

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, MARCH 17, 2008**

**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 Paige Grasmick, a 10-year-old, 4<sup>th</sup> grade student at Grover Heights Elementary School.

**ROLL CALL**

City Council: Council Members Ashton, Bright, Lieberman, Mayor Pro Tem Nicolls, and Mayor Shoals were present.

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Community Development Director Hansen, Police Chief Copsey, Fire Chief Hubert, Planning Manager Gould-Wells, Battalion Chief Heath, and Public Works Superintendent Ford were also present.

Also present was City Engineer Garing.

**AGENDA REVIEW**

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

**PRESENTATIONS**

**1. Presentation Regarding a Field Study of the West Grand Avenue Business Corridor.**

Council Member Ashton gave an overview of a study he conducted over the course of five to six months regarding the West Grand Avenue business corridor. He stated that his study consisted of gathering data through surveys and research of public records on the downtown area regarding existing commercial businesses, vacant parcels, parking, lighting, public transportation, and pedestrian amenities. He stated that his purpose in conducting this study was to determine how the City could augment revenues generated through sales and transient occupancy taxes to fund the delivery of municipal services and improve the City's infrastructure.

At the conclusion of the study, Council Member Ashton stated he observed the following areas of concern: 1) a high vacancy rate in downtown commercial properties, and 2) a greater percentage of existing businesses in the downtown corridor which do not generate sales tax revenue. He recommended encouraging certain types of businesses to locate in the downtown corridor, such as a major drug store chain with a drive-through pharmacy, full-service seafood restaurants, transportation-related businesses, appliance stores, antique stores, and art studios and galleries. He suggested improvements in downtown signage and street lighting, promoting the Amtrak Train Station and the western end of Grand Avenue as a tourist destination, and promoting the City's façade improvement program. He further suggested encouraging the development of a downtown business association and researching whether it would benefit the City to pursue California Main Street certification to revitalize the downtown area.

**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. Liz Doukas, Grover Beach, praised Council Member Ashton for the information in his report on the downtown business corridor.

- B. Linda McClure, Grover Beach property owner and business owner, thanked Council Member Ashton for his report and encouraged stronger economic development efforts by the City.
- C. Gene Bello, Grover Beach, spoke in support of ensuring that downtown businesses had adequate parking for their employees.

There were no further public comments received.

## **PUBLIC HEARINGS**

### **2. Goals and Work Program for FY 09 and FY 10 Budget.**

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Manager Perrault gave an overview of the list of goals and modified work program that were discussed at the March 3, 2008 City Council meeting, which included comments received from the Commissions and management staff. He stated that the document was subject to further refinement as a result of the receipt of public testimony, discussion with Commission representatives and further Council deliberations. He then provided a status report and identified accomplishments achieved to date in the area of economic development activities:

#### Economic Development Study -

- Buxton Study - *completed in April 2005.*

#### Business Assistance Programs -

- West Grand Avenue Façade Improvement Programs - *available to businesses.*

#### West Grand Avenue Vision and Planning -

- Grover Beach Visioning Process - *completed in 2004.*
- Land Use Element Update - *initiated.*
- Planned Development Overlay - *in process; will provide a tool to assist development downtown.*
- Workforce Housing Ordinance - *completed.*

#### Infrastructure Projects -

- Meadow Creek Bridge and West Grand Avenue Storm Drain Project - *underway; \$2.6 million dollar project.*
- South County Transit Hub and Parking Program - *under design, \$800,000 project.*
- West Grand Avenue Beautification Project (Highway 1 to 4<sup>th</sup> Street) - *to be constructed in fall 2008 with City funds = \$323,000; federal grant funds = \$2.6 million; and San Luis Obispo Council of Governments funds = \$500,000.*
- South Industrial Sewer Trunk Extension - *\$1,536,900 project; design to be completed this fiscal year with construction initiated next year.*
- Transportation Facilities, Bus and Train Depot - *further analysis of options to expand facilities.*

#### Signage and Branding -

- *Initiated meetings with Caltrans regarding improved signage along Highway 101 and Highway 1.*

#### Community Meetings and Relationships -

- *Two community meetings held to develop support for economic development.*
- *Strong relationship with the Chamber of Commerce continues to be maintained.*

#### Major Hotel Developments

- Grover Beach Lodge and Conference Center Project - *Awards Board scheduled to meet to receive a presentation from the hotel developer and make recommendations*

for an award determination by the City Council/Improvement Agency on March 31, 2008.

- Hilton Garden Inn - meetings held with the Hilton development team and Coastal Commission staff to work towards resolution of Coastal Commission concerns.

Brief discussion was held regarding the proposed work program:

1A. Economic Development

- installation of improved gateway signage, with examples displayed from the cities of Ripon, Encinitas, and Pleasanton.

1A. Streets

- expanding the list of streets identified for traffic calming and pedestrian safety projects to include Oak Park Boulevard and Brighton Avenue, as well as other street locations, as appropriate; and
- palm trees at the eastern City entrance on West Grand Avenue: cost estimates received two years earlier regarding tree removal, modifying the planter boxes, relocating the trees to adjacent properties or making no modifications.

2A Utilities and Infrastructure / Water Supply

- remaining funds from a previously completed storm drain project that would be re-programmed for the Oak Park Boulevard and Sidewalk Improvement Project.

3A. Public Safety

- revise the text and combining items regarding the Fire Department Joint Operating Agreement and the Public Safety Delivery System;
- include text regarding identifying a revenue stream other than the General Fund to fund fire services;
- include text regarding a dedicated fire dispatch; and
- explore a joint equipment replacement program.

4A - Planning / Land Use

- no changes.

5A - Finance

- upon question, staff provided an update regarding on-going research for proposed amendments to the business tax certificate program.

6A - Housing

- amend text to include an emphasis on potential senior housing projects.

7A - Transportation and Parking

- no changes.

8A - Policy Administration

- amend text to delete draft item no. (1) and have staff provide the Council with periodic reports regarding code enforcement efforts in targeted priority areas; and
- improve sidewalk and signage at City Hall main entrance.

9A - Parks

- develop a structured volunteer corps that is reflective of the City's population.

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

John Laferriere, Parks, Recreation and Beautification Commissioner, spoke in support of developing a structured Parks and Recreation Department volunteer corps. He then suggested adding on-line payment services to the City website and making business tax certificate forms available from the website.

Debbie Peterson, Chair, Planning Commission, spoke in support of the proposed work program as presented.

Linda McClure, American Property Services, Grover Beach, spoke in support of improving the City website.

John Read, Grover Beach, spoke in support of street improvement as a top priority and improving the City website, citing his experience in economic development and as a business retention specialist regarding the importance of the Internet as an economic development resource. He also suggested relocating the palm trees on West Grand Avenue to the proposed beachfront lodge property.

There were no further public comments received.

City Manager Perrault confirmed that staff would incorporate the comments received into a final document for Council review and formal approval.

**Recess:** Upon consensus of the City Council, the meeting recessed at 8:17 p.m. to the Joint City Council/Improvement Agency meeting, which was also scheduled for this same evening.

**Reconvene:** At 8:39 p.m., the meeting reconvened with all Council Members present.

### **3. 2007 Revisions to the 2003 Housing Element.**

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Planning Manager Gould-Wells gave a brief overview of the Housing Element, one of seven state-required elements of the City's General Plan which must be updated every five years. She stated the Housing Element was subject to certification by the California Department of Housing and Community Development (HCD). She then reviewed the required components to be contained in the Housing Element.

Planning Manager Gould-Wells stated that the City adopted a Housing Element in December 2003, which was submitted to HCD for its review. The City received comments from HCD and, in 2005, began working on revisions based on those comments. She also acknowledged the Council subcommittee, comprised of Mayor Shoals and Council Member Ashton, who assisted staff with responding to comments from HCD. The 2007 Revision was then considered by the Planning Commission on March 4, 2008. Regarding next steps in the process, she stated that after Council certification, the 2007 Revisions to the Housing Element and the environmental documental would be sent to HCD for certification.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There was no response and he closed the Public Hearing.

**Action:** It was m/s by Council Members Bright/Lieberman to: 1) adopt Resolution No. 08-21 adopting the Negative Declaration for the Housing Element revision; and 2) adopt Resolution No. 08-22 adopting the 2007 Update to the 2003 Housing Element and approve its submittal to the California Department of Housing and Community Development (HCD). The motion carried on the following roll call vote:

**AYES:** Council Members Ashton, Bright, Lieberman, Mayor Pro Tem Nicolls, and Mayor Shoals.

**NOES:** Council Members - None.

**ABSENT:** Council Members - None.

**ABSTAIN:** Council Members - None.

**Resolution No. 08-21: A Resolution of the City Council of the City of Grover Beach, California, Adopting the Negative Declaration for the 2007 Revision to the 2003 Adopted City Housing Element.**

**Resolution No. 08-22: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 2007 Revisions to the 2003 General Plan Housing Element.**

## **CONSENT AGENDA**

It was m/s by Council Members Ashton/Lieberman to approve Consent Agenda Item Nos. 4, 5, 6, 7, and 8, as recommended. The motion carried on the following roll call vote:

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

**4. Treasurer's Report for the Period February 26, 2008 - March 11, 2008.**

**Action:** Approved as submitted.

**5. Minutes of the Regular City Council Meeting of January 7, 2008.**

**Action:** Approved as submitted.

**6. Second Reading of an Ordinance to Amend the Grover Beach Municipal Code by Revising the Residential Development Standards as Contained in Article IX, Planning and Zoning Regulations of the City of Grover Beach Municipal Code.**

Second reading of Ordinance No. 08-03 to revise Residential Development Standards for the R-1, R-2, and R-3 Zoning Districts as contained in Article IX, Planning and Zoning Regulations of the Grover Beach Municipal Code. Revisions modify lot coverage, setback requirements and building height in the above-mentioned zoning districts. Revisions are not applicable to coastal zoning designations (C-R-1, C-R-2, and C-R-3 Zoning Districts).

**Action:** Conducted second reading, by title only, and adopted Ordinance No. 08-03 amending Article IX (Planning and Zoning Regulations) of the Municipal Code as it pertains to the Residential Development Standards for the R-1, R-2 and R-3 Zoning Districts).

**Ordinance No. 08-03: An Ordinance of the City Council of the City of Grover Beach, California, Amending Article IX of the Grover Beach Municipal Code by Providing Revisions to Development Standards in R-1, R-2, and R-3 Zoning Districts.**

**7. Proposed Memorandum of Understanding Between the City of Grover Beach and the County Narcotic Task Force.** Interagency Agreement for continued participation in undercover narcotics enforcement effort within the City, and authorizing the Chief of Police to execute the agreement on behalf of the City.

**Action:** Adopted Resolution No. 08-23 authorizing the agreement.

**Resolution No. 08-23: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the Chief of Police to Enter Into an Agreement Between the City of Grover Beach and the San Luis Obispo County Narcotic Task Force.**

**8. Authorization by the City Council for the City Manager to Act as the Authorizing Agent for the Purpose of Obtaining Federal Financial Assistance.** Proposed Resolution to formally authorize the City Manager to act as the City's agent to obtain federal financial assistance to recover costs incurred from storm-related damage experienced in January 2005.

**Action:** Adopted Resolution No. 08-24 designating the City Manager as the authorized agent for the City.

**Resolution No. 08-24: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the City Manager to Act as the Authorizing Agent for the Purpose of Obtaining Federal Financial Assistance.**

**Recess:** Upon consensus of the City Council, the meeting recessed at 8:57 p.m. to conduct the Joint City Council/Improvement Agency meeting, which was also scheduled for this same evening.

**Reconvene:** At 9:00 p.m., the meeting reconvened with all Council Members present.

## **REGULAR BUSINESS**

### **9. Amended Agreement for Joint Fire Services.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault stated that in June 2004, the City of Grover Beach entered into an agreement with the City of Arroyo Grande for the purpose of effectively managing fire resources and the delivery of fire services for both agencies. Initially the City of Arroyo Grande was to provide a Fire Chief and the City of Grover Beach was to provide the services of a Training Captain. That original agreement was later amended to move the Grover Beach Training Captain position to an Arroyo Grande Battalion Chief position for training and administrative purposes. The City of Arroyo Grande pays the full cost of the Fire Chief's position, while the City of Grover Beach contributes 79% of the Battalion Chief's cost.

In a separate agreement, the Cities of Grover Beach and Arroyo Grande and the Oceano Community Services District entered into an equipment sharing agreement. With the recent vacancy of the Fire Chief position at the Oceano Community Services District, the District proposed participation in the Joint Fire Services Agreement with Cities of Grover Beach and Arroyo Grande for a trial period of four months, to be reviewed for extension at the end of that period. If extended, the agreement would continue for up to three years and automatically renew on an annual basis after the initial three-year period. If approved, the Fire Oversight Committee would be restructured during the life of the agreement to include representatives from the Oceano Community Services District.

City Manager Perrault then responded to questions regarding fiscal impacts of the proposed agreement, cost benefits to the City of Grover Beach, and the current disparity in salary ranges for fire personnel between the agencies.

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

Patrick O'Reilly, General Manager, Oceano Community Services District, spoke in support of the proposed agreement.

There were no further public comments received.

**Action:** It was m/s by Council Member Lieberman/Mayor Pro Tem Nicolls to adopt Resolution No. 08-25 authorizing the City to participate in the amended agreement for joint fire management, administrative and training services.

**AYES:** Council Members Ashton, Bright, Lieberman, Mayor Pro Tem Nicolls, and Mayor Shoals.

**NOES:** Council Members - None.

**ABSENT:** Council Members - None.

**ABSTAIN:** Council Members - None.

**Resolution No. 08-25: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the City to Enter into an Amended Agreement for Joint Fire Management, Administrative, and Training Services.**

### **10. Potential Initiation of Grover Beach Municipal Code Amendment Instituting Changes to Part 50 - the West Grand Avenue Planned Development (PD) Overlay.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Planning Manager Gould-Wells gave an overview of Ordinance No. 08-01 adopted by

the City Council on February 18, 2008, which established a Planned Development (PD) Overlay District along the West Grand Avenue Corridor. At the March 3, 2008 City Council meeting, the Council reviewed a letter from Council Member Lieberman requesting that the Council consider amending the Ordinance specifically regarding energy efficiency requirements and Leadership in Energy & Environmental Design (LEED) Certification.

Planning Manager Gould-Wells reviewed energy efficiency standards pursuant to Title 24 of the California Code of Regulations, sample ordinances adopted by nine other California jurisdictions for new construction and remodel projects, and stated that the primary difference between the LEED Green Building Rating System and Title 24 energy efficiency requirements was that LEED certification addressed the building's sustainability as a whole, which included Title 24 Energy efficiency as one component.

Brief discussion was held regarding green building techniques, information available to the development community through the SLO Green Build organization, whether to initiate a city-wide green-building Ordinance, whether to amend the requirement for a public art component, whether to amend the Ordinance to add affordable housing units for moderate-income applicants, and components in the sample ordinance that were adopted by the City of San Luis Obispo.

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

The following persons spoke in support of a Planned Development Overlay District, spoke in opposition to Title 24 energy efficiency requirements contained in Ordinance No. 08-01, and provided suggestions regarding amending the existing Ordinance to address specific concerns:

- George Garcia, architect, San Luis Obispo, requested that the Ordinance be revised to include energy efficiency requirements that could be met by projects designed for mixed-use purposes; and
- Craig Smith, architect, San Luis Obispo, and Grover Beach resident, requested that the Ordinance be revised to: a) provide alternatives for those developments facing design constraints due to smaller lot sizes or site orientation issues, b) include a peer review process that included review by a licensed professional, and c) include specific guidelines for energy efficiency and sustainability.

There were no further public comments received.

Further Council discussion was held with staff regarding:

- the constantly changing nature of Title 24 requirements;
- the process involved to verify a design's compliance with energy efficiency requirements;
- having a peer review conducted by an independent licensed professional with professional experience to determine energy performance; and
- the application process and fee, if any, to submit an application under requirements of the PD Overlay District.

**Action:** Upon consensus of the City Council, staff was directed to schedule a Public Hearing to amend Article IX, Chapter 1 of the Grover Beach Municipal Code, regarding Part 50 - West Grand Avenue Corridor Planned Development (PD) Overlay.

## **COUNCIL COMMITTEE REPORTS**

Upon unanimous consensus, Council Committee Reports were deferred to the Special Meeting scheduled for Monday, March 31, 2008.

## **CITY COUNCIL ITEMS**

None at this time.

### **COUNCIL COMMUNICATIONS**

None at this time.

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

City Manager Perrault stated that there would be no Friday report issued this week to the City Council, but there would be one the following week.

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

None at this time.

### **CLOSED SESSION**

At 9:58 p.m., the Council met in Closed Session regarding the following items:

1. **Conference with Legal Counsel - Pending Litigation**  
Pursuant to Government Code Section 54956.9(a)  
Mireya Jaimes-Freyre v. City of Grover Beach CV 070478
2. **Conference with Legal Counsel - Anticipated Litigation**  
Significant exposure to litigation pursuant to subdivision (b) of  
Section 54956.9: One (1) potential case

Closed Session Announcements: At 10:15 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 10:15 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg. 7/7/08)