

**MINUTES
CITY COUNCIL MEETING
MONDAY, AUGUST 19, 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 Council Member Marshall.

ROLL CALL

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

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

AGENDA REVIEW

Action: Upon consensus (Mayor Pro Tem Bright absent), the Council adopted the agenda as presented.

CEREMONIAL CALENDAR

None at this time.

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. Kathleen Karle, Division Manager, San Luis Obispo County Department of Public Health, thanked Police Chief Copsey and Commander Miller for their assistance with a recent education and enforcement program to improve pedestrian safety. She distributed promotional materials and noted that the program was held in conjunction with County Public Health, as well as other local law enforcement agencies. Ms. Karle and Police Chief Copsey then responded to questions from the Council.
- B. Council Member Lee announced the events scheduled to occur in conjunction with the Stone Soup Music Faire to be held on Saturday, August 24 and Sunday, August 25, 2013.
- C. Mayor Peterson announced plans for "Coastal Clean Up Day" to be held on Saturday, September 21, 2013.

PUBLIC HEARING

1. **Introduction and First Reading of Proposed Ordinance Amending Article X of the Grover Beach Municipal Code to Consent to the Adoption of a City Pipeline Franchise and Assignment to Phillips 66 Pipeline, LLC.**

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, City Attorney Koczanowicz noted that the proposed amendment to the franchise agreement was still pending legal review by Phillips 66. He responded to questions from the Council, confirmed that he would request that Phillips 66 provide the City with a map identifying pipeline locations, and recommended continuing the Public Hearing to the regular City Council meeting of Monday, September 16, 2013.

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

Action: It was m/s by Council Members Lee/Nicolls to continue the Public Hearing to Monday, September 16, 2013. The motion carried on the following roll call vote:

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

CONSENT AGENDA

At this time, Mayor Peterson declared a conflict of interest regarding Consent Agenda Item No. 6 only, due to her residence and business being located within 500 feet of the subject property.

It was m/s by Council Members Marshall/Lee to approve Consent Agenda Item Nos. 2, 3, 4, 5, and 6, as recommended. The motion carried on the following roll call vote:

AYES: Council Members Lee, Marshall, Nicolls, and Mayor Peterson (except for Consent Agenda Item No. 6).
NOES: Council Members - None.
ABSENT: Mayor Pro Tem Bright.
ABSTAIN: Council Members - None.
RECUSED: Mayor Peterson (due to a conflict of interest regarding Consent Agenda Item No. 6 only).

2. Treasurer's Report for the Period July 30, 2013 - August 14, 2013.

Action: Approved as submitted.

3. Minutes of the City Council Meeting of Monday, August 5, 2013.

Action: Approved the minutes as submitted.

4. Second Reading and Adoption of Ordinance No. 13-02 Amending Grover Beach Municipal Code, Article X, Chapter 4, Card Table Licenses and Regulations - Amending the Grover Beach Municipal Code to: 1) increase the maximum number of card tables allowed at any single location from four (4) tables to six (6) tables; 2) increase the maximum number of card tables allowed citywide from seven (7) tables to nine (9) tables; 3) remove the requirement that alcohol be served at the same location; 4) increase the allowable hours of operation to 24 hours per day; and 5) establish a process for revocation of a card table license in the event of its non-use.

Action: Adopted Ordinance No. 13-02.

Ordinance No. 13-02: 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.

5. Northern Cities Management Area 2012 Annual Report - Annual report, including the results of quarterly groundwater monitoring and analysis.

Action: The report was received and filed.

6. Program Supplemental Agreement for West Grand Avenue Enhancement Project, Phase 3 - Supplemental agreement with Caltrans for the administration of federal grant funds for the design phase of the West Grand Avenue Enhancement Project, Phase 3, from the western city limits to Highway 1 and from 4th Street to 5th Street.

Action: Adopted Resolution No. 13-35 (except for Mayor Peterson, who recused herself from Consent Agenda Item No. 6 due to a conflict of interest.)

Resolution No. 13-35: A Resolution of the City Council of the City of Grover Beach, California, Identifying the City Manager as the Authorized Official to Execute Program Supplement Agreement No. N007 to Administering Agency-State Agreement for Federal-Aid Projects No. 05-5359R.

REGULAR BUSINESS

7. Request for Waiver of Underground Utility and Street Improvement Requirements Due to Hardship for Development Permit Application No. 13-06.

Location: Central Coast Baptist Church, 192 South 9th Street;

Applicant: Jeff Merksamer, Applicant's representative, and Pastor Richard Bennett.

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. For the information of those present, Public Works Director/City Engineer Ray provided an overview regarding the request to: 1) waive the underground utility requirements, and 2) waive the requirements for street improvements for installation of curb, gutter, and sidewalk for a proposed 320 square foot addition to an existing 384 square foot structure used for food storage and distribution. City Attorney Koczanowicz described previous circumstances when a waiver of the requirement to underground utilities was granted based on a determination that the requirement was "impractical" rather than a "financial hardship". 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 people spoke in support of the requested waivers and responded to questions from the Council:

- Fern Schlicht, President, Five Cities Christian Women Emergency Food Ministry; and
- Jeff Merksamer, Applicant's representative.

There were no further public comments received.

Discussion ensued regarding the proposed improvements, estimated construction costs, alternative sidewalk materials, and potential funding sources to assist with construction costs, such as donations from service groups, grants, or placing a lien on the property if the property owner failed to construct the sidewalk improvements within two years. Additional discussion was held regarding the findings necessary for the Council to waive either all or part of the required improvements, and whether the proposed project would impact the surrounding area or future development in that area.

City Attorney Koczanowicz confirmed that a two-two vote to waive the requirements for street improvements would essentially be a "non-action" and the request would therefore be denied.

Further Council discussion was held regarding continuing that portion of the applicant's request regarding waiving the requirement to construct street improvements to a future City Council meeting when all five members of the City Council would be present.

Action: It was m/s by Council Member Marshall/Nicolls to:

- 1) amend the Resolution to: (a) include the applicant's name, and (b) grant the request to only waive the requirement regarding underground utilities;
- 2) adopt Resolution No. 13-36, as amended; and
- 3) continue the matter regarding the request to waive the requirement to construct certain street improvements to the City Council meeting of September 16, 2013.

The motion carried on the following roll call vote:

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

Resolution No. 13-36: A Resolution of the City Council of the City of Grover Beach, California, Granting a Request for Waiver of the Underground Utility Requirements for 192 South 9th Street (Development Permit 13-06).

8. Request for Waiver of Underground Utility Requirements Due to Hardship.

Location: 1519 Seabright Avenue; Applicant: Micah Van Bogelen.

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. For the information of those present, Public Works Director/City Engineer Ray provided an overview regarding the request to waive the underground utility requirements for a proposed addition to an existing single-family residence. Staff then responded to questions from the Council.

Council discussion ensued regarding utility poles located within the vicinity of the project area and the estimated costs to underground the utilities.

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

Julie Van Bogelen, wife of the Applicant, spoke in support of the request and described the additional construction costs due to a tree being located within close proximity of sewer and water lines.

There were no further public comments received at this time.

Further Council discussion was held regarding the City's requirements for relocating utility lines underground. The Council also inquired about possible Municipal Code amendments regarding this issue. City Attorney Koczanowicz confirmed that staff would schedule a future Council discussion regarding the City's requirements to underground utilities, clarifying the parameters that would allow the Council to grant a waiver, such as when a utility pole was located beyond the property line of the subject parcel, and establishing more user-friendly guidelines to grant a request to waive the requirement when costs to underground the utilities far exceeded the costs for the project.

City Attorney Koczanowicz then requested that the meeting minutes include the applicant's statement from his letter, dated July 22, 2013 (Attachment 3 to the staff report): "I simply cannot afford this and will be forced to cancel the planned addition to my home unless the city grants an exemption".

Action: It was m/s by Council Member Nicolls/Marshall to adopt Resolution No. 13-37 granting the request to waive the requirement to underground utilities. The motion carried on the following roll call vote:

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

Resolution No. 13-37: A Resolution of the City Council of the City of Grover Beach, California, Granting a Request for Waiver of the Underground Utilities Requirement for 1519 Seabright Avenue.

9. Consider the Planning Commission Recommendation on Greenhouse Gas Reduction Measures to be Included in the Draft Climate Action Plan.

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 provided an overview regarding the legal requirement to reduce greenhouse gas emissions by the year 2020. He then outlined the process conducted to develop the Draft Climate Action Plan as a policy document regarding how the City intended to reach that target, noting that greenhouse gas emissions was a recently added mandatory element of any environmental analysis. He summarized the greenhouse gas reduction measures selected by the Planning Commission to be incorporated into the Draft Climate Action Plan, and 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.

The Council praised the significant work effort conducted by the Planning Commission and staff in developing the recommended measures.

Action: Upon consensus (Mayor Pro Tem Bright absent), the Council accepted the Planning Commission's recommendation on greenhouse gas reduction measures to be included in the Draft Climate Action Plan.

10. Review of Resolutions to be Considered at the Annual League of California Cities Conference.

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 reviewed the items scheduled for consideration at the League of California Cities Annual Conference on September 20, 2013.

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

Discussion ensued regarding each of the resolutions, and the impacts from mandated storm water requirements and the lack of funding to assist local agencies with implementation.

Action: Upon consensus (Mayor Pro Tem Bright absent), the Council:

- 1) Provided the following direction to the City's voting delegate regarding the resolutions to be considered by the General Assembly at the Annual League of California Cities conference (indicated in *italics*):

Resolution Referred to the Environmental Quality Policy Committee:

- Resolution No. 1. Resolution calling upon the Governor and the Legislature to work with the League of California Cities in providing adequate funding and to prioritize water bonds to assist local government in water conservation, ground water recharge and reuse of storm water and urban runoff programs = *Support*.

Resolution Referred to the Public Safety Policy Committee:

- Resolution No. 2. Resolution calling upon the Governor and the Legislature to enter into discussions with the League and California Police Chiefs' Association representatives to identify and enact strategies that will ensure the success of public safety realignment from a local municipal law enforcement perspective = *Support*.

- 2) Authorized staff to prepare a letter for the Mayor's signature expressing the City Council's support of the League's Resolution No. 1 seeking state support to adequately fund local programs required to meet state water quality and storm water objectives, but to also express the Council's concerns regarding the City's experience from the lack of adequate funding to implement State-mandated requirements.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

Mayor Pro Tem Bright was absent from this meeting.

Council Member Lee reported on the meeting of San Luis Obispo County Visitors & Conference Bureau.

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

Council Member Nicolls reported on the meeting of the Five Cities Fire Authority.

Mayor Peterson reported on the meeting of the South San Luis Obispo County Sanitation District.

CITY COUNCIL MEMBER ITEMS

- A. Council Member Nicolls distributed sample photographs of decorated electrical boxes located in San Luis Obispo and requested Council consensus to ask the Parks, Recreation & Beautification Commission to consider developing a similar public art project in Grover Beach.

Action: Upon consensus, the Council authorized forwarding the information to the Parks, Recreation & Beautification Commission for its consideration.

- B. Mayor Peterson described a recent discussion at a Mayors meeting regarding water resources, and inquired whether the Council might consider scheduling a presentation from

representatives from State Parks and City Engineer Garing regarding local water resources and historical usage.

Action: Upon consensus, the Council authorized scheduling a discussion regarding local water resources and historical usage.

City Manager Perrault stated that he would first provide the Council with an outline of the discussion topic and a suggested meeting date for the presentation.

COUNCIL COMMUNICATIONS

- A. Council Members Lee and Marshall individually announced their respective plans to tour the dunes with State Parks representatives and the Diablo Canyon Nuclear Power Plant with PG&E representatives.
- B. Mayor Peterson inquired and received a status update regarding the Grover Beach Lodge and Conference Center Project and the developer's progress in preparing final revisions in order for the City to issue a Coastal Development Permit.

Mayor Peterson then announced that Grover Beach United, a local business group, had volunteered to be team captains for the upcoming Coastal Clean Up Day on Saturday, September 21, 2013.

CITY MANAGER'S REPORTS AND COMMENTS

11. **Discussion Regarding Cancelling the Regular City Council Meeting of Tuesday, September 3, 2013.**

City Manager Perrault briefly reviewed the request to cancel the regularly scheduled City Council meeting of Tuesday, September 3, 2013.

Action: Upon consensus (Mayor Pro Tem Bright absent), the Council authorized cancelling the regular City Council meeting scheduled to be held on Tuesday, September 3, 2013

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 8:48 p.m., the Council met in Closed Session regarding the following item:

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

Closed Session Announcements: At 8:57 p.m., Mayor Peterson reconvened the meeting in open session with all Council Members present (except for Mayor Pro Tem Bright who was absent), 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 8:58 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:
/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 09/16/2013)