

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, NOVEMBER 19, 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 Mayor Pro Tem Nicolls.

**ROLL CALL**

City Council: Council Members Bright, Molnar, 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, Public Works Director/City Engineer Ray, Police Commander Peters, Parks and Recreation Program Director Petker, and Planner II Reese were also present.

Also present were Fire Chief Joel Aranaz and Emergency Preparedness Coordinator Dave Mathe of the Five Cities Fire Authority.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, November 5, 2012 after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Existing Litigation  
Pursuant to Government Code Section 54956.9(a)  
Lopez v. City of Grover Beach, et al CV 120210
2. Conference with Real Property Negotiators  
Pursuant to Government Code Section 54956.8  
Property: Various City Public Rights of Way (ROW)  
Agency negotiator: City Manager and City Attorney  
Negotiating party: Digital West Networks, Inc.  
Under negotiation: Terms and conditions of franchise/ROW

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

**AGENDA REVIEW** At this time, City Attorney Koczanowicz announced that, as the Court's decision regarding the case had not yet been received, the Closed Session item scheduled for this meeting was cancelled.

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

**CEREMONIAL CALENDAR**

1. **Mayor's Commendation Honoring Longtime Grover Beach Residents and Business Owners Gene and Gracia Bello.**

Mayor Shoals read and presented the Mayor's Commendation to Mr. and Mrs. Bello.

Upon request, Mayor Shoals invited comments from the public.

Peter Keith, former Mayor and Grover Beach resident, praised Mr. and Mrs. Bello for their civic involvement, particularly regarding the issue of the name change from "Grover City" to "Grover Beach".

There were no further public comments received.

**2. Mayor's Commendation Honoring Longtime Community Members and Business Owners Travis and Katherine Evans.**

Mayor Shoals read and presented the Mayor's Commendation to Mr. and Mrs. Evans.

**PRESENTATIONS**

**3. Presentation from Grover Heights Elementary School Fifth Graders Regarding Grover Beach Promotion.**

Betsy Ehrler, Literacy Support Teacher, and Zach Nichols, fifth grade student, at Grover Heights Elementary School, presented the City Council with a booklet of student artwork promoting Grover Beach that was created by students from Mrs. Nichols' 5<sup>th</sup> grade class.

**4. Presentation by San Luis Obispo County Third District Supervisor Adam Hill Regarding the John W. Callahan Heart Safe Project.**

San Luis Obispo County Third District Supervisor Adam Hill, Lynne Callahan, widow of former City of San Luis Obispo Fire Chief John Callahan, and Captain Tom Hughey of the Five Cities Fire Authority described the program to place automated external defibrillators (AEDs) throughout the County in memory of Fire Chief Callahan, who died unexpectedly approximately two years ago from cardiac arrest.

**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. Adam Hill, Third District Supervisor, announced the donation of County funds towards the City's annual holiday parade. He also praised Mayor Shoals for his leadership while serving on the San Luis Obispo Council of Governments and the Regional Transit Authority, as well as for progress achieved regarding transportation improvement projects in Grover Beach during his mayoral term.
- B. Brad Snook, Chair, Surfrider Foundation, expressed concerns regarding ocean water quality, management of the South San Luis Obispo County Sanitation District, and the proposal to conduct seismic testing by PG&E.

**Recess:** Upon consensus of the City Council, the meeting recessed at 7:13 p.m.  
**Reconvene:** At 7:23 p.m., the meeting reconvened with all Council Members present.

**PUBLIC HEARINGS**

**5. Development Permit Application No. 12-07: 920 South 10<sup>th</sup> Street (Northwest Corner of South 10<sup>th</sup> Street and Farroll Road). Applicant: Vernon and Associates, Inc. Project Site: 920 South 10<sup>th</sup> Street (APN 060-352-018), Multiple Family Residential (R-3) Zoning District.**

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 historical overview regarding the project site, and outlined recommendations from the Planning Commission for the proposed five-unit condominium development.

He described the proposed development and displayed site plans, floor plans, and project elevations, noting that the project consisted of two detached, three-story buildings with flat roofs and residences which would range in size from approximately 767 to 1,571 square feet. Three of the units would include a two-car garage, two units would include a one-car garage, and one unit would have an open parking space. The applicant had requested three development concessions in return for restricting the units for low-income households. Also, due to the lot's triangular shape, the applicant had requested a variance to allow the corners of the building to encroach varying distances into the 10-foot street-side setback along Farroll Road, but by no greater than two feet, seven inches. He also referenced a solar study that indicated the proposed project would cast shadows on the adjacent property only during the morning hours. Further, the project site and a majority of the

surrounding properties were located in the R-3 zone, with the exception of several properties located on the south side of Farroll Road that were zoned Light Manufacturing. He then responded to questions from the Council.

Brief discussion was held regarding requirements for affordable housing, various design aspects of the project, and building heights.

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 project:

- Brad Vernon, project applicant, described design constraints of the project site;
- Scott Martin, project architect, RRM Design Group, provided additional details regarding design features and responded to questions; and
- Jerry Rioux, Executive Director, San Luis Obispo Housing Trust Fund, praised the project for providing affordable housing units to the community.

The following person spoke in opposition to the project:

- Peter Uzzi, resident on South 9<sup>th</sup> Street, Grover Beach, expressed concerns regarding solar access, building height, and privacy for his residence as well as the adjacent neighbors.

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

Further Council discussion ensued regarding various design elements of the project, its compatibility with the surrounding neighborhood, consistency with elements of the General Plan, and project funding.

Council Member Molnar acknowledged the need for low-income housing, but disagreed that a three-story building would be compatible with the surrounding neighborhood.

Upon question, City Manager Perrault noted that a meeting was scheduled with the Department of Finance later in the week to discuss funds allocated for this affordable housing project.

City Attorney Koczanowicz responded to questions regarding an approved Regulatory Agreement between the applicant and the Grover Beach Improvement Agency for financial assistance.

**Action:** It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to adopt Resolution No. 12-72. 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. 12-72: A Resolution of the City Council of the City of Grover Beach, Approving Site and Architectural Plans, Use Permit, Tentative Tract Map, and Development Incentives/Concessions for Application No. 12-07 (920 South 10<sup>th</sup> Street).**

**Action:** It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to adopt Resolution No. 12-73. 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. 12-73: A Resolution of the City Council of the City of Grover Beach, Granting a Variance for Application No. 12-07 (920 South 10<sup>th</sup> Street).**

**6. Consideration of Adopting the 2012 Update of the Multi-Jurisdictional Local Hazard Mitigation 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, Police Commander Peters provided an overview of the process conducted to update the Multi-Jurisdictional Local Hazard Mitigation Plan, which currently included hazard mitigation information for the Cities of Grover Beach and Arroyo Grande, the Lucia Mar Unified School District, and the South San Luis Obispo County Sanitation District. Once adopted, the Plan would be submitted to state and federal agencies in order to qualify the participating agencies to receive certain grant funds.

He also noted that participating agencies had been invited to attend the National Fire Academy's Emergency Management Institute for a disaster preparedness training session in early April 2013. Along with the City Manager and two representatives from the Police Department, the City Council was requested to designate one of its members to also attend the training. He then responded to questions from the Council regarding various sections of the draft Plan.

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

Brief discussion was held regarding the new emergency communications center constructed by the County and PG&E and potentially scheduling a local disaster preparedness training session for elected officials, as well as a joint training exercise with the County and PG&E.

Mayor Shoals requested that his name on the draft Plan as "the Council representative" be removed.

**Action:** Upon consensus: 1) direction was provided to amend the updated draft Multi-Jurisdictional Local Hazard Mitigation Plan to remove the name of "John P. Shoals" as the Council representative on the Planning Group; and 2) the Council deferred the decision regarding selection of one member of the City Council to attend the Emergency Management Institute until all newly-elected members were seated in December.

It was then m/s by Council Members Peterson/Bright to adopt Resolution No. 12-74. The motion carried on the following roll call vote:

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

**Resolution No. 12-74: A Resolution of the City Council of the City of Grover Beach, Adopting the 2012 Update of the Multi-Jurisdictional Local Hazard Mitigation Plan.**

**CONSENT AGENDA**

**At this time Council Member Molnar declared a conflict of interest regarding Consent Agenda Item No. 10 only, due to her business being located within 500 feet of the subject property.**

It was m/s by Council Members Bright/Peterson to approve Consent Agenda Item Nos. 7, 8, 9, 10, and 11 as recommended. The motion carried on the following roll call vote:

AYES: Council Members Bright, Molnar (except for Item No. 10 only), Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals.  
NOES: Council Member - None.  
ABSENT: Council Members - None.  
ABSTAIN: Council Members - None.  
RECUSED: Council Member Molnar (due to conflict of interest for Consent Agenda Item No. 10 only).

7. **Treasurer's Report for the Period October 30, 2012 - November 14, 2012.**  
**Action:** Approved as submitted.
8. **Minutes of the City Council Meeting of Monday, November 5, 2012.**  
**Action:** Approved the minutes as submitted.
9. **Change to the Lease Agreement Between the City of Grover Beach and the San Luis Obispo County YMCA for Operation of the South County Skate Park** - Reimbursing the YMCA during the initial one-year term of the contract for operation and maintenance of the Skate Park.  
**Action:** 1) Approved changes to the Lease Agreement for the San Luis Obispo County YMCA to operate the South County Skate Park; and 2) authorized the Mayor to execute the Agreement on behalf of the City.
10. **FY 13 Budget Amendment to Fund CIP 273, South 13<sup>th</sup> Street Sidewalk Improvements Project** - Amending the FY 13 Budget to appropriate \$133,161 in additional funding to CIP 273, the South 13<sup>th</sup> Street Sidewalk Improvements Project.  
**Action:** 1) Adopted Resolution No. 12-75, amending the Annual Appropriation Resolution to appropriate \$83,161 of additional funding for the project from the Gas Tax Fund balance; and 2) adopted Resolution No. 12-76, amending the Capital Improvement Program for FY 13 through FY 17 to transfer \$50,000 in additional funding from CIP 283, Local Street Rehabilitation Program, to CIP 273, South 13<sup>th</sup> Street Sidewalk Improvements Project.  
  
*(Note: Council Member Molnar was recused from this item due to a conflict of interest.)*  
  
**Resolution No. 12-75: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 3<sup>rd</sup> Amendment to the Annual Appropriation Resolution No. 12-60 by Providing Funding for South 13<sup>th</sup> Street Sidewalk Improvements.**  
  
**Resolution No. 12-76: A Resolution of the City Council of the City of Grover Beach, California Amending the Capital Improvement Program (CIP) for FY 13 through FY 17.**
11. **Amendment to the Joint Powers Agreement with the San Luis Obispo Regional Transit Authority** - Approving modifications to the agreement with the Regional Transit Authority (RTA) to enable alternate representatives to serve on the Board and permit the RTA to incur debt.  
**Action:** Adopted Resolution No. 12-77.  
  
**Resolution No. 12-77: A Resolution of the City Council of the City of Grover Beach, California, Approving the Amended Joint Powers Agreement Between the County and the Incorporated Cities Within the County for the San Luis Obispo Regional Transit Authority.**

## **REGULAR BUSINESS**

Prior to discussion of Agenda Item No. 12, Council Member Peterson declared a conflict of interest due to both her residence and business being located within 500 feet of the subject property. She stepped down from the dais and left the Council Chambers.

12. **Request for Waiver of Public Improvement Requirements and Bonding Agreement with Verizon Wireless: 201 South 3<sup>rd</sup> Street Wireless Tower.**  
**Applicant:** Verizon Wireless; **Project Site:** 201 South 3<sup>rd</sup> Street.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, Public Works Director/City Engineer Ray provided an overview regarding the request from Verizon Wireless for a partial or complete waiver of the requirement to construct curb, gutter, sidewalk, and street conform improvements, and for Council approval to bond for any remaining public improvement requirements so that Verizon could receive final inspection and begin operation of a wireless communication tower. Public Works Director/City Engineer Ray and the City Attorney 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 Mebane, representative of Verizon Wireless, spoke in support of the request for a waiver, objected to increased project costs to construct the public improvements, and responded to Council question regarding the proposed wireless facility.

There were no further comments received.

Further Council discussion was held regarding the project and public improvements that would be required along two street frontages.

City Attorney Koczanowicz noted that the property owner and the Verizon representative had signed the resolutions agreeing to the project's conditions of approval. He also clarified that payment of an in-lieu fee was not an option available to the applicant.

Mayor Shoals objected to requiring the applicant to incur the cost of constructing all public improvements when those costs significantly exceeded original project construction costs.

**Action:** It was m/s by Mayor Pro Tem Nicolls/Council Member Molnar to: 1) **deny** the request for a waiver for all of the public improvements, and 2) **approve** the bond and Agreement and Undertaking for Installation and Construction of Public Improvements. The motion carried on the following roll call vote:

AYES: Council Members Bright, Molnar, and Mayor Pro Tem Nicolls.  
NOES: Mayor Shoals.  
ABSENT: Council Members - None.  
ABSTAIN: Council Members - None.  
RECUSED: Council Member Peterson (*due to conflict of interest*).

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

**13. Status Report: Short- and Long-term Strategy for Street Rehabilitation.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, Public Works Director/City Engineer Ray provided an overview regarding street maintenance needs, funding sources, and the short-term strategy to maintain City streets adopted in February 2011 as a result of limited funding. He noted that the City's rehabilitation efforts were primarily to rehabilitate major collectors / arterials or complete projects that had a special focus, such as the Ramona Transit Hub and Safe Routes to Schools projects. He also described street rehabilitation projects citywide that had been completed through a combination of funding sources, and outlined alternatives to pursue additional funding for a multi-faceted long-range approach. He then responded to questions from the Council regarding the prioritized list of street segments for rehabilitation.

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

Further Council discussion was held regarding estimated costs to maintain all major connecting streets, and whether to periodically rehabilitate one residential street segment along with the list of major collectors and arterials. Council also requested that, in the future, staff provide the Council with a list of prioritized street segments identified for rehabilitation along with cost estimates to maintain the street segment at the "Pavement Condition Index" (PCI) rating of 60.

**Action:** Upon unanimous consensus, the Council confirmed the existing strategy for street repairs.

**PULLED CONSENT AGENDA ITEMS**

None at this time.

**COUNCIL COMMITTEE REPORTS**

Council Member Bright reported on meetings of the Air Pollution Control District and the Integrated Waste Management Authority.

Council Member Molnar reported on the meeting of the Water Resources Advisory Committee.

Council Member Peterson stated she would defer her committee reports to the next meeting.

Mayor Pro Tem Nicolls reported on the meeting of the South San Luis Obispo County Sanitation District.

Upon request, City Manager Perrault reported on recent meetings with Coastal Commission staff and equestrian representatives regarding the Grover Beach Lodge Project. He also described an upcoming Coastal Commission workshop scheduled for early December 2012 in San Francisco regarding Local Coastal Plan Amendments that City staff would be attending.

Mayor Shoals noted that he also planned on attending the Coastal Commission workshop. He then reported on meetings of the South County Area Transit and the Five Cities Fire Authority.

### **CITY COUNCIL MEMBER ITEMS**

None at this time.

### **COUNCIL COMMUNICATIONS**

- A. Council Member Bright suggested scheduling a discussion at the next City Council meeting regarding the recent Charter City ballot measure.

City Manager Perrault noted that it was still unknown whether election results would be certified in time for the next regular City Council meeting of December 3, 2012, noting the deadline for the County Clerk-Recorder's Office to officially certify the results was December 4, 2012.

Brief discussion was held regarding whether to reschedule the next City Council meeting to a later date and other items of business that would be conducted at that same meeting.

**Action:** Upon consensus, staff was directed to cancel the next regular City Council meeting scheduled to be held on Monday, December 3, 2012 and to schedule a special meeting on Monday, December 10, 2012. (Note: Due to scheduling conflicts, the Special City Council meeting was held on Thursday, December 6, 2012.)

- B. Mayor Pro Tem Nicolls commented on recent observations regarding the use of electronic devices to access City documents. He suggested scheduling a future discussion regarding whether it would be economically feasible to provide Council Members with agenda packets in electronic format accessed via electronic tablet devices, such as "iPads".

**Action:** Upon consensus, staff was directed to schedule a future Council discussion regarding the feasibility of providing agenda packets in electronic format accessed on electronic tablet devices.

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

#### **14. Status Report Regarding City Hall Improvements.**

City Manager Perrault stated that staff was working on preparing final recommendations for the City Hall Improvements Project that included improvements to exterior areas, parking lot, landscaping, and signage. He noted preliminary designs for City Hall signage had been prepared by Garing Taylor and Associates and were distributed to each Council Member just prior to the meeting. Council Members were requested to submit comments regarding the preliminary designs directly to the City Manager. He noted that further discussion regarding the improvements was tentatively scheduled for December 17, 2012.

Mayor Shoals suggested contacting Tom Redding, who had designed other City monument signs, for input on alternative design options.

Upon request, City Manager Perrault provided a brief update regarding: 1) *Municipal Broadband Project* - Discussions were ongoing with Digital West and a follow-up meeting was yet to be scheduled; and 2) *Train Station Expansion Project* - staff anticipated retaining the services of an engineer to begin construction drawings in the coming months.

**CITY ATTORNEY'S REPORTS AND COMMENTS**

None at this time.

**CLOSED SESSION**

As announced earlier in the meeting under "Agenda Review", the following item was cancelled:

1. ~~**Conference with Legal Counsel – Existing Litigation**  
Pursuant to Government Code Section 54956.9(a)  
Lopez v. City of Grover Beach, et al CV 120210~~

**ADJOURNMENT**

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 10:32 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 02/04/2013)