedule of meetings and topics:

- December 6, 2010 - Special Joint City Council / Planning Commission meeting:
Topic: West Grand Avenue Master Plan;
- December 14, 2010 - Special Joint City Council / Planning Commission meeting:
Topics: Grover Beach Lodge and Conference Center Project; and, if necessary, adoption of the Bicycle Master Plan;
- December 20, 2010 - Regular City Council meeting:
Cancelled - due to that week's schedule of employee furloughs and authorized holidays;
- January 3, 2011 - Regular City Council meeting:
Topic: Proposed amendment to Part 49 regarding affordable housing;
- January 18, 2011 - Regular City Council meeting:
Topic: Local Street Rehabilitation Strategy (Short- and Long-term); and
- February 7, 2011 - Regular City Council meeting:
Topic: Water Issues

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 9:50 p.m., the Council met in Closed Session regarding the following item:

1. Conference with Legal Counsel - Pending Litigation

Pursuant to Government Code Section 54956.9(c)

Initiation of Litigation: One (1) potential case - for code violations and related fines and costs at the Grover Beach Inn.

Closed Session Announcements: At 10:19 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present, and announced that the Council had unanimously authorized the initiation of litigation by a vote of 5-0.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 10:19 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK

(Approved at CC Mtg 02/07/2011)