

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, SEPTEMBER 16, 2013**

**CALL TO ORDER** Mayor Peterson 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**

**ROLL CALL**

City Council: Council Members Lee, Marshall, Nicolls, Mayor Pro Tem Bright, and Mayor Peterson were present.

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, Acting Police Chief Peters, and Parks & Recreation Program Director Petker were also present.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, August 19, 2013 after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Regional Water Quality Control Board v. City of Grover Beach, Complaint No.  
R3-2013-0039

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

**AGENDA REVIEW** Mayor Peterson announced that, in anticipation of the arrival of the student scheduled to lead the salute to the flag this evening, the flag salute would be delayed until immediately after the Ceremonial Calendar.

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

**CEREMONIAL CALENDAR**

**1. Proclamation Declaring September 2013 as “Childhood Cancer Awareness Month”.**

Mayor Peterson read and presented the proclamation to a group of classmates, neighbors, and friends who had gathered to show their support for 8-year-old Grover Beach resident Sammy Jeffers, who was diagnosed with inoperable cancer. It was noted that the proclamation would be placed on display at City Hall for the remainder of the month and would thereafter be delivered to the Jeffers’ home.

Harmony Brown and Eralyne Krasner described an upcoming event to be held at Grover Heights Elementary School to raise funds for childhood cancer research.

**2. Proclamation Declaring September 17-23, 2013 as “Constitution Week”.**

Council Member Lee read the proclamation and stated that staff would be in contact with a local representative to pick up the proclamation at City Hall.

**3. Proclamation Declaring October 2013 as “Energy Awareness Month”.**

Council Member Marshall read and presented the proclamation to Nikki Streegan, Land Use Technician for the Energy Division of the San Luis Obispo County Department of Planning and Building. Ms. Streegan described upcoming activities in observance of “Energy Awareness Month”. She then distributed commemorative t-shirts.

**ORDER OF THE DAY:** The salute to the flag was held at this time.

**FLAG SALUTE** In the absence of the scheduled flag salute student, Mayor Peterson led all those present in the flag salute.

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

#### **PRESENTATION**

**4. Presentation by California Polytechnic State University College of Architecture & Environmental Design Representatives Regarding a Joint Project with the Exploration Station.**

Executive Director Love introduced Exploration Station Board Members who were seated in the audience, Professor Robert Arens, and Cal Poly students Chip Hubert and Natacha Schnider. Referencing a PowerPoint presentation, Professor Arens provided an overview regarding a proposed outdoor exhibit to be constructed in the front courtyard area of the Exploration Station. He noted that the exhibit was designed to improve visitor safety and increase public awareness, while also serving as an earth science exhibit. Professor Arens, Exploration Station Executive Director Deborah Love, and the Cal Poly students responded to questions from the Council.

Discussion ensued regarding the proposed design and construction materials. The Council praised the proposed project and thanked Professor Arens, Executive Director Love, and the students for the informative presentation.

**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.

No public comments were received at this time and the Mayor closed the Public Communications segment for this portion of the meeting.

#### **PUBLIC HEARING**

**5. Introduction and First Reading of Proposed Ordinance Amending Article X of the Grover Beach Municipal Code to Consent to the Adoption of a City Pipeline Franchise and Assignment to Phillips 66 Pipeline, LLC.** (Continued Public Hearing from the City Council meeting of August 19, 2013.)

Mayor Peterson read the title to the foregoing item, declared the continued Public Hearing open, and deferred to staff for a report. City Attorney Koczanowicz stated that the proposed amendment was still pending legal review by Phillips 66. He therefore recommended the Council receive testimony from anyone wishing to provide it at this time and to continue the Public Hearing to October 21, 2013.

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

**Action:** Upon unanimous consensus, the City Council continued the Public Hearing to the regular City Council meeting of Monday, October 21, 2013.

#### **CONSENT AGENDA**

It was m/s by Mayor Pro Tem Bright/Council Member Lee to approve Consent Agenda Item Nos. 6, 7, 8, and 9 as recommended. The motion carried on the following roll call vote:

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

**6. Treasurer's Report for the Period August 14, 2013 - September 10, 2013.**

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

**7. Minutes of the City Council Meeting of August 19, 2013.**

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

**8. Business Tax Certificate Report: Second Quarter 2013 - Business Tax Certificates issued April 1, 2013 through June 30, 2013.**

**Action:** Received and filed the report.

9. **Records Destruction Authorization** - Authorizing the destruction of certain City records in accordance with the established records retention schedule.

**Action:** Adopted Resolution No. 13-38.

**Resolution No. 13-38: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the Destruction of Certain Personnel Records Related to Past Recruitments.**

## **REGULAR BUSINESS**

10. **Appointments to the Parks, Recreation & Beautification Commission.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. For the information of those present, Parks & Recreation Program Director Petker briefly described recommendations from the Advisory Body Screening Committee after conducting applicant interviews on September 9, 2013.

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

The following applicants expressed appreciation for the opportunity to serve, or continue serving, on the Parks, Recreation & Beautification Commission:

- Dee Santos, former Mayor and current Parks, Recreation & Beautification Commissioner;
- Ellie Ross, current Parks, Recreation & Beautification Commissioner; and
- Geraldine Roseboro, Grover Beach resident.

**Action:** It was m/s by Council Members Nicolls/Marshall to: 1) accept the Advisory Body Screening Committee's recommendations; 2) adopt Resolution No. 13-39 authorizing the appointments of Ellie Ross and Dee Santos to serve four-year terms of office on the Parks, Recreation & Beautification Commission, for terms scheduled to expire on March 31, 2017; and 3) appointing Geraldine Roseboro to fill the remainder of the term for an unscheduled vacancy, which was scheduled to expire on May 31, 2015. The motion carried on the following roll call vote:

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

**Resolution No. 13-39: A Resolution of the City Council of the City of Grover Beach, California, Appointing Ellie Ross and Dee Santos to Serve Four-Year Terms of Office and Appointing Geraldine Roseboro to Serve the Remainder of an Unscheduled Vacancy on the Parks, Recreation & Beautification Commission.**

Commissioners Ross, Santos, and Roseboro were then introduced to the City Council and members of the audience. The Council thanked each of the Commissioners for their willingness to serve on a City advisory body.

11. **Request for Waiver of Street Improvement Requirements Due to Hardship for Development Permit Application No. 13-06.**

Location: Central Coast Baptist Church, 192 South 9<sup>th</sup> Street;

Applicant: Jeff Merksamer/Pastor Richard Bennett.

(Continued Business from the City Council Meeting of August 19, 2013.)

Mayor Peterson 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 applicant's request to waive street improvement requirements, specifically the installation of curb, gutter, and sidewalk, for an addition of 320 square feet to an existing 384 square foot structure used for food storage and distribution. He also noted a correction to page two of the staff report regarding "alternatives" and requested the Council to disregard references to undergrounding utilities, as the Council had already granted a waiver regarding that requirement. Staff then responded to questions from the Council.

Discussion ensued regarding various factors that resulted in the requirement to construct street improvements.

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

The following persons spoke in support of the waiver:

- Jeff Merksamer, Applicant's representative and member of the Kiwanis of Greater Pismo Beach;
- Fern Schlicht, President, Five Cities Christian Women Emergency Food Ministry;
- Tom Egan, Oceano resident;
- Cindy Price, Vice President, Five Cities Christian Women Emergency Food Ministry, and Grover Beach resident;
- Edie Hatton, Grover Beach resident;
- Eileen Christian, Pismo Beach;
- Geraldine Roseboro; Parks, Recreation & Beautification Commissioner;
- Skylar Hall, Secretary, Five Cities Christian Women Emergency Food Ministry, and Grover Beach resident; and
- Bernadine Duffin, Arroyo Grande.

Council Member Marshall commented that he appreciated the food ministry program, but expressed concerns that increasing the program's food storage capacity might increase the number of people visiting the site. He stated this would further necessitate the installation of curb, gutter, and sidewalk to ensure safe access for program participants as well as area residents. He disagreed with the cost estimates as presented for constructing the street improvements; objected to the request for a waiver; and suggested, as an alternative, granting the applicant a time extension to raise funds for constructing the improvements.

Council Member Nicolls also expressed his appreciation for the food ministry program, but noted the Council had placed a high priority on installing street improvements whenever possible. He therefore objected to the request for a waiver of the requirement for street improvements.

Further Council discussion was held regarding whether the costs to construct the required street improvements were impractical.

**Action:** It was m/s by Mayor Pro Tem Bright/Council Member Lee to adopt Resolution No.13-40 granting the waiver regarding street improvement requirements. The motion carried on the following roll call vote:

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

**Resolution No. 13-40: A Resolution of the City Council of the City of Grover Beach, California, Approving a Request for Waiver of Street Improvement Requirements for 192 South 9<sup>th</sup> Street (Development Permit No. 13-06).**

## **12. Request to Schedule a Future Workshop Regarding Water Resources.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. For the information of those present, City Manager Perrault noted that the Council had previously requested scheduling a workshop to review water resources and usage pertaining to Grover Beach. He described a proposed workshop format, suggested meeting date, and confirmed that City Engineer Garing would be available to attend the workshop.

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

**Action:** Upon unanimous consensus, the Council authorized scheduling a Water Resources Workshop to be held on Monday, October 28, 2013 at 6:30 p.m.

**THE GROVER BEACH CITY COUNCIL IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE DISSOLVED GROVER BEACH IMPROVEMENT AGENCY.**

City Attorney Koczanowicz clarified that Agenda Item No. 14 was for the City Council in its capacity as the "Successor Housing Agency" to the Dissolved Grover Beach Improvement Agency.

**SUCCESSOR AGENCY & SUCCESSOR HOUSING AGENCY - CONSENT AGENDA**

It was m/s by Council Member Lee/Mayor Pro Tem Bright to approve Successor Agency Consent Agenda Item No 13 and Successor Housing Agency Consent Agenda Item No. 14 as recommended. The motion carried on the following roll call vote:

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

13. **Adoption of Recognized Obligation Payment Schedule for January 1, 2014 to June 30, 2014 (ROPS 13-14B)** - Review and adoption of the Recognized Obligation Payment Schedule for submission to the Oversight Board for its consideration.

**Resolution No. SA-13-04: A Resolution of the Successor Agency to the Dissolved Grover Beach Improvement Agency Approving and Adopting a Draft of the Recognized Obligation Payment Schedule (ROPS) Pursuant to Health and Safety Code Section 34177(I).**

14. **Consideration of Disposition of Two Properties Acquired with Low and Moderate Housing Funds** - Authorizing the City Attorney to take the necessary steps to liquidate two properties originally purchased for the purpose of producing affordable housing units. Property locations: 1) South 10<sup>th</sup> Street and Farroll Road (APN 060-352-018); and 2) 1541 Hillcrest Drive (APN 060-581-032).

**Resolution No. SA-13-05: A Resolution of the City Council for City of Grover Beach, California, In Its Function as Successor Housing Agency Initiating the Process of Disposal of Properties Purchased with the Low and Moderate Housing Funds.**

**PULLED CONSENT AGENDA ITEMS**

None at this time.

**COUNCIL COMMITTEE REPORTS**

Mayor Pro Tem Bright stated that she had nothing to report at this time.

Council Member Lee reported on events sponsored by the Chamber of Commerce and meetings of the Integrated Waste Management Authority and Visit San Luis Obispo County. He noted that the IWMA Board had discussed and approved a stipend program for Board Members, but that he voluntarily chose not to receive the stipend for his IWMA committee assignment for the remainder of 2013. It was noted that the Fair Political Practices Commission had reporting requirements regarding stipends for elected officials serving on other boards or commissions.

Council Member Marshall stated that he had nothing to report at this time.

Council Member Nicolls stated that he had nothing to report at this time.

Mayor Peterson reported on meetings and sponsored programs of the Air Pollution Control District, and meetings of the South San Luis Obispo County Sanitation District and the San Luis Obispo Council of Governments. She also noted that Council Member Marshall would be attending the next meeting of the Sanitation District, as she was scheduled to attend the League of California Cities Annual Conference in Sacramento.

**CITY COUNCIL MEMBER ITEMS**

None at this time.

### **COUNCIL COMMUNICATIONS**

- A. Council Member Nicolls requested Council consensus to schedule a discussion regarding recent correspondence requesting elected officials to send a letter in support of passenger rail service. He also suggested the Mayor present that same request at the next Mayors meeting.

Mayor Peterson confirmed that she would add the request for a letter of support to the next Mayors meeting agenda and that she had forwarded the information to the Executive Director of the San Luis Obispo Council of Governments.

**Action:** Upon unanimous consensus, the Council requested that staff confirm whether letters of support were still being accepted and, if timely, authorized scheduling a discussion regarding the request to send a letter in support of passenger rail service on the next City Council agenda.

- B. Mayor Pro Tem Bright expressed her appreciation for the City's sponsorship of the annual 9/11 Memorial Event and thanked Recreation Coordinator Nora O'Donnell and Parks & Recreation Program Director Kathy Petker for coordinating the memorial and related art displays.
- C. Mayor Peterson thanked and praised Parks and Recreation staff for coordinating the Summer Concert Series, the 9/11 Memorial Event, the Downtown Block Party, and preparing for the upcoming Savor the Central Coast event.
- D. Council Member Lee requested an estimated date when the Council would be receiving an update regarding the Oak Park Boulevard Street Rehabilitation Project and Phase 3 of the West Grand Avenue Enhancement Project.

City Manager Perrault confirmed that information regarding both projects would be included in the next update to the Capital Improvement Plan.

- E. Mayor Peterson requested an update regarding the recent Traffic Committee meeting and the discussion regarding U-turns in the downtown area. City Manager Perrault responded that the Committee had recommended removal of the "No U-turn" signs at both ends of the project area for Phase 2 of the West Grand Avenue Enhancement Project.

Mayor Peterson inquired whether future reports regarding business tax certificates could also include data that might assist with analyzing local economic trends.

Brief discussion was held regarding the type of information that could be included in future staff reports, such as a summary of the number of new businesses added per quarter and per year, as well as the number of existing businesses from year to year.

Mayor Peterson then announced two local community groups, Grover Beach United and Eco Rotary Club of Grover Beach, were sponsoring Beach Clean Up events to be held on Saturday, September 21, 2013.

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

City Manager Perrault provided a status update regarding the Grover Beach Lodge project, noting the next meeting of Joint Authority members was scheduled to be held in San Diego on Friday, October 4, 2013.

He then announced the City was recently notified it was awarded a major Community Development Block Grant in the amount of \$1.8 million. He stated that the City had historically participated in the County's entitlement program, which provided an annual amount of approximately \$115,000. He stated the award represented a fully-funded grant request and praised the efforts of Community Development Director Bruce Buckingham and Planner II Janet Reese, who worked extensively with a consulting firm to submit the City's first Community Development Block Grant application on a state-wide competitive basis.

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

City Attorney Koczanowicz stated that he would be attending the upcoming League of California Cities Annual Conference in Sacramento.

**CLOSED SESSION**

At 9:09 p.m., the Council met in Closed Session regarding the following items:

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

Closed Session Announcements: At 9:44 p.m., Mayor Peterson reconvened the meeting in open session with all Council Members present. City Attorney Koczanowicz announced there were no reportable actions taken during Closed Session.

**ADJOURNMENT**

There being no further business to come before the City Council, Mayor Peterson adjourned the meeting at 9:45 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 10/07/2013)