

**MINUTES
CITY COUNCIL MEETING
MONDAY, APRIL 6, 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 Vivy Bacon, an 11-year-old, sixth grade student from Fairgrove 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, Administrative Services Director Chapman, Interim Community Development Director Beck, Police Chief Copsey, Fire Chief Hubert, Parks and Recreation Director Petker, Lieutenant Bewick, 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, March 16, 2009, after meeting in Closed Session regarding:

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

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

AGENDA REVIEW

Mayor Pro Tem Nicolls requested that Consent Agenda Item No. 9 be pulled for separate discussion.

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

CEREMONIAL CALENDAR

1. **Proclamation Designating the Month of April 2009 as "Month of the Child" and "Child Abuse Prevention Month", and April 11, 2009 as "Day of the Child".**

Mayor Shoals read and presented the Proclamation to Parks and Recreation Director Petker and pre-school instructor Carmen Soto. For the information of those present, Ms. Soto described the Tiny Tots Preschool Program and introduced four-year-old, pre-school student Jake Mercado.

2. **Proclamation Declaring April 24, 2009 as National "Arbor Day".**

Council Member Bright read the Proclamation, which was later presented to Parks and Recreation Director Petker.

3. **Proclamation Declaring the Week of April 12 - April 18, 2009 as "National Public Safety Telecommunications Week".**

Mayor Pro Tem Nicolls read and presented the Proclamation to Police Chief Copsey and Lieutenant Bewick. It was announced that the proclamation would later be presented to the Police Department's Records and Communications staff.

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. Tom Martin, South County Sanitary Service, announced the upcoming "Clean-Up Week" to be held on April 20 - 24, 2009. At this time, Council Member Mires announced an electronic waste collection day being held at the South County Family and Cultural Center (or "Exploration Station") on Saturday, April 25, 2009.
- B. Vivy Bacon, Fairgrove Elementary School student, Grover Beach, thanked the Council for a well-run City.
- C. Leah Greeley, Parks, Recreation & Beautification Commission Vice-Chair, announced the upcoming Easter Egg Hunt and Family Festival event to be held at the Elm Street Park and Soto Sports Complex in Arroyo Grande on Saturday, April 11, 2009.

PUBLIC HEARINGS

4. Introduction and First Reading of an Ordinance Which Would Amend the Grover Beach Municipal Code Sign 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 reviewed previous Council discussions held regarding amending the City's regulations to clarify the requirements for temporary political campaign signs. A draft Ordinance was prepared that specifically limited the number of political signs on a residential or commercial lot to one sign per candidate, issue, ballot measure or proposition, and maintained the existing maximum size limitation for that one sign to three square feet in residential zones and ten square feet in other zoning districts.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There was no response and he closed the Public Hearing.

Action: It was m/s by Council Members Bright/Peterson to introduce Ordinance No. 09-03 for first reading, by title only, and schedule second reading and adoption at the next Regular City Council meeting. 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.

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

5. Establishing Four Project Areas for Undergrounding Utilities.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Engineer Garing provided an overview of the Council's direction at the March 2, 2009 meeting for staff to prepare a resolution to establish four project areas for the conversion of overhead utilities underground. He then described the four proposed project areas in order of highest priority, as follows:

- Ramona Transit Hub Area - North 8th Street from West Grand Avenue to Ramona Avenue, Ramona Avenue east to North 10th Street and north to Brighton Avenue, Brighton Avenue west to North 9th Street and south to Ramona Avenue;
- West Grand Avenue Area - from North 2nd Street west to the Pacific Ocean;

- Longbranch Avenue/South 8th Street Area - Longbranch Avenue from South 8th Street east to South 12th Street, and South 8th Street from Longbranch Avenue north to West Grand Avenue; and
- Mentone Avenue Area - Mentone Avenue from South 14th Street west to Oak Park Boulevard, South 16th Street from Mentone Avenue south to Nice Avenue, Nice Avenue from South 16th Street east to the 16th Street Park boundary.

Discussion was held regarding input received from PG&E representatives that assisted with identifying and prioritizing the proposed project areas, and potentially expanding one of the project areas along North 9th Street near the Transit Hub facility, subject to approval by PG&E. Additional discussion was held regarding the procedural steps required to establish an underground utility district and, once a district was formed, the extended waiting period that often occurred before the utilities were placed underground.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There was no response and he closed the Public Hearing.

Further discussion was held regarding amending the Resolution and Exhibits to change the priority level designations from "A, B, C, and D" to "1, 2, 3, and 4"; amending the project area for the Ramona Avenue and South Country Transit Hub area to include additional parcels on North 9th Street; and developing a Master Plan for establishing future underground utility districts along arterial and collector streets.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to:

- 1) Amend the Resolution and Exhibits, changing the priority level designations from "A, B, C, and D" to "1, 2, 3, and 4";
- 2) Expand the project area depicted on Exhibit 1, the Ramona Avenue and South Country Transit Hub project area, to include additional parcels on North 9th Street, subject to approval by PG&E, but to delete those additional parcels in the event the expanded project area was denied by PG&E; and
- 3) Adopt Resolution No. 09-18, as amended, establishing four new project areas for undergrounding utilities generally described as: 1) the Ramona Transit Hub Area, 2) the West Grand Avenue Area from 2nd Street to Pismo State Beach, 3) the Longbranch Avenue/South 8th Street Area, and 4) the Mentone Avenue Area.

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. 09-18: A Resolution of the City Council of the City of Grover Beach, California, Establishing Four Project Areas for Undergrounding Utilities.

Action: Upon consensus, the Council authorized the future development of a Master Plan to identify additional areas to underground utilities, but acknowledged that this was not a high priority project.

CONSENT AGENDA

As noted earlier in the meeting under Agenda Review, Mayor Pro Tem Nicolls pulled Consent Agenda Item No. 9 for discussion.

It was m/s by Council Members Peterson/Bright to approve Consent Agenda Item Nos. 6, 7, 8, 10, 11, and 12, as recommended. The motion carried on the following roll call vote:

AYES: Council Members Bright, Mires, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals.

NOES: Council Members - None.

ABSENT: Council Members - None.

ABSTAIN: Council Members - None.

6. **Treasurer's Report for the Period March 11 - April 1, 2009.**

Action: Approved as submitted.

7. **Minutes of the Special City Council Meeting of December 4, 2008.**

Action: Approved the minutes as submitted.

8. **Authorization to File an Application for the 2009 COPS Hiring Recovery Program (CHRP) -** Submittal of a grant application to the U.S. Department of Justice, Office of Community Oriented Policing Services, to fund one full-time Police Officer position.

Action: Adopted Resolution No. 09-19 authorizing the City Manager, Chief of Police, and Administrative Services Director to file an application for one additional Police Officer position from the COPS Hiring Recovery Program.

Resolution No. 09-19: A Resolution of the City Council of the City of Grover Beach Authorizing the Filing of an Application for the 2009 COPS Hiring Recovery Program Grant.

10. **Second Reading of Ordinance Amending the Grover Beach Municipal Code Section 9137.9 Relating to Curb, Gutter and Sidewalk -** Amended requirements for certain qualifying projects to provide pavement reconstruction and conformance to the existing centerline of the street if the street condition fronting the project fell below a 60 rating in the Pavement Management System, as verified by the City Engineer, and an additional requirement to replace existing unsatisfactory improvements to City standards as directed by the City Engineer.

Action: Conducted second reading, by title only, and adopted Ordinance No. 09-01.

Ordinance No. 09-01: An Ordinance of the City Council of the City of Grover Beach, California, Amending Article IX Zoning Regulations, Chapter 1, Part 37 General Provisions, Conditions and Exceptions of the City of Grover Beach Zoning Regulations Amending Section 9137.9, Relating to Curb, Gutter, Sidewalk and Street Conforms. (Second reading)

11. **Second Reading of Ordinance to Rescind and Replace Graffiti Abatement Ordinance Section 3998 of Chapter 15 of Article 3 of the Grover Beach Municipal Code -** Adopting new graffiti abatement regulations to prevent the spread of graffiti, improve upon established mechanisms for its removal, and recover costs associated with such removal.

Action: Conducted second reading, by title only, and adopted Ordinance No. 09-02.

Ordinance No. 09-02: An Ordinance of the City Council of the City of Grover Beach, California, Rescinding and Replacing Chapter 15 to Article III of the Grover Beach Municipal Code, Graffiti Ordinance. (Second reading)

12. **Transportation Planning Grant Request to Fund the City's Bicycle Master Plan -** Application to fund a Master Plan for the development of bike trails in the City.

Action: Adopted Resolution No. 09-20, authorizing the City Manager to enter into a contract with Caltrans if the application for a Bicycle Master Plan were funded.

Resolution No. 09-20: A Resolution of the Grover Beach City Council Authorizing the City Manager to Sign a Contract for a Transportation Planning Grant Submitted for Funding Development of a Bicycle Master Plan for the City of Grover Beach.

REGULAR BUSINESS

13. **Consideration of Adopting a Cleaver Property Park Master Plan.**

Project site: Cleaver Park, 164 South 13th Street.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Parks and Recreation Director Petker provided an overview of a second arborist report that was

prepared pursuant to the Council's request at the March 2, 2009 meeting regarding a large oak tree located on the Cleaver property. The report stated that the tree was in very good health and could be maintained for many years. She also stated that no comments were received during the 30-day review period for the Mitigated Negative Declaration, which was prepared due to the possible location of a preschool/community center in close proximity to an existing gasoline station. She then introduced Jeremy Lowney of Solid Oak Tree Management, Lindsay Corica of the consulting design company *firma*, and Moyses Muguira, Executive Director of the Boys and Girls Club.

Discussion was held regarding the conflicting information contained in the two arborist reports. It was noted that the first report was completed in 2004 by a tree trimming company and the second report was prepared by a firm that focused on tree preservation. Interim Community Development Director Beck and Parks and Recreation Director Petker then responded to questions regarding the review process for the Park Master Plan concept, Use Permit, and subsequent construction drawings to ensure the use of drought-tolerant landscaping and an energy efficient design.

Upon request, Mr. Lowney of Solid Oak Tree Management responded to questions regarding his recommendations for maintenance of the oak tree and the estimated costs for tree trimming services every three to five years thereafter. Mr Lowney also suggested designating the oak tree as a "heritage" tree.

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

Moyes Muguira, Executive Director of the Boys and Girls Clubs, spoke in support of the proposed project and commented on his agency's willingness to collaborate with the City to provide programs for children.

Lindsay Corica, *firma*, in reference to the proximity of the gasoline station and possible location of a preschool/community center facility, stated that an air quality permit was not required.

There were no further public comments received.

Council Member Mires objected to preserving an oak tree originally identified as unhealthy and designated for removal. He also expressed his objections to a Master Plan document that was identified as a "design for a park" when that design called for most of the property to consist of hard surfaces, concrete, and parking spaces, with only two picnic tables for public use. He suggested developing an alternative Master Plan design concept for a park that appeared less like a parking lot.

Brief discussion was held regarding the types of uses authorized for the property.

In reference to the Negative Declaration, City Attorney Koczanowicz recommended amending the proposed Resolution to add the following text (denoted with a double underline):

"WHEREAS, the City had issued a Notice of Intent to prepare a Negative Declaration and no comments were received.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Grover Beach does hereby adopt the Cleaver Property Park Master Plan and the Mitigated Negative Declaration connected to the project".

Action: It was m/s by Council Members Bright/Peterson to: 1) approve the final concept plan for the Cleaver Property Park Master Plan, and 2) adopt Resolution No. 09-21, as amended. The motion carried on the following roll call vote:

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

Resolution No. 09-21: A Resolution of the City Council of the City of Grover Beach, California, Adopting the Cleaver Property Park Master Plan.

Recess: Upon consensus of the City Council, the meeting recessed at 7:55 p.m.
Reconvene: At 8:07 p.m., the meeting reconvened with all Council Members present.

14. Safe Routes to School Grant Program.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, Interim Community Development Director Beck described the program that provided grant funds on a competitive basis to cities and counties in order to provide safe pedestrian and bicycle access to local schools. She highlighted proposed safety improvements contained in the two applications prepared for Grover Beach Elementary School and Grover Heights Elementary School, and commitments received from both schools to incorporate educational training regarding bicycle safety for their students and adult training programs for parents. She also noted a correction to the staff report regarding the estimated cost of proposed improvements at Grover Heights Elementary School. Interim Community Development Director Beck thanked Mike Ratty from Garing Taylor and Associates for his assistance with preparing the grant applications, and staff from the San Luis Obispo Council of Governments for assistance with preparing the grant applications and coordinating meetings with the school principals. She then responded to questions from the Council.

Brief discussion was held regarding amending the applications to emphasize safety concerns in the high traffic areas of South 13th Street and North 4th Street, including additional letters of support, and correcting minor typographical errors. The Council commended Interim Community Development Director Beck for the thoroughness of the report and the grant applications.

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

Upon request, City Manager Perrault provided a status report on concept plans being prepared for presentation to the Council by Wallace Group for a demonstration project to narrow portions of Longbranch Avenue. Interim Community Development Director Beck then provided a status report regarding correspondence and environmental reports being completed for sidewalk improvements on South 13th Street that would be funded through the Community Development Block Grant program.

Mayor Shoals noted that curb, gutter, and sidewalk improvements were missing on South 13th Street from Longbranch Avenue to Manhattan Avenue, near the Grange Hall and the Smith & Sons commercial business. He suggested expanding the South 13th Street sidewalk improvement project to include that area as well.

Action: Upon unanimous consensus, the Council: 1) authorized final grant submittals under the Safe Routes to School Program, and 2) authorized staff to investigate extending improvements for curb, gutter and sidewalk on South 13th Street to include the area from Longbranch Avenue to Manhattan Avenue.

15. 2008 General Plan Annual Report.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Interim Community Development Director Beck reviewed the Annual Report on the status of the City's General Plan and progress in its implementation. She reviewed each Element of the General Plan document, provided a detailed overview of corresponding programs, and noted minor typographical corrections in the report that would be made prior to submittal.

to the Office of Planning and Research and the California Department of Housing and Community Development.

The Council thanked and praised Interim Community Development Director Beck for the thorough report and acknowledged the number of significant accomplishments that were identified in the report.

Upon question, City Manager Perrault clarified that a citizen had approached the City regarding a donation of \$20,000 towards the development of an urban trail system with the adjoining communities.

Brief discussion was held regarding the Scenic Routes Element of the General Plan and whether to update it to identify view preservation on specific streets such as Newport Avenue.

Action: The report was received and filed.

16. Request for Proposal for a Beach Cities Multi-Purpose Trail Feasibility Study.

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 funding received from the San Luis Obispo Council of Governments to pursue a feasibility study for constructing a multi-purpose (biking and hiking) trail that would connect points in southern San Luis Obispo County to other local points of interest. She then reviewed a draft Request for Proposal (RFP) document that incorporated comments received from both the City of Pismo Beach and the San Luis Obispo Council of Governments, and noted that she had also met with a representative from the Rails-to-Trails Conservancy. Interim Community Development Director Beck then described the multi-purpose trail proposed to extend from the unincorporated area of Oceano through Grover Beach and into Pismo Beach. She stated that the trail alignment fell within the areas of both the DeAnza and Coastal Trails, and could potentially extend along the Union Pacific Railroad right-of-way to the City of San Luis Obispo. The RFP would be sent to firms with experience in developing trails along rail corridors, as special knowledge of design and safety considerations was required to meet the requirements of the railroad. She then responded to questions from the Council. It was noted that some concerns would need to be answered by a consultant in the feasibility study.

Brief discussion was held regarding the funding sources for the study; whether there would be sufficient funds to modify the RFP to include additional routes, such as connecting Pismo Lake and the site of the future Hilton Garden Inn on El Camino Real to Meadow Creek; and concerns received from the City of Pismo Beach. It was noted that there was an existing bike trail in Pismo Beach that would be included in the proposed multi-purpose trail.

City Manager Perrault suggested modifying the RFP to include a second option for additional routes, but defer further discussion regarding funding until after the Council had received an update on the FY 09 - FY 10 Biennial Budget. He also stated that staff could communicate this second option for additional routes to the City of Pismo Beach and encourage its participation.

Action: Upon unanimous consensus, the Council amended the scope of the Request for Proposal to include an option for expanding the trail system to extend from the Train Station/Meadow Creek area to the site of the future Hilton Garden Inn on El Camino Real, and authorized staff to proceed with issuing the amended Request for Proposal document.

PULLED CONSENT AGENDA ITEMS

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

Mayor Pro Tem Nicolls requested that discussion of the contract amendment regarding personnel and compensation be scheduled for Closed Session.

City Attorney Koczanowicz stated that there was no change in compensation being proposed in the contract amendment, and that questions regarding the language of the amendment could be conducted in open session. Upon question, he stated that the current contract for legal services would remain in effect until the end of April. He stated that if the Council desired to discuss the matter in Closed Session, a Special Meeting could be scheduled just prior to the beginning of the next Regular City Council meeting so that the contract amendment could be considered under "Consent" at the next Regular City Council meeting agenda.

Action: Upon unanimous consensus, the Council: 1) continued this matter to the next Regular City Council meeting of Monday, April 20, 2009; and 2) called for a Special Meeting to discuss a Closed Session matter on Monday, April 20, 2009 at 5:30 p.m.

ORDER OF THE DAY: At this time, the Order of the Day was amended to receive Council Communications next.

COUNCIL COMMUNICATIONS

- A. In response to a recent newspaper article, Mayor Shoals stated that he had not yet decided whether to run for a seat in the State Assembly. He reiterated his commitment to the community and thanked his colleagues for their support.

CITY COUNCIL MEMBER ITEMS

None at this time.

CITY MANAGER'S REPORTS AND COMMENTS

17. American Recovery and Reinvestment Act of 2009: Update Regarding the City's Application for Federal Stimulus Package Funds.

City Manager Perrault stated that the San Luis Obispo Council of Governments and the Economic Vitality Corporation were coordinating a response for the entire San Luis Obispo County region in order to increase the likelihood of our region receiving federal monies. He then provided an overview of projects submitted by the City of Grover Beach for participation in the federal stimulus package known as the "American Recovery and Reinvestment Act" or "ARRA".

Action: The information was received and filed.

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

COUNCIL COMMITTEE REPORTS

Council Member Peterson reported on meetings of the San Luis Obispo County Visitors & Conference Bureau and a recent Economic Vitality Corporation-sponsored event for small businesses held in Pismo Beach.

Council Member Mires reported on the Zone Three Advisory Committee meeting.

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

Council Member Bright reported on the meeting of the San Luis Obispo County Economic Vitality Corporation.

Mayor Shoals reported that the San Luis Obispo Council of Governments would be meeting on Wednesday and commended staff for submitting projects for consideration under the American Recovery and Reinvestment Act (ARRA), noting that two of the City's transportation projects – the West Grand Avenue Enhancement Project and the South County Transit Hub, Phase II – were ranked as the second highest priority in the County. He then reported on the meeting of the San Luis Obispo Regional Transit Authority.

Recess: Upon consensus of the City Council, the meeting recessed at 9:28 p.m. to the Joint City Council/Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 10:45 p.m., the Council reconvened with all Council Members present.

CLOSED SESSION

Upon unanimous consensus, at 10:45 p.m., the Council rescheduled the following Closed Session item to the Special City Council meeting scheduled for Monday, April 20, 2009 at 5:30 p.m.:

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

Recess: At 10:46 p.m., the City Council recessed to continue the Joint City Council/Improvement Agency meeting.

Reconvene: At 11:42 p.m., the meeting reconvened with all Council Members present.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 11:42 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 08/17/09)