

**MINUTES
CITY COUNCIL MEETING
TUESDAY, FEBRUARY 17, 2015**

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 Jimmy Dean Slayton, the brother of Administrative Services Director Gayla Chapman.

FLAG SALUTE The flag salute was led by Marc Maramba, a 6th grade student at Grover Beach Elementary School.

ROLL CALL

City Council: Council Members Karen Bright, Barbara Nicolls, Mariam Shah, Mayor Pro Tem Jeff Lee, and Mayor John Shoals were present.

City Staff: City Manager Robert Perrault, City Attorney Martin Koczanowicz, City Clerk Donna McMahon, Interim Police Chief Jim Copsey, Community Development Director Bruce Buckingham, Public Works Director/City Engineer Greg Ray, Parks & Recreation Program Director Kathy Petker, and Planner II Janet Reese were also present.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, February 2, 2015 after meeting in Closed Session regarding:

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 and conditions of potential lease.

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 Designating Tuesday, February 24, 2015, as “World Spay Day”.**

Council Member Bright read and presented the Proclamation to Annie Driezler, representative of Feline Network of the Central Coast.

PRESENTATIONS

2. **Implementation of the Measure K-14 Street Repair and Rehabilitation Program.**

Public Works Director/City Engineer Ray, referencing a PowerPoint presentation that was also presented at the City Council meeting on February 2, 2015, outlined the use of bond funds for street maintenance and repairs, described the City’s Pavement Management Program, and the “blended approach” for prioritizing streets scheduled for repair based on street condition and community priorities. He also described the community survey that was available online from the City website and at City Hall to solicit public input regarding the criteria that would assist in prioritizing the streets to be repaired and rehabilitated. Public Works Director/City Engineer Ray also reviewed the option of accelerating the bond program to repair more streets earlier in the program.

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

Dee Santos, Parks, Recreation & Beautification Commission Chair and Lucia Mar Unified School District Board Member, requested and received an affirmative response from staff that she could receive copies of the PowerPoint presentation materials and the City's community survey to distribute to residents at the next school board meeting.

No further public comments were received at this time.

Mayor Shoals described the schedule for public outreach meetings during the month of February that began on February 11, 2015 and noted the last workshop was scheduled to be held on Monday, February 23, 2015.

City Manager Perrault announced that all residents and stakeholders could participate in the community survey and noted that the survey was available online from the City website and Facebook page, as well as at the City Hall customer service counter through the month of February.

Action: No formal action was taken 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. Dee Santos, Parks, Recreation & Beautification Commission Chair, together with Parks, Recreation & Beautification Commission Vice Chair Heidi Boatman and Parks, Recreation & Beautification Commissioner Jan Ojerholm (regarding Agenda Item No. 10 scheduled for Council consideration later in the meeting) spoke in support of the mid-year budget requests for the Parks and Recreation Department, noting supplemental correspondence was submitted from Parks and Recreation Program Director Petker.
- B. Butch Powers, President of the Port San Luis Fisherman's Association expressed concerns regarding a proposed Chumash Heritage Marine Sanctuary and requested an opportunity to present information at a future City Council meeting.
- C. Debbie Wood, Grover Beach resident, expressed concerns about the proposed Chumash Heritage Marine Sanctuary.

There were no further public comments received at this time.

PUBLIC HEARINGS

- 3. **Appeal of the Planning Commission Denial of a Variance.**
Development Permit 14-18; Property Owners/Appellants: Myles and Cecilia Noyes;
Project Site: 807 Saratoga Avenue.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Community Development Director Buckingham, referencing a PowerPoint presentation with vicinity maps and a site plan, provided an overview regarding an appeal of the Planning Commission's denial of a request for a variance to permit an illegally constructed porch to be located within the front setback. He also noted, subsequent to the staff report being published and distributed, additional correspondence and comments had been received on this matter and were distributed to the Council this evening. Staff then responded to questions from the Council.

Mayor Shoals announced that he had visited the subject property and had met briefly with the Property Owners/Appellants concerning this matter.

Mayor Pro Tem Lee announced that he had driven by the project site and had spoken with former Council Member Glenn Marshall about this project, whose residence was located near the subject property.

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

Myles and Cecilia Noyes, Property Owners/Appellants, spoke in support of their appeal, described their home improvement efforts, ongoing communications with City staff, and responded to questions from the Council.

The following persons spoke in support of the appeal:

- Mark Jarrosiak, former neighbor of the Property Owners/Appellants; and
- Dee Santos, Parks, Recreation & Beautification Commission Chair.

There were no further public comments received at this time.

Council discussion ensued with staff responding to questions regarding the City's legal requirements, architectural features that enhanced building designs applied only to commercial properties that encroached into the public right of way, and that the Property Owners/Appellant's front porch was in violation of the City's code for front setbacks on private residential properties. Additional discussion was held concerning other jurisdictions that allowed exceptions for architectural features (not including garages) that enhanced residential properties, whether to authorize staff time to research similar flexible alternatives, and continuing the hearing so that the Property Owners/Appellants would have an opportunity to provide evidence, such as a survey, on the setback measurements.

Council Member Shah noted that the City had become aware of the unpermitted work on the property and had sent a violation letter to the former property owner, but that further code enforcement efforts were not immediately pursued. She disagreed that allowing the variance would set a precedent, expressed no desire to rewrite the Municipal Code to accommodate a single situation, supported the suggestion of providing opportunities for certain exceptions, and supported the Property Owners/Appellant's request for a variance.

Further discussion was held concerning the estimated time frame for Development Code amendments. It was noted that altering setbacks in the Coastal Zone would require an amendment to the Local Coastal Program. Additional discussion was held regarding forestalling enforcement for one year, and inquiring whether the Property Owners/Appellants would agree to enter into an indemnity agreement with the City.

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

Myles and Cecilia Noyes, Property Owners/Appellants, responded to questions concerning a proposed indemnity agreement and requested that the Council delay its decision regarding the variance. They also requested the Council waive the requirement for any additional fee for reconsideration of the variance request at a later date.

Sharon Brown, Grover Beach resident, inquired whether the property owners would be required to demolish the front porch if the matter was not resolved after one year.

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

City Attorney Koczanowicz outlined the Council's alternatives regarding the appeal and the requested variance.

Council Member Shah spoke in support of the appeal and request for a variance due to the elevation of the subject property being higher than the surrounding properties, the lack of evidence that the front porch obstructed views for the surrounding properties, and noted the structure's higher elevation probably located it even further from the road. She objected to the sample North Grover neighborhood homes that were displayed earlier in the meeting as being considered not located "in the vicinity" of the subject property. Further, she disagreed that granting the variance would grant a "special privilege" or that the structure qualified as "new development" since a residential structure had existed on the subject property for almost 30 years. Additionally she noted that the Planning Commission had no other issues with the structure.

Action: It was moved by Mayor Pro Tem Lee and seconded by Mayor Shoals to: 1) adopt Resolution No. 15-09 upholding the Planning Commission's action denying the Variance; and 2) direct staff to withhold enforcement for 18 months, with the condition that the City prepare a "hold harmless" agreement for the Property Owners/Appellants to hold the City harmless in the event someone was injured by the illegal non-conforming structure.

The motion carried on the following roll call vote:

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

Resolution No. 15-09: A Resolution of the City Council of the City of Grover Beach Upholding the Planning Commission Action, Denying a Variance for Development Permit 14-18 (807 Saratoga Avenue).

Action: Upon unanimous consensus, the Council provided direction to staff to schedule Council consideration of a Development Code amendment that would allow a porch or similar amenity in the front setback.

Action: Upon motion by Mayor Pro Tem Lee, second by Mayor Shoals, if the Property Owners/Appellants submit a request to rehear the request for a variance or other exception to allow the porch in the front setback, the fee would be waived. The motion carried on the following roll call vote:

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

Community Development Director Buckingham noted that when the Development Code amendment to allow structures within, for example, four feet of the front setback was scheduled for the Council's consideration, the Property Owners/Appellants may need to obtain a survey at that time to confirm the exact location of the property line and confirm that the front porch was not located within the revised area determined for front setbacks.

Recess: Upon unanimous consensus of the City Council, the meeting recessed at 8:29 p.m.
Reconvene: At 8:37 p.m., the meeting reconvened with all Council Members present.

4. Status of the Community Development Block Grant (CDBG) Program.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Planner II Reese provided an overview regarding the types of eligible activities the City could submit applications for funding in response to the release of a Notice of Funding Availability (NOFA) for 2014 and 2015 Community Development Block Grant Funds (CDBG). She then provided a report outlining the status of the 2013 CDBG Program and requested Council direction on the use of Program Income recently repaid to the City. Staff responded to questions from the Council concerning requirements of the CDBG Program, properties owned by the Successor Agency, pending issues with the Department of Finance since dissolution of the Grover Beach Improvement Agency, and the status of the CDBG "Over-the-Counter Grant" application project.

Mayor Shoals 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.

Additional Council discussion was held regarding the proposed use of Program Income.

Action: It was moved by Council Member Shah and seconded by Council Member Nicolls to: 1) receive the report; and 2) provided direction that the use of Program Income be as follows: \$28,630 in General Administration and \$44,065 in Housing Acquisition. The motion carried on the following roll call vote:

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

Action: It was moved by Mayor Pro Tem Lee and seconded by Council Member Bright to provide direction that staff complete an application to the CDBG Economic Development Over-the-Counter Program for the Grover Beach Lodge public improvements. The motion carried on the following roll call vote:

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

CONSENT AGENDA

Mayor Pro Tem Lee requested and received clarification from staff regarding Consent Agenda Item No. 8.

Regarding Consent Agenda Item No. 6, Council Member Bright noted the word “or” was missing in the second “Whereas” paragraph of the draft Ordinance (added text indicated with double underline font):

“Whereas, aggressive panhandling, which usually includes approaching or following pedestrians, the use of abusive language, unwanted physical contact, or the intentional blocking or interfering with pedestrian and vehicular traffic at intersections...”

Regarding Consent Agenda Item No. 7, Mayor Pro Tem Lee noted a typographical error on page 1 of Exhibit A in Section C to the draft Resolution (added text indicated with double underline font, deleted text indicated with ~~strikeout~~ font):

“The following records that have been retained for three (3) years and are dated prior to December 31, ~~2012~~ 2011 will be destroyed...”

It was moved by Mayor Pro Tem Lee and seconded by Council Member Bright to incorporate the typographical corrections as noted for Consent Agenda Item Nos. 6 and 7, and approve Consent Agenda Item Nos. 5, 6, 7, and 8 as recommended. The motion carried on the following roll call vote:

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

5. Treasurer’s Report for the Period January 27, 2015 - February 10, 2015.

Action: Approved the Treasurer’s Report as submitted.

6. Second Reading and Adoption of Ordinance No. 15-01 to amend the Grover Beach Municipal Code Article III Adding Chapter 18 to be Entitled, “Solicitation in Public Places, Controls, and Prohibitions” - Amending the Grover Beach Municipal Code to make it an infraction or a misdemeanor for an individual to aggressively solicit from persons or occupied vehicles and specifically define the conduct which is prohibited, as well as locations and circumstances under which the regulations would apply.

Action: Conducted second reading, by title only, and adopted Ordinance No. 15-01, as amended, amending the Grover Beach Municipal Code Article III, Chapter 18, adding Sections 3992.20 through Section 3992.27, regulating solicitation in public places and prohibiting aggressive solicitation anywhere in the City.

Ordinance No. 15-01: An Ordinance of the City Council of the City of Grover Beach Amending Article III of the Grover Beach Municipal Code Adding Chapter 18 to be Entitled “Solicitation in Public Places Controls and Prohibitions”.

7. Records Destruction Authorization - Authorizing the destruction of certain Police Department records that no longer need to be retained.

Action: Adopted Resolution No. 15-10, as amended.

Resolution No. 15-10: Resolution of the City Council of the City of Grover Beach Accepting the Police Department's Staff Report and Recommendations for Records Destruction.

8. **Conversion to the Teeter Plan for the Collection of Property Taxes** - Authorizing the City to participate in an alternate method for the distribution of property taxes by the County of San Luis Obispo called the "Teeter Plan" to guarantee receipt of property tax proceeds.
Action: Adopted Resolution No. 15-11.

Resolution No. 15-11: Resolution of the City Council of the City of Grover Beach Agreeing that the Alternative Method of Distribution of Property Tax Levies and Assessments be Applicable to Tax Levies Made by the County of San Luis Obispo on Behalf of Grover Beach.

CONSENT AGENDA - GROVER BEACH CITY COUNCIL IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE DISSOLVED GROVER BEACH IMPROVEMENT AGENCY.

9. **Adoption of the Recognized Obligation Payment Schedule for July 1, 2015 through December 31, 2015 (ROPS 15-16A)** - Consideration by the Successor Agency of the Recognized Obligation Payment Schedule for the period July 1, 2015 to December 31, 2015 for review and submission to the Oversight Board.
Action: It was moved by Mayor Pro Tem Lee and seconded by Council Member Bright to adopt Resolution No. SA-15-01 approving the Recognized Obligation Payment Schedule (ROPS) and authorize the City Manager to present the ROPS to the Oversight Board for its consideration and approval. The motion carried on the following roll call vote:

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

Resolution No. SA-15-01: A Resolution of the Successor Agency to the Dissolved Grover Beach Improvement Agency Approving and Adopting a Draft of the Recognized Obligation Payment Schedule (ROPS) Pursuant to Health and Safety Code Section 34177(I).

REGULAR BUSINESS

10. **Summary Comments Regarding the FY 15 Budget at Mid-Year and Mid-year Budget Review for FY 15.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault provided an overview of the FY 15 Mid-year Budget and outlined recommendations for funding amendments. He also noted supplemental information from the Parks, Recreation & Beautification Commission had been received and distributed to the Council regarding recommended funding priorities for parks and facilities. He noted revenues were expected to be up very modestly, and overall expenditures, with some exceptions, were down during the first half of the fiscal year. The General Fund was therefore structurally balanced with no significant changes necessary at this time.

He then summarized Council's recent direction to allocate additional funding in the Police Department for overtime and the retention of an additional full-time officer to ensure the provisions of the solicitation/aggressive panhandling ordinance was adequately enforced. Additionally, with the passage of Measure K-14 and implementation of the Street Rehabilitation and Repair Program, staff recommended retaining a Capital Improvements Projects Manager and the development of a list of qualified consultants to assist with street projects. He then responded to questions from the Council regarding various expenditures, the status of various capital projects, the collection of Quimby Fees, and whether to continue subsidizing special events.

Action: It was moved by Mayor Pro Tem Lee and seconded by Council Member Shah to adopt Resolution No. 15-12 amending the Annual Appropriation Resolution to fund the budget amendments. The motion carried on the following roll call vote:

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

Resolution No. 15-12: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 6th Amendment to the Annual Appropriation Resolution No. 14-32 by Providing Changes to the FY 15 Budget.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

Council Member Nicolls reported on meetings of South County Transit and the San Luis Obispo County Water Resources Advisory Committee.

Mayor Pro Tem Lee stated that he had no committee reports at this time.

Council Member Bright stated that she had no committee reports at this time.

Council Member Shah reported on the meeting of the Arroyo Grande - Grover Beach Chamber of Commerce.

Mayor Shoals reported on meetings of the San Luis Obispo Council of Governments and the San Luis Obispo Regional Transit Authority. Upon request, City Manager Perrault provided information on the implementation of a new bus route from the Ramona Transit Center to the outlet mall on Five Cities Drive. Mayor Shoals then reported on the meeting of the South San Luis Obispo County Sanitation District.

COUNCIL COMMUNICATIONS

- A. Council Member Shah commented on attending a recent California Coastal Commission reception held in Pismo Beach and described her conversation with another attendee who was scheduled to give a presentation to the City of Pismo Beach concerning improving the use of social media by smaller cities.
- B. Mayor Pro Tem Lee announced that the Board of Supervisors recently approved Visit San Luis Obispo County's proposal to form a Tourism Business Improvement District.
- C. Mayor Shoals described requests to schedule a Bike Month presentation, as well as a presentation on becoming a "Bike Friendly City"; discussions at the recent Mayors meeting regarding the proposed Chumash Heritage Marine Sanctuary; and his recent meeting with Grover Beach property owner Brad Forde concerning the parking lot at the Ramona Business Square. City Manager Perrault noted that the issue of the Ramona Business Square parking lot was tentatively scheduled for Council consideration on March 2, 2015. Mayor Shoals also described the request to schedule a presentation about the proposed Phillips 66 rail spur project on the Nipomo Mesa.

Upon consensus of the City Council, the Mayor and City Manager would coordinate scheduling a presentation to the City Council by representatives from Phillips 66 and the Mesa Refinery Watch Group regarding the proposed rail spur project.

- D. Mayor Pro Tem Lee praised the City's outreach efforts that resulted in a well-attended public workshop on February 11, 2015 that focused on implementation of the Measure K-14 Street Repair and Rehabilitation Program.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault reported on the completion of security camera installations at the Ramona Garden Park Transit Center and noted that the security cameras were now operational.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 10:22 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)
Santa Maria Valley Water Conservation District v. City of Santa Maria, etc., et al,
and Related Cross-Actions: Santa Clara Superior Court Case No. CV 770214

Closed Session Announcements: At 10:57 p.m., Mayor Shoals 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 Shoals adjourned the meeting at 10:58 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 04/06/2015)