

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, OCTOBER 7, 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 Lee.

**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, and Police Chief Copsey were also present.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, September 16, 2013 after meeting in Closed Session regarding:

1. Public Employee Performance Evaluation  
Pursuant to Government Code Section 54957  
Employee: City Manager
2. Public Employee Performance Evaluation  
Pursuant to Government Code Section 54957  
Employee: City Attorney

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

**AGENDA REVIEW**

Council Member Marshall suggested amending the order of business to consider items under the Consent Agenda prior to the Public Hearing, stating that he had a brief comment regarding one of the items. Additionally, any member of the public who might be interested in speaking on a Consent Agenda item would therefore not be required to wait until the conclusion of what was anticipated to be a lengthy Public Hearing. Brief discussion was held regarding the number of citizens already gathered in the Council Chambers who were interested in speaking during the Public Hearing.

**Action:** Upon consensus, with Council Member Marshall voting against, 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. Jeffrey McMorro, Grover Beach, expressed concerns regarding vehicle traffic on Oak Park Boulevard between Longbranch Avenue and Manhattan Avenue, and also suggested the City install a pedestrian crossing at Oak Park Boulevard and Longbranch Avenue.
- B. Louis Robles, Grover Beach, read a letter addressed to the City Council expressing concerns regarding open government and transparency for meetings of a citizen group discussing a proposed City charter.

There were no further public comments received at this time.

## **PUBLIC HEARING**

**1. Appeal of Planning Commission Denial of Development Permit Application No. 13-11.**  
Appellant: South County People's Kitchen; Proposed Site: 286 South 16th Street.

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 provided an overview regarding the Planning Commission's 2-2 vote on Tuesday, September 10, 2013, which was a non-action and resulted in the denial of the application for a Use Permit and a subsequent appeal filed by the South County People's Kitchen. The proposed use was to operate a facility on County-owned property to serve meals to the food challenged seven days a week until July 20, 2014, the expiration date for the lease between the People's Kitchen and the County. He listed the locations of previous People's Kitchen program sites, described Countywide efforts to address homelessness, and identified other social service programs also offered in the area. He then summarized correspondence received from local businesses and residents located within close proximity of the proposed site expressing opposition to the Use Permit, as well as correspondence received that expressed support for the program and requested program organizers be allowed time to find a more suitable location.

Police Chief Copsey continued the staff presentation by describing the increase in calls for police services related to transients and the homeless, with most incidents occurring within close proximity to the current and previous locations of the People's Kitchen program.

City Attorney Koczanowicz reviewed the required findings in order to approve a Use Permit.

Staff then responded to questions from the Council and provided further information regarding calls for service. It was noted that funding for social service programs was directed to the County and that the City did not receive funding to provide similar social service programs. Additional discussion was held regarding the City's approval process for issuing Use Permits.

Mayor Peterson invited comments first from the Appellant, followed by members of the public who were interested in speaking regarding this item.

Betsy Ehrler, Appellant and President of the South County People's Kitchen, referred to a PowerPoint presentation as she spoke in support of the appeal and described the program's objectives and client demographics.

Bernie Horton, South County People's Kitchen representative, explained why the current site was not suitable for the program's long-term use, described the circumstances that resulted in the non-compliance of conditions under the Temporary Use Permit, and outlined the organization's unsuccessful efforts to find a more suitable location.

Ms. Ehrler and Mr. Horton then responded to questions from the Council regarding program operations, training provided to volunteer workers, and noted the limited number of opportunities to partner with other social service programs that would include a daily meal program. They also described efforts by program supervisors to resolve recent concerns raised by the surrounding residents and business owners.

John Laferriere, Grover Beach resident and Planning Commission Chair, suggested decentralizing the program's base of operation and establishing several program sites in the South County, rather than pursuing one location generally determined to be unsuitable.

The following persons spoke in support of the People's Kitchen program and in support of approving a Use Permit:

- Peter Keith, Grover Beach property owner and former Grover Beach Mayor, described his financial commitment towards the development of a homeless services center;
- Chuck Ashton, Grover Beach resident and former Grover Beach Council Member;
- Barbara Owen, Pismo Beach resident;
- Ron Salsbury, Pastor, New Life Community Church, Pismo Beach, described the financial commitment of the church board towards renting a more suitable program facility;
- Pam Spicer, Oceano resident;
- Craig Smith, Grover Beach resident and consultant for the 5 Cities Homeless Coalition;

- Gage Horton, Grover Beach resident;
- Edie Hatton, Grover Beach resident;
- Chris Ehrler, Grover Beach resident;
- Doug Ballagh, Arroyo Grande resident;
- Randy Ouimette, Pastor, Saint John's Lutheran Church, Arroyo Grande;
- Jeff Metcalfe, Arroyo Grande resident;
- David Buckland, Arroyo Grande resident;
- Karl Blum, Grover Beach resident and Planning Commissioner;
- Janna Nichols, Executive Director, 5 Cities Homeless Coalition;
- Sharon Brown, Grover Beach resident;
- Valerie Hart, Grover Beach resident and Pastor, Saint Barnabas Episcopal Church, Arroyo Grande;
- Darrell Johnson, custodial services employee for San Luis Obispo County;
- Frank Derusha, Nipomo resident;
- Vern Dahl, Oceano resident and Chair of the South County Advisory Council;
- Taylor Wathen, Manhattan Avenue resident, Grover Beach;
- Cathy Killian, property manager of an apartment complex on Oak Park Boulevard, Grover Beach;
- Genae Sarver, Oceano resident and student ministries staff member, New Life Community Church, Pismo Beach;
- Marilyn Schmidt, Trouville Avenue resident, Grover Beach;
- Michael Johnson, Grover Beach resident;
- Sandy Wigett, Arroyo Grande resident;
- Cathleen Ballagh, Arroyo Grande resident; and
- Betty Sachs, Oceano resident.

The following persons spoke in support of the People's Kitchen program and in support of denying the request for a Use Permit, citing adverse impacts to nearby residential and commercial properties, businesses, and neighborhoods; increasing costs for public safety services; and/or concerns regarding personal or child safety:

- Chris Toews, attorney, representing commercial property owners Tom Ranelletti and Monroe Weiner, owners of the Gateway Plaza and Grand Plaza, Grover Beach;
- Polly Rodriguez, Longbranch Avenue resident, Grover Beach (who spoke twice during this public comment period, speaking first on behalf of Peggy Meade who had left the meeting room);
- Aaron Sue, Longbranch Avenue resident, Grover Beach;
- Fred Welz, representative of the Longbranch Neighborhood Coalition, expressed concerns regarding negative impacts from mentally ill or chemically dependent transients who gathered in the residential areas either before the meal program began or after it concluded;
- Brian Rodriguez, Longbranch Avenue resident, Grover Beach, described incidents of damage to his property, theft, and negative interactions with clients of the People's Kitchen program;
- Raneile Jeffers, Day Program Director for a counseling services program, West Grand Avenue, Grover Beach, described negative interactions experienced by counseling service clients and staff involving the homeless and transients;
- Missy Harris, Longbranch Avenue resident, Grover Beach, recounted incidents involving clients of the People's Kitchen program documented with photographs (copies were distributed to each of the Council Members just prior to the meeting) or video recordings. She also expressed concerns regarding the safety of her children and the diminished quality of life in her neighborhood;
- Natalie Ozzimo, Trouville Avenue resident and local business owner, Grover Beach, described incidents involving property damage to local businesses and adverse impacts from incidents of panhandling and loitering;
- Greg Chamberlain, property manager of an apartment complex on Longbranch Avenue, described additional security measures implemented in the complex due to increased incidents of theft and property damage attributed to transients;
- Barinder Singh, Grover Beach resident and business owner, West Grand Avenue, Grover Beach, described negative interactions experienced by customers and employees involving transients either panhandling or loitering near his business;
- Jim Zimmerlin, Longbranch Avenue resident, Grover Beach;
- Alise Baker, Manhattan Avenue resident, Grover Beach;

- Duke Sterling, commercial property owner and business owner, West Grand Avenue, Grover Beach, described incidents of property damage when the People's Kitchen program operated from its previous location at Shouts of Grace Church on West Grand Avenue. He commented now that the program had relocated, there were fewer transients near his commercial building and he had successfully secured a commercial tenant after several consecutive months of vacancy;
- Thomas Ranelletti, commercial property owner, West Grand Avenue, Grover Beach, described difficulties in securing commercial tenants;
- Karl Welz, Longbranch Avenue resident, Grover Beach;
- Billy Headrick, Manhattan Avenue resident, Grover Beach; and
- Jeffrey McMorrow, Longbranch Avenue resident, Grover Beach.

Recess: Upon consensus of the City Council, the meeting recessed at 9:45 p.m.

Reconvene: At 9:54 p.m., the meeting reconvened with all Council Members present.

The Council acknowledged the widespread community support for the mission of the South County People's Kitchen program and commended the program's dedicated network of volunteers, service groups, and church organizations. It was noted, however, that the issue was not the merits of the People's Kitchen program, but whether the required findings could be made to issue a Use Permit for the proposed location on South 16<sup>th</sup> Street. Discussion ensued regarding the required findings to issue a Use Permit and whether all three findings could be made.

Council Member Marshall stated that, although the proposed site was not a desirable location, he could make the first two findings regarding consistency with the General Plan and City policies and suitability of the site. However, he needed further information regarding whether the use constituted a hazard.

Further discussion ensued regarding the increased calls for police services involving incidents in the vicinity of the People's Kitchen program and the types of calls that were received, such as panhandling, loitering, theft, violent crimes, and issues related to public health. Additional discussion was held regarding setting a reasonable period of time for program organizers to relocate, if the appeal was denied.

Council Member Marshall commented that program organizers might need the full 10 months under a Conditional Use Permit to find viable alternatives. He therefore considered the empty lot located next to County offices offering social service programs the most appropriate site for an interim period.

**Action:** It was m/s by Council Members Nicolls/Lee to adopt Resolution No. 13-41 **denying** the Use Permit. The motion carried on the following roll call vote:

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

**Resolution No. 13-41: A Resolution of the City Council of the City of Grover Beach Denying a Use Permit for Development Application 13-11 (286 South 16th Street).**

11:00 p.m. Rule: At 10:35 p.m. the time was noted and, upon unanimous consensus, the Council authorized continuing the meeting past 11:00 p.m.

Further Council discussion was held regarding extending the Temporary Use Permit to provide program organizers sufficient time to find and transition to a new location, but also being mindful of the concerns expressed by nearby residents and businesses regarding the negative impacts from some program clients. The Council commented regarding the need for all South County area communities to work collaboratively towards seeking long-term solutions to address issues regarding the food challenged and homelessness.

City Attorney Koczanowicz confirmed that the Council had the discretion to extend the Temporary Use Permit. However, he cautioned against authorizing an extension for a lengthy time period.

**Action:** It was m/s by Mayor Pro Tem Bright/Council Member Lee to direct that staff extend the Temporary Use Permit issued to the South County People's Kitchen for an additional 45 days, ending on November 22, 2013. The motion carried on the following roll call vote:

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

**Recess:** Upon consensus of the City Council, the meeting recessed at 10:53 p.m.

**Reconvene:** At 11:00 p.m., the meeting reconvened with all Council Members present.

### **CONSENT AGENDA**

Prior to consideration of the Consent Agenda, Item No. 4 was pulled pursuant to the request of Council Member Marshall. It was m/s by Council Member Marshall/Mayor Pro Tem Bright to approve Consent Agenda Item Nos. 2, 3, 5, and 6, as presented. The motion carried on the following roll call vote:

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

**2. Treasurer's Report for the Period September 10 - October 1, 2013.**

**Action:** Approved the report as submitted.

**3. Minutes of the City Council Meeting of Monday, September 16 2013.**

**Action:** Approved the minutes as submitted.

**5. Affirming the City of Grover Beach Investment Policy - A written investment policy in accordance with state law and prudent investment standards.**

**Action:** Adopted Resolution No. 13-42 affirming the Investment Policy.

**Resolution No. 13-42: A Resolution of the City Council of the City of Grover Beach, California Affirming the Investment Policy for the City of Grover Beach.**

**6. Consideration of Approval of an Amended Legal Services Agreement for City Attorney Services.**

**Action:** Approved the amended legal services agreement and authorized the Mayor to execute the agreement for City Attorney services with the firm of Koczanowicz & Hale on behalf of the City.

### **REGULAR BUSINESS**

None at this time.

### **PULLED CONSENT AGENDA ITEMS**

**4. Letter in Support of Intercity Passenger Rail - Draft letter to state and federal legislators in support of continued funding for the passenger rail network.**

Brief discussion was held regarding amending the draft letter to emphasize the location of a Train Station in Grover Beach, that the Train Station served the rail service needs of the entire South County area, and acknowledging the economic and environmental benefits of rail service. Additionally noting that planning was underway for a destination resort to be located within walking distance of the Train Station.

Council Member Nicolls requested that a copy of the signed letter also be sent to John Robert Smith, Co-Chair of the organization T4America, who sent the original request for a letter in support of passenger rail. Council Member Nicolls also suggested that the Mayor consider discussing this matter with the other Mayors at the next monthly Mayors' meeting.

**Action:** Upon unanimous consensus, the Council authorized staff to incorporate the proposed amendments into the draft letter, for the Mayor to execute the amended letter on behalf of the City, and for a copy to also be sent to John Robert Smith of T4America.

### **COUNCIL COMMITTEE REPORTS**

Mayor Pro Tem Bright reported on the meeting of the Zone Three Advisory Committee.

Council Member Lee commented on recent special events sponsored by the Chamber of Commerce and Visit San Luis Obispo County.

Council Member Marshall commented that he might have missed the last meeting of the Homeless Services Oversight Council and requested staff to follow-up regarding whether a meeting notification had been received by the City.

Mayor Peterson reported on the meeting of the Economic Vitality Corporation.

### **COUNCIL COMMUNICATIONS**

- A. Mayor Peterson inquired whether there might be any interest in inviting elected officials from the neighboring jurisdictions to attend the upcoming Special City Council workshop regarding water resources.

Brief discussion was held regarding the anticipated level of participation from visiting elected officials to ensure the appropriate information was included in the workshop notice.

**Action:** Upon consensus, the Council authorized: 1) the City Manager to contact the neighboring jurisdictions inviting their respective elected officials attend the workshop to be held on Monday, October 28, 2013; and 2) for the workshop not to be televised or videotaped.

Mayor Peterson inquired whether the Council should consider establishing regulations regarding panhandling.

Upon request, Chief Copsey responded that staff was exploring options under state law that might assist in drafting regulations more responsive to the needs of Grover Beach. Once that research concluded, the matter would be presented to the Council.

- B. Mayor Pro Tem Bright inquired as to when the issue of “streets” would be scheduled for Council discussion.

City Manager Perrault responded that street rehabilitation was tentatively scheduled for discussion in November.

- C. Mayor Peterson noted that she was scheduled to speak at an association of realtors meeting to be held in December.

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

7. **Authorization to Set a Special Meeting to Consider Final Approval of Tract 3038.**

City Manager Perrault briefly described the request to schedule a special meeting regarding Final Tract Map 3038 for Phase 1 of Green Park Homes, LLC, a new subdivision of homes located on South 16<sup>th</sup> Street and Farroll Road.

Brief discussion was held regarding whether the request was a matter of urgency or could be considered at the next regularly scheduled City Council meeting.

**Action:** Upon consensus of a majority of the City Council, the City Manager was authorized to schedule a special City Council meeting for final consideration of Tract Map 3038, if necessary, on Tuesday, October 15, 2013 at 6:30 p.m.

**CITY ATTORNEY'S REPORTS AND COMMENTS**

None at this time.

**CLOSED SESSION**

None at this time.

**ADJOURNMENT** There being no further business to come before the City Council, Mayor Peterson adjourned the meeting at 11:20 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 11/04/2013)