

**MINUTES
CITY COUNCIL MEETING
MONDAY, AUGUST 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 students from the Grover Beach Library Summer Reading Program: Denise Bevis, Cameron Hirahara, Kendahl Malotte, Noleka Sandlin, and Apearl Vess. Nan Fowler of the Grover Beach Library thanked the City Council and the Grover Beach Rotary Club for their support of the library.

ROLL CALL

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

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Interim Community Development Director Beck, Police Chief Copsey, Fire Chief Hubert, Parks and Recreation Director Petker, Public Works Superintendent Ford, and Economic Development Specialist Buckingham were also present.

Also present were Planning Commissioner Karl Blum and Mike Sherrod from RRM Design Group.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement - On Monday, August 3, 2009 after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of
Section 54956.9: One (1) potential case

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

AGENDA REVIEW Mayor Shoals requested that the Council consider Regular Business Item Nos. 9, 10, and 11 before Public Hearing Item No. 4.

Action: Upon consensus (Council Member Peterson absent), the Council adopted the agenda as amended.

CEREMONIAL CALENDAR

1. **Proclamation Recognizing Dellos Performing Arts Center (DPAC) - Central Coast.**

Mayor Shoals read and presented the proclamation to Johnna Clark, co-owner of DPAC located in Grover Beach. Ms. Clark introduced the dance students, along with their instructor, who were recently honored with national championship awards in the categories of Junior Tap, Junior Production, Senior Contemporary, Senior Solo, Senior Hip Hop, Overall National Championship, and Best Sportsmanship.

PRESENTATIONS

2. **Planning Commission Quarterly Report - Second Quarter 2009.**

Planning Commissioner and former Chair of the Commission Karl Blum provided a brief summary of Commission activities during the period April - July 2009.

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. Anita Shower, Grover Beach, requested to comment regarding Agenda Item No. 5.
- Upon question, City Attorney Koczanowicz reviewed the process for receiving public testimony regarding scheduled Public Hearing items.
- B. Dee Santos, Board Member of the Lucia Mar Unified School District and former Mayor of Grover Beach, invited the Council and members of the public to visit Grover Beach Elementary School to see the facilities and landscaping recently renovated in time for the new school year by volunteers from Grace Bible Church.

PUBLIC HEARINGS

3. Consideration of Ordinance Amending the Grover Beach Municipal Code to Include Mobilehome Park Conversion Regulations.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Attorney Koczanowicz provided an overview of the proposed Ordinance. He pointed out that the City had received a request to continue this matter to allow the residents additional time to prepare comments regarding the proposed Ordinance. He then outlined options for the Council to either proceed with the scheduled Public Hearing or continue the matter to another meeting date.

Mayor Shoals stated that representatives and homeowners from the Le Sage Riviera Mobile Home Park had requested that this item be continued to the City Council meeting of Monday, October 5, 2009. He then invited comments from those in the audience who wished to be heard on this matter.

Dick Giles, President of the Le Sage Riviera Mobile Home Association, requested this item be continued to a later meeting date.

Action: Upon consensus (Council Member Peterson absent), the Council continued this item to the regular City Council meeting of Monday, October 5, 2009.

ORDER OF THE DAY: Pursuant to Council consensus during review of the posted agenda, Mayor Shoals called for discussion of Agenda Item Nos. 9, 10, and 11.

Prior to discussion of Item No. 9, Council Member Mires declared a conflict of interest due to his residence being located within 500 feet of the subject area. He then stepped down from the dais and left the Council Chambers.

9. Consideration of Traffic Calming Measures for Margarita Avenue.

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 reviewed previous Council discussions held in December 2008 and comments received from neighborhood residents regarding traffic issues on Margarita Avenue. He summarized findings from an earlier traffic study conducted by Omni-Means in November 2008 regarding vehicle speeds along that street and described the street's unique physical characteristics. He also noted that Margarita Avenue served both residential and through traffic for drivers accessing North 12th Street and the freeway.

He stated that, based on field observations conducted in May 2009 by Mike Cannon of Cannon Associates, it was recommended that the Council authorize the installation of speed undulations, painting, and signage along various locations on the street. Costs for these improvements were estimated to be \$15,000. He then displayed photos of similar traffic calming measures that had proven successful in slowing down traffic speeds on Rodeo Drive in Arroyo Grande.

He also pointed out that, subsequent to the staff report being finalized, further research revealed the City Council had previously adopted a Resolution in 2003 that established a policy "not to approve, install or use 'speed humps', 'speed bumps' or pavement undulation made of any material on public streets." However, he recommended that the City Council authorize proceeding with the proposed traffic calming measures and stated that staff would return with a proposed Resolution for Council consideration that would permit those types of traffic calming measures under certain circumstances.

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

The following persons spoke in support of installing the proposed traffic calming measures:

Tom Georgie, resident of Margarita Avenue;
Christine Brittingham, resident of Margarita Avenue;
Gary Hass, resident of Margarita Avenue;
Jack Kean, former Council Member and resident of Margarita Avenue; and
Doug Tuthill, resident of Margarita Avenue.

The following person spoke in opposition to the proposed traffic calming measures:

Bobbi Diamond, resident of Margarita Avenue, requested the City instead focus its efforts on repairing sidewalks and streets in poorer condition, such as areas on North 12th Street.

There were no further public comments received.

Upon request, City Attorney Koczanowicz reviewed the Council's authority to adopt, rescind, or amend a Resolution to allow exceptions under certain circumstances.

Brief discussion was held regarding the unique physical characteristics of Margarita Avenue that distinguished it from other residential streets, as well as areas of reduced visibility for on-coming vehicular traffic due to vehicles parked along the street.

Mayor Pro Tem Nicolls suggested installing an alternative traffic calming measure that might be less expensive. He displayed a product brochure for rubberized material that could be installed in sections that were wide enough so as not to hinder response times by fire trucks, but would require regular-sized passenger vehicles to reduce travel speeds.

Action: Upon consensus (Council Member Mires recused due to a conflict of interest and Council Member Peterson absent), the Council authorized staff to: 1) return with a Resolution amending Resolution No. 03-37 to allow specific types of traffic calming measures under certain circumstances, and 2) conduct further research regarding alternative materials for traffic calming options that might be less expensive to install.

Recess: Upon consensus of the City Council, the meeting recessed at 7:37 p.m.

Reconvene: At 7:45 p.m., the meeting reconvened with all Council Members present, except for Council Member Peterson who was absent from this meeting.

10. Appointment to Parks, Recreation & Beautification Commission.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Parks and Recreation Director Petker reviewed the Council's recent Commission appointments on July 20, 2009 to fill three vacancies on the Parks, Recreation & Beautification Commission. The Advisory Body Screening Committee at that time had also recommended appointing Arnold Dowdy, one of the interviewed candidates, in the event of another unscheduled vacancy on the Commission. On July 17, 2009, the City received a written letter of resignation from Parks, Recreation & Beautification Commissioner Herb Delo, resulting in another unscheduled Commission vacancy. She stated that, when contacted, Mr. Dowdy had confirmed his continued interest in being considered for appointment to the Parks, Recreation & Beautification Commission.

The Council thanked and praised Mr. Dowdy for his interest in serving the community as a Commissioner.

Action: It was m/s by Council Members Bright/Mayor Pro Tem Nicolls to adopt Resolution No. 09-51 appointing Arnold Dowdy to an *unexpired* term on the Parks, Recreation & Beautification Commission, scheduled to expire on March 31, 2012. The motion carried on the following roll call vote:

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

Resolution No. 09-51: A Resolution of the City Council of the City of Grover Beach, California, Appointing Arnold Dowdy to Serve on the Parks, Recreation & Beautification Commission.

Commissioner Dowdy was introduced to the City Council and members of the audience.

ORDER OF THE DAY (Revised): Upon consensus of the Council, Mayor Shoals called for discussion of Agenda Item No. 4, followed by Agenda Item No. 11.

4. Amendments to the Master Fee Schedule Regarding Parks and Recreation Fees.

Mayor Shoals 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, Parks and Recreation Director Petker provided an overview of discussions held at a Special Meeting of the Parks, Recreation & Beautification Commission on June 25, 2009 regarding proposed fees for facility rental use by non-profit organized youth sports leagues. She stated that the Commission recommended facility use fees be consistent with existing youth-related classes that received a 50% subsidy. She noted the Commission had also considered a request for a fee waiver received from Central Coast Condors Soccer Club for use of the Mentone Basin Park field in exchange for maintenance repairs. Repairs to the field were subsequently completed by Mr. Nick Ambriz, a coach and Grover Beach licensed landscaper, as a donation to the City.

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

Anita Shower, Grover Beach, expressed concerns that Mentone Basin Park was originally intended as a "passive park".

Gregg Underwood, resident of Arroyo Grande, Vice President and acting President of the Central Coast Condors Soccer Club, spoke in support of the proposed fee amendments and use of the Mentone Basin Park for organized youth sports activities.

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

Action: It was m/s by Council Members Mires/Bright to adopt Resolution No. 09-52 amending the Master Fee Schedule as recommended. The motion carried on the following roll call vote:

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

Resolution No. 09-52: A Resolution of the City Council of the City of Grover Beach Amending the Master Fee Schedule for Parks and Recreation Department Fees.

Prior to discussion of Item No. 11, Mayor Shoals declared a conflict of interest due to his employment with the design firm being considered for consultant services. He then stepped down from the dais and left the Council Chambers. Mayor Pro Tem Nicolls then presided over the meeting at this time.

11. Authorization to Enter Into an Agreement for Development of a Multi-purpose Trails Feasibility Study for the Beach Cities Trail (BCT).

Mayor Pro Tem Nicolls read the title to the foregoing item and deferred to staff for a report. Parks and Recreation Director Petker provided an overview of the Council's authorization to proceed with a Request for Proposal for development of a multi-purpose trails feasibility study. The proposed Beach Cities Trail (BCT) would connect with adjacent trails in the neighboring communities of Pismo Beach and Arroyo Grande. A committee had reviewed five proposals and recommended the retention of RRM Design Group, due to the firm's understanding of the work scope, strength and experience in methods, procedures and

project management, proposed schedule, and cost. Parks and Recreation Director Petker reviewed estimated project costs and identified options for additional trail segments.

Mike Sherrod, RRM Design Group, stated that his firm would analyze all alternative routes for multi-purpose trails and determine the most feasible options.

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

The following persons spoke in support of multi-purpose trails:

- Fred Gaalswyk, resident of Pismo Beach; and
- Jack Kean, former Council Member and resident of Grover Beach, who also requested the City install trash receptacles along the beach boardwalk.

There were no further public comments received.

Action: It was m/s by Council Members Mires/Bright to: 1) adopt Resolution No. 09-53 authorizing a budget amendment; and 2) adopt Resolution No. 09-54 authorizing the Mayor Pro Tem to execute the agreement with RRM Design Group on behalf of the City for consulting services associated with the Beach Cities Trail Project to complete the Union Pacific Railroad Corridor and the additional alternative from the Amtrak Station to the future site of the Hilton Garden Inn on El Camino Real. The motion carried on the following roll call vote:

AYES: Council Members Bright, Mires, and Mayor Pro Tem Nicolls.
NOES: Council Members - None.
ABSENT: Council Member Peterson.
ABSTAIN: Council Members - None.
RECUSED: Mayor Shoals (*due to a conflict of interest*).

Resolution No. 09-53: A Resolution of the City of Grover Beach, Adopting the 1st Amendment to the Annual Appropriation Resolution No. 09-47 by Providing Funding in the Amount of \$2,000 to Fund the Feasibility Study for the Beach Cities Trail (BCT).

Resolution No. 09-54: A Resolution of the City Council of the City of Grover Beach Authorizing the City to Enter Into an Agreement with RRM Design Group for Consulting Services Associated with the Beach Cities Trail Feasibility Study Project.

At this time, Mayor Shoals returned to the dais.

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

5. Consideration of Policy for Establishment of "Mayor Emeritus" Title.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Attorney Koczanowicz stated that the Council had previously received a citizen request and then discussed the possibility of establishing a Mayor Emeritus title to bestow on certain members of the community. The Council then directed staff to schedule the matter for a Public Hearing to allow an opportunity for public input. However, after this item was scheduled and advertised as a Public Hearing, the City received written correspondence from the same citizen, Peter Keith, withdrawing his request.

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

The following persons spoke against establishing the honorary title of Mayor Emeritus:

- Anita Shower, Grover Beach resident; and
- Jack Kean, former Council Member and Grover Beach resident.

There were no further public comments received.

Brief discussion was held regarding having a broader-based citizen recognition program or combining such a program with the City's upcoming 50-year anniversary celebration.

Action: Upon consensus (Council Member Peterson absent), the Council tabled the matter of establishing the honorary title of Mayor Emeritus.

CONSENT AGENDA

It was m/s by Council Member Bright/Mayor Shoals to approve Consent Agenda Item Nos. 6, 7, and 8, as recommended. The motion carried on the following roll call vote:

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

6. Treasurer's Report for the Period July 27 - August 11, 2009.

Action: Approved as submitted.

7. Minutes of the City Council Meeting of April 6, 2009.

Action: Approved the minutes as submitted.

8. Acceptance of Seismic Retrofit and Rehabilitation of Water Reservoir Number 2.

Accepting improvements completed by Spiess Construction, Inc., on Water Reservoir Number 2, issuing a Notice of Completion, and authorizing the release of final retention.

Action: Adopted Resolution No. 09-55.

Resolution No. 09-55: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting the Seismic Retrofit and Rehabilitation of Water Reservoir No. 2.

REGULAR BUSINESS

9. Consideration of Traffic Calming Measures for Margarita Avenue.

(Note: This item was considered earlier in the meeting, immediately after Public Hearing Item No. 3.)

10. Appointment to Parks, Recreation & Beautification Commission.

(Note: This item was considered earlier in the meeting.)

11. Authorization to Enter Into an Agreement for Development of a Multipurpose Trails Feasibility Study for the Beach Cities Trail.

(Note: This item was considered earlier in the meeting.)

12. Acceptance of Sewer System Management Plan.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Public Works Superintendent Ford reviewed regulations adopted by the State Water Control Board in May 2006 for controlling sanitary sewer overflows, which resulted in certain requirements on the City. One of the requirements called for development of a Sewer System Management Plan (SSMP). He reviewed the SSMP that defined goals for improving the sewer system infrastructure and provided an implementation plan and schedule for achieving certain goals. He then responded to questions from the Council.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There were no public comments received.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to adopt Resolution No. 09-56 approving the completed Sewer System Management Plan prepared in accordance with the State Water Resources Control Board Statewide General (WDR) Order No. 2006-0003-DWQ.

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

Resolution No. 09-56: A Resolution of the City Council of the City of Grover Beach, California, Adopting a Sewer System Management Plan for the City of Grover Beach.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

Council Member Bright reported on meetings of the Air Pollution Control District (APCD) and the South Central Coast Basin-wide Air Pollution Control Council, which she attend as the City's representative to the APCD.

Council Member Mires stated that he had nothing to report.

Mayor Pro Tem Nicolls stated that he had nothing to report.

Mayor Shoals stated that he had nothing to report.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

A. Mayor Shoals reported on the following meetings:

- Joint Workshop with the California Coastal Commission and League of California Cities Coastal Issues Group held on August 12, 2009 to improve communications with the Coastal Commission and streamline processes for the Commission's review of local coastal programs.
- League of California Cities Channel Counties Division held on August 14, 2009, hosted by the City of Grover Beach. He thanked and commended staff for organizing the event.
- Beachfront Lodge Project to be held on August 18, 2009. Mayor Shoals, City Manager Perrault, Economic Development Specialist Buckingham, and City Attorney Koczanowicz would be meeting in Sacramento with representatives from Pacifica and State Parks regarding the latest concept plans for the conference center.
- Rebuilding California From the Ground Up - a two-day summit regarding local governance and fiscal reform held on July 17-18, 2009 in Sacramento and hosted by the Cities Counties School Partnership. He stated that the top priorities identified at the summit were: protecting local revenues, term limits, the requirement for approving State budgets by a two-thirds majority vote, and unfunded mandates.

CITY MANAGER'S REPORTS AND COMMENTS

None at this time.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

Recess: Upon consensus of the City Council, the meeting recessed at 8:37 p.m. to the Joint City Council / Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 9:24 p.m., the meeting reconvened with all Council Members present (except for Council Member Peterson who was absent from this meeting).

CLOSED SESSION

At 9:24 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: 1541 Hillcrest Road
Agency Negotiator: City Manager and City Attorney
Negotiating Party: LYLE Company
Under negotiation: Lease Agreement

2. **Conference with Legal Counsel - Anticipated Litigation**
Significant exposure to litigation pursuant to subdivision (b) of
Section 54956.9: Two (2) potential cases

3. **Conference with Real Property Negotiators**
Pursuant to Government Code Section 54956.8
Property: APN 060-206-027
Agency negotiator: City Manager and City Attorney
Negotiating party: John Koepf
Under negotiation: Easement or License Acquisition from the City

Closed Session Announcements: At 9:59 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present, except for Council Member Peterson, 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 9:59 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 01/19/10)