

**MINUTES
CITY COUNCIL MEETING
MONDAY, DECEMBER 2, 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 Amelie Guerrero, an 8-year-old, 3rd 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, and Police Chief/Assistant City Manager Copsey were also present.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

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

1. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Lopez v. City of Grover Beach, et al CV 120210
2. 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

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.

At this time Mayor Peterson recognized former Grover Beach Mayor Peter Keith and Oceano Community Services District Board President Matthew Guerrero, who were seated in the audience.

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. Peter Keith, former Grover Beach Mayor, expressed concerns with regards to finding a permanent location for the People's Kitchen meal distribution program.
- B. John A. Wysong, Grover Beach resident, described drought conditions that he had observed during a recent out-of-state trip.

Brief Council discussion was held regarding whether to schedule a forum to discuss options for a suitable location for the People's Kitchen Program to serve meals to the food challenged. It was noted that the matter was of community-wide concern and should probably be initiated and coordinated by the Five Cities Homeless Coalition rather than an individual city. Mayor Peterson noted the issue had been discussed at a recent Mayors' meeting.

PUBLIC HEARINGS

1. **Grover Beach Lodge and Conference Center, Development Permit Application No. 10-03. Applicant: Pacifica Companies.** Location: The proposed project is generally bounded by West Grand Avenue to the south, Le Sage Drive to the north, Meadow Creek to the east and the Pacific Ocean to the west.

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 displayed a PowerPoint presentation with site plans and project elevations as he provided a detailed overview regarding the request for approval of a Coastal Development Permit and Site and Architectural Plans to allow construction of a 150-room hotel, conference center, and restaurant consisting of four buildings, totaling approximately 121,370 square feet. He noted the project site was approximately 13 acres and would include improvements to the existing public plaza area, new walkways and paths, redesign of the existing parking areas, and riparian enhancement to Meadow Creek. The project also proposed relocating the existing recreational vehicle sewer dump station.

He then outlined the 30-year history for the development of a lodge facility at Pismo State Beach, the public review process conducted to date for the proposed project submitted by Pacifica Companies, and subsequent revisions to the project's design as a result of the Coastal Commission certification in June 2013 of the City's Local Coastal Plan Amendment. He noted the first revision affected the proposed equestrian parking area and the second revision affected the heights of buildings located closer to the dunes. Staff then responded to questions from the Council regarding various project design elements.

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

Bruce Van Vort, Manager, Fin's Seafood Restaurant and Pismo State Beach Golf Course, expressed concerns regarding the proposed reconfigured public parking area, noting insufficient parking for high volume visitor traffic and insufficient access for delivery trucks.

Sharon Brown, Grover Beach resident, inquired and received information regarding a variety of project design elements.

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

Discussion ensued regarding the proposed paved parking area, efforts by the Joint Authority to maintain public access, future expansion of the parking area for the nearby Train Station Expansion Project, and the high volume of tourist traffic and limited parking in the adjacent community of Pismo Beach.

At this time Mayor Peterson distributed copies of the *2013 Central Coast Economic Forecast* that described positive indicators regarding tourism and hotel occupancy in San Luis Obispo County.

Additional Council discussion was held regarding parking, requirements for minimum turning radii to accommodate oversized vehicles, scheduling delivery trucks for the early morning hours to minimize parking conflicts, and amending the Conditions of Approval in the draft Resolution to require: 1) the project applicant mitigate the tracking of decomposed granite from parking lot areas onto sidewalks or the street (PW-18), and 2) for the maintenance agreement to also require the operator of the Lodge to maintain the irrigation systems (PW-14).

Action: It was m/s by Council Member Nicolls/Mayor Pro Tem Bright to amend the Conditions of Approval in the draft Resolution to add the following (added text denoted with double underlined font):

- 1) the project applicant mitigate the tracking of decomposed granite from parking lot areas onto sidewalks or the street (PW-18); and
- 2) for the maintenance agreement to also require the operator of the Lodge to maintain the irrigation systems (PW-14);

and adopt Resolution No. 13-48, as amended, approving the Coastal Development Permit and Site and Architectural Plans. 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. 13-48: A Resolution of the City Council of the City of Grover Beach Approving a Coastal Development Permit and Site and Architectural Plans Associated with Development Permit Application 10-03 for the Grover Beach Lodge and Conference Center Project.

2. **Introduction and First Reading of Ordinance to Amend Grover Beach Municipal Code Article IX (Development Code); Article V (Sanitation and Health), Chapter 6; and Article VIII (Building Regulations), Chapter 4 (Grading); Development Permit Application 13-16 (Applicant: City of Grover Beach).**

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, Public Works Director/City Engineer Ray provided a brief overview regarding the recommendation by the Planning Commission to amend certain sections of the Grover Beach Municipal Code to comply with the State General Permit for stormwater protection and to update the Grading Code.

He noted that the proposed Ordinance would enact new standards for stormwater protection on projects during and after construction, enact new grading regulations, and enact new controls and enforcement mechanisms for non-stormwater discharges to the City's storm drain system. Once adopted, the Ordinance would affect all properties in the City, including those within the Coastal Zone. Staff then responded to questions from the Council regarding un-reimbursed state mandates and additional staff training that would be required to meet stormwater requirements.

Brief discussion was held regarding the various requirements.

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, and the Mayor closed the Public Hearing.

Action: It was m/s by Council Members Marshall/Lee to introduce and conduct first reading of Ordinance No. 13-04, by title only, amending Grover Beach Municipal Code Article IX (Development Code), Municipal Code Article V (Sanitation and Health), Chapter 6, and Municipal Code Article VIII (Building Regulations), Chapter 4 (Grading) and schedule a second reading and adoption for the next regular City Council meeting on December 16, 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 Members - None.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.

Ordinance No. 13-04: An Ordinance of the City Council of the City of Grover Beach Amending Grover Beach Municipal Code Article V Sanitation and Health, Article VIII Building Regulations, and Article IX Development Code. (First Reading only.)

Action: It was m/s by Council Members Marshall/Lee to adopt Resolution No. 13-49. 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. 13-49: A Resolution of the City Council of the City of Grover Beach, California, Amending the City Standards and Specifications by Adding Section 8, Stormwater Construction and Post-Construction Management.

3. Second Reading and Adoption of Ordinance Amending the Building Code Regulations.

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 second reading and adoption of Ordinance No. 13-03 to update certain building and construction codes as mandated by the State.

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

Action: It was m/s by Mayor Pro Tem Bright/Council Member Lee to conduct second reading, by title only, and adopt Ordinance No. 13-03. 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.

Ordinance No. 13-03: An Ordinance of the City Council of the City of Grover Beach Amending Article VIII of the Grover Beach Municipal Code Adopting by Reference the 2013 California Building Standards Administrative Code, 2013 California Building Code, 2013 California Residential Building Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Energy Code, 2013 California Historical Building Code, 2013 California Fire Code, 2013 California Existing Building Code, 2013 California Green Building Standards Code, 2013 California Reference Standards Code and the 2012 International Property Maintenance Code. (Second reading)

AGENDA REVIEW

At this time, City Attorney Koczanowicz requested the City Council consider adding an urgency item to the agenda. He stated that, subsequent to the posting of the agenda, information had been brought to the City's attention regarding findings of the Regional Water Quality Control Board that required Council action by no later than December 5, 2013. He noted that, if approved, the added urgency item would be listed under Closed Session as follows:

3. 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

Action: Upon m/s by Mayor Pro Tem Bright/Council Member Marshall, the Council authorized adding Closed Session Item No. 3 as an urgency item to the agenda. 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.

CONSENT AGENDA

Upon unanimous consensus, the Council approved Consent Agenda Item Nos. 4 and 5 as recommended.

4. **Treasurer's Report for the Period October 29, 2013 - November 25, 2013.**
Action: Approved the Treasurer's Report as submitted.
5. **Minutes of the Special City Council Meeting on October 28, 2013 and the Regular City Council Meeting on November 4, 2013.**
Action: Approved the minutes as submitted.

REGULAR BUSINESS

6. **Email Accessibility for Elected Officials.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. For the information of those present, Police Chief/Assistant City Manager Copsey provided an overview regarding the proposed implementation of revised procedures regarding electronic mail for elected officials and the development of an electronic mail or "email" policy to ensure compliance with certain legal requirements. He then responded to questions from the Council.

Action: Upon unanimous consensus, the Council authorized the City Manager to move forward with the implementation of assigning individual email addresses to elected officials for posting on the City's website with a copy to be sent automatically to the City Management Office.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

Mayor Pro Tem Bright deferred her committee reports to the next meeting.

Council Member Lee reported on meetings of the Integrated Waste Management Authority and Visit San Luis Obispo County, as well as the Homeless Services Oversight Committee, which he attended as the alternate representative for Council Member Marshall.

Council Member Nicolls reported on the meeting of the Five Cities Fire Authority and noted the annual Santa Run would be held in Grover Beach on December 4 and 5, 2013. Upon request, City Manager Perrault briefly described the schedule of events for the Annual Holiday Parade, Santa's Workshop, and Tree Lighting Ceremony to be held on Saturday, December 7, 2013.

Mayor Peterson reported on meetings of the Air Pollution Control District, the Economic Vitality Corporation, and the South San Luis Obispo County Sanitation District.

COUNCIL COMMUNICATIONS

- A. Council Member Nicolls acknowledged the City recently received a letter from President/Chief Executive Officer Judith Bean of the Arroyo Grande & Grover Beach Chamber of Commerce praising the assistance of Police Chief/Assistant City Manager Copsey during a recent special event.
- B. Mayor Peterson announced that she would be attending the following upcoming meetings: a tour of a new water purification plant in Oxnard on December 5th, a Realtors Association meeting on December 6th, and the City's workshop regarding streets on December 9th.

She then noted that she was recently appointed to serve on two League of California Cities Policy Committees for: 1) Housing, Community and Economic Development, and 2) Administrative Services. Additionally, she announced plans to present a Mayor's Commendation to a local World War II veteran at the next regular City Council meeting on December 16, 2013.

Mayor Peterson also described recent correspondence received from Captive Hearts that requested funding assistance, and that the organization was informed the City had no funds budgeted to provide such assistance.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault noted the next meeting of the San Luis Obispo Council of Governments would include a discussion regarding funding requests for two significant Grover Beach projects regarding Oak Park Boulevard Improvements and the Train Station Expansion Project.

He also noted that a presentation from a local citizens committee regarding a proposed City Charter was scheduled for the next regular City Council meeting on December 16, 2013.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 9:29 p.m., the Council met in Closed Session regarding the following items:

1. **Conference with Real Property Negotiators**
Pursuant to Government Code Section 54956.8
Property: APN 060-381-010, 011
Agency negotiator: City Manager and City Attorney
Negotiating party: Pacifica Companies
Under negotiation: Terms of Potential Lease
2. **Conference with Legal Counsel - Anticipated Litigation**
Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation
Pursuant to Government Code Section 54956.9.(d)(4): One (1) potential case
3. **** 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

** Urgency Item added under the second Agenda Review held earlier in the meeting.

Closed Session Announcements: At 10:12 p.m., Mayor Peterson reconvened the meeting in open session with all Council Members present. City Attorney Koczanowicz 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 10:13 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 01/21/2014)