

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, FEBRUARY 6, 2012**

**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 Haley Bixler, an 11-year-old, fifth grade student from Grover Beach Elementary School.

**ROLL CALL**

City Council: Council Members Molnar, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals were present. Council Member Bright 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, Police Chief Copsey, and Planner II Reese were also present.

Also present were Interim Fire Chief Riki Health and incoming appointed Fire Chief Joel Aranaz of the Five Cities Fire Authority, and Brandon Medeiros from Rick Engineering.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Tuesday January 17, 2011 after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Pending Litigation  
Pursuant to Government Code Section 54956.9(c)  
Initiation of Litigation: Two (2) potential case
2. Conference with Real Property Negotiators  
Pursuant to Government Code Section 54956.8  
Property: Hillcrest cell tower site (APN 060-581-041)  
Agency negotiator: City Manager and City Attorney  
Negotiating party: Crown Castle, Inc.  
Under negotiation: Terms of a lease extension

the City Council reconvened into open session and announced the following reportable action regarding Closed Session Item No. 1 only: the Council authorized proceeding with litigation in one (1) case (4-0-1, Mayor Shoals absent).

**AGENDA REVIEW**

**Action:** Upon consensus (Council Member Bright absent), 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. Brad Snook, Chair, Surfrider Foundation, expressed concerns regarding the appointed members to the South San Luis Obispo County Sanitation District Board of Directors.
- B. Liz Doukas White, Grover Beach, requested the City's assistance with resolving a dispute with her neighbor and distributed documentation regarding the matter.

## **PUBLIC HEARINGS**

### **1. Vesting Tentative Tract Map 3038 for Development Permit Application 11-006.**

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

City Attorney Koczanowicz noted that only four members of the City Council were present to consider this agenda item, rather than the full five-member City Council. He recommended that the applicant stipulate on the record that a 2-2 vote would be deemed "a denial", if such a vote were to occur, and that the City's administrative process would be deemed complete at that point. Paul Bischoff, applicant, verbally acknowledged that he understood and agreed to the stipulation.

For the information of those present, Planner II Reese provided an overview of the proposed project and the request to approve Vesting Tentative Tract Map 3038 to subdivide an 8.39 acre parcel into 48 single-family residential lots located at the northeast corner of Farroll Road and South 16<sup>th</sup> Street, which included five low-income units. She then outlined the Planning Commission's recommendations to the City Council from the January 10, 2012 Public Hearing to deny the request, as well as subsequent discussions between staff and the applicant per the Commission's request regarding certain design issues.

Public Works Director/City Engineer Ray outlined staff's concerns regarding the project's proposed: 1) storm drain system, 2) improvements for a portion of South 16<sup>th</sup> Street, and 3) improvements on Farroll Road that would be deferred to a later development phase.

Planner II Reese noted correspondence was received subsequent to distribution of the agenda packet from Warren Sanders of Grover Business Park, LLC, and R.J. and K. Eileen Bezerra, and copies had been distributed to the City Council.

Staff then responded to questions from the Council regarding storm drain systems, development concessions, and requirements pursuant to the Subdivision Map Act.

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

Paul Bischoff, applicant, spoke in support of the proposed project. He distributed information in support of the proposed storm drain system, and proposed requiring the development's homeowners' association to retain the services of a civil engineer to inspect, monitor, and provide periodic performance reports to the City regarding the system. He then responded to questions from the City Council.

#### The following persons spoke in *opposition* to the proposed project:

- Arnold Dowdy, South 16<sup>th</sup> Street resident, Grover Beach, objected to potential impacts to his property, retaining wall, and mature landscape trees. He also objected to the absence of park facilities and submitted a written statement regarding his concerns;
- Liz Doukas White, Grover Beach, objected to the proposed drainage system;
- Vic Montalban, Baden Avenue resident, Grover Beach, objected to the density, on-street parking, and backyard setbacks; and
- John Carpanzano, Farroll Road resident, Grover Beach, objected to the density, as well as potential impacts to nearby septic systems.

#### The following comments were also received:

- Rob Feder, South 16<sup>th</sup> Street resident, Grover Beach, expressed concerns regarding potential increases in traffic speeds and volume on South 16<sup>th</sup> Street; and
- Anita Shower, Grover Beach, expressed concerns regarding proposed street widths and inquired about proposed building materials.

There were no further public comments received at this time.

Upon question, City Attorney Koczanowicz responded that the City's ability to ensure compliance with development restrictions by a homeowners' association would be through mediation and/or judicial action.

Discussion ensued regarding traffic study data, street widths, minimum setback requirements, development concessions resulting in affordable housing units, and efforts to minimize impacts to the surrounding properties from the proposed grading. It was also noted that the northern end of the project at South 16<sup>th</sup> Street had been redesigned so that property dedication by the adjacent property owner would no longer be required. Further discussion was held regarding the merits of various proposed design elements; whether a homeowners' association would adequately maintain the drainage system; and the manner in which phased development might occur.

Mayor Shoals re-opened the floor to receive public comments regarding this matter.

- Paul Bischoff, applicant, described plans for phased development that would begin with construction of residential units on South 16<sup>th</sup> Street. The second phase would occur along interior private streets, and final phase improvements would be on Farroll Road.
- Arnold Dowdy, South 16<sup>th</sup> Street resident, Grover Beach, objected to the five-foot side yard setback for Lot 24 next to his property, requesting it be increased to 10 feet.
- Anita Shower, Grover Beach, suggested requiring a park facility in the proposed development.
- Eric Guile, representative of Air Vol Block, spoke in support of the proposed storm drain system.

There were no further public comments received and the Mayor closed the public hearing for this item.

Additional discussion was held regarding minimizing impacts to the property owners located adjacent to Lot 24, as well as potential options for ensuring that future homeowners in the proposed development would maintain the drainage system and that the public improvements would be completed.

Mayor Pro Tem Nicolls objected to the proposed storm drain system for large-scale development projects, the proposed farm-style architectural design, and the extended time period and restrictions that applied after a vesting tentative tract map was approved. He also expressed concerns that infrastructure improvements might not be completed if a sufficient number of units or undeveloped lots failed to sell.

Upon question, Paul Bischoff, applicant, and Brian Owen, project developer, responded that it would be difficult for them to obtain a bond with the current economy.

**Action:** It was m/s by Council Members Peterson/Molnar to adopt Resolution No. 12-07 approving the Mitigated Negative Declaration for Application No. 11-006. The motion carried on the following roll call vote:

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

**Resolution No. 12-07: Resolution of the City Council of the City of Grover Beach Adopting the Mitigated Negative Declaration for Application Mo. 11-006 (1601 Farroll Road - Northeast Parcel at South 16<sup>th</sup> Street and Farroll Road).**

**Action:** It was m/s by Council Members Peterson/Molnar to amend the Resolution to require a minimum 10-foot sideyard setback for the west side of Lot 24 and adopt Resolution No. 12-08, as amended, approving the Vesting Tentative Tract Map 3038 for Application No. 11-006. The motion carried on the following roll call vote:

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

**Resolution No. 12-08: Resolution of the City Council of the City of Grover Beach Approving Vesting Tentative Tract Map 3038 for Application No. 11-006 (1601 Farroll Road - Northeast Corner of South 16<sup>th</sup> Street and Farroll Road).**

Recess: Upon consensus of the City Council (Council Member Bright absent), the meeting recessed at 9:03 p.m.

Reconvene: At 9:14 p.m., the meeting reconvened with all Council Members present, except for Council Member Bright who was absent from this meeting.

**2. Request for a Waiver of Underground Utility Requirements Due to Impracticality for Development Permit Application No. 11-007.**

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, Public Works Director/City Engineer Ray provided an overview of the Planning Commission's approval of the proposal to construct a total of 576 square feet in building additions to an existing 8,210 square foot structure. The applicant was now requesting that the City Council waive the requirement to underground utilities based on the comparative cost of the additions. He then outlined the requirements to underground utilities, the list of qualifying exemptions, and the estimated cost to underground utilities, which were estimated to be between 40 and 60 percent of the construction costs. 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.

David McCabe, representative for the applicant, spoke in support of the requested waiver and described the location of existing utility lines.

There were no further public comments received and the Mayor closed the public hearing for this item.

Brief discussion was held regarding options for waiving the requirement to underground utilities; granting a partial waiver for smaller-sized projects with payment of a reduced fee based on a percentage of the project value; and a similar request for a waiver that was considered by the City Council and subsequently granted to the Filipino Community Center.

City Attorney Koczanowicz noted that there was no program currently established to allow a partial waiver with payment of a reduced fee.

Further discussion was held regarding establishing an alternative program for smaller-sized projects to pay a reduced fee to a fund designated for undergrounding utilities.

**Action:** It was m/s by Council Members Molnar/Peterson to adopt Resolution No. 12-09 granting the waiver of the underground utility requirements for Development Permit Application No. 11-007. The motion carried on the following roll call vote:

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

**Resolution No. 12-09: A Resolution of the City Council of the City of Grover Beach, California, Granting a Request for Waiver of the Underground Utilities Requirement for Development Permit Application No. 11-007 (1279 South 13<sup>th</sup> Street).**

## **CONSENT AGENDA**

Prior to consideration of the Consent Agenda, Council Member Peterson declared a conflict of interest regarding Item No. 5, stating that she would be eligible to receive a stipend as the alternate member to the Air Pollution Control District and would therefore not be voting on that agenda item.

It was m/s by Mayor Pro Tem Nicolls/Council Members Molnar to approve Consent Agenda Item Nos. 3, 4, and 5, as recommended. The motion carried on the following roll call vote:

AYES: Council Members Molnar, Peterson (except for Item No. 5),  
Mayor Pro Tem Nicolls, and Mayor Shoals.  
NOES: Council Members - None.  
ABSENT: Council Member Bright.  
ABSTAIN: Council Members - None.  
RECUSED: Council Member Peterson (for Item No. 5 only, due to a conflict of interest).

**3. Treasurer's Report for the Period January 9 - February 1, 2012.**

**Action:** Approved as submitted.

**4. Minutes of the Following Meetings:**

- City Council Meeting Tuesday, January 3, 2012;
- City Council Meeting Tuesday, January 17, 2012; and
- Joint City Council / Improvement Agency Meeting January 17, 2012.

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

**5. Appointments to the Air Pollution Control District (APCD).**

**Action:** Adopted Resolution No. 12-10 confirming Council appointments to the Air Pollution Control District (APCD) for 2012.

**Resolution No. 12-10: A Resolution of the City Council of the City of Grover Beach, California, Confirming Council Committee Assignments to Serve as the City's Representatives to the Air Pollution Control District (APCD) for 2012.**

## **REGULAR BUSINESS**

**6. West Grand Avenue Enhancement Project: Decorative Paving Concepts.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray provided a brief overview of the project, previous presentations regarding decorative paving concepts for the downtown area, and the Council's request for additional information regarding integrating the existing brick pattern decorative pavers. He then introduced Tom Martin and Brandon Medeiros from Rick Engineering.

Mr. Martin and Mr. Medeiros displayed photos and described design options for the decorative pavers and responded to questions from the City Council.

Brief discussion was held regarding the proposed materials, estimated costs, confirmation that the project was eligible to receive grant funds, and the estimated time frame and filing requirements for review by the California Transportation Committee before the City could solicit bids for the project.

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 consensus (Council Member Bright absent), the Council authorized proceeding with design alternate #1: buff-colored concrete paving, 5x5 saw cut score pattern, sand texture finish, and sandblast wave pattern for crosswalks; and buff-colored concrete paving, 10x10 saw cut score pattern and salt texture finish for intersection areas.

**7. Discussion and Request Recommendation with Regard to Potential Formation of a Fire Protection District or a Levy for a Fire Suppression Benefit Assessment by the Five Cities Fire Authority.**

Mayor Shoals read the title to the foregoing item, and deferred to staff for a report. For the information of those present, Interim Fire Chief Heath provided an overview of the Five Cities Fire Authority Board's request for staff to research processes that would generate revenue for the provision of fire protection services. He then described the consultant services retained to assist with the research, outlined the two options identified to either form a fire protection district or pursue a fire suppression benefit assessment. He then reviewed the advantages and disadvantages associated with each option. Interim Fire Chief Heath and City staff then responded to questions from the Council.

Discussion ensued regarding the advantages and disadvantages of both options, diminishing General Fund resources, the goal of establishing a more secure funding source, and the estimated costs for an assessment engineer to prepare an engineer's report. Additional discussion was held regarding determining the potential costs, as well as potential savings, before the Council made its recommendation.

Mayor Shoals invited public comments on this matter.

The following persons spoke in support of pursuing a process to generate revenue for the provision of fire protection services:

- Jerry Curtis, Nipomo, who stated he was previously employed for 37 years by a fire protection district;
- P.J. Ferguson, Grover Beach resident and I.A.F.F. Professional Firefighters, Local 443, President; and
- Joel Aranaz, incoming appointed Fire Chief, Five Cities Fire Authority, who stated that he would begin serving as the Authority's Fire Chief on February 14, 2012. He further described the advantages of establishing a separate funding source for fire protection services and recommended pursuing a fire suppression benefit assessment at this time.

There were no further public comments received.

Further discussion was held regarding providing the Council with additional information regarding potential costs.

**Action:** Upon consensus (Council Member Bright absent), this item was continued to the next regular City Council meeting scheduled for Tuesday, February 21, 2012.

11:00 p.m. Rule: Upon consensus (Council Member Bright absent), the Council authorized continuing the meeting past 11:00 p.m.

**8. Mayor's Appointments to the Redevelopment Agency's Successor Agency Oversight Board.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault described the responsibilities of the Successor Agency regarding obligations of the former Grover Beach Improvement Agency, and noted that actions of the Successor Agency were subject to review and approval by an Oversight Board. The Oversight Board would be composed of seven members representing various interests and entities, with two of the appointments made exclusively by the Mayor. The first is an open appointment and the second is to be a member of the recognized employee organization representing the largest number of former redevelopment agency employees employed by the successor agency at that time. All appointments not made by May 1, 2012 will be appointed by the Governor. He then listed the employees who indicated a willingness and were qualified to serve on the Oversight Board.

Mayor Shoals requested that the names of citizens interested in being appointed to the Oversight Board be submitted to him by March 5, 2012.

**Action:** Upon consensus, Council Members could submit the names of potential candidates to the Mayor for consideration of appointment to the Oversight Board for the Successor Agency.

### **COUNCIL COMMITTEE REPORTS**

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

### **CITY COUNCIL MEMBER ITEMS**

#### **9. Request to Reconsider Appointments to the Integrated Waste Management Authority Board.**

City Manager Perrault provided a brief overview of the request from Council Member Molnar to change the City Council's alternate representative to the Integrated Waste Management Authority and subsequent correspondence received from Council Member Bright consenting to being appointed as the alternate representative.

Brief discussion was held regarding Council committee appointments and that certain appointments required final approval by the Board of Supervisors.

**Action:** Upon consensus, this item was continued to the next regular City Council meeting.

### **COUNCIL COMMUNICATIONS**

None at this time.

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

#### **10. Request to Schedule Meeting Date for the Joint City Council / Commissions Workshop.**

City Manager Perrault briefly reviewed the results of Commissioner responses regarding scheduling a joint workshop during the month of February with members of the Planning Commission and Parks, Recreation & Beautification Commission.

Brief discussion was held regarding rescheduling the workshop to a later date when a larger number of Commissioners would be available to attend.

**Action:** Upon consensus, staff would survey Commissioners regarding potential alternate dates for a Joint City Council / Commissions workshop.

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

None at this time.

### **CLOSED SESSION**

At 11:02 p.m., the Council met in Closed Session regarding the following item:

- 1. Conference with Legal Counsel - Anticipated Litigation**  
Pursuant to Government Code Section 54956.9(b)(1):  
Threatened CEQA action against IWMA and its members.

**Closed Session Announcements:** At 11:31 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present and announced there were no reportable actions taken during Closed Session.

**ADJOURNMENT**

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 11:31 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 03-05-2012)