

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, MARCH 18, 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**

**FLAG SALUTE** The flag salute was led by Baylie Odle, a 9-yr-old, 3<sup>rd</sup> grade student at Fairgrove Elementary School.

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

Also present was Fire Chief Aranaz, Five Cities Fire Authority.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, March 4, 2013 after meeting in Closed Session regarding:

1. Conference with Labor Negotiators  
Pursuant to Government Code Section 54957.6.  
Agency Negotiator(s): City Manager, Administrative Services Director, Assistant Administrative Services Director, Human Resources Coordinator, Police Chief and/or Commander (may include some or all of the above)  
Employee Group: All employee groups (represented and unrepresented)
2. Conference with Legal Counsel - Pending Litigation  
Pursuant to Government Code Section 54956.9(c)  
Initiation of Litigation: One (1) potential case

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

**AGENDA REVIEW**

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

**CEREMONIAL CALENDAR**

1. **Proclamation Supporting the County of San Luis Obispo Policy to Buy Local Agricultural Products.**

Mayor Pro Tem Bright read and presented the proclamation to Kathleen Karle, Health Promotion Division Manager, San Luis Obispo Health Agency.

**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. Nathan Spooner, Grover Beach, requested more funding dedicated for repairing residential streets, specifically Newport Avenue in the vicinity of North 6<sup>th</sup> and North 8<sup>th</sup> Streets.
- B. John Wysong, Grover Beach, expressed concerns regarding the accuracy of his residential water meter.

Upon request, City Manager Perrault briefly summarized the City's local street repair program, reduced program funding due to economic constraints, and the significant amount of funding that would be required to address long-term street rehabilitation needs.

Council Member Lee noted that he had spoken earlier with Mr. Wysong regarding his water meter and that he would be meeting with Mr. Wysong later in the week.

## **PUBLIC HEARINGS**

### **2. Submittal of State Community Development Block Grant (CDBG) Application.**

Mayor Peterson read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. For the information of those present, Community Development Director Buckingham briefly described activities that were included in the proposed application for Community Development Block Grant funds pursuant to previous Council direction and the two-step Public Hearing process to receive any additional comments prior to submitting the application to the State. He also described housing activity options that were eligible for inclusion in the application and noted that, although a first time homebuyer program was available through the County, no Grover Beach resident had yet submitted an application to participate in the program. 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.

Anita Shower, Grover Beach, inquired whether the San Luis Obispo County Housing Authority was involved with the CDBG application.

It was noted that, although several agencies had been contacted, no other agency other than the City of Grover Beach was involved with the specific application.

Sharon Brown, Grover Beach, requested and received further clarification regarding eligible activities for inclusion in the grant application.

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

Council discussion was held regarding the type of housing activity to include in the application. Additional discussion was held regarding land acquisition being a pro-active activity that was more likely to be viewed favorably for purposes of the grant rather than home rehabilitation.

**Action:** It was m/s by Mayor Pro Tem Bright / Council Member Lee to:

- 1) Approve the following projects for inclusion in the CDBG application for up to \$1,800,000 for the following activities:
  - *Public Improvements - Water Line Improvements* - \$1,500,000;
  - *Affordable Housing - Land Acquisition* - \$200,000;
  - *Planning & Technical Assistance - Economic Development Strategy* - \$ 65,000; and
  - *Planning & Technical Assistance - Housing Element Update* - \$ 35,000.
- 2) Adopt Resolution No. 13-09 confirming the selected projects; and
- 3) Directed staff to submit the application.

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. 13-09: A Resolution of the City Council of the City of Grover Beach Approving an Application for Funding and the Execution of a Grant Agreement and any Amendments Thereto from the 2013 Allocation of the State CDBG Program.**

## **CONSENT AGENDA**

**ORDER OF THE DAY:** Upon consensus of the City Council, Consent Agenda Item No. 5 was pulled from the Consent Agenda and discussed next, rather than later in the meeting under "Pulled Consent Agenda Items".

- 5. Authorize the City Manager to Negotiate an Outside User Agreement with the City of Pismo Beach** - Request to authorize the City Manager to negotiate an out-of-area services agreement with the City of Pismo Beach to provide water and sewer services to an approved hotel project site in Grover Beach. Applicant: Urban Commons and Brighton Management. Proposed Site: 950 El Camino Real, Grover Beach.

Upon request, staff provided a brief historical overview regarding the hotel project; time extensions granted previously regarding the Coastal Development Permit, which was due to expire this summer; alternatives for water and sewer service that were estimated to be costlier to construct; and discussions that had transpired over the years at staff-level between the Grover Beach and Pismo Beach City Managers and City Engineers, but were not formalized when the project stalled during the economic downturn. It was also noted that the applicant was not in attendance at this meeting.

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

**Action:** Upon unanimous consensus, the City Council authorized the City Manager to negotiate an Outside User Agreement with the City of Pismo Beach.

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

Upon consensus of the City Council, (Council Member Marshall abstaining from Item No. 4 *only*, as he was absent from that meeting), the Council approved Consent Agenda Item Nos. 3 and 4, as recommended.

- 3. Treasurer's Report for the Period February 26, 2013 - March 12, 2013.**  
**Action:** Approved as submitted.
- 4. Minutes of the City Council Meeting of February 19, 2013.**  
**Action:** Approved the minutes as submitted.

## **REGULAR BUSINESS**

- 6. Appointment to Citizen Oversight Committee (Sales Tax).**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. For the information of those present, Police Chief Copsey provided a brief overview of the four vacancies on the Citizen Oversight Committee and the four applications received from residents interested in being appointed to the Committee. He noted that, as a cost saving measure, no interviews had been conducted by the Advisory Body Screening Committee, and that it was recommended the Council consider appointing all four applicants this evening.

Brief Council discussion was held regarding the applicants and whether to continue the recruitment period for additional applications from interested citizens.

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

Robert Robert, Grover Beach, commented on his application to serve on the Citizen Oversight Committee.

There were no further public comments received.

Additional discussion was held regarding the duties of the Citizen Oversight Committee. Upon question, City Attorney Koczanowicz confirmed that there would be no conflict with an appointee to the Citizen Oversight Committee also serving on another City advisory body.

**Action:** It was m/s by Council Member Marshall / Mayor Pro Tem Bright to:

- 1) Re-appoint Paul Brunner for the four-year term scheduled to expire on January 15, 2016;
- 2) Appoint Dee Santos and John Laferriere for the four-year terms scheduled to expire on January 15, 2016;
- 3) Appoint Robert Robert to fill the remainder of the term for the unscheduled Committee vacancy, scheduled to expire on January 15, 2014; and
- 4) Adopt Resolution No. 13-10 confirming the four (4) appointments.

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. 13-10: A Resolution of the City Council of the City of Grover Beach, California, Reappointing Paul Brunner, and Appointing John Laferriere, Robert Robert, and Dee Santos to Serve on the Citizen Oversight Committee.**

**7. Consider a Municipal Code Amendment to Change the Size, Term, and/or Selection Process for the Planning Commission.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. For the information of those present, Community Development Director Buckingham briefly reviewed recommendations from the Planning Commission regarding changing the size, term, and appointment process for the Planning Commission.

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

John Laferriere, Chair, Planning Commission, outlined recommendations of the Planning Commission, noting the primary area of concern was the selection process that resulted in extended periods of vacancies on the Planning Commission. He then responded to questions from the Council.

Sharon Brown, Grover Beach, spoke in favor of reducing the Commission to a five-member advisory body, describing her experiences as a former Planning Commissioner in Colorado.

There were no further public comments received.

Discussion ensued regarding whether to appoint alternates to the Planning Commission, and whether to reduce the size of the Commission at this time since there were already two vacancies on the Commission. Further discussion was held regarding designating the City Council with the authority to remove a Commissioner; whether to change one of the Commission terms of office to a two-year term to coincide with the two-year Mayoral term; and options for expediting the appointment process. The Council praised and expressed its appreciation to all current and past members of the Planning Commission.

**Action:** Upon unanimous consensus, the Council directed staff to prepare an amendment to the Grover Beach Municipal Code to:

- 1) Reduce the number of members appointed to the Planning Commission from seven members down to five; and
- 2) Maintain four-year terms of office for all five members of the Planning Commission.

Additional direction was provided to:

- 1) Maintain the current screening process for interviewing Planning Commission applicants by the Advisory Body Screening Committee, with recommendations forwarded to the City Council for approval of the appointment(s);
- 2) Accept applications throughout the year, with the goal of establishing a pool of qualified applicants; and
- 3) Increase recruitment efforts, including announcing active recruitments for vacancies on City advisory bodies during regular City Council meetings, such as during the "City Manager's Reports and Comments".

Recess: Upon consensus of the City Council, the meeting recessed at 8:18 p.m.

Reconvene: At 8:48 p.m., the meeting reconvened with all Council Members present.

**Prior to discussion of Agenda Item No. 8, Council Member Lee declared a conflict of interest due to his employment with the San Luis Obispo County Public Works Department, Utilities Administration Division, noting that the County provided funding for the Zone 3 budget and that his position with the County was partially funded through the Zone 3 budget. He then stepped down from the dais and left the Council Chambers.**

#### **8. Review of the San Luis Obispo County Flood Control District Zone 3 Annual Budget.**

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 of the County's draft budget for operation of the Lopez Lake facility. 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.

**Action:** Upon consensus (Council Member Lee absent, due to a conflict of interest), the City Council recommended to its representative on the Zone 3 Advisory Committee approval of the Zone 3 FY 13-14 Budget.

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

#### **9. City Council Goal Setting for Development of the FY 14 Budget.**

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 briefly described the process for developing goals and a work program to guide the budget process for the next fiscal year.

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.

Discussion ensued regarding proposed amendments to the City Council's current Goals and Work Program. It was noted that there would be another opportunity to review the proposed Goals and Work Program during a Public Hearing scheduled prior to presentation of the draft FY 14 Budget.

**Action:** Upon consensus, the City Council provided comments regarding amendments to the Goals and Work Program for use in the development of the FY 14 Budget.

#### **PULLED CONSENT AGENDA ITEMS**

None at this time.

#### **COUNCIL COMMITTEE REPORTS**

Mayor Pro Tem Bright reported on the meeting of the Housing Trust Fund.

Council Member Lee reported on the meeting of the Integrated Waste Management Authority.

Council Member Nicolls reported on the meeting of the Five Cities Fire Joint Powers Authority and

described plans for the upcoming multi-jurisdictional emergency management training session to be held in Maryland. He also announced that he would be absent from the regular City Council meeting on Monday, April 15, 2013.

Mayor Peterson reported on the meeting of the South San Luis Obispo County Sanitation District and the Board's request for member agencies to discuss alternative meeting locations.

**Action:** Upon consensus, the Council authorized scheduling a discussion regarding use of City facilities for meetings of the South San Luis Obispo County Sanitation District.

### **CITY COUNCIL MEMBER ITEMS**

None at this time.

### **COUNCIL COMMUNICATIONS**

- A. Council Member Marshall requested Council consensus to schedule a discussion regarding a request for the City to support proposed legislation for a statewide earthquake early warning system.

**Action:** Upon consensus, the City Council authorized scheduling a discussion regarding the request to support proposed legislation for a statewide earthquake early warning system.

Council Member Marshall then requested Council consensus to schedule a discussion regarding changing the City Council's regular meeting date to a different day of the week.

**Action:** Upon consensus, the City Council authorized scheduling a discussion regarding changing regular City Council meetings to a different day of the week, commenting that no staff report be prepared at this time for the Council discussion.

- B. Upon request, City Manager Perrault provided an update regarding SB 7, proposed legislation involving charter cities and the issue of prevailing wage requirements for locally-funded construction projects.

Mayor Peterson stated that she had spoken with local legislators regarding this proposed legislation and had already sent letters of opposition.

Brief discussion was held regarding whether to send additional letters of opposition.

**Action:** Upon consensus, Council Members could individually send letters regarding the proposed legislation in their official capacity as elected officials, if they chose to do so.

Mayor Peterson stated that she was recently informed that discussions by the State were scheduled to be held on March 18<sup>th</sup> regarding re-appropriating funds to purchase over 500 acres of land located in the Oceano Dunes State Vehicular Recreation Area (SVRA). She therefore sent correspondence in support of re-appropriating the funds to purchase the La Grande Tract to the Director of State Parks and the Department of Finance. She stated that she would be providing copies of her correspondence to the other members of the Council.

- C. Council Member Lee announced two Commission terms on the Parks, Recreation & Beautification Commission were scheduled to expire at the end of the month, and he encouraged residents to submit applications to be considered for appointment.

He then noted that Farmers' Markets were scheduled to begin in Oceano on the same days, but earlier in the afternoon, as the Grover Beach Farmers' Markets.

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

City Manager Perrault expressed his appreciation to Police Chief Copsy for serving as Acting City Manager during his extended absence from City Hall.

**CITY ATTORNEY'S REPORTS AND COMMENTS**

None at this time.

**CLOSED SESSION**

At 10:25 p.m., the Council met in Closed Session regarding the following items:

1. **Conference with Legal Counsel – Existing Litigation**  
Pursuant to Government Code Section 54956.9(a)  
Santa Maria Valley Water Conservation District v. City of Santa Maria, etc., et al,  
and Related Cross-Actions: Santa Clara Superior Court Case No. CV 770214.
  
2. **Conference with Labor Negotiators**  
Pursuant to Government Code Section 54957.6.  
Agency Negotiator(s): City Manager, Administrative Services Director,  
Assistant Administrative Services Director, Human  
Resources Coordinator, Police Chief and/or  
Commander  
(may include some or all of the above)  
Employee Group: All employee groups (represented and unrepresented)]

Closed Session Announcements: At 10:44 p.m., Mayor Peterson 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 Peterson adjourned the meeting at 10:44 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 04/15/13)