

**MINUTES
CITY COUNCIL MEETING
MONDAY, FEBRUARY 4, 2008**

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 Kade McGill, an 11-year-old, sixth grade student from Grover Beach Elementary School.

ROLL CALL

City Council: Council Members Ashton, Bright, Lieberman, Mayor Pro Tem Nicolls, and Mayor Shoals were present.

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Community Development Director Hansen, Police Chief Copsey, Public Works Superintendent Ford, Planning Manager Gould-Wells, and Human Resources Coordinator Barrett were also present.

Also present was City Engineer Garing.

AGENDA REVIEW

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

CEREMONIAL CALENDAR

1. Proclamation of Appreciation to Former Traffic Committee Member Dr. Bob Reed.

Mayor Shoals read and presented the Proclamation to former Traffic Committee Member Reed.

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. Les Henderson, Grover Beach, commented on harassment and property damage incurred from individuals posting illegal garage sale signs near his home. He suggested having a citizen volunteer group assist code enforcement efforts, specifically during weekends, to ensure compliance with the City's sign regulations.
- B. Roy Ogden, attorney, San Luis Obispo, spoke on behalf of his client, Mireya Jaimes-Freyre, requesting settlement of her lawsuit against the City.
- C. Susan Reed, Grover Beach, suggested that the City consider re-striping the street on Oak Park Boulevard between Highway 101 and Saratoga Avenue.

PUBLIC HEARINGS

2. Public Hearing Regarding Request to Vacate a Portion of Right-of-way Along Brighton Avenue Between Front Street and North 4th Street. Project Location: 248 Brighton Avenue. Applicants: Albertina Silva and Susan Silva-Treadwell.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Engineer Garing gave a brief overview of the applicant's request for the City to abandon a 15-foot section of right-of-way on Brighton Avenue in order for the property owner to meet the 40% coverage requirement necessary for reconstruction of the home.

He stated that, historically, Brighton Avenue had included a 100 foot right-of-way from Front Street to Oak Park Boulevard. However, over the years it had become apparent that only a 70-foot right-of-way was necessary to meet public needs. He also observed that Brighton Avenue was categorized as a "local" street, and that it had already been reduced to a 70-foot width from North 4th Street to Oak Park Boulevard.

City Engineer Garing, along with City Attorney Koczanowicz and City Manager Perrault, responded to questions regarding estimated costs for abandoning a portion of right-of-way. Clarification was provided that:

- an "abandonment" would allow property owners the beneficial use of that portion of right-of-way;
- access would be maintained for public utilities and easement;
- public utility easements were located underground;
- ownership of the right-of-way had always been with the property owner; and
- the County Assessor's Office had confirmed there would be no property reassessment or additional tax liability incurred by the property owner, as no increase in property value would occur if the right-of-way was abandoned.

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

Mary Thiessen, Grover Beach, requested and received clarification on how she would be notified when the vacation process had been completed.

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

Action: It was m/s by Council Members Ashton/Bright to adopt Resolution No. 08-09 to vacate a portion of right-of-way on Brighton Avenue between Front Street and North 4th Street, reducing the total width from 100 feet to 70 feet. The motion carried on the following roll call vote:

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

Resolution No. 08-09: A Resolution of the City Council of the City of Grover Beach, California, to Vacate an Unused Portion of Brighton Avenue Right-of-Way, Reducing the Total Width from 100 Feet to 70 Feet from Front Street to North 4th Street Pursuant to California Streets and Highways Code Sections 8320 et seq.

3. Final Allocation of the 2008 Community Development Block Grant (CDBG) Funding Cycle - 2008 Action Plan Recommendation to the San Luis Obispo County Board of Supervisors.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Community Development Director Hansen gave an overview of the Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds program. He stated that, although the estimated amount of funds to be received for the funding cycle had been approximately \$125,668, HUD had reduced the allocation to \$121,100. Staff was therefore recommending to reduce the Storm Drain Project and Program Administration allocation from \$91,102 to \$87,100, while leaving allocations to nonprofit organizations intact. He then responded to questions from the Council regarding funding needed for rehabilitation of South 5th Street.

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

Anna Boyd Buce, representing Big Brothers Big Sisters, spoke in support of her agency's funding request and cited examples of how the program benefitted area youth.

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

Action: It was m/s by Council Members Lieberman/Ashton to adopt Resolution No. 08-10 allocating the 2008 Community Development Block Grant (CDBG) Program year funds as follows: EOC Minor Home Repair (\$15,000), Big Brothers Big Sisters (\$7,000), 5th Street Capital Improvement Project (\$87,100), and Program Administration (\$12,000), for a total estimated amount of \$121,000. The motion carried on the following roll call vote:

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

Resolution No. 08-10: A Resolution of the City Council of the City of Grover Beach, California, Approving the 2008 Community Development Block Grant (CDBG) Program and Recommendations for Final Allocation by the San Luis Obispo County Board of Supervisors.

4. First Reading of Ordinance to Amend the Grover Beach Municipal Code by Establishing and Adding Part 50, West Grand Avenue Corridor Planned Development (PD) Overlay District to Article IX (Planning and Zoning Regulations).

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Planning Manager Gould-Wells briefly reviewed revisions to the proposed Ordinance based on Council direction provided at the December 3, 2007 meeting, and Planning Commission direction provided at the January 8, 2008 meeting.

For the information of those present, Planning Manager Gould-Wells reviewed the boundaries of the proposed overlay district, and the goals of the PD Overlay District to: 1) promote flexible and relaxed standards beyond what is permitted in the underlying zoning district, and 2) facilitate the development of small parcels in the area by allowing for consideration of more effective design responses to site features, land uses, and environmental impacts. She then reviewed mandatory project features in the proposed Ordinance that involved one of three components: affordable housing, energy efficiency, or public amenity; and available options that allowed using either the base zoning or the PD Overlay, as well as application of a project phasing plan. Planning Manager Gould-Wells and City Attorney Koczanowicz then responded to Council questions.

Brief discussion was held regarding parking requirements, increased building heights for those projects proposed to provide affordable housing units, and energy efficiency requirements.

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 for this item.

Further Council discussion was held regarding the expectation that projects in the PD Overlay District would be of higher quality architectural design, include environmentally sensitive and pedestrian-oriented features, and that parking layouts would discourage placement of parking lots adjacent to West Grand Avenue. Additional discussion was held regarding the architectural peer review process through the Planning Commission, and suggested text amendments to the proposed Ordinance to emphasize the Council's original intent in adopting a Planned Development Overlay District.

Action: It was m/s by Council Members Lieberman/Mayor Pro Tem Nicolls to amend certain sections in the “findings” and “purpose” section of the proposed Ordinance to emphasize the Council’s original intent in adopting a Planned Development Overlay District, introduce and conduct first reading, by title only, of Ordinance No. 08-01, as amended, 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 Ashton, Bright, Lieberman, Mayor Pro Tem Nicolls, and Mayor Shoals.
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.

Ordinance No. 08-01: An Ordinance of the City Council of the City of Grover Beach, California, Amending Article IX Chapter 1 of the Grover Beach Municipal Code by Adding Part 50 - West Grand Avenue corridor Planned Development (PD) Overlay. (First reading only.)

5. Public Employees Retirement System (PERS) Contract Amendment.

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, Administrative Services Director Chapman gave a brief overview of the City’s approved contracts with the Service Employees International Union, Local 620, which included an enhanced retirement benefit of 2.5% at age 55, and the Police Officers’ Association, which also included enhanced retirement for non-sworn employees. She confirmed that employees in both bargaining units had voted to move forward with the proposed PERS amendment. She and City Manager Perrault 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 was no response and he closed the Public Hearing.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Members Ashton to: 1) introduce Ordinance No. 08-02 for first reading, by title only, and schedule second reading and adoption at a regular City Council meeting not less than 20 days following this meeting; and 2) adopt Resolution No. 08-11 approving an amendment to the PERS contract. The motion carried on the following roll call vote:

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

Ordinance No. 08-02: An Ordinance of the City Council of the City of Grover Beach, California, Authorizing an Amendment to the Contract Between the City Council of the City of Grover Beach and the Board of Administration of the California Public Employees’ Retirement System.

Resolution No. 08-11: A Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration, California Public Employees’ Retirement System and the City Council of the City of Grover Beach, California.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Council Member Lieberman stated that he would abstain from voting on the minutes of the Regular City Council Meeting of November 5, 2007 (Agenda Item No. 7), as he had left that meeting early due to a business meeting.

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

AYES: Council Members Ashton, Bright, Lieberman (except for Agenda Item No. 7), Mayor Pro Tem Nicolls, and Mayor Shoals.
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Council Member Lieberman (Agenda Item No. 7 only).

6. Treasurer's Report for the Period January 16, 2008 - January 30, 2008.

Action: Approved as submitted.

7. Minutes of the Following City Council Meetings:

- Special City Council Meeting of November 5, 2007; and
- Regular City Council Meeting of November 5, 2007.

Action: Approved the minutes as submitted (*except* for Mayor Lieberman).

8. FY 07 Local Street Rehabilitation, South 14TH Street (West Grand Avenue to Mentone Avenue) Final Acceptance of Project.

Action: Adopted Resolution No. 08-12 accepting drainage system and street improvements performed by Toste Grading & Paving on South 14th Street, from West Grand Avenue to Mentone Avenue, as complete.

Resolution No. 08-12: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting the Street Rehabilitation and Water System Improvements Project, South 14th Street, West Grand Avenue to Mentone Avenue.

REGULAR BUSINESS

None at this time.

Recess: Upon consensus of the City Council, the meeting recessed at 8:08 p.m. to the Joint City Council / Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 8:50 p.m., the meeting reconvened with all Council Members present.

COUNCIL COMMITTEE REPORTS

Council Member Bright reported on the meeting of the Air Pollution Control District (APCD), potential fees, and the Lawn Mower Exchange Program.

Council Member Ashton stated that he had nothing to report.

Council Member Lieberman announced that the next meeting of the Fire and Emergency Services Oversight Committee would be Thursday, February 14, 2008.

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

Mayor Shoals stated that he would be attending the San Luis Obispo Council of Governments meeting on Wednesday, February 6, 2008. He then stated that City Manager Perrault had given a presentation regarding Grover Beach at the recent Economic Vitality Corporation meeting.

CITY COUNCIL AGENDA

None at this time.

COUNCIL COMMUNICATIONS

- A. Council Member Ashton requested and received confirmation that the joint meeting with other South County agencies to discuss the issue of homelessness was scheduled for Thursday, February 21, 2008 at the South County Regional Center.
- B. Council Member Lieberman requested scheduling future Council discussion regarding pension reform and a second tier program for new employees.

CITY MANAGER'S REPORTS AND COMMENTS

**9. Announcement: Land Use Element Kickoff Workshop - to be Held
Wednesday, February 13, 2008 at 3:00 p.m., City Hall Council Chambers.**

City Manager Perrault announced that Design Community & Environment (DC&E) would be conducting a Land Use Element kickoff meeting on Wednesday, February 13, 2008 at 3:00 p.m. in the Council Chambers.

He then announced that, due to the observance of President's Day on Monday, February 18th, the next regularly scheduled City Council meeting would be held on Tuesday, February 19, 2008. He also stated that he would be out-of-town the remainder of the week, attending the League of California Cities City Managers Department meeting.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

None at this time.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 9:04 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 5/19/08)