

**MINUTES
CITY COUNCIL MEETING
MONDAY, JANUARY 4, 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 Parks, Recreation & Beautification Commission Vice Chair Jeff Lee.

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, Police Chief Copsey, Fire Chief Hubert, Economic Development Specialist Buckingham, Building/Planning Technician Mesa, and Recreation Coordinator O'Donnell were also present.

Also present were Planning Commission Chair Laurel Coleman and the following members of the Parks, Recreation & Beautification Commission: Chair Leah Greeley, Vice Chair Jeff Lee, and Commissioner Ellie Ross.

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 described the "Shop & Dine Grover Beach" Program, encouraged residents to support local businesses, and invited other businesses to join the program. Three members of the audience were selected at random to assist with the monthly drawing. The names of the following Shop & Dine Grover Beach winners were announced: Bruce Brown, Megan Gaiser, Cheryl Gilbride, Barry Hauge, Ligia Laffitte, Debbie Peterson, Richard Peterson, Susanne Skarda, Ann Marie Taylor, and Debra Wilkins.

2. Proclamations of Appreciation - Holiday of Lights Participants.

Mayor Shoals, Recreation Coordinator O'Donnell, and the following members of the Parks, Recreation and Beautification Commission: Chair Greeley, Vice Chair Lee, and Commissioner Ross, presented Proclamations of Appreciation to the 2009 Holiday of Lights winners who were present at the meeting:

- **City Council Award** - "The Sullivan Family" (Frank & Sherri Sullivan and family)
- **Commissioners Award** - "The Turner Family" (Kristi & Jeff Turner and family)
- **Mayor's Award** - Henry & Donna Cantu
- **Window Painting Award** - "Rudy & Angie's Mexican Food"
- **Religious Award** - Michael, Cynthia & Katie Price

The names of the following award winners who were not present were announced:

- **Business Award** - "The Proud Pooch" (Natalie Early and Helen Leonard)
- **Simple Elegance Award** - "The Sheller Family" (Mary Moore, Steve Sheller, and family).

3. Introduction of New Police Department Employees - Police Officers Bradley Carey and Nelida Aceves, and Communications/Records Technician Heather Montgomery.

Police Chief Copsey administered the Oaths of Allegiance and introduced Officers Carey and Aceves to the City Council and members of the audience. He then introduced Communications/Records Technician Montgomery.

PRESENTATIONS

4. Planning Commission Quarterly Report - Third/Fourth Quarters 2009.

Planning Commission Chair Coleman provided a brief summary of Commission activities for the period September - December 2009 and responded to questions from the Council.

Action: The report was received and filed.

5. A Discussion Regarding the Designation of a Trauma Center in San Luis Obispo County.

Rick Castro, President and Chief Executive Officer of Arroyo Grande Community Hospital, provided a brief overview of work previously conducted by community stakeholders to prepare a County Trauma Plan, and the differing opinions regarding a recent proposal to establish one "Level 2" trauma center located in the middle of the County. He spoke against the proposal, stating it would be detrimental to trauma victims and result in unnecessary delays in the delivery of emergency medical care. He then read a letter from Dr. Carsten Zieger, Emergency Room Medical Director at Arroyo Grande Hospital, who also disagreed with the proposal. Mr. Castro responded to questions from the Council, stated that all hospitals were currently "Level 3" trauma centers, and requested the Council's support when the matter was discussed before the Board of Supervisors.

Mayor Shoals stated that he had been contacted by Ron Yukelson of Tenet and Sierra Vista Hospital who had also expressed an interest in providing a presentation on this same topic.

Action: Upon Council consensus, the Mayor and City Manager would contact Mr. Yukelson to gather further information and determine whether to schedule another presentation regarding this issue at a future meeting.

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. Donald Edwards, Grover Beach, stated he and his dog had been attacked by a pit bull belonging to a neighbor and expressed concerns that San Luis Obispo County Animal Control had failed to cite the owner of the pit bull.
- B. Jenae Bowen, American Red Cross Pet First Aid and Pet Disaster Preparedness Instructor, spoke in support of Mr. Edward's concerns regarding the incident with his neighbor's pit bull.

PUBLIC HEARINGS

6. Consideration of Introduction and First Reading of an Ordinance Amending the Grover Beach Municipal Code to Include Mobile Home Park Conversion Regulations. (Continued Public Hearing from City Council Meeting - October 5, 2009.)

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report.

Prior to his presentation, City Attorney Koczanowicz noted the following corrections to the Staff Report and draft Ordinance (*typographical error indicated with ~~strikeout~~, correction denoted with double underline*):

- Staff Report, page 2, paragraph 1: the remaining area of dispute should be indicated as "Section 9151.9" of the GBMC rather than "Section-~~9151.5~~";
- Ordinance, page 1: the chapter title should read "Part 51" rather than "Part 50"; and
- Ordinance, page 3, subsection (P): the last sentence should read "This definition also shall include persons subletting their mobile homes pursuant to California Civil Code Section 798.23.5", rather than "~~shall~~ include persons subletting their mobile homes..."

He then summarized the issue in dispute with representatives of the Le Sage Mobile Home Owners Association as regarding to Section 9151.9, which allowed for an exemption from the conversion regulations under certain circumstances, specifically where application of the Ordinance would eliminate substantially all reasonable use or economic value of the property. He advised against amending the proposed exemption and responded to questions from the Council.

Brief discussion was held regarding amending the proposed Ordinance as follows (*deleted text indicated with ~~strikeout~~, added text denoted with double underline*):

- Section 9151.2(J): regarding "Immediate Family Member" to read "..., or any other person claimed and allowed as a dependent of the mobile home owner for the purposes of federal income taxes."
- Section 9151.4(B)(4): "Any circumstances, including but not limited to job location, disability status if any, medical circumstances or other relevant information,..."

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There was no response and he closed the Public Hearing.

Action: It was m/s by Council Members Mires/Bright to introduce and conduct first reading, by title only, of Ordinance No. 10-01, as amended, and schedule second reading and adoption at the next regular City Council meeting of February 1, 2010. 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. 10-01: An Ordinance of the City Council of the City of Grover Beach, California, Amending Grover Beach Municipal Code Article IX, to Add Section 51, Mobile Home Park Conversion Process Establishing Requirements for a Change of Use of an Existing Mobile Home Park. (*First Reading only.*)

Recess: Upon consensus of the City Council, the meeting recessed at 8:55 p.m.
Reconvene: At 9:05 p.m., the meeting reconvened with all Council Members present.

7. Review of AB 811 Legislation and Consideration of Participation in the CaliforniaFIRST Program.

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, City Manager Perrault reviewed recent state legislation to promote energy conservation and make the installation of energy efficiency improvements more affordable. He then described CaliforniaFIRST, a program being developed to work with municipalities in providing program education, financing, application processing, and customer service to private property owners who were interested in financing energy conservation-related improvements. A pilot program currently being offered to cities and counties was anticipated to be operational by June 2010. A full-scale, statewide program was targeted to be available by Fall 2010.

City Manager Perrault stated that participation in the CaliforniaFIRST program posed less financial risk to participating counties and cities and was anticipated to require significantly less staff time for program administration. If the City chose to participate, an up front administrative fee would be incurred. He also noted that the Council could elect to make the City's participation contingent upon notification that the City would be receiving State Energy Program (SEP) grant funds, and that the City could withdraw from the pilot program at a later date. He then outlined program benefits, participation requirements, and stated that the cities of San Luis Obispo, Morro Bay, and Paso Robles, and the County of San Luis Obispo had also expressed an interest in participating in the program, with the County taking the lead to coordinate activities with participating cities. He then responded to questions from the Council regarding the financing aspects of the program.

Brief discussion was held regarding the types of energy improvements that could qualify for financing, including solar and window weatherization; costs for energy audits which

could be included in the loans to private property owners; opportunities this program would provide in creating renewable energy or “green jobs”; and that, although the target audience focused on residential property owners, commercial property owners would also be eligible to participate. Further discussion was held regarding submitting a cover letter to California Communities, the program administrator, and the County of San Luis Obispo that expressed the Council’s interest in providing opportunities for residents and businesses to finance energy saving improvements, but requesting that, due to financial constraints, the program have limited impacts on City and staff resources.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There was no response and he closed the Public Hearing.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to: 1) adopt Resolution No. 10-01, authorizing the City of Grover Beach to join the CaliforniaFIRST Program, contingent upon the City’s receipt of its portion of the State Energy Program (SEP) grant; 2) authorizing the City Clerk to send a certified copy of the Resolution and other appropriate documents to California Communities; and 3) authorizing the submittal of a cover letter regarding the Council’s concerns that the program have limited impacts on City and staff resources. 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. 10-01: Resolution Authorizing the City of Grover Beach to Join the CaliforniaFIRST Program; Authorizing the California Statewide Communities Development Authority to Accept Applications From Property Owners, Conduct Contractual Assessment Proceedings and Levy Contractual Assessments Within the Territory of the City of Grover Beach; and Authorizing Related Actions.

CONSENT AGENDA

It was m/s by Council Members Peterson/Bright to approve Consent Agenda Item Nos. 8, 9, and 10 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.

8 . Treasurer’s Report for the Period November 30 - December 30, 2009.

Action: Approved as submitted.

9. Minutes of the Following City Council Meetings:

- **Special Joint City Council/Planning Commission Meeting of Sat., August 1, 2009; and**
- **Regular City Council Meeting of Mon., August 3, 2009.**

Action: Approved the minutes as submitted

10. West Grand Avenue Enhancement Project - American Recovery and Reinvestment Act (ARRA) Funds. Consideration of a Resolution officially designating a City official authorized to execute the agreement with the State of California Department of Transportation (Caltrans) for this project.

Action: Adopted Resolution No. 10-02.

Resolution No. 10-02: A Resolution of the Grover Beach City Council Authorizing the City Manager to Sign the Agreements Associated with American Recovery and Reinvestment Act (ARRA) Funding of the West Grand Avenue Enhancement Project - Project #ESPLTCSP-5359(015) – West Grand Avenue.

REGULAR BUSINESS

11. Authorization to Submit Projects to the San Luis Obispo Council of Governments (SLOCOG) for Consideration.

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 application process, the shortened time frame to submit applications, criteria for determining project eligibility, and the total amount of funds available for Transportation Enhancement (TE) Projects through the San Luis Obispo Council of Governments (SLOCOG). He also pointed out the requirement that agencies provide a local funding match of 11.47% of total project costs.

Although SLOCOG had requested agencies submit only one transportation enhancement project for consideration, City Manager Perrault described two City projects that met the program's criteria and were considered to be competitive on a County-wide basis: the "Downtown Project - West Grand Avenue from 10th Street to 11th Street" and the "Longbranch Avenue Project - from 12th Street to 14th Street". He then responded to questions from the Council.

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

Brief discussion was held regarding the intent of the original Longbranch Avenue Project located adjacent to Grover Beach Elementary School as a "demonstration project". Additional discussion was held regarding sending a letter to SLOCOG to inform them of other potential City projects that might be eligible for future funding cycles, such as the Nacimiento Pedestrian Trail from 4th Street to 12th Street, extending the beach boardwalk south towards Pier Avenue in Oceano, and the potential opportunity to develop a multi-purpose trail on South 4th Street.

Action: Upon unanimous consensus, the Council authorized the City Manager to:

- 1) Submit the following projects, listed in priority order, to the San Luis Obispo Council of Governments (SLOCOG) and commit the City to the 11.47% match, where necessary:
 - (a) the "Downtown Project" from 10th Street to 11th Street, and
 - (b) the "Longbranch Avenue Demonstration Project" from 12th Street to 14th Street; and
- 2) Authorized staff to prepare and send a letter to SLOCOG regarding the City's interest in projects to be considered for future funding, including:
 - (a) the Nacimiento Pedestrian Trail,
 - (b) extending the boardwalk located between the Cities of Grover Beach and Pismo Beach south towards Pier Avenue in the community of Oceano, and
 - (c) a South 4th Street Multi-purpose Trail.

12. Consideration of Adoption of a Local Water-Efficient Landscape Ordinance.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz briefly reviewed requirements under the Water Conservation in Landscaping Act of 2006, which became effective January 1, 2010, and correspondence received from the Department of Water Resources (DWR) requesting to be informed as to whether the City had adopted the State model ordinance, adopted its own water-efficient landscape ordinance, or whether state law would be applicable.

He explained the State model ordinance had rigorous requirements for landscaping plans and would be applicable to projects with a minimum of 2,500 sq. feet of required landscaping. He pointed out that, although most projects processed in Grover Beach were relatively small and would not meet the minimum requirements, the potential existed that a larger project could trigger the State law, requiring review and compliance. He stated most cities were adopting ordinances with less complicated requirements tailored towards local conditions. He recommended the Council consider a similar approach. He then responded to questions from the Council.

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

Action: Upon unanimous consensus, the Council directed the initiation of a Code amendment through an Ordinance to adopt a local water-efficient landscaping program better suited to our community's development patterns, soils, and climate. In the interim, if any project were submitted that fell under the new regulations, requirements under state law would be applicable.

13. Updates on Water Conservation Programs and Approval of Amendments to the "Cash for Grass" Water Conservation Rebate Program in Support of the Grover Beach Local Stimulus Initiative.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Planning Technician Mesa briefly reviewed the City's three Water Conservation Programs that were approved by the Council in September 2009: 1) the Water-Efficient Washing Machine Rebate Program; 2) "Cash for Grass" Program; and 3) the Smart Irrigation Controller and Sensor Rebate Program. She stated the Water-Efficient Washing Machine Rebate Program had been successful and no changes were being recommended. Rebates under this program were in the amount of \$100 for Tier 2 compliant washing machines and \$150 for Tier 3 compliant washing machines. Seven applications, totaling \$1,000 in rebates, had been received. Although more citizen interest had been generated by the "Cash for Grass" Program, only one application was submitted. Staff recommended increasing the rebate amount to \$0.50 per square foot to appeal to a larger number of residents. She reported that no applications had yet been received for the Smart Irrigation Controller and Sensor Rebate Program; however, staff recommended continuing to make it available for the public. She then responded to questions from the Council.

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

Brief Council discussion was held regarding pursuing additional water conservation programs, such as a Rainbarrel Rebate Program and/or Greywater Recycling System Rebate Program, and partnering with local nurseries on landscape irrigation projects.

Council Member Mires stated he supported most of the water conservation rebate programs; however, he did not support the "Cash for Grass" Program. He commented that individuals who used excessive amounts of water to irrigate lawns should voluntarily lower their water consumption or incur an increased water rate.

Action: It was m/s by Council Member Bright / Mayor Pro Tem Nicolls to adopt Resolution No. 10-03 approving the proposed amendments to the "Cash for Grass" Rebate Program. The motion carried on the following roll call vote:

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

Resolution No. 10-03: A Resolution of the City Council of the City of Grover Beach, California, Approving Amendments to the "Cash for Grass" Water Conservation Rebate Program in Grover Beach as a Part of the City's Local Stimulus Initiative.

PULLED CONSENT AGENDA ITEMS

None at this time.

Recess: Upon consensus of the City Council, the meeting recessed at 8:55 p.m. to the Joint City Council / Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 9:05 p.m., the meeting reconvened with all Council Members present.

COUNCIL COMMITTEE REPORTS

Council Member Bright stated she had nothing to report.

Council Member Mires stated he had nothing to report.

Mayor Pro Tem Nicolls stated he had nothing to report.

Council Member Peterson reported on meetings of the Housing Trust Fund and the San Luis Obispo County Visitors & Conference Bureau (VCB).

Mayor Shoals outlined items scheduled for discussion at the next meeting of the South County Area Transit (SCAT), including reassessment of transit service in the north Grover Beach area. He also reported on the meeting of the Fire and Emergency Services Oversight Committee.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

- A. Mayor Shoals gave an update on the progress of the Grover Beach Lodge and Conference Center Project, stating that design schematics were now being developed. He then praised the recent Habitat for Humanity ribbon cutting ceremony for the four affordable housing units on Longbranch Avenue that were constructed in partnership with the City.
- B. Council Member Peterson thanked and praised staff, especially complimenting Parks, Recreation & Beautification Commissioner, as well as former City Administrator, Arnold Dowdy, for all the work that went into preparing for the City's 50th Anniversary Celebration. She also thanked all those who attended the December 21, 2009 ceremony.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault expressed appreciation for all of the positive comments received regarding the City's 50th Anniversary Celebration and that the comments would be shared with members of the Parks and Recreation Department, specifically Administrative Secretary Lynn Pearson, Recreation Coordinator Nora O'Donnell, and Parks and Recreation Director Kathy Petker, who were primarily instrumental in organizing the event. He also thanked and complimented Public Works staff for completing the recent improvements in the front entrance and hallway at City Hall.

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 9:17 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 07/06/2010)