

**MINUTES
CITY COUNCIL MEETING
MONDAY, AUGUST 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 Held in honor of Tom Sullivan, former Community Development Director and Grover Beach resident.

FLAG SALUTE The flag salute was led by Police Chief Copsey.

ROLL CALL

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

City Staff: City Manager Perrault, Assistant City Attorney Martyn, City Clerk McMahon, Community Development Director Buckingham, Police Chief Copsey, and Planner II Reese were also present.

Also present were Fire Chief Joel Aranaz, Five Cities Fire Authority, and Lisa Wise, Lisa Wise Consulting.

CLOSED SESSION ANNOUNCEMENTS

Assistant City Attorney Martyn read the following announcement:

On Monday, July 16, 2012 after a Special Meeting in Closed Session at 5:00 p.m. regarding:

1. Public Employee Performance Evaluation.
Pursuant to Government Code Section 54957
Employee: City Manager

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

AGENDA REVIEW City Manager Perrault requested that Agenda Item No. 7 be continued to the next regularly scheduled meeting due to recent changes in forms and procedures required for preparing the Recognized Obligation Payment Schedule (ROPS). Brief discussion was held to move all agenda items listed under Consent to be considered prior to Public Hearing Item No. 2.

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

CEREMONIAL CALENDAR

1. Swearing-in Ceremony of Commander Tim Miller.

Police Chief Copsey administered the Oath of Office, and Commander Miller's wife, Jayleen, joined him in the badge pinning ceremony.

At this time Mayor Shoals acknowledged and welcomed former Grover Beach Mayors Dee Santos and Peter Keith, who were seated in the audience.

PUBLIC COMMUNICATIONS Mayor Shoals 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 the accuracy of water meters installed at his two residential properties, and commented on the fiscal health of the City.

There were no further public comments received.

ORDER OF THE DAY: Pursuant to Council consensus during review of the posted agenda, Mayor Shoals called for consideration of the Consent Agenda.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item No. 3 was pulled pursuant to the request of Council Member Peterson. It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to approve Consent Agenda Item Nos. 4, 5, and 6, 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.

4. **Second Reading and Adoption of an Ordinance Adding Chapter 17 To Article III of the Municipal Code to Add Regulations Restricting Smoking in Public Places** - Regulations prohibiting the smoking of tobacco products in public parks and the surrounding public sidewalks.
Action: Adopted Ordinance No. 12-04.

Ordinance No. 12-04: An Ordinance of the City Council of the City of Grover Beach Amending Article III of the Grover Beach Municipal Code to Add Regulations Restricting Smoking in Public Parks.

5. **Adoption of Federal Equitable Sharing Agreement** - Agreement to receive federally forfeited funds through the Police Department's participation in a multi-agency narcotic task force coordinated by the San Luis Obispo County Sheriff's Office.
Action: Adopted Resolution No. 12-51.

Resolution No. 12-51: Resolution of the City Council of the City of Grover Beach Authorizing the Mayor and the Chief of Police to Sign a Federal Equitable Sharing Agreement.

6. **Traffic Committee Report Recommending a Fifteen (15) Foot Red Zone Along the South Curb of Ritchie Road from North 8th Street to the Grover Heights Elementary School Parking Lot** - Recommendations regarding a request for red curbing at Grover Heights Elementary School from the Traffic Committee meeting of July 12, 2012.
Action: Adopted Resolution No. 12-52.

Resolution No. 12-52: Resolution of the City Council of the City of Grover Beach, California, Accepting the Traffic Committee Report and the Recommendation for a Fifteen (15) Foot Red Zone Along the South Curb of Ritchie Road from North 8th Street to the Grover Heights Elementary School Parking Lot.

PULLED CONSENT AGENDA ITEMS

3. **Treasurer's Report for the Period July 10, 2012 - August 1, 2012.**

Council Member Peterson requested and received additional information regarding specific check warrants.

Action: Unanimous consensus, the Council approved the Treasurer's Report as submitted.

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

PUBLIC HEARINGS

2. **Consideration of Zoning Code Update and Associated General Plan and Local Coastal Program Amendments to Bring into Conformance with the Land Use and Housing Elements (Development Application No. 11-12).** **Applicant:** City of Grover Beach.

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 a detailed summary of the comprehensive update of the

Zoning Code to bring it into conformance with adopted policies and programs of the General Plan Land Use Element, incorporate policies and programs of the Housing Element, and streamline the development review process. He noted amendments to the Local Coastal Program would generally revise the land use and zoning designations to bring them into conformance with the Land Use Element. Additionally, the General Plan Amendment included several proposed revisions to the Land Use Map. Further, the comprehensive update would result in a complete reorganization of the Zoning Code into a single document containing all development regulations, which therefore would be renamed the "Development Code". He then introduced Lisa Wise of Lisa Wise Consulting.

Ms. Wise provided an overview of updates regarding commercial zones, procedures, and administration. Community Development Director Buckingham and Ms. Wise then responded to questions from the Council.

Discussion ensued regarding the proposed amendments and impacts to residential and commercial zones.

Recess: Upon consensus of the City Council, the meeting recessed at 8:11 p.m.

Reconvene: At 8:18 p.m., the meeting reconvened with all Council Members present.

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

The following persons *objected* to proposed zone changes, citing negative impacts to their respective properties for future commercial or residential development:

- Mike Pryor, Grover Beach business and property owner of land located on Newport Avenue and Front Street; and
- Sean Schuur, representative for property owners of land located on El Camino Real.

The following persons spoke in *support* of the proposed Zoning Code update, but also in *support* of maintaining the existing zoning designation for the large commercial businesses located on Newport Avenue and Front Street - Pryor Industries and Voler:

- Peter Keith, Grover Beach resident, business and property owner, and former Mayor,
- Brad Forde, Grover Beach business and property owner; and
- Dave Ekbohm, Grover Beach resident, business and property owner, and former Mayor.

The following persons spoke in *support* of the proposed Zoning Code update:

- Greg Nester, developer;
- Charles Okui, property owner; and
- Paul Bischoff, Grover Beach resident, business and property owner, who also *objected* to regulations that would not allow residential units to be located outside the Central Business Open (C-B-O) zones, specifically in the Professional Office (O-P) zones.

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

Discussion ensued regarding a variety of zoning matters, including:

- commercial and industrial zones, expanding the allowable uses for properties located in the commercial industrial zone on Newport Avenue and Front Street to include visitor-serving uses to accommodate existing businesses, and establishing a buffer zone between commercial and industrial zones;
- mixed-used and live-work developments, and allowing home-based businesses to have an employee or assistant (Council Member Peterson distributed information regarding regulations being considered in Simi Valley to allow small businesses to operate from residential garages); and
- terminology regarding view-sheds, and minimum requirements for side- and rear-yard setbacks.

Actions: Upon consensus, the Council authorized:

- 1) Revising a portion of the area bordered by Front Street, Atlantic City Avenue, First Street, and Newport Avenue from "Coastal Commercial (C-C) Zone" to "Coastal Industrial Commercial (C-I-C)" to accommodate the existing businesses;
- 2) Revising the Professional Office (C-P) zone between 10th and 11th Streets on the north side of Ramona Avenue to "High Density Residential (R-3)";

- 3) Revising Professional Office (C-P) zone between 11th and 14th Streets on the south side of Ramona Avenue to "Central Business Open (C-B-O)";
- 4) Adding further clarification on the Commercial Use Table regarding uses permitted above or behind ground floor level commercial uses located on West Grand Avenue; and
- 5) Allowing home-based businesses with home occupation permits a maximum of one employee.

It was m/s by Council Members Molnar/Peterson to adopt Resolution No. 12-53 adopting the Negative Declaration. 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. 12-53: A Resolution of the City Council of the City of Grover Beach Adopting a Negative Declaration for Amendments to the General Plan, Local Coastal Plan and Zoning Code for Development Permit Application No. 11-12.

Action: It was m/s by Council Members Molnar/Peterson to introduce Ordinance No. 12-05 incorporating the changes outlined above and amending the Zoning Code, by title only, and 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, Molnar, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals.
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.

Ordinance No. 12-05: An Ordinance of the City Council of the City of Grover Beach Amending Grover Beach Municipal Code Article IX Planning and Zoning Regulations and Article VII Public Works Associated with Development Permit Application No. 11-12. (First Reading only)

Action: It was m/s by Council Members Peterson/Bright to adopt Resolution No. 12-54 incorporating the changes outlined above and approving the General Plan Amendment. 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. 12-54: A Resolution of the City Council of the City of Grover Beach Adopting General Plan Amendments for Development Permit Application No. 11-12.

Action: It was m/s by Council Members Bright/Molnar to adopt Resolution No. 12-55 approving a Local Coastal Program Amendment. 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. 12-55: A Resolution of the City Council of the City of Grover Beach Adopting a Local Coastal Program Amendment for Development Permit Application No. 11-12.

REGULAR BUSINESS

8. 2012 HOME Investment Partnerships Program Application and Retention of a Firm to Assist with the Filing of the Grant Application.

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 grant application to provide financing for first-time home buyers towards the purchase of affordable housing units to be occupied by the buyers as their primary residence. 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. No public comments were received.

Action: It was m/s by Council Members Molnar/Peterson to: 1) adopt Resolution No. 12-56 approving the submittal of a HOME application for First Time Homebuyer funds; and 2) authorize the City Manager to execute any agreements or contracts with the State in regards to this grant application. 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. 12-56: A Resolution of the City Council of the City of Grover Beach Authorizing the Submission of a HOME Investment Partnerships Program Application for a First Time Homebuyer Program.

Action: It was m/s by Council Members Molnar/Peterson to adopt Resolution No. 12-57 amending the Annual Appropriation Resolution. 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. 12-57: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 1st Amendment to the Annual Appropriation Resolution No. 12-35 by Providing Funding for CDBG Grant Writing Consultant Adams Ashby Group.

COUNCIL COMMITTEE REPORTS

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

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

- A. Council Member Peterson announced that she and Council Member Bright had signed up to participate in the Annual Dune Run Run event and challenged the other Council Members to also sign up and participate. Council Member Molnar accepted the challenge.
- B. Mayor Shoals commented on the street condition of North Oak Park Boulevard and suggested scheduling a discussion regarding options for rehabilitating either all or portions of the street.

Action: Upon consensus, the Council authorized scheduling a future discussion regarding potential options for funding and rehabilitating North Oak Park Boulevard.

- C. Council Member Bright suggested scheduling a presentation regarding water meters to inform customers of the City's process for determining the accuracy of a customer's water meter and suggestions for customers to determine whether a property has a water leak.

Action: Upon consensus, the Council authorized scheduling an informational presentation regarding the City's process for handling water meter complaints.

- D. Council Member Molnar requested scheduling a discussion regarding the City's representative to the South San Luis Obispo County Sanitation District and improving upon the information being provided to the Council regarding discussions between the District and the Regional Water Quality Control Board.

Brief discussion was held regarding the Mayor having the authority to appoint the City's representative to the District, and the confidential nature of the discussions being held by the District under Closed Session. Mayor Shoals stated that it would not be prudent to change the City's representative to the District at this time.

CITY MANAGER'S REPORTS AND COMMENTS

9. Discussion Regarding Cancellation of the Regular City Council Meeting of Tuesday, September 4, 2012.

City Manager Perrault requested that the Council consider cancelling the regularly scheduled meeting of September 4, 2012, due to some members of the Council traveling the following day to attend the Annual League of California Cities Conference scheduled to be held September 5-7, 2012.

Action: Upon unanimous consensus, the Council approved cancelling the regularly scheduled meeting for Tuesday, September 4, 2012.

In reference to an earlier comment regarding the "fiscal health" of the City, City Manager Perrault stated that the City was fiscally healthy, there were sufficient reserves in the bank, and recent media news regarding financial difficulties was due to the dissolution of the City's redevelopment agency by the State of California.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 10:04 p.m., the Council met in Closed Session regarding the following item:

1. Conference with Legal Counsel - Anticipated Litigation

Significant exposure to litigation pursuant to Government Code
Section 54956.9 (b): One (1) potential case - Threatened litigation
regarding 691 Atlantic City Avenue.

Closed Session Announcements: At 10:40 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 10:40 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 10/15/2012)