

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, NOVEMBER 7, 2011**

**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 Daniel Chavez, an 11-year-old, 5<sup>th</sup> grade student at Grover Beach Elementary School.

**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, Community Development Director Buckingham, Police Chief Copsey, Parks & Recreation Director Petker, and Planner II Reese were also present.

Also present were Parks, Recreation & Beautification Commission Chair Jeff Lee; Air Pollution Control Officer Larry Allen; and State Parks representatives Andy Zilke, Phil Jenkins, and Daphne Greene.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, October 17, 2011 after meeting in Closed Session regarding:

1. Conference with Real Property Negotiators  
Pursuant to Government Code Section 54956.8  
Property: Hillcrest cell tower site (APN 060-581-041)  
Agency negotiator: City Manager and City Attorney  
Negotiating party: Crown Castle, Inc.  
Under negotiation: Terms of extension of the lease or potential sale.

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

**AGENDA REVIEW** Mayor Shoals requested that Regular Business Item No. 8 be considered immediately after Public Hearing Item No. 3.

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

**CEREMONIAL CALENDAR**

1. **Presentation of Grant Funds to Retrofit City of Grover Beach Sport Courts With Energy Efficient Lighting from Pacific Gas & Electric Company.**

Parks & Recreation Director Petker introduced Pacific Gas & Electric Company representatives Patricia Wilmore and Rebecca Weber, who described the proposal submitted by the Parks & Recreation Department for a grant to retrofit the City's sports courts with energy-efficient lighting. PG&E representatives then presented the City with a check in the amount of \$10,275.

**PRESENTATIONS**

2. **Presentation Regarding the Recent "Savor the Central Coast" Event and Activities of the San Luis Obispo County Visitors & Conference Bureau.**

Molly Cano, Director of Sales & Marketing for the San Luis Obispo County Visitors & Conference Bureau, provided an overview of the accomplishments and activities by the Visitors & Conference Bureau over the past year to promote tourism and filming in the County. She also described supporting events held in the surrounding communities in conjunction with "Savor the Central Coast" and announced plans for next year's event.

**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. Juan Olivarria, Principal, Grover Beach Elementary School, thanked the City Council for street improvements completed on Longbranch Avenue through the Safe Routes to School grant.
- B. Jeff Lee, Chair, Parks, Recreation & Beautification Commission, provided an overview of recent City-sponsored special events, thanked a list of event sponsors, and announced upcoming holiday activities.
- C. Anita Shower, Grover Beach, requested the City post a two-hour parking sign in the 800 block on the south side of West Grand Avenue. She then expressed concerns regarding the number of sidewalk "sandwich board" signs advertising businesses on West Grand Avenue.
- D. Elizabeth Doukas, Grover Beach, requested an administrative hearing to resolve a dispute with her neighbor on Atlantic City Avenue. She then distributed documents regarding the matter.

### **PUBLIC HEARINGS**

- 3. **Appeal of Planning Commission Denial to Construct a Freestanding Sign with a Height of 21 Feet at 684 West Grand Avenue (Application No. 11-013).**  
Applicant/Appellant: Elsayed M. Elsayed; Project Location: 684 W. Grand Avenue.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Planner II Reese provided an overview of the appeal filed regarding the Planning Commission's denial of a proposal to construct a 21-foot tall freestanding sign at the Flyers gasoline station. The Planning Commission denied the request based on the proposed height for the sign being inconsistent with the General Plan and West Grand Avenue Master Plan. She noted that the sign ordinance allowed one freestanding sign per premise, not exceeding 25 square feet or 12 feet in height subject to Community Development Director approval, or 100 square feet and up to 25 feet in height subject to approval of a Use Permit by the Planning Commission. However, the West Grand Avenue Master Plan provided a guideline that freestanding signs be no taller than six feet in height for properties located within the Master Plan area. She then outlined design issues to be considered regarding freestanding signs, as well as a suggested design alternative for reducing the sign's height if the Council determined the proposed sign was too tall.

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

Steve Elsayed, Applicant/Appellant, spoke in support of his appeal and noted the size of two newer commercial business signs located on West Grand Avenue for Chevron and Taco Bell. Upon question he responded that no other tenant would be located in his commercial building, the gasoline station would be the only business advertised on the proposed sign, and that he was not agreeable to the suggested alternate sign design at 14 feet high.

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

Staff responded to questions from the Council regarding sign heights along West Grand Avenue, existing sign regulations, and guidelines in the West Grand Avenue Master Plan regarding signage.

City Attorney Koczanowicz outlined the Council's alternatives regarding the appeal.

Brief discussion was held regarding preferred sign heights for the Applicant/Appellant's business location, whether the proposed sign would be too intrusive for nearby residential areas, and the intent of the West Grand Avenue Master Plan regarding improvements for

the downtown area. Further discussion was held regarding having the Applicant/Appellant work with staff towards a modified sign design with a sign base smaller than 75", total height between 14 and 16 feet, and to accommodate future tenants.

Council Member Peterson spoke in support of Mr. Elsayed's proposal for a 21-foot tall freestanding sign as an appropriate height to attract motorists and further improve his business.

Council Member Molnar agreed with Council Member Peterson's comments and noted that she had voted against the West Grand Avenue Master Plan.

**Action:** It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to adopt Resolution No. 11-64 upholding the Planning Commission decision without prejudice and without requiring the Applicant/Appellant to pay additional processing fees if he submitted a modified sign proposal within one year to the Planning Commission. The motion carried on the following roll call vote:

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

**Resolution No. 11-64: A Resolution of the City Council of the City of Grover Beach, California Upholding the Planning Commission Action, Denying a Use Permit for Development Permit Application No. 11-013 (684 West Grand Avenue).**

**Recess:** Upon consensus of the City Council, the meeting recessed at 7:48 p.m.

**Reconvene:** At 7:58 p.m., the meeting reconvened with all Council Members present.

**ORDER OF THE DAY:** Pursuant to Council consensus during review of the posted agenda, Mayor Shoals called for discussion of Agenda Item No. 8.

### **REGULAR BUSINESS**

#### **8. Presentations and Discussion Regarding the Draft Coastal Dunes Dust Control "Fugitive Dust" Rule Scheduled for Consideration by the Air Pollution Control District.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault provided a brief overview regarding efforts by the Air Pollution Control District (APCD) to study the potential cause of high concentrations of particulate matter, or "dust", in the South County area that periodically exceeded state standards. He then described efforts by the APCD and the State Department of Parks and Recreation in 2010 to develop a program to reduce particulate matter. City Manager Perrault outlined concepts of a draft rule developed by the APCD to reduce emissions from the dunes that was scheduled to be considered further by the APCD Board at a Public Hearing on November 16, 2011. He also noted that State Parks opposed the draft rule until further scientific studies could be completed. He then introduced Larry Allen of the Air Pollution Control District and Phil Jenkins of the State Department of Parks and Recreation.

Presentations were given by Mr. Allen and Mr. Jenkins, and both responded to questions from the City Council.

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

Kathy Lotfi was registered to speak, but had left the meeting room without providing comments.

The following persons expressed concerns regarding particulate matter on the Nipomo Mesa:

- Rachelle Toti, Nipomo Mesa resident;
- Arlene Versaw, Nipomo Mesa resident, who distributed materials regarding air quality health concerns;
- Dr. Nell Langford, Pismo Beach resident;
- Katrina Dolinsky, Nipomo Mesa resident; and
- Steve Lieberman, former Grover Beach Mayor.

The following persons also expressed concerns regarding the air quality study conducted by the APCD:

- Larry Versaw, Nipomo Mesa resident and former Grover Beach Mayor;
- Ed Waage, Pismo Beach Council Member; and
- Kevin Rice, San Luis Obispo resident.

Council discussion ensued regarding the information presented.

**Action:** Upon consensus, the following comments were provided to the City's representative to the APCD:

The Grover Beach City Council:

- emphasized that public health was a top priority and of primary concern, not economic factors stemming from off-highway vehicle activities;
- urged State Parks to continue working cooperatively with the APCD in seeking long-term results for improved air quality;
- supported efforts to have a Particulate Matter Reduction Program (PMRP);
- objected to punitive damages or fines being levied against State Parks regarding air quality standards;
- recommended the APCD revise the draft rule designating the APCD Board as the final authority rather than an individual, such as the Air Pollution Control Officer; and
- recommended the APCD consider additional data from objective and scientifically reliable sources before determining "best practices" to implement.

*(Note: A further summary of Council comments was provided during Council Communications held later in the meeting.)*

**Recess:** Upon consensus of the City Council, the meeting recessed at 9:49 p.m.

**Reconvene:** At 10:00 p.m., the meeting reconvened with all Council Members present.

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

#### **PUBLIC HEARINGS (continued)**

#### **4. First Reading and Introduction of Zoning Ordinance Rescinding Ordinance No.11-01.**

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, Planner II Reese provided an overview regarding Ordinance No. 11-01 which amended the Zoning Map and deleted Parts 26 Planned Manufacturing District and 36 Agricultural Combining District, and created Parts 26 Urban Reserve District and 36 Parks and Recreation District. She stated that revisions to the Zoning Map affected properties located both inside and outside the Coastal Zone. However, until approved by the Coastal Commission, Ordinance No. 11-01 would not go into effect. Staff therefore recommended Ordinance No. 11-01 be rescinded and a new Ordinance be considered that established two separate effective dates to allow areas located outside the Coastal Zone not subject to Coastal Commission action to take effect 30 days after second reading of the new Ordinance. Staff then responded to questions from the Council.

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 on this matter.

**Action:** It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to: 1) introduce Ordinance No. 11-04, by title only; and 2) schedule second reading and adoption at the next regular City Council meeting. The motion carried on the following roll call vote:

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

**Ordinance No. 11-01: An Ordinance of the City Council of the City of Grover Beach, California, Amending Article IX, Planning and Zoning Regulations, Chapter 1 Zoning Regulations of the Grover Beach Municipal Code Amending the Zoning Map to Bring it Into Conformance with the Land Use Element, Deleting the Planned Manufacturing and Agriculture Combining Zoning Districts and Creating the Urban Reserve and Parks and Recreation Zoning Districts.**

### **CONSENT AGENDA**

Prior to consideration of the Consent Agenda, Item No. 7 was pulled pursuant to the request of Council Member Molnar. Upon unanimous consensus, the City Council approved Consent Agenda Items Nos. 5 and 6 as recommended.

5. **Treasurer's Report for the Period October 12, 2011 - November 3, 2011.**  
**Action:** Approved as submitted.
  
6. **Minutes of the Following City Council Meetings:**
  - **City Council Meeting of September 19, 2011;**
  - **Joint City Council / Improvement Agency Meeting of September 19, 2011; and**
  - **City Council Meeting of October 3, 2011.****Action:** Approved the minutes as submitted.

### **PULLED CONSENT AGENDA ITEMS**

7. **Acceptance of Funding from the Federal Department of Homeland Security (DHS) and Amendment to the Annual Appropriation Resolution No. 11-55.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Police Chief Copey provided an overview of the federal grant program to enhance protection of critical infrastructure. As a first responder, he stated the Police Department had completed a vulnerability protection plan and established emergency response equipment needs. He then outlined proposed equipment purchases that were specific to enhancing security in Grover Beach, responded to questions from the Council regarding differences between this program and the COPS (Citizen's Options for Public Safety) grant program, and noted that homeland security funds could not be used for employee salaries.

Mayor Shoals invited public comments on this matter. There was no response received and he closed the public comment period for this item.

**Action:** It was m/s by Council Member Peterson/Bright to adopt Resolution No. 11-65 amending the annual appropriation Resolution for equipment purchases. The motion carried on the following roll call vote:

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

**Resolution No. 11-65: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 1<sup>st</sup> Amendment to the Annual Appropriation Resolution No. 11-55 by Providing Funding to Purchase Equipment for the Police Department Which Will be Reimbursed by the Buffer Zone Protection Program Grant From the Department of Homeland Security.**

**8. Presentations and Discussion Regarding the Draft Coastal Dunes Dust Control “Fugitive Dust” Rule Scheduled for Consideration by the Air Pollution Control District.**

Upon consensus of the City Council, this item was considered earlier in the meeting immediately after Public Hearing Item No. 3.

**COUNCIL COMMITTEE REPORTS**

Council Member Molnar stated she had nothing to report.

Council Member Bright stated she had nothing to report.

Mayor Pro Tem Nicolls provided an overview of the San Luis Obispo County Auditor Controller’s report regarding financial controls in place at the South San Luis Obispo County Sanitation District that were deemed reasonable and adequate. He then reported on the meeting of the San Luis Obispo County Water Resources Advisory Committee (WRAC).

Council Member Peterson reported on the meeting of the San Luis Obispo County Visitors & Conference Bureau (VCB), noting that costs were still being calculated for “Savor the Central Coast” and that sponsorship of the train ride for next year’s event might be available to Grover Beach at the previous year’s rate. She then reported on the meeting of the San Luis Obispo County Economic Vitality Corporation (EVC).

Mayor Shoals stated he had nothing report.

**CITY COUNCIL MEMBER ITEMS**

None at this time.

**COUNCIL COMMUNICATIONS**

- A. For clarification, Mayor Shoals summarized the Council’s previous comments regarding Agenda Item No. 8 as follows:

The Grover Beach City Council cannot support the draft rule as presently written and therefore recommends that it be continued to a date uncertain with the following recommendations that:

- the APCD to work collaboratively with State Parks and the County;
- the draft rule be revised to eliminate assessing penalties/fees;
- the APCD Board have final authority for approving a Particulate Matter Reduction Program, rather than the APCD Officer; and
- the final program be based on scientific data.

Additional Council discussion was held.

City Manager Perrault summarized the Council’s comments to the City’s representative to the APCD as follows:

- public health should be a priority;
- the State and APCD are encouraged to continue to work collaboratively;
- the Council cannot support the rule as written and would prefer that the hearing be continued to a date uncertain;
- the Council would like the rule revised to eliminate fines;
- the Council would like a Particulate Matter Reduction Program based on best practices and be approved by the APCD Board; and
- the Council would like the final rule to be based on scientific data and for the APCD to consider additional data being completed by State Parks.

- B. Council Member Molnar announced as a reminder that certain north Grover Beach areas were recently notified with door hangers of the City’s scheduled interruption of water/sewer service to complete repairs on Wednesday, November 9, 2011.

She then requested the Council schedule future discussions regarding the issues of "sandwich board" advertisements on City sidewalks and options regarding consolidating police services.

- C. Council Member Bright, in response to an earlier citizen comment, requested information regarding the two-hour parking limit on West Grand Avenue.

Brief discussion was held regarding the City's code enforcement efforts. City Manager Perrault confirmed that he could administratively approve posting an additional two-hour parking limit sign on West Grand Avenue.

Council Member Bright then commented on recent correspondence addressed to the City Council regarding the draft rule being considered by the APCD and requested that correspondence that included inappropriate or offensive language not be forwarded to Council Members.

Brief discussion was held regarding the Council's adopted rules of decorum during City Council meetings versus the free speech of private citizens protected from censorship.

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

City Manager Perrault stated that he would be attending the Economic Forecast meeting sponsored by the Economic Vitality Corporation on Tuesday, November 8, 2011, and would be meeting all day with management staff on November 10, 2011 to review projects to be completed by the end of the fiscal year in preparation for the next budget cycle. He then thanked the Council for recognizing staff workloads and limited resources relative to the issue of signage. He noted the City had an active code enforcement program that addressed concerns on a complaint basis, with the highest priority placed on issues involving health and safety.

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

None at this time.

### **CLOSED SESSION**

At 10:48 p.m., the Council met in Closed Session regarding the following item:

1. **Conference with Real Property Negotiators**  
Pursuant to Government Code Section 54956.8  
Property: Hillcrest cell tower site (APN 060-581-041)  
Agency negotiator: City Manager and City Attorney  
Negotiating party: Crown Castle, Inc.  
Under negotiation: Terms of extension of the lease or potential sale.

**Closed Session Announcements:** At 11:05 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 11:05 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 01/03/2012)