

**MINUTES
CITY COUNCIL MEETING
MONDAY, APRIL 20, 2009**

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 A moment of silence was held in memory of Laurence Kailanii Brannum, a 9-year-old Arroyo Grande resident who was recently swept out to sea near Point Sal.

FLAG SALUTE The flag salute was led by Jessica Landeros, an 11-year-old, sixth grade student from Oceano Elementary School.

ROLL CALL

City Council: Council Members Bright, Mires, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals were present.

City Staff: City Manager Perrault, City Attorney Koczanowicz, Administrative Secretary Toles, Administrative Services Director Chapman, Interim Community Development Director Beck, Police Chief Copsey, Fire Chief Hubert, and Sergeant Tim Miller were also present.

Also present was City Engineer Garing.

AGENDA REVIEW

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

CEREMONIAL CALENDAR

1. **Proclamation Declaring May 2009 as "Bike Month" and May 18 - May 22, 2009 as "Bike to Work and School Week".**

Mayor Shoals read and presented the Proclamation to Jim DeCecco, who received it on behalf of San Luis Obispo Regional Rideshare.

PRESENTATIONS

2. **School Project Presentation Regarding Solar Energy and an Energy Guide Prepared by Students from Mr. Jim DeCecco's Sixth Grade Class at Oceano Elementary School.**

Mr. DeCecco introduced students Jessica Landeros and Angelica Gagliano and distributed copies to the City Council of the "Oceano Elementary School's Energy Guide", which had been written by the students and funded through a grant from PG&E. Miss Landeros and Miss Gagliano presented information regarding how the sun could be used to meet future energy needs and described tips regarding how to use less energy and save money.

3. **Presentation at the Request of Mayor Shoals from PacificWest Energy Solutions, Inc.**

Patrick Weller, Executive Vice President of PacificWest Energy Solutions, Inc., presented an overview of services his company offered to assist public agencies with identifying energy and environmental solutions that also reduced energy costs. He described his company's past experiences working with energy-sector companies, local government agencies, and school districts. Mr. Weller also illustrated a specific case study that resulted in significant reductions in energy consumption, cost, and emissions. He then outlined a proposal for the City to implement in phases, beginning with an investment grade audit. He described federal stimulus funds that would be available for programs and services to reduce energy use and emissions, and then responded to questions from the Council.

Action: Upon unanimous consensus, the Council directed staff to schedule consideration of a Memorandum of Understanding with PacificWest Energy Solutions, Inc., on a future City Council agenda.

4. Donation of a Forensic Computer Work Station to the Grover Beach Police Department to be Used for Gathering Evidence From Computers.

Brenda Cavanaugh, President of the Grover Beach Rotary Club, described the Club's recent donation to the Grover Beach Police Department of a forensics computer work station. She specifically thanked fellow-Rotarian Kevin Wooley for his technical expertise in building the work station. Upon request, Police Chief Copsey and Sergeant Tim Miller described how the equipment would be used. At this time, the Council and Police Chief Copsey recognized and thanked members of the Grover Beach Rotary Club who were seated in the audience.

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. No one responded and the Mayor closed the Public Communications segment for this portion of the meeting.

PUBLIC HEARINGS

5. Consideration of an Amendment to the City of Grover Beach Municipal Code Section 9137.28 Underground Utilities to Establish a Permanent "In-Lieu" Fee Program.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Manager Perrault provided an overview of the City's interim policy that provided the option of paying an in-lieu fee of \$300 per lineal foot rather than placing utilities underground.

City Engineer Garing also described the City's current interim policy and summarized the exemptions for single-family residential lots with one or two residential units. He then reviewed the estimated average total cost to underground utilities and provide a service connection in the amount of \$363 per lineal foot, and described potential uses for the collected in-lieu fees. He also noted the City's concern that single-family developments might be overburdened with development fees and therefore recommended maintaining the existing exemptions. City Engineer Garing then outlined the components of the proposed permanent in-lieu fee program, summarized staff responses to concerns raised at a recent community meeting held to discuss the proposed program, and reviewed how the costs to underground utilities were calculated. He and staff then responded to questions from the Council regarding how construction of affordable residential housing units qualified for the in-lieu fee program. Staff also confirmed that it was a policy decision whether to discount the in-lieu fee for affordable housing units based on the degree of affordability and where to allocate the funds collected as in-lieu fees. It was also noted that the option would still be available for an applicant to file an appeal to the Council regarding financial hardship.

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

Thor Ourston, Grover Beach business owner, objected to the concept of allowing in-lieu fees collected at one location being used to construct infrastructure improvements at a different location. He also expressed concerns that the program could negatively impact property values.

Paul Bischoff, Grover Beach, requested that the proposed program be amended to: reduce the fee for developments located on corner lots, change the due date for payment of the in-lieu fee to the end of the permit process, and increase the discounted in-lieu fee percentage for those projects with affordable housing residential units. He also disputed the cost calculations to underground utilities, and objected to a property owner who was seeking to redevelop his or her own property being subject to payment of further underground fees or charges if an in-lieu fee had already been paid for parcel improvements.

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

Brief discussion was held regarding how the in-lieu fee program was initiated to provide some financial relief to property owners of single-family residential developments who were remodeling their homes. Additional discussion was held regarding the proposed permanent in-lieu fee program, including:

- concerns raised that the collected fees might not be used to the benefit of those property owners who paid the in-lieu fees;
- whether a property should be subject to a second collection of an in-lieu fee;
- providing further incentives for developments that included an affordable housing unit by either increasing the discounted amount based on the level of affordability and/or allowing those developments to pay the in-lieu fee at the end of the permit process;
- reassessing the manner in which the fee was calculated; and
- whether to continue this matter for further research and discussion at either a public workshop or Council meeting.

Action: Upon unanimous consensus, the Council directed staff to schedule consideration of a permanent in-lieu fee program at a future City Council meeting and to provide additional information as follows: 1) re-examine the in-lieu fee amount by obtaining cost estimates to construct underground utilities by a private contractor or developer rather than by PG&E; 2) clarify that projects with improvements of 300 feet or less of frontage would be subject to the in-lieu fee, but projects with more than 300 feet would not be eligible; 3) defer collection of the in-lieu fee until just prior to issuance of an occupancy permit; 4) re-examine how the in-lieu fee would be applied to projects on corner lots since those parcels could be developed for higher density; 5) amend the proposed Ordinance to state that the use of the collected in-lieu fees would be targeted to those areas in which they were collected; 6) re-examine eligible exemptions; 7) re-examine whether to offer additional incentives to construct affordable housing residential units; 8) re-examine whether payment of an in-lieu fee for a parcel being improved should relieve the owner from any future overhead to underground fees or charges if that same parcel was to be redeveloped; and 9) obtain information regarding how other cities were collecting in-lieu fees, when the fees were collected, and if the funds were used in the neighborhoods where they were collected.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item No. 8 was pulled for discussion pursuant to the request of Mayor Pro Tem Nicolls.

It was m/s by Council Members Bright/Peterson to approve Consent Agenda Item Nos. 6 and 7 as presented. The motion carried on the following roll call vote:

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

6. Treasurer's Report for the Period April 1 - 16, 2009.

Action: Approved as submitted.

7. Second Reading and Adoption of an Ordinance Amending Grover Beach Municipal Code Article IX, Chapter 4, Sign Regulations - Amending campaign sign regulations to allow only one sign to be posted for each candidate, issue, ballot measure or proposition.

Action: Conducted second reading, by title only, and adopted Ordinance No. 09-03.

Ordinance No. 09-03: An Ordinance of the City Council of the City of Grover Beach, California, Amending Grover Beach Municipal Code, Article IX, Chapter 4, Regarding Sign Regulations. (Second Reading.)

ORDER OF THE DAY At this time, Mayor Shoals called for discussion of Item No. 8.

8. Amendment to the Contract for Legal Services Reflecting the Merger of Koczanowicz & Donaldson with Cota Cole & Associates.

City Attorney Koczanowicz stated that, pursuant to Council direction, the amendment to the contract for legal services to the City would be redrafted to include the following three changes to Page 2, Section B of the agreement, (added text denoted with a double underline):

- 1) Second paragraph of Section B, the last sentence to read as follows: "City and Attorney agree no charge will be billed by Attorney for travel time or mileage to the City";
- 2) Fourth paragraph of Section B: strike out the second sentence of the paragraph: "~~Any amounts not paid within thirty days of the statement date accrue interest at eighteen percent (18%) per annum from the statement date until paid~~"; and
- 3) The City Council has imposed a requirement of keeping on file a proof of errors and omission insurance.

Action: It was m/s by Council Members Peterson/Mires to: 1) authorize entering into an Amendment to the Contract for Legal Services, as amended; 2) change the name from "Koczanowicz & Donaldson" to "Cota Cole & Associates"; and 3) authorize the Mayor to execute the Agreement on behalf of the City. The motion carried on the following roll call vote:

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

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

REGULAR BUSINESS

9. 2009 Weed Abatement Program.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Fire Chief Hubert provided a report on the annual weed abatement program to ensure that properties within the City were maintained free from weeds, rubbish, and other flammable materials. He then reviewed the process of inspecting properties, notifying property owners, re-inspecting lots found in violation of the program, and referrals made to an independent contractor to clear properties in need of abatement. He stated that the cost to clear the lots and administer the program would be placed on the tax bill of property owners.

There was no Council discussion held and no public comments received.

Action: It was m/s by Council Members Mires/Peterson to adopt Resolution No. 09-22, declaring weeds to be a nuisance and providing for weed abatement. The motion carried on the following roll call vote:

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

Resolution No. 09-22: A Resolution of the City Council of the City of Grover Beach Declaring Weeds to be a Nuisance and Providing for Weed Abatement Pursuant to Government Code Sections 39560 Through 39588; Article 2 - Alternative Procedures for Weed and Rubbish Abatement.

PULLED CONSENT AGENDA ITEMS

Consent Agenda Item No. 8 had been discussed earlier in the meeting.

COUNCIL COMMITTEE REPORTS

Council Member Bright stated that she had nothing to report.

Mayor Pro Tem Nicolls reported on the South SLO County Sanitation District.

Council Member Peterson stated that she had nothing to report.

Council Member Mires stated that he had nothing to report.

Mayor Shoals stated that he had nothing to report.

CITY COUNCIL AGENDA

None at this time.

COUNCIL COMMUNICATIONS

- A. Council Member Peterson announced the following reminders: 1) the Grover Beach Chamber of Commerce was hosting its first "Shop Local, Shop Loyal" event on the evening of Tuesday, April 21, 2009, at the Gateway Plaza Shopping Center, located at Oak Park Boulevard and East Grand Avenue; and 2) it was the week of South County Sanitary's "Clean Up Week", when residents could place up to 12 cans or bags of trash at the curb on their regular trash collection day.

CITY MANAGER'S REPORTS AND COMMENTS

10. Request to Consider Date for Future Workshop on the Land Use Element of the City's General Plan in May 2009.

City Manager Perrault stated that with the Council-authorized consultant assistance of the Morro Group, progress had been made to update the Land Use Element. A public review draft of the Land Use Element and a Proposed Draft Land Use Element Diagram were anticipated to be completed by May 2009. A public workshop was therefore being requested to review these draft documents and seek input from the Council, Planning Commission, and interested members of the public. He suggested scheduling the workshop on May 11, 2009, or on an alternate date of either May 13th or May 20th at 6:30 p.m.

Action: Upon unanimous consensus, the Council: 1) selected the date of Monday, May 11, 2009, to conduct a public workshop regarding the Land Use Element, and 2) authorized staff to issue notices to encourage public participation at the workshop.

At this time, City Manager Perrault made the following announcements:

The Council's letter requesting a hearing regarding the Storm Water Management Program would be heard before the Regional Water Quality Control Board on Friday, May 8, 2009. He stated that a strong presence by the City was important due to the City's position that: 1) the current draft plan, as stated, was overly restrictive, and 2) it required the City to spend funds which was in conflict with the unfunded mandate guidelines of the State.

A Community Workshop to discuss downtown medians concepts from 4th Street to 1st Street was scheduled to be held on Monday, April 27, 2009 at 6:30 p.m. in the City Council Chambers.

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 Shoals adjourned the meeting at 8:16 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 9/8/09)

Respectfully Submitted:

/s/LORRIE TOLES, ADMINISTRATIVE SECRETARY