

**MINUTES
CITY COUNCIL MEETING
MONDAY, SEPTEMBER 15, 2014**

CALL TO ORDER Mayor Peterson called the meeting to order at 6:43 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 Chloe Briley, an 11-year-old, 6th grade student at Fairgrove Elementary School.

ROLL CALL

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

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Police Chief/Assistant City Manager Copsey, Administrative Services Director Chapman, Community Development Director Buckingham, Public Works Director/City Engineer Ray, and Commander Miller were also present.

Also present were City Engineer (Sewer/Water) Jim Garing and Executive Director Ron DeCarli, San Luis Obispo Council of Governments.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, August 18, 2014 after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Lopez v. City of Grover Beach, et al CV 120210
2. Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6.
Agency Negotiator: City Manager Robert Perrault, Police Chief/Assistant City Manager James Copsey, Administrative Services Director Gayla Chapman, Assistant Administrative Services Director Eve Byrd, Human Resources Coordinator Channelle Hubbard, and Commander John Peters or Commander Tim Miller (may include some or all of the above)
Represented Employee Group: Grover Beach Police Officers' Assoc. (GBPOA)
3. Conference with Legal Counsel - Anticipated Litigation
Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation
Pursuant to Government Code Section 54956.9(d)(4): One (1) potential case.

the City Council reconvened into open session. It was noted that Mayor Pro Tem Lee had left prior to discussion of Closed Session Item No. 3 due to a conflict of interest. It was then announced that there were no reportable actions taken during the Closed Session.

AGENDA REVIEW Council Member Marshall requested the Council consider Regular Business Agenda Item Nos. 8 and 9 after the Ceremonial Calendar and prior to the scheduled Public Hearings.

Action: Upon consensus of the Council, Mayor Peterson voting against, the agenda was amended as requested.

CEREMONIAL CALENDAR

1. **Proclamation Declaring October 2014 as "Filipino American History Month".**

Mayor Peterson read and presented the proclamation to representatives from the Filipino Association of San Luis Obispo County. Mr. Abe Garces invited the City Council and members of the public to attend a dinner in celebration of Filipino American History Month on Saturday, October 11, 2014.

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

Emerito Cabrerros, Arroyo Grande resident, invited the City Council and members of the public to attend the Narvacan Sister City Celebration events, which included a dinner on Saturday, October 4 and luncheon on Sunday, October 5, 2014.

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. Allan MacKenzie, Oceano resident, expressed concerns regarding a recent structure fire in Oceano and invited the public to attend the next meeting of the Five Cities Fire Authority.
- B. Sharon Brown, Grover Beach resident, commended the City for hosting the 9/11 Annual Memorial event and praised the community for its participation.

ORDER OF THE DAY: Pursuant to Council consensus during review of the posted agenda, Mayor Peterson called for discussion of Agenda Item Nos. 8 and 9.

REGULAR BUSINESS

8. Appointments to the Planning Commission.

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. Community Development Director Buckingham reviewed the recommendations from the Advisory Body Screening Committee regarding reappointing John Laferriere and Karl Blum to serve on the Planning Commission.

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: It was moved by Council Member Marshall and seconded by Council Member Bright to: 1) accept the Screening Committee's recommendations, and 2) adopt Resolution No. 14-67 reappointing John Laferriere and Karl Blum to the Planning Commission for four-year terms of office, scheduled to expire on May 31, 2018. The motion carried on the following roll call vote:

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

Resolution No. 14-67: A Resolution of the City Council of the City of Grover Beach, California, Appointing John Laferriere and Karl Blum to the Grover Beach Planning Commission.

Planning Commissioner Laferriere was then re-introduced to the Council and members of the audience. Commissioner Blum was not present at this meeting.

9. Appointment to the Parks, Recreation & Beautification Commission.

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. City Manager Perrault reviewed the recommendation from the Advisory Body Screening Committee regarding appointing Jan Ojerholm to the Parks, Recreation & Beautification Commission to serve the remainder of a four-year term due to an unscheduled vacancy on the Commission.

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.

Mayor Peterson publicly recognized members of the Parks, Recreation & Beautification Commission who were seated in the audience: Chair Dee Santos, Vice Chair Heidi Boatman, and Commissioners Debbie Johnston and Geraldine Roseboro.

Action: It was moved by Mayor Pro Tem Lee and seconded by Council Member Bright to: 1) accept the Screening Committee's recommendation, and 2) adopt Resolution No. 14-68 authorizing the appointment of Jan Ojerholm to serve the remainder of a four-year term of office on the Parks, Recreation & Beautification Commission, scheduled to expire on March 31, 2017. The motion carried on the following roll call vote:

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

Resolution No. 14-68: A Resolution of the City Council of the City of Grover Beach, California, Appointing Jan Ojerholm to serve on the Parks, Recreation & Beautification Commission.

Parks, Recreation & Beautification Commissioner Ojerholm was then introduced to the Council and members of the audience.

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

PUBLIC HEARINGS

2. Consider Adoption of a Climate Action Plan, Development Permit 13-21. Applicant – City of Grover Beach.

Mayor Peterson read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Community Development Director Buckingham provided an overview of the State mandate that established specific targets for the reduction of greenhouse gas emissions (GHG) both statewide and locally by the year 2020. He described subsequent actions by the City Council authorizing staff to collaborate with other agencies in the preparation of a Climate Action Plan, and noted that each agency plan would establish strategies best suited to the respective community for reducing GHG through the implementation of certain programs.

Community Development Director Buckingham described public meetings held to obtain input regarding the draft Climate Action Plan (CAP) for Grover Beach, and outlined concerns raised regarding the methodology used to calculate and project GHG emissions from transportation sources in the original draft CAP. He noted that a regional transportation study was scheduled to be completed in early 2015 that would provide more accurate data for Grover Beach. If the Council chose to delay adoption of the CAP, the updated data could be incorporated into a revised document. He then outlined GHG reduction measures included in the draft CAP for Grover Beach, and described the Planning Commission's recommendation to delay its adoption until further analysis could be completed regarding transportation emissions. He noted that Ron DeCarli, Executive Director for the San Luis Obispo Council of Governments, would be commenting on the draft CAP.

Mayor Peterson invited comments from those in the audience who wished to be heard on this matter, beginning with Planning Commission Chair Laferriere and followed by Executive Director DeCarli.

John Laferriere, Planning Commission Chair, displayed a PowerPoint presentation as he described the Commission's concerns regarding the transportation emissions forecast and the Commission's recommendation to delay adoption of the CAP until further analysis could be completed. He also suggested City staff and the Mayor provide a summary of these concerns to their respective counterparts in the surrounding cities.

Ron DeCarli, Executive Director, San Luis Obispo Council of Governments, briefly described the traffic data collected to prepare each agency's CAP and concurred with the

concerns raised by the Planning Commission and City staff regarding the transportation emissions forecast. However, due to the estimated cost to revise the Draft CAP and potentially negative impacts to development projects in Grover Beach if adoption of the CAP was delayed, he recommended adopting the CAP with the acknowledgment that the projection for transportation emissions was overestimated. He also suggested adding "state and federal grants" as a funding resource in the summary of measures included in the CAP.

Discussion ensued with Chair Laferriere, Executive Director DeCarli, and staff responding to questions from the Council. It was noted that Grover Beach was the only city in the County that had not adopted a CAP with customized toolbox measures; that the consultant's methodology used to determine transportation emissions was unclear; and that future updates of the CAP should have a more transparent process for review and analysis of the data.

Mayor Peterson invited additional public comments regarding this matter.

Sharon Brown, Grover Beach, commented on the complexity of the topic.

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

Further discussion was held regarding potential changes by the State regarding future GHG target reductions; and potential negative impacts to pending development projects if adoption of the CAP was delayed further. The Council thanked and praised the Planning Commission for its thorough review, analysis, and comments regarding the Draft CAP.

Action: It was moved by Council Member Nicolls and seconded by Council Member Bright to adopt Resolution No. 14-69 adopting the Negative Declaration for the Climate Action Plan. The motion carried on the following roll call vote:

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

Resolution No. 14-69: A Resolution of the City Council of the City of Grover Beach Adopting a Negative Declaration for the Climate Action Plan.

Action: It was moved by Council Member Nicolls and seconded by Mayor Pro Tem Lee to adopt Resolution No. 14-70 adopting the Climate Action Plan (CAP), including the following language to indicate that the 2020 business-as-usual transportation GHG emissions forecast was overestimated and would be revised when the CAP is updated:

"The City Council adopted this Climate Action Plan (CAP) on September 15, 2014 but acknowledged that the 2020 business-as-usual greenhouse gas (GHG) forecast for transportation emission of 25,481 MT CO₂e is overestimated as shown in Table ES-1. The source of GHG emissions from transportation sources is based entirely on the number of vehicle miles traveled (VMT). At the time the initial process began to prepare the CAP in April 2012, the best available data was used to calculate the VMT baseline year of 2005 and VMT forecast for 2020. However, the data used is already outdated because assumptions for population growth have decreased and revised VMT data indicates a reduction in VMT per capita. This will likely result in a lowered target GHG reduction of 5,715 MT CO₂e by 2020.

However, it is recognized that the initial adoption of the CAP is a first step towards monitoring and evaluating the effectiveness of GHG reduction measures, which will not be known until an updated GHG emission inventory for the City is completed. Therefore, in the interim, the City Council has decided to adopt the CAP "as-is" which will allow the City to move forward with implementing GHG reduction measures knowing that the next update to the CAP will include updated data and revised VMT projections."

The motion carried on the following roll call vote:

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

Resolution No. 14-70: A Resolution of the City Council of the City of Grover Beach, Adopting the Climate Action Plan.

ORDER OF THE DAY: Upon unanimous consensus of the Council, at 8:42 p.m. the Order of the Day was amended further to consider Agenda Item No. 10 next.

REGULAR BUSINESS

10. The Impact of the Local Homeless Population to the City of Grover Beach.

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. Commander Miller described impacts of the local homeless population on the community. He noted that Ramona Garden Park and the West Grand Avenue corridor were the areas most impacted by vagrants, and described increased calls for service to the Police Department over the past eighteen months that were related to vagrancy issues. He summarized the public comments received at a community meeting held in April 2014, and the concerns raised by Commissioners at the Parks, Recreation & Beautification Commission meeting held in August 2014. Commander Miller then outlined several options to assist in mitigating the problems. Staff then responded to questions from the Council.

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

The following persons described efforts to assist vagrants and the homeless:

- Reverend Don Passineau, Grover Beach resident and representative of A.R.K., which he described as a team of community members promoting random acts of kindness. He also described the organization's plans to establish a day use facility for the homeless;
- Larry Feldt, Atascadero resident and South County Homeless Services Supervisor for Community Action Partnership of San Luis Obispo (CAPSLO); and
- Larry Pabst, Arroyo Grande resident and member of A.R.K.

The following persons expressed concerns regarding negative impacts due to vagrancy issues at Ramona Garden Park and/or the downtown corridor:

- Ellie Ross, former Parks, Recreation & Beautification Commissioner, described specific instances of vagrants in the front yard of her former home near Ramona Garden Park;
- Dee Santos, Chair, Parks, Recreation & Beautification Commission and downtown business owner;
- Stacy Korsgaden, Grover Beach resident and downtown business owner, stated that she represented other residents and business owners located near Ramona Garden Park who had signed a petition expressing similar concerns, and suggested the City establish a permitting process to establish guidelines regarding daily use of the park;
- Heidi Boatman, resident near Ramona Garden Park and Parks, Recreation & Beautification Commissioner;
- Joseph Holmes, Santa Maria resident, suggested conducting a follow-up community meeting;
- Mariam Shah, Grover Beach resident, suggested conducting a follow-up community meeting and urged further research regarding programs to address vagrancy issues;
- Jody Demaris, Grover Beach resident, distributed photos of vagrants at Ramona Garden Park and trash left at the park; and
- Jessica Main, resident near Ramona Garden Park, described negative encounters with vagrants around her home.

The following persons also spoke:

- John Shoals, former Mayor, commented on the suggested mitigation measures, suggested increasing police patrol in the areas experiencing the most impact, and praised the People's Kitchen program with assisting the food challenged; and

- Sharon Brown, Grover Beach resident, praised the People's Kitchen program and objected to the use of the term "vagrant".

Mayor Peterson read a communication from Duke and Lori Sterling, Grover Beach property and business owners, who supported the proposed mitigation measures in the staff report.

There were no further public comments received.

Further Council discussion ensued, with staff responding to questions. It was noted that additional meetings had been held by downtown business owners regarding this issue; organizers of the People's Kitchen program had increased their efforts to address community concerns; and that not all of the described negative activity stemmed from clients of the People's Kitchen Program. Further, funding constraints precluded the City from assigning police officers to exclusively address vagrancy issues. Additional discussion was held regarding the proposed mitigation measures in the staff report, information presented at the recent Annual League of California Cities Conference regarding panhandling; scheduling a joint City Council and Parks, Recreation & Beautification Commission meeting to further discuss this issue; and referring the matter of developing regulations that further defined allowable uses at public parks to the Parks, Recreation & Beautification Commission for initial review and comment.

Action: Upon unanimous consensus, the City Council authorized staff to proceed with:

- 1) drafting an Ordinance for initial review by the Parks, Recreation & Beautification Commission to establish a permitting process for specific uses at City parks that outlined the parameters for the general use of the parks by groups, governed how the parks could be used, and established guidelines for park use and rental of public facilities;
- 2) drafting an Ordinance for City Council review governing aggressive animals to address complaints and concerns from the community regarding threatening animals;
- 3) drafting an Ordinance for City Council review restricting aggressive panhandling; and
- 4) installing surveillance cameras at the Ramona Garden Park area that could be monitored by the Police Department, and to inform the Council once installation of the cameras had been completed.

Recess: Upon consensus of the City Council, the meeting recessed at 10:30 p.m.

Reconvene: At 10:39 p.m., the meeting reconvened with all Council Members present, except for Council Member Nicolls.

11:00 p.m. Rule: Upon consensus (Council Member Nicolls absent at this time), the Council agreed to continue the meeting past 11:00 p.m.

ORDER OF THE DAY: At this time, the Order of the Day resumed to the agenda as posted, and Council Member Nicolls returned to the dais.

PUBLIC HEARINGS

3. Introduction and First Reading of a Proposed Ordinance to Amend Grover Beach Municipal Code Article X, Chapter 4, Identifying the Hours of Operation for Card Table Licenses.

Mayor Peterson read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Police Chief/Assistant City Manager Copsey reviewed the proposed Ordinance that would add a provision to the Grover Beach Municipal Code memorializing the permitted hours of operation for card rooms to be 24 hours a day, 365 days a week. He noted the revision was not a change to existing regulations, but would provide clarification as requested by the State Gaming Commission. He then responded to questions from the Council.

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 and the Mayor closed the Public Hearing.

City Attorney Koczanowicz responded to additional questions from the Council.

Action: It was moved by Mayor Pro Tem Lee and seconded by Council Member Nicolls to conduct first reading of Ordinance No. 14-06, by title only, and schedule second reading and adoption for the next regular City Council meeting of Monday, October 6, 2014. The motion carried on the following roll call vote:

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

Ordinance No. 14-06: Ordinance of the City Council of the City of Grover Beach, California, Amending Article X, Chapter 4 of the Grover Beach Municipal Code Pertaining to Card Table Licenses and Regulations. (First Reading only.)

CONSENT AGENDA - CITY COUNCIL

Upon unanimous consensus, the City Council approved Consent Agenda Item Nos. 4 and 5 as recommended.

4. Treasurer's Report for the Period August 13, 2014 - September 9, 2014.

Action: Approved the Treasurer's Report as submitted.

5. Minutes of the City Council Meeting of July 7, 2014.

Action: Approved the minutes as submitted.

CONSENT AGENDA - SITTING AS SUCCESSOR AGENCY TO THE DISSOLVED GROVER BEACH IMPROVEMENT AGENCY

It was moved by Council Member Bright and seconded by Mayor Pro Tem Lee to approve Consent Agenda Items Nos. 6 and 7, as recommended. The motion carried on the following roll call vote:

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

6. Approval of Agreement with A.M. Peché & Associates LLC to Provide Disclosure Reporting Services for the 2005 Tax Allocation Bonds - Consultant services agreement for continuing disclosure reports as part of the closing documents for the 2005 Tax Allocation Bonds.

Action: 1) Adopted Resolution No. SA-14-02 approving the agreement with A.M. Peché & Associates LLC; and 2) authorized the Mayor to execute the agreement on behalf of the Successor Agency.

Resolution No. SA-14-02: A Resolution of the City Council for City of Grover Beach in its Function as Successor Housing Agency Approving a Consulting Agreement for Disclosure Reporting Services for the 2005 Tax Allocation Bonds.

7. Adoption of the Recognized Obligation Payment Schedule for January 1, 2015 to June 30, 2015 (ROPS 14-15B) - Recognized Obligation Payment Schedule for the period January 1, 2015 through June 30, 2015 for review and submission to the Oversight Board for its consideration.

Action: Adopted Resolution No. SA-14-03 approving the ROPS and authorized the City Manager to present the ROPS to the Oversight Board for its consideration and approval.

Resolution No. SA-14-03: 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).

COUNCIL COMMITTEE REPORTS

Council Member Bright reported on the meeting of the Housing Trust Fund.

Mayor Pro Tem Lee reported on the meeting of the Integrated Waste Management Authority, and announced the following upcoming events: Savor the Central Coast on September 27-28, 2014, and the Five Cities Homeless Coalition's "Empty Bowls" fund raiser on September 24, 2014.

Council Member Marshall reported on the meeting of the South San Luis Obispo County Sanitation District.

Council Member Nicolls stated that he had no committee reports at this time.

Mayor Peterson stated that she had no committee reports at this time.

COUNCIL COMMUNICATIONS

- A. Council Member Bright described a call from a resident who expressed concerns regarding receipt of a water usage notice from the City. It was noted that the resident had spoken earlier that same day with the Administrative Services Director regarding his particular water utility bill.
- B. Mayor Pro Tem Lee described a recent meeting with representatives from the Infrastructure Bank to discuss a funding opportunity for the Grover Beach Lodge and Conference Center Project. City Manager Perrault briefly described financing opportunities that staff was pursuing for infrastructure improvements on West Grand Avenue as well as the Grover Beach Lodge and Conference Center Project.
- C. Mayor Peterson commended Grover Beach United for the success of the recent Car Show event, described positive comments from visitors attending the Summer Concert series regarding the Parks and Recreation Department, and announced the following upcoming events: Coastal Clean Up on September 20, 2014, Huckfest on October 17-18, 2014, and the Channel Counties Division Quarterly Meeting to be held in Camarillo. She also noted that residents and business owners interested in having the City host another community meeting regarding impacts of the local homeless population on the community could contact the Police Chief/Assistant City Manager.

CITY MANAGER'S REPORTS AND COMMENTS

11. Update Regarding City Water Matters.

City Manager Perrault provided an update regarding water levels at Lopez Lake and the development of a response plan by Zone 3 member agencies if water levels continued to decrease. He described the potential impacts to Grover Beach and noted that the Council might need to consider declaring a Stage IV Water Shortage Condition requiring water customers reduce their water usage by 20 percent. He then described the City's ongoing process to contact water utility customers during the Stage III Water Shortage Condition to encourage water conservation efforts and assist customers with identifying options for conserving water.

It was noted that information regarding City-sponsored Water Conservation Programs was available on the home page of the City website, and that additional plumbing contractors were now participating in the Toilet Retrofit Program which reduced the wait time for interested participants.

City Manager Perrault also announced that work was scheduled to soon begin for the installation of an interim pocket park along the frontage of Cleaver Park.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 11:08 p.m., the Council met in Closed Session regarding the following items:

1. **Conference with Labor Negotiators**
Pursuant to Government Code Section 54957.6.
Agency Negotiator: City Manager Robert Perrault, Police Chief/Assistant City Manager James Copsey, Administrative Services Director Gayla Chapman, Assistant Administrative Services Director Eve Byrd, Human Resources Coordinator Channelle Hubbard, and Commander John Peters or Commander Tim Miller (may include some or all of the above)
Represented Employee Group: Grover Beach Police Officers' Association (GBPOA)
2. **Conference with Legal Counsel - Existing Litigation**
Pursuant to Government Code Section 54956.9(d)(1)
Lopez v. City of Grover Beach, et al CV 120210

CLOSED SESSION - SITTING AS SUCCESSOR AGENCY

1. **Conference with Legal Counsel - Existing Litigation**
Pursuant to Government Code Section 54956.9(d)(1)
Vernon v. City of Grover Beach, SLO County Superior Court Case # 14CV0040

Closed Session Announcements: At 12:06 a.m., Mayor Peterson reconvened the meeting in open session with all Council Members present. It was announced that the Council, sitting as the Successor Agency, unanimously authorized the settlement in principle regarding Vernon v. City of Grover Beach, SLO County Superior Court Case # 14CV0040.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Peterson adjourned the meeting at 12:07 a.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:
/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 12/01/2014)