

**MINUTES
CITY COUNCIL MEETING
MONDAY, APRIL 2, 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 Council Member Molnar.

ROLL CALL

City Council: Council Members Bright, Molnar, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals were present.

City Staff: Acting City Manager/Community Development Director Buckingham, City Attorney Koczanowicz, City Clerk McMahon, Public Works Director/City Engineer Ray, Acting Police Chief/Lieutenant Peters, and Parks & Recreation Director Petker were also present.

Also present was Battalion Chief Heath, Five Cities Fire Authority.

CLOSED SESSION ANNOUNCEMENTS

None at this time.

AGENDA REVIEW

Council Member Bright requested that the Council consider Regular Business Item No. 11 prior to the Public Hearings scheduled for this evening.

Action: Upon unanimous consensus, the Council approved amending the order of business as requested.

CEREMONIAL CALENDAR

1. **Proclamation Designating April 2012 as “Month of the Child and Child Abuse Prevention Month” and April 14, 2012 as “Day of the Child”.**

Council Member Bright read the proclamation. It was announced that since there was no representative present to receive the proclamation, it would be sent to the agency.

2. **Proclamation Declaring April 2012 as “Autism Awareness Month”.**

Council Member Peterson read and presented the proclamation to Shaun Whitfield, Board President of the Central Coast Autism Spectrum Center.

3. **Proclamation Declaring the Week of April 8 through April 14, 2012 as “National Public Safety Telecommunications Week”.**

Mayor Shoals read and presented the proclamation to Acting Police Chief/Lieutenant Peters.

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. Warren Hamrick expressed concerns regarding zoning regulations with respect to grading, drainage, and street conforms for his client’s proposed project on North Oak Park Boulevard. He suggested the formation of a City subcommittee to review the issues.
- B. Brad Snook, Chair, Surfrider Foundation, announced an upcoming chapter meeting and Earth Day events, and described efforts to expand the boundaries of the Monterey Bay Marine Sanctuary.

ORDER OF THE DAY: Pursuant to Council consensus during review of the posted agenda, Mayor Shoals called for discussion of Agenda Item No. 11.

11. Appointments to the Parks, Recreation & Beautification Commission.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Parks & Recreation Director Petker provided an overview of the interview process conducted to fill two vacancies on the Parks, Recreation & Beautification Commission. The Advisory Body Screening Committee recommended appointing Heidi Boatman and Debbie Johnston to serve four-year commission terms and, in the event of an unscheduled vacancy, to appoint Harold Grogg to serve the remainder of the unexpired commission term without requiring him to be re-interviewed.

Brief discussion was held regarding the recommendations.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to: 1) accept the Screening Committee's recommendations; 2) adopt Resolution No. 12-18 authorizing the appointments of Heidi Boatman and Debbie Johnston to serve four-year terms on the Parks, Recreation & Beautification Commission, expiring on March 31, 2016; and 3) in the event of an unscheduled vacancy on the Parks, Recreation & Beautification Commission, to appoint Harold Grogg to fill the vacancy with no further interview required. The motion carried on the following roll call vote:

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

Resolution No. 12-18: A Resolution of the City Council of the City of Grover Beach, California, Appointing Heidi Boatman and Debbie Johnston to Serve on the Parks, Recreation & Beautification Commission, and designating Harold Grogg as the Next Eligible Candidate in the Event of an Unscheduled Vacancy on the Parks, Recreation & Beautification Commission.

At this time, Parks, Recreation & Beautification Commissioner Johnston was introduced to the City Council and members of the audience. It was noted that Commissioner Boatman was unavailable to attend the meeting.

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

PUBLIC HEARINGS

Prior to discussion of Agenda Item No. 4, Council Member Peterson declared a conflict of interest due to property ownership within 500 feet the proposed project area. She then stepped down from the dais and left the Council Chambers.

4. Appeal of Planning Commission Non-action for Development Permit Application No. 10-023. Appellant/Applicant: T-Mobile West Corp; Project Location: 170 West Grand Avenue (APN 060-206-026).

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 provided a brief overview of the request to install a cellular antenna facility within an existing building, and noted that the Applicant had requested the hearing be continued to the City Council meeting of May 7, 2012. He therefore recommended that no public comment be received at this time and that the Council continue the Public Hearing to May 7, 2012.

Action: Upon consensus (Council Member Peterson recused), no public testimony was received at this time, and the Public Hearing was *continued* to the Regular City Council meeting scheduled for Monday, May 7, 2012.

City Attorney Koczanowicz announced that the Public Hearing would not be re-noticed, as it had been continued to a date certain.

At this time, Council Member Peterson returned to the dais.

5. **Proposed Amendments to the Land Use Element, Zoning Code, and Ramona Specific Plan to Change the Land Use Designation from Parks and Recreation to Medium Density Residential, Change the Zoning Map from Public Facilities (P-F) to Duplex Residential (R-2), and Revise the Ramona Specific Plan to Reflect the Proposed Changes.** Location: Five lots located in the northern portion of the block bounded by Ramona Avenue, North 9th Street, Brighton Avenue, and North 10th Street (APNs 060-162-006, 018, 019, 021, and 022); Development Permit Application No.12-01.

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, Community Development Director Buckingham provided an overview of City Council and Planning Commission meetings held to date regarding changing the land use designation and zoning for five lots located within the Ramona Specific Plan area, as well as the Planning Commission's recommendation to seek additional community garden sites in the event the existing community garden site located at 920 Ramona Avenue was sold. He then responded to questions from the Council and confirmed that the draft resolutions would be corrected as follows: "This Amendment shall take effective effect 30 days after the adoption of this resolution" (added text denoted with a double underline).

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

Linda Voth, Ramona Avenue resident, Grover Beach, spoke against changing the zoning for the community garden site.

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

Brief discussion was held regarding the City's original intent to expand the boundaries of Ramona Garden Park, which was unlikely to occur due to the cost of acquiring the four additional lots; providing some relief to residents of those lots by eliminating the additional steps currently required for review and approval if they chose to remodel their homes; efforts towards establishing consistency between the Zoning Code and the Land Use Element; and State mandates regarding affordable housing.

Council Member Molnar objected to rezoning the community garden site, noting other cities with community gardens located in residential areas.

Action: It was m/s by Council Member Peterson/Mayor Pro Tem Nicolls to adopt Resolution No. 12-19 adopting the Negative Declaration for Development Permit Application No. 12-01. The motion carried on the following roll call vote:

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

Resolution No. 12-19: A Resolution of the City Council of the City of Grover Beach Adopting a Negative Declaration for a General Plan, Zoning Code, and Ramona Specific Plan Amendment Associated with Development Permit Application No. 12-01 for Assessor Parcel Numbers 060-162-006, 018, 019, 021, and 022.

Action: It was m/s by Council Members Peterson/Bright to adopt Resolution No. 12-20 approving a General Plan Amendment. The motion carried on the following roll call vote:

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

Resolution No. 12-20: A Resolution of the City Council of the City of Grover Beach Approving a General Plan Amendment to Change the Land Use Designation from Parks and Recreation to Medium Density Residential Associated with Development Permit Application No. 12-01 for Assessor Parcel Numbers 060-162-006, 018, 019, 021, and 022.

Action: It was m/s by Council Member Peterson/Mayor Pro Tem Nicolls to adopt Resolution No. 12-21 approving an amendment to the Ramona Specific Plan. The motion carried on the following roll call vote:

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

Resolution No. 12-21: A Resolution of the City Council of the City of Grover Beach Approving a Ramona Specific Plan Amendment to Change Text and Figures Consistent with the Associated Development Permit Application No. 12-01 for Assessor Parcel Numbers 060-162-006, 018, 019, 021, and 022.

Action: It was m/s by Council Members Bright/Peterson to conduct first reading, by title only, and introduce Ordinance No. 12-02 amending the Zoning Map and scheduling 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 Member Molnar.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.

Ordinance No. 12-02: An Ordinance of the City Council of the City of Grover Beach Amending Article IX, Planning and Zoning Regulations, Chapter 1 of the Grover Beach Municipal Code Amending the Zoning Map Associated with Development Permit Application No. 12-01 for Assessor Parcel Numbers 060-162-006, 018, 019, 021, and 022. (First Reading only.)

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item No. 8 was pulled pursuant to the request of Mayor Pro Tem Nicolls. It was m/s by Council Members Bright/Molnar to approve Consent Agenda Item Nos. 6, 7, 9, and 10 as recommended. The motion carried on the following roll call vote:

AYES: Council Members Bright, Molnar, 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 March 13, 2012 through March 28, 2012.**
Action: Approved as submitted.
7. **Minutes of the City Council Meeting of Monday, March 5, 2012.**
Action: Approved the minutes as submitted.
9. **Resolution Declaring Weeds to be a Nuisance and Providing for Weed Abatement - Request from the Five Cities Fire Authority to declare weeds to be a nuisance and provide for weed abatement in Grover Beach.**
Action: Adopted Resolution No. 12-22.

Resolution No. 12-22: A Resolution of the City Council of the City of Grover Beach Declaring Weeds to be a Nuisance and Providing for Weed Abatement Pursuant to Government Code Sections 39560 through 39588; Article 2 – Alternative Procedures for Weed and Rubbish Abatement.

10. **Review of the San Luis Obispo County Flood Control District Zone 3 Annual Budget.**
Action: Recommended approval of the Flood Control Zone 3 FY 12-13 Proposed Budget.

ORDER OF THE DAY: Upon consensus, the Order of the Day was amended to consider Agenda Item No. 8 next.

8. **Consideration and Approval of Third Lease Amendment with Crown Castle GT Company LLC for Cellular Tower Facility on Hillcrest Avenue.**

The Council commended City Attorney Koczanowicz for the favorable outcome of the contract negotiations. Upon request, he provided further clarification regarding specific terms in the agreement.

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

Additional discussion was held to amend the agreement regarding the 10-day period for receipt of the executable documents.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to: 1) amend paragraph 6 in the agreement to “ten (10) business days” (added text denoted with a double underline); 2) approve the lease agreement, as amended; 3) and authorize its execution by the Mayor on behalf of the City. The motion carried on the following roll call vote:

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

REGULAR BUSINESS

11. **Appointments to Parks, Recreation & Beautification Commission.**
(Note: This item was considered earlier in the meeting, immediately after Public Communications.)

ORDER OF THE DAY: The Order of the Day resumed to the agenda as posted.

12. **City Council Appointment to the Oversight Board.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz provided an overview of actions necessary for Successor Agencies to wind down the activities of the dissolved redevelopment agencies and set up an Oversight Board to oversee that process. He outlined the various agencies to be represented on the seven-member Oversight Board, one of which was recently identified as the Grover Beach Lighting District, the largest special district by property tax share within the boundaries of the former Improvement Agency. He stated that the City Council was authorized to appoint the Lighting District representative who could be a Council Member, staff member, or citizen at large. He then responded to questions from the Council.

Brief discussion was held regarding the appropriate appointee to the Oversight Board and whether it should be an elected official or a specific individual.

Council Member Molnar spoke in favor of appointing a specific individual to provide more continuity on the Oversight Board, rather than designating “the Mayor”, whose elected term in office was scheduled to end in 2012.

Action: It was m/s by Council Member Bright/Mayor Pro Tem Nicolls to adopt Resolution No. 12-23 appointing “the serving Mayor” to the Oversight Board. The motion carried on the following roll call vote:

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

13. 2011 Annual Report on the Status of the General Plan.

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 the steps completed over the past year to implement the goals and policies of the General Plan. He then responded to questions from the Council.

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

Brief discussion was held regarding other City priorities and circumstances that resulted in postponing the discussion of amending the City’s parking regulations.

Action: Upon unanimous consensus: 1) the report was received and filed; 2) direction was provided to submit the report to the State in accordance with statutory requirements; and 3) to include “amending the City’s parking regulations to encourage the development of affordable housing projects” during the Council’s upcoming discussions of the goals and work program for the next fiscal year.

PULLED CONSENT AGENDA ITEMS

None at this time. (Note: Agenda Item No. 8 was pulled from the Consent Agenda, but was discussed prior to the Regular Business items.)

COUNCIL COMMITTEE REPORTS

Council Member Molnar stated she had nothing to report.

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

Council Member Peterson reported on the meeting of the San Luis Obispo Economic Vitality Corporation (EVC), which included a presentation by Mayor Shoals and City Manager Perrault regarding the proposed Grover Beach Municipal Network. She also reported on the meeting of the San Luis Obispo County Visitors & Conference Bureau (VCB).

Mayor Pro Tem Nicolls reported on the meeting of the South San Luis Obispo County Sanitation District and provided an update regarding County efforts to eliminate flooding in the Oceano area.

Mayor Shoals announced that the San Luis Obispo Council of Governments would be discussing unmet transit needs on Wednesday, April 4, 2012.

CITY COUNCIL MEMBER ITEMS

14. Announcement Regarding Mayor’s Appointments to Oversight Board.

Mayor Shoals announced his appointments to the Oversight Board to the Successor Agency as follows: 1) Cassandra Mesa, representing employees of the former Improvement Agency; and 2) John Laferriere. Mayor Shoals stated that in the event Mr. Laferriere was unavailable to serve on the Oversight Board, he would appoint either Jeff Lee or Brad Evans.

Action: Information only, no action required by the City Council.

COUNCIL COMMUNICATIONS

- A. Council Member Molnar noted a newspaper article was recently published regarding the issue of consolidating law enforcement services with the City of Arroyo Grande. She requested the Council receive an update regarding any recent discussions on this topic.

CITY MANAGER'S REPORTS AND COMMENTS

None at this time.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 8:12 p.m., the Council met in Closed Session regarding the following item:

1. **Conference with Legal Counsel - Existing Litigation**
Pursuant to Government Code Section 54956.9(a)
Flores and Passant v. Shultz, et al CV 120026

Closed Session Announcements: At 8:22 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 8:22 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 05/07/2012)