

**MINUTES  
CITY COUNCIL MEETING  
TUESDAY, FEBRUARY 17, 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**

**FLAG SALUTE** The flag salute was led by Audrianna Fish, an 11-year-old, fifth grade student from Grover Beach 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, City Clerk McMahon, Interim Community Development Director Beck, Police Chief Copsey, Public Works Superintendent Ford, and Economic Development Specialist Buckingham were also present.

Also present was City Engineer Garing.

**CLOSED SESSION ANNOUNCEMENTS** City Attorney Koczanowicz read the following announcement:

On Monday, February 2, 2009 after meeting in Closed Session regarding:

1. Conference with Real Property Negotiators  
Pursuant to Government Code Section 54956.8  
  
Property: APN 060-205-017  
Agency negotiator: City Manager and City Attorney  
Negotiating party: Donald H. Marek, Mohr Partners, Inc.  
Under negotiation: Acquisition  
  
Property: APN: 060-228-005 & 011  
Agency negotiator: City Manager and City Attorney  
Negotiating party: Robert E. Hulette  
Under negotiation: Acquisition
2. Conference with Legal Counsel - Pending Litigation  
Pursuant to Government Code Section 54956.9(a)  
Sorrell v. City of Grover Beach USDC CV 09 00137 JSL

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 Declaring Tuesday, February 24, 2009 as "Spay Day USA".**

Mayor Shoals read and presented the Proclamation to Grover Beach business owner Mary Buehnerkemper, representing the Feline Care Network.

**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. Marcia Alter, Arroyo Grande, member of Friends of Poems for Endangered Places, presented each Council Member with the book *Poems for Endangered Places*, written by seven local published poets.

- B. Terry Sanville, poet and former Planner for the City of San Luis Obispo, read one of his poems entitled "The Golden West Saloon".

## **PUBLIC HEARINGS**

### **2. Amendment to Grover Beach Municipal Code Section 9137.9 Relating to Curb, Gutter and Sidewalk.** *(Continued Public Hearing from Monday, January 26, 2009.)*

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Engineer Garing reviewed the City's current regulations regarding installation of curb, gutter, sidewalk, and street conform.

He stated that the proposed amendments were to address situations where new developments fronted pavement in poor condition, and displayed photographs of specific examples where this had occurred. The amendments would also exempt qualifying single-family residential units, remodels or additions; require replacement if the existing curb, gutter or sidewalk was determined to be in poor and/or unsafe condition along the project frontage; and specify that a second single-family residential unit constructed on the same parcel within two years of completion of the first single-family residence would have the same requirements as multi-unit developments. Staff then responded to questions from the Council further clarifying the proposed amendments.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There was no response received at this time.

Brief discussion was held regarding the requirement to construct a street conform. Staff clarified that the conform point was not necessarily the same location as the centerline of the street. Further discussion was held regarding limiting the requirement for minor remodel projects of single-family homes, and ensuring that new developments bore an equitable share of the cost for street construction.

Discussion was also held regarding modifying the Ordinance further to clarify that:

- minor remodels/additions of single family homes of less than 40 percent of floor area were exempt from the new requirements;
- remodels/additions and new single-family homes were exempt from repairing pre-existing curb, gutter, or sidewalk damage;
- new construction of single-family homes would be required to install curb, gutter, and sidewalk and provide street repairs up to the first 11 feet;
- multi-unit/commercial/industrial developments would be required to install curb, gutter, and sidewalk as well as street conform, which in some instances could be to the street centerline, as determined by the City Engineer;
- a project of any size would be required to make repairs to infrastructure for any new damage caused by the construction; and
- amending Section 9137.9(A)(5) to add the following text (indicated by double underline):  
If existing curb, gutter or sidewalk is found to be in unsatisfactory condition fronting any commercial or multi-unit development project qualifying under this section, then the applicant or developer shall be required to replace the defective portions of said improvements in accordance with City Standards.

Discussion was then held regarding continuing the Public Hearing to a date certain.

**Action:** Upon unanimous consensus, the Council directed staff to incorporate further amendments to the draft Ordinance, as discussed, and continue the Public Hearing to March 16, 2009.

## **CONSENT AGENDA**

Prior to consideration of the Consent Agenda, Item No. 6 was pulled pursuant to the request of Mayor Pro Tem Nicolls. Council Member Mires and Council Member Peterson each stated that they would abstain from voting on the meeting minutes (Agenda Item No. 4), as they were not present at the meetings listed. In reference to an expense listed in Agenda Item No. 3, Mayor Pro Tem Nicolls expressed concern regarding the cost of an appraisal, and suggested staff contact other firms to determine whether the same service could be provided at a lower cost.

It was m/s by Council Member Bright/Mayor Pro Tem Nicolls to approve Consent Agenda Item Nos. 3, 4, and 5, as recommended. The motion carried on the following roll call vote:

AYES: Council Members Bright, Mires (*except* for Item No. 4), Peterson (*except* for Item No. 4), Mayor Pro Tem Nicolls, and Mayor Shoals.  
NOES: Council Members - None.  
ABSENT: Council Members - None.  
ABSTAIN: Council Members Mires and Peterson (for Item No. 4 *only*).

**3. Treasurer's Report for the Period of January 28 – February 11, 2009.**

**Action:** Approved as submitted.

**4. Minutes of the Following Meetings:**

- Joint City Council/Improvement Agency Meeting of June 16, 2008;
- City Council Meeting of July 21, 2008;
- City Council Meeting of August 4, 2008; and
- Joint City Council/Improvement Agency Meeting of August 4, 2008.

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

**5. Records Destruction Authorization** - Authorization to destroy certain Police Department records in accordance with the City-wide records retention schedule and the department records destruction program.

**Action:** Adopted Resolution No. 09-10.

**Resolution No. 09-10: A Resolution of the City Council of the City of Grover Beach Accepting the Police Department's Staff Report and Recommendations for Records Destruction.**

**REGULAR BUSINESS**

**7. Request to Join the International Council for Local Environmental Initiatives (ICLEI) - Local Governments for Sustainability in Order to Conduct Emissions Inventory for the City of Grover Beach.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Interim Community Development Director Beck provided an overview of state legislation requiring greenhouse gas emissions reporting and reductions to be implemented by January 2010. She stated that producing an emissions inventory would be an environmental component in the update process for the City's Land Use Element and the Circulation Element, which were scheduled to occur later in the year. Additionally, the San Luis Obispo County Air Pollution Control District would be assisting cities to prepare greenhouse gas emission inventories and developing action plans. The District had contracted with the firm PMC to provide technical assistance, and student interns would be completing the data entry required for determining emissions. In order to prepare the inventory, the City would need to use software developed by ICLEI, and a condition of using the software was membership. Membership involved identifying a Council representative to serve as an elected official liaison, a staff member to serve as the staff liaison, and payment of a membership fee based on the size of the City.

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

Tom Murray, Arroyo Grande, praised the City for its increased understanding of environmental issues and cooperatively working with the State on these matters.

There were no further public comments received.

Council Member Bright volunteered to serve as the City's ICLEI representative.

**Action:** It was m/s by Council Member Mires/Mayor Pro Tem Nicolls to: 1) adopt Resolution No. 09-11 to join ICLEI (the International Council for Local Environmental Initiatives - Local Governments for Sustainability); 2) authorize staff to use the ICLEI program to conduct a greenhouse gas emissions inventory for the City; and 3) appoint Council Member Bright as the "elected official liaison" to ICLEI and for her to receive e-mail updates on ICLEI initiatives. 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. 09-11: A Resolution of the City Council of the City of Grover Beach, California, Authorizing Participation in the Cities for Climate Protection Campaign to Reduce Greenhouse and Air Pollution Emissions Throughout the Community.**

**8. Consider Authorizing the City Manager to Submit Comments to the Regional Water Quality Control Board (RWQCB) Regarding the Draft Storm Water Management Plan.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault reviewed the information he had presented at the December 2008 Council meeting regarding the draft Storm Water Management Plan and the requirements by the State RWQCB to permit and regulate the discharge of storm water within local jurisdictions. The public comment period on the draft Plan had been extended to March 1, 2009, and the Board hearing to review the Plan was set for May 2009. In addition, the Home Builders Association had filed comments on the Plan to the RWQCB and had requested a hearing. That hearing would be held at that same time as the City's hearing in May.

City Manager Perrault reviewed key issues to consider in preparing comments: 1) the City's current policy regarding retention of water on-site for nearly all newly-developed property or significantly redeveloped property, which was more restrictive than the State's requirements for new development; 2) the estimated costs associated with implementing the Plan's 150-160 Best Management Practices within the five-year time frame, which were estimated to be between \$100,000 and \$150,000 per year; and 3) the potential impacts of implementing a state-mandated program without receiving reimbursement from the State.

City Engineer Garing provided an overview of the City's existing storm water requirements, development of the City's 1976 Master Storm Drain Plan, sizes of existing drainage lines, and locations of existing drainage basins. He also described shortfalls in water storage facilities during significant storms, and pointed out conflicts between the City's standards and RWQCB requirements.

City Manager Perrault reviewed the recommendation to defer a majority of implementation measures contained in the first and second years of the Plan until years three and four. The deferral would save approximately \$200,000 to \$240,000 and permit staff additional time to work collaboratively with other cities and organizations in an effort to hold costs down and identify potential revenue sources. Expenditures during the first two years would then consist of basic reporting requirements as set by the RWQCB. Staff then responded to questions from the Council.

Discussion was held, with historical background information provided, regarding the development of the Mentone Drainage Basin on what was once a large vacant lot; potentially developing smaller drainage basins on Newport or Longbranch Avenues, as both streets were wider than other residential streets in the City; and incorporating landscaped areas to accommodate drainage. It was noted that the sandy soil conditions in Grover Beach were well-suited for accommodating on-site retention. Staff provided an overview of how other jurisdictions were responding to the State requirements. Additional discussion was held regarding potential consequences for non-compliance. Upon request, staff provided clarification regarding drainage requirements for two recently developed commercial businesses on West Grand Avenue.

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

Tom Murray, Arroyo Grande resident, member of SLO Green Build, offered the technical assistance of his organization to discuss alternative options regarding storm water.

There were no further public comments received.

Further discussion was held regarding the deadline to submit comments by March 1, 2009, and continuing to review City standards relative to the State's requirements. Additional discussion was held regarding not deferring the Best Management Practices contained in years one and two, and exploring other options to accommodate drainage for commercial developments.

**Action:** Upon unanimous consensus, staff was directed to submit a letter to the Regional Water Quality Control Board to include the following: 1) storm water management requirements associated with development should reflect the current or modified policies of the City; and 2) the City would implement the Plan only to the extent it received reimbursement for its costs from the State.

**Recess:** Upon consensus of the City Council, the meeting recessed at 9:08 p.m.

**Reconvene:** At 9:15 p.m., the meeting reconvened with all Council Members present.

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

##### **6. Letter of Support Regarding the California Space Authority (CSA).**

Mayor Pro Tem Nicolls suggested amendments to the draft letter. Brief discussion was held regarding other suggested amendments.

**Action:** Upon unanimous consensus, the Council amended the letter to (added text denoted with double underline, deleted text denoted with ~~strikeout~~): 1) identify the proposed Space Center Project as "adjacent to Vandenberg Air Force Base", rather than "~~at Vandenberg Air Force Base~~"; 2) amend a sentence in the first paragraph of the letter to: "We believe that, along with being a great destination for all visitors statewide, this project will also benefit both the base and the surrounding ~~area~~ communities, including Grover Beach, for future generations to come"; and 3) authorize the Mayor to execute the letter of support, as amended, on behalf of the City.

#### **COUNCIL COMMITTEE REPORTS**

Council Member Bright - none at this time.

Council Member Mires reported on the meeting of the San Luis Obispo County Water Resources Advisory Board (WRAC).

Council Member Peterson - none at this time.

Mayor Pro Tem Nicolls reported on the meeting of the South San Luis Obispo County Sanitation District.

Mayor Shoals - none at this time.

#### **CITY COUNCIL MEMBER ITEMS**

None at this time.

#### **COUNCIL COMMUNICATIONS**

A. Mayor Pro Tem Nicolls praised the City Manager, City staff, and volunteers who had come in over the recent three-day holiday to paint some of the interior walls at City Hall.

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

### **9. Report Regarding Smoking Near Entrances to Public Facilities and Enforcement.**

In response to the Council's request, City Manager Perrault reviewed state law that banned smoking in and around public facilities; related signage posted at City facilities and playgrounds; and a total of ten offenses reported to the Police Department over the past two-year period, all of which involved juveniles.

Mayor Shoals stated that he had been approached by a citizen requesting a smoking ban at all parks, and suggested expanding the distance from public facility entrances that was currently designated as smoke-free.

Brief discussion was held regarding whether the State requirements were adequate.

**Action:** The information was received and filed.

### **10. Informational Update Regarding the Following Projects:**

- Longbranch Avenue Demonstration Project;
- West Grand Avenue Streetscape Project; and
- Paving on North 4<sup>th</sup> Street.

In reference to the Longbranch Avenue Demonstration Project and the West Grand Avenue Streetscape Project, City Manager Perrault reviewed project funding, the consultant selection process conducted, and scheduled dates for the Council to consider contract approval and/or to receive additional informational updates.

In reference to the street rehabilitation project on North 4<sup>th</sup> Street, from Ocean View Avenue to the northern City limits, he stated that road closure would be required during those periods when the corrective work was being completed. In addition, the cost for corrective work would be incurred by the material supplier.

Staff responded to questions from the Council.

**Action:** The information was received and filed.

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

### **11. Potential Revisions to Grover Beach Municipal Code Article IX, Chapter 4, Sign Regulations.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz reviewed the City's current regulations regarding political signs and an issue raised during the 2008 campaign season regarding the number of signs permitted on each parcel within the applicable size limit. He stated that the Municipal Code had been interpreted to mean only one sign was permitted, but the language of the Code could be interpreted to apply to size only, without limiting the number of signs.

Brief discussion was held regarding the Council's intent to limit the number of signs to only one sign per candidate, proposition or ballot measure.

**Action:** Upon unanimous consensus, the Council directed staff to proceed with preparing a Municipal Code amendment, specifying only one sign per issue, candidate or ballot measure within the applicable size limits.

## **CLOSED SESSION**

Upon unanimous consensus the Council deferred discussion of the scheduled Closed Session item to the next regular meeting of March 2, 2009:

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

**ADJOURNMENT**

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 9:48 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 7/6/09)