

**MINUTES
CITY COUNCIL MEETING
TUESDAY, FEBRUARY 16, 2010**

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 Chris Becton, an 11-year-old, sixth grade student from Fairgrove Elementary School.

ROLL CALL

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

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Interim Community Development Director Beck, Police Chief Copsey, Economic Development Specialist Buckingham, and Recreation Coordinator O'Donnell were also present.

Also present were Parks, Recreation and Beautification Commission Chair Greeley and Parks, Recreation and Beautification Commissioner Dowdy.

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

On Monday, February 1, 2010 after meeting in Closed Session regarding:

1. PUBLIC EMPLOYEE APPOINTMENT
Pursuant to Government Code Section 54957
Title: Community Development Director

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

AGENDA REVIEW

Action: Upon consensus (Council Member Bright absent), the Council adopted the agenda as presented.

CEREMONIAL CALENDAR

1. **Proclamation Declaring February 23, 2010 as "Spay Day USA".**

Council Member Peterson read and presented the Proclamation to Grover Beach business owner Mary Buehnerkemper, representing the Feline Care Network.

2. **Recognition of Parks and Recreation Department "Volunteers of the Year":**
 - **Business of the Year** - **Marshall-Spoo Sunset Funeral Chapel**
 - **Service Group of the Year** - **The Five Cities Men's Club**
 - **Volunteer of the Year** - **Bob Vaughn**
 - **Youth Volunteer of the Year** - **Trevin Marlett**

Recreation Coordinator O'Donnell described the Volunteer Appreciation Dinner recently held to recognize volunteers and read a list of this year's honorees. She and Mayor Shoals then presented awards to those who could not attend the dinner: Art Spoo, owner of Marshall-Spoo Sunset Funeral Chapel, for Business of the Year and Bob Vaughn for Volunteer of the Year.

3. **Proclamation Honoring Patricia Beck for Her Service to the City of Grover Beach as Interim Community Development Director.**

Mayor Shoals read and presented the Proclamation of Appreciation to Interim Community Development Director Beck, thanking her for agreeing to extend her four-month interim

position with the City to almost one and one-half years from September 2008 - February 2010. He also expressed appreciation for her assistance regarding updates and approvals for the Land Use Element and Housing Element of the City's General Plan.

PRESENTATIONS

4. Presentation by Deputy Director of County Parks Curtis Black.

Curtis Black, Deputy Director, San Luis Obispo County Parks, introduced himself to the City Council and members of the audience. He described his professional background and stated that he looked forward to working with the City on projects of common interest.

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. Joe Wolosz, Arroyo Grande resident and Grover Beach property owner, suggested the City install bike lanes on El Camino Real from Oak Park Boulevard to 4th Street, continuing south on 4th Street to West Grand Avenue and on to Highway 1 and the beach.

City Manager Perrault stated that a Beach Cities Trails Feasibility Study, which included bike lanes, was scheduled to be presented to the City Council in March 2010.

PUBLIC HEARINGS

5. Adoption of City of Grover Beach Land Use Element Update. *(Continued Public Hearing from January 19, 2010.)*

Mayor Shoals read the title to the foregoing item, declared the continued Public Hearing open, and deferred to staff for a report. For the information of those present, Interim Community Development Director Beck reviewed the process conducted for the Land Use Element update and Master Environmental Impact Report.

She summarized the remaining issues regarding:

- *Visitor Serving Mixed-Use Designation in the Front Street/Beckett Place Area* - allowing the area west of Front Street, extending to the railroad, to remain under the Industrial designation, thus allowing an approved development to proceed;
- *Build-out Projections* - using the slightly greater projected population of 16,080;
- *Central Business District - Downtown Core* - extending it from 8th to 11th Streets; and
- *Relationship to the Regional DeAnza Trail* - providing a connection to this regional trail.

Interim Community Development Director Beck described the environmental report that had been prepared and the next steps to be accomplished following adoption of the Land Use Element to:

- amend the Zoning Ordinance and Zoning Map;
- amend the Local Coastal Program;
- prepare a West Grand Avenue Master Plan; and
- periodically amend the Capital Improvement Program and other funding programs.

She then responded to questions from the Council.

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

John Wysong, Grover Beach, objected to allowing further high density developments in residential areas.

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

Further Council discussion was held regarding the Land Use Element documents with the Council confirming the following: allowing the existing area on Front Street to remain industrial, designating the Central Business District as extending from 8th Street to 11th Street and, in addition to the DeAnza Trail, including references to other trails.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to: 1) adopt Resolution No. 10-07A certifying the Final Master Environmental Impact Report (MEIR) and adopting the Findings and Statement of Overriding Considerations as reflected in Exhibit 1 to the Resolution; 2) adopt Resolution No. 10-08 adopting the 2009 Land Use Element Update with changes to the Land Use Diagram, text of the plan, and the Resolution to reflect the area west of Front Street from Ramona Avenue to Newport Avenue to be designated as Industrial; and 3) that the Land Use Element Update would become effective in thirty (30) days. The motion carried on the following roll call vote:

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

Resolution No. 10-07A: Resolution of the City Council of the City of Grover Beach, California, Certifying the Master Environmental Impact Report (MEIR) Relating to Adoption of the 2009 Land Use Element Update.

Resolution No. 10-08: Resolution of the City Council of the City of Grover Beach, California, Adopting the 2009 Update to the Land Use Element of the City's General Plan.

6. Request for Waiver of Underground Utilities Requirement for Development Permit Application No. 06-005 Based on Financial Hardship. Applicant: Paul Bischoff; **Project Location:** 1547 Brighton Avenue (APN 060-175-047) *(Continued Public Hearing from February 1, 2010.)*

Mayor Shoals read the title to the foregoing item, declared the continued Public Hearing open, and deferred to staff for a report. For the information of those present, Interim Community Development Director Beck reviewed the Applicant's request that a waiver of the City's undergrounding requirement be granted due to financial hardship and underground work that would be required to occur on private property. She then provided background information regarding the approval process conducted for the Applicant's three-unit development, outlined the exemptions allowed pursuant to the City's requirements to underground utility lines along property frontages, and reviewed the City's interim policy adopted in June 2007 to allow for payment of a fee in-lieu of completing the required undergrounding.

It was noted that the Applicant had been advised that access was available to the 15 feet of right-of-way currently located on private property, as that area had been reserved as a public utilities easement. Interim Community Development Director Beck then responded to questions from the Council.

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

Paul Bischoff, Applicant, Grover Beach, stated that his original letter should be corrected as follows: his original application was "submitted and deemed complete in 2004", rather than "~~approved in 2004~~". He then described factors to support his request for a waiver, including physical constraints of the project site once construction had neared completion and financial hardship. He also distributed information summarizing the development timeline of his project from May 2004 to November 2009 and his efforts to obtain financing.

The following persons objected to the Applicant's request for a waiver, expressing concerns for the surrounding residents based on prolonged periods of construction debris and negative impacts from the project's high density:

- Tom Smith, Grover Beach;
- Dean Novatni, Grover Beach;
- Laura Perez, Grover Beach;
- Bonnie Smith, Grover Beach; and
- John Wysong, Grover Beach.

There were no further public comments received.

Brief discussion was held regarding the placement of utility poles, and the findings needed to make a determination of financial hardship. It was noted that there was no provision in the City's existing Interim Undergrounding Policy for builders/developers to request a waiver of the in-lieu fees. Additional discussion was held regarding allowing the Applicant more time to provide the City with further financial documentation.

Mr. Bischoff confirmed that he had additional documents available at his office to provide to the City regarding his claim of financial hardship.

Upon question from the Council, City Attorney Koczanowicz described the circumstances under which an applicant of a different multi-unit project constructed on South 8th Street had been granted a waiver from the underground utility requirement. He then suggested that, as an option to the in-lieu fee, the Applicant could provide the City with a bond.

Action: It was m/s by Council Members Mires/Mayor Pro Tem Nicolls to continue the Public Hearing to the next regularly scheduled City Council meeting on Monday, March 1, 2010, so the Applicant could provide the City with further documentation to demonstrate financial hardship. The motion carried on the following roll call vote:

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

Upon consensus, the Council requested that staff provide information regarding the circumstances of a multi-unit development constructed near South 8th Street and Seabright Avenue, which also included rental units, that had been granted a waiver of the underground utilities requirement.

Recess: Upon consensus of the City Council, the meeting recessed at 8:04 p.m.

Reconvene: At 8:12 p.m., the meeting reconvened with all Council Members present, except for Council Member Bright.

CONSENT AGENDA

It was m/s by Council Members Mires/Peterson to approve Consent Agenda Item Nos. 7, 8, and 9, as recommended. The motion carried on the following roll call vote:

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

7. Treasurer's Report for the Period January 28 - February 10, 2010.

Action: Approved as submitted.

8. Minutes of the City Council Meeting of Tuesday, September 8, 2009.

Action: Approved the minutes as submitted.

9. Authorization to Enter Into an Agreement with Rick Engineering Company for Professional Services Associated with the West Grand Avenue Enhancement Project
Agreement for certain construction-related services regarding the West Grand Avenue Enhancement Project, located between the railroad right-of-way and 4th Street.

Action: 1) Adopted Resolution No. 10-09 authorizing the City to enter into a Professional Services Agreement with Rick Engineering for construction management and staking services, and 2) authorized the City Manager to execute the agreement on behalf of the City.

Resolution No. 10-09: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the City to Enter Into a Professional Services Agreement with Rick Engineering Company to Provide Engineering Services Associated with the Construction of Improvements for the West Grand Avenue Enhancement Project.

REGULAR BUSINESS

10. Consideration of an Application for a Grant for the State of California Statewide Park Development and Community Revitalization Program for Design and Construction of the Cleaver Park Community Center. Project Location: South 13th Street.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, City Manager Perrault described the grant program resulting from the passage of Proposition 84 for the creation of new parks and recreation opportunities. In collaboration with the Boys and Girls Club, the Parks and Recreation Department had prepared a \$1.4 million grant application for design and construction of the Cleaver Park Community Center to provide youth services. The grant application was reviewed by the Parks, Recreation and Beautification Commission at its meeting on February 4, 2010, and the Commission had recommended submitting the application to the State. Due to the no-match financial commitment from applicants, grants were anticipated to be highly competitive.

City Manager Perrault reviewed estimated costs for the operation and maintenance of the proposed center, which included donated landscape maintenance services, and cost estimates for design and construction. Round 1 grant awards would be announced in September 2010. The application process for Round 2 grants would be open no sooner than March 2011.

City Manager Perrault and Administrative Services Director Chapman then responded to questions from the Council regarding costs that would initially be paid from the General Fund, Parks Construction Fund, and Development Impact Fees.

Brief Council discussion was held regarding the anticipated costs to construct and maintain the proposed center, and whether to obtain written commitments from the companies that had offered to provide donated services and/or discounted service rates.

City Attorney Koczanowicz clarified that the proposed Resolution would certify that the City would have the funds available for construction and annual maintenance of the project. He also noted that the Resolution was in the required format for state grant applications; therefore, the text could not be amended. If the grant was awarded, the City could draw fifty percent of the grant funds up front in order to start the project, which would therefore not require the use of City funds.

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

The following persons spoke in support of submitting the grant application to the State:

- Leah Greeley, Chair, Parks, Recreation and Beautification Commission; and
- Arnie Dowdy, Parks, Recreation and Beautification Commissioner, who noted that the City was in a favorable position to receive the grant award because of the approved Cleaver Park Community Center Master Plan and the available land.

There were no further public comments received.

Mayor Shoals expressed concerns regarding ongoing maintenance costs of the proposed center and other higher priority park projects, such as replacing the restrooms at Grover Heights Park.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to adopt Resolution No. 10-10 authorizing staff to submit the application for a grant from the State of California Statewide Park Development and Community Revitalization Program for the design and construction of the Cleaver Park Community Center by the Round 1 deadline of March 1, 2010. The motion carried on the following roll call vote:

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

Resolution No. 10-10: Resolution Authorizing the City of Grover Beach to Apply for a Grant for the State of California Statewide Park Development and Community Revitalization Program for the Design and Construction of Cleaver Park Community Center.

Upon consensus, the Council requested that staff provide the Council with the following:

- 1) *Other Park Projects* - an inventory of other park projects and planned park facility improvements, with estimated costs associated for each item;
- 2) *Other City-owned Property* - research regarding the potential of selling City-owned property, with proceeds from the sale of the property being dedicated for park maintenance;
- 3) *Park Development Fees* - the current balance amount in this fund;
- 4) *Veterans of Foreign Wars (VFW)* - a status report of the VFW's interest in selling the property and sharing proceeds from the sale with the City, rather than having the land developed for park purposes; and
- 5) *Letters of Commitment* - secure letters of commitment from Executive Janitorial for maintenance costs and Mission Pacifica Landscaping for volunteer landscaping services.

11. Review of the AB 811 Legislation and Consideration of Participation in the CaliforniaFIRST Program.

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 the statewide energy efficiency program created to allow property owners to finance renewable energy, energy efficiency, and water efficiency improvements on their properties. She then described the CaliforniaFirst Program, a pilot program being made available to some cities and counties and targeted to be operational in June 2010. If successful, a full-scale statewide program was targeted to be up and running by Fall 2010. She noted that San Luis Obispo County was one of 14 counties electing to participate in this pilot program, six of the local seven cities had already joined efforts with the County, and staff would be attending an upcoming local meeting regarding this pilot program. The deadline to adopt a Resolution authorizing participation in the pilot program was March 1, 2010. She also stated that Sacramento County would take the lead in applying for the State Energy Program grant funding for the CaliforniaFirst Program.

Action: It was m/s by Council Members Peterson/Mires to adopt Resolution No. 10-11 authorizing Sacramento County to apply for State Energy Program (SEP) grant funding on behalf of the City of Grover Beach. The motion carried on the following roll call vote:

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

Resolution No. 10-11: Resolution Authorizing Sacramento County to Apply for State Energy (SEP) Funds on Behalf of the City of Grover Beach.

12. Consideration of a Resolution to Adopt a Gift Ticket Policy Consistent with FPPC Regulations Sec. 18944.1.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz provided an overview of new regulations adopted in 2008 by the Fair Political Practices Commission regarding the circumstances under which the receipt of tickets and passes by a public official must be disclosed by the City and the recipient public official for agencies with an adopted gift ticket policy.

He then reviewed a proposed policy modeled after policies already adopted by other California cities. The policy would authorize the City Manager to receive the tickets or passes on behalf of the City and defined the circumstances under which these items could be considered distributed for public purposes. If adopted, the policy would be posted on the City's website, along with any subsequent reports of tickets or passes received and distributed. If not adopted, the donor and recipient would be reported on the recipient public official's Statement of Economic Interest, Form 700.

There was no discussion held and no public comments received regarding this item.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to adopt Resolution No. 10-12 creating a policy for distribution of tickets and passes consistent with regulations of the Fair Political Practices Commission. The motion carried on the following roll call vote:

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

Resolution No. 10-12: A Resolution of the City Council of the City of Grover Beach, California, Adopting a Ticket and Pass Distribution Policy.

PULLED CONSENT AGENDA ITEMS

None at this time.

Recess: Upon consensus of the City Council, the meeting recessed at 8:44 p.m. to the Joint City Council/Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 9:31 p.m., the meeting reconvened with all Council Members present, except for Council Member Bright.

COUNCIL COMMITTEE REPORTS

Council Member Mires stated he had nothing to report.

Mayor Pro Tem Nicolls stated he had nothing to report.

Council Member Peterson stated that she and the Mayor of Pismo Beach had recently been interviewed on Charter Cable Television, Channel 2, regarding local economic development activities.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

A. Mayor Shoals inquired whether there was Council consensus to schedule the following items for discussion at a future meeting: 1) establishing a nepotism policy that included officials appointed to City Commissions or Boards, as well as employees; 2) establishing a naming policy for City facilities and amenities when the City received a donation from a

private citizen or former elected or appointed official. He cited the example of the ball field at 16th Street Park that was named after former Mayor Dave Ekbohm in 2008 after he had donated the funds for new equipment and amenities at the ball field under the condition that it be named "Ekbohm Field".

Action: Upon consensus, both items would be scheduled for future Council discussion. Additionally, the City Attorney would provide a legal briefing regarding issues or guidelines for establishing a nepotism policy.

CITY MANAGER'S REPORTS AND COMMENTS

None at this time.

CITY ATTORNEY'S REPORTS AND COMMENTS

City Attorney Koczanowicz announced that Assistant City Attorney Larry Donaldson would be attending the next City Council meeting.

CLOSED SESSION

At 9:37 p.m., the Council met in Closed Session regarding the following item:

- 1. PUBLIC EMPLOYEE APPOINTMENT**
Pursuant to Government Code Section 54957
Title: Public Works Director

Closed Session Announcements: At 9:53 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present, except for Council Member Bright, and 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 9:53 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:
/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 09/13/2010)