

**MINUTES
CITY COUNCIL MEETING
MONDAY, APRIL 21, 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 Mason Long, a 5th grade student at Fairgrove Elementary School, Grover Beach.

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, Administrative Secretary Toles, Administrative Services Director Chapman, Community Development Director Hansen, Planning Manager Gould-Wells, Police Chief Copsey, Parks and Recreation Director Petker, Public Works Superintendent Ford, and Recreation Coordinator Manuele were also present.

Also present was City Engineer Garing.

CLOSED SESSION ANNOUNCEMENTS City Attorney Koczanowicz read the following announcement:

On Monday, April 7, 2008, after meeting in Closed Session regarding:

1. Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6.
Agency Negotiator: City Manager, James K. Katen, Administrative Services Director, Assistant Administrative Services Director, Human Resources Coordinator.
Represented Employee Group: General Employees - (SEIU) Service Employees International Union, Local 620

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 Declaring April 25, 2008 as "National Arbor Day" in the City of Grover Beach.**

Mayor Shoals read and presented the Proclamation to Recreation Coordinator Manuele.

PRESENTATIONS

2. **Presentation by Boy Scouts of America Highlighting Service and Accomplishments in the City.**

Mayor Shoals introduced Emily Hansen, Local District Executive for the Boy Scouts of America. Ms. Hansen introduced Eagle Scout Brian "Domino" McCoid. Mr. McCoid spoke on how individuals and communities benefit from participation in the Boy Scout program.

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. Derek Sprague, Arroyo Grande, requested that the City consider expanding use at the South County Skate Park to allow bicycles on designated dates and times.
- B. Sonny Brazil, head coach for the Panthers, a semi-pro football team, stated that the team was interested in holding training practice in Grover Beach and requested the City consider either reducing or waiving the fee for the organization's use of the Mentone Basin.

Upon question, City Manager Perrault confirmed that Mr. Brazil should continue working with the Parks and Recreation Director to complete his request for either a fee waiver or fee reduction.

PUBLIC HEARINGS

3. Request to Modify Taxicab Rates for 234 Taxi, LLC.

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, Police Chief Copsey provided an overview of the request from 234 Taxi, LLC, formerly known as Grover Beach Taxi, for a per mile rate increase from \$3.00 to \$3.50 and a \$4.00 convenience fee for credit card payments. He stated that the company's last request for a rate change was in October 2005, when the Council authorized a per mile rate increase from \$2.00 to \$3.00. He then provided comparative rate information for both taxi companies authorized to operate within City limits.

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 Ashton/Bright to adopt Resolution No. 08-28, amending the Master Fee Schedule to authorize the requested rate increase from \$3.00 to \$3.50 per mile and a \$4.00 credit card convenience fee. 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. 08-28: A Resolution of the City Council of the City of Grover Beach Amending the Master Fee Schedule for Taxicab Rates - 234 Taxi, LLC.

4. Proposed Zoning Ordinance Amendment to Article IX (Planning and Zoning Regulations), Part 50, West Grand Avenue Corridor Planned Development (PD) Overlay District.

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 provided an overview of the goals and intent of establishing the Planned Development (PD) Overlay Zone and the displayed map of district boundaries. She stated that staff was recommending, in conjunction with introduction and first reading of the Ordinance, that a rezone occur within the actual boundaries of the district rather than on a project-by-project basis so that applicants under the PD Overlay would not be required to also submit a separate rezone application or pay a separate rezone fee. She also noted that the Ordinance would not be brought back to the Council for second reading and adoption until the meeting of May 19, 2008, in order to allow for the minimum 21-day public noticing period for the Initial Study and Negative Declaration as required under the California Environmental Quality Act (CEQA) for the PD Overlay District.

Planning Manager Gould-Wells summarized Council actions taken to date on the PD Overlay District at the February 18, 2008 and March 17, 2008 meetings, and reviewed the suggested Ordinance revisions regarding: 1) mandatory project features for - (i) affordable housing income levels, (ii) energy efficiency standards and green building

techniques, and (iii) scale and character of public amenities; and 2) Planning Commission action and City Council action on projects developed utilizing the PD Overlay Zone. She then responded to Council questions regarding the process for Leadership in Energy and Environmental Design (LEED) certification, as well as the LEED rating system and peer review.

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

Steve Viera, Pismo Beach, inquired about the proposed peer review system and required fees for rezoning and environmental reviews.

There were no further public comments received.

Staff clarified that if the Council approved the recommendation to rezone the PD Overlay District as a single rezone, the result would be no rezone application fee for those applicants developing an individual parcel within this district. However, a Development Permit Application would still be required in addition to any other applicable fees and environmental compliance requirements. It was further noted that an applicant would be required to pay the fee for a peer review if the project incorporated Mandatory Project Feature #2 (green building techniques). This review would need to be conducted by an independent, licensed professional with experience in energy efficiency and sustainable design performance over and above standards. Additionally, this professional would need to be someone other than the project architect, engineer or anyone directly associated with the project.

Action: It was m/s by Council Members Lieberman/Ashton to introduce and conduct first reading, by title only, of Ordinance No. 08-06 to amend Article IX, Part 50, West Grand Avenue Corridor PD Overlay District, Section 9150.6, and schedule second reading and adoption at the City Council meeting of Monday, May 19, 2008. 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 08-06: An Ordinance of the City Council of the City of Grover Beach, California, Amending Article IX Chapter 1, Part 50 of the Grover Beach Municipal Code. (First Reading Only.)

CONSENT AGENDA

It was m/s by Council Members Lieberman/Bright to approve Consent Agenda Item Nos. 5, 6, 7, 8, and 9 as recommended. 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.

5. Treasurer's Report for the Period April 1 - 14, 2008.

Action: Approved as submitted.

6. Minutes of the City Council Meeting on Tuesday, January 22, 2008.

Action: Approved the minutes as submitted.

7. Second Reading - Proposed Amendment to Grover Beach Municipal Code, Article III, Chapter 4, Section 3406, Increasing the Applicable Public Liability Insurance Limits to \$1 Million. This Ordinance will raise liability insurance limits for taxi cab companies operating in Grover Beach to \$100,000 for destruction of property and a minimum combined limit for bodily injury of \$1 million.

Action: Conducted second reading, by title only, and adopted Ordinance No. 08-04.

Ordinance No. 08-04: An Ordinance of the City Council of the City of Grover Beach, California, Amending Article III, Chapter 4, Section 3406 of the Grover Beach Municipal Code Increasing the Minimum Public Liability Insurance Limits for Taxicab Operations in the City. (Second Reading.)

8. **Second Reading - Proposed Ordinance Amending the Grover Beach Municipal Code, Article II, Chapter 3, Section 2304 with Regard to Term Limits for Council Members and Elected Mayor.** This Ordinance will amend the Grover Beach Municipal Code to separate the term limits of a directly-elected Mayor and elected Council Members.

Action: Conducted second reading, by title only, and adopted Ordinance No. 08-05.

Ordinance No. 08-05: An Ordinance of the City Council of the City of Grover Beach, California, Amending Article II, Chapter 3, Section 2304 of the Grover Beach Municipal Code Regarding City Council Term Limits. (Second Reading.)

9. **FY 08 Local Street Rehabilitation, South 7th Street (Rockaway Avenue to Longbranch Avenue) and Longbranch Avenue (South 10th Street to South 11th Street) - Final Acceptance of Project.**

Action: Adopted Resolution No. 08-29 accepting construction work completed in March 2008 by Granite Construction Company for South 7th Street (Rockaway Avenue to Longbranch Avenue) and Longbranch Avenue (South 10th Street to South 11th Street) Street Rehabilitation and Water System Improvements.

Resolution No. 08-29: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting the Street Rehabilitation and Water System Improvements Project – South 7th Street (Rockaway Avenue to Longbranch Avenue) and Longbranch Avenue (South 10th Street to South 11th Street) – Final Acceptance.

REGULAR BUSINESS

10. **Appointments to the 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 recommendations from the Advisory Body Screening Committee from interviews conducted Thursday, April 3, 2008. She stated that interviews were conducted for two vacancies. However, a third vacancy had recently occurred with the resignation of Commissioner Michele Knapp, who had agreed to continue serving on the Commission until her position was filled.

There was no Council discussion held.

Action: It was m/s by Council Member Bright/Mayor Pro Tem Nicolls to accept the recommendations of the Advisory Body Screening Committee and adopt Resolution No. 08-30 re-appointing Ms. Leah Greeley to a four-year term and appointing Mr. Herbert Delo to a four-year term on the Parks, Recreation & Beautification Commission. 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. 08-30: A Resolution of the City Council of the City of Grover Beach, California, Re-appointing Leah Greeley and Appointing Herbert Delo to both Serve Four-year Terms on the Parks, Recreation & Beautification Commission.

Parks and Recreation Director Petker then introduced the newly appointed members of the Parks, Recreation & Beautification Commission to the City Council and members of the audience.

11. Auditing Standards No. 114, the Auditor's Communication with those Charged with Governance.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Administrative Services Director Chapman reported that the Auditing Standards Board, a subcommittee of the American Institute of Certified Public Accounts (AICPA), had issued Statement of Auditing Standards (SAS) No. 114 which became effective with the FY 08 Audit. She explained the purpose of this new standard was to ensure that governing bodies were directly involved with the audit process by having a presence at pre- and post-audit meetings. She then reviewed the available options to comply with the new standard.

Brief discussion was held regarding appointing a Council Member to attend the meetings and provide reports back to the Council.

Action: It was m/s by Mayor Pro Tem Nicolls/Mayor Shoals to adopt Resolution No. 08-31 appointing Council Member Bright to attend pre- and post-audit meetings with the auditors and staff, and for Council Member Bright to provide reports back to the City Council during that portion of the regular meeting agendas set aside for "Council Committee Reports". 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. 08-31: A Resolution of the City Council of the City of Grover Beach, California, Amending Resolution No. 08-06 and Confirming City Council Committee Assignment for Audit Meetings.

12. Request for Direction to South County Area Transit Board Representative Regarding Budget Adjustments.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault stated that the South County Area Transit (SCAT) Executive Committee, comprised of staff representatives from each member jurisdiction, was informed in March 2008 of a funding shortfall in the current year's FY 08 Budget due to additional bus maintenance costs and funding shortfalls in the State Transportation Authority (STA) fund allocation. The Board was also informed that a significant increase in each jurisdiction's Local Transportation Funds (LTF) contribution would be necessary in order to balance the FY 09 Budget. The impact to Grover Beach would mean increasing the LTF contribution from \$149,887 to \$169,182, an increase of 13%.

He reviewed budget adjustment recommendations from the SCAT Executive Committee and Interim SCAT Administrator John S. Bates that would: 1) eliminate the alternative of increasing the LTF contribution from each jurisdiction in FY 08 to cover the existing shortfall, and 2) further limit the LTF contribution increase from Grover Beach in FY 09 to only \$5,894 for an increase of 4%. City Manager Perrault then responded to Council questions, and confirmed that recent data indicated bus ridership had consistently increased.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Lieberman to endorse the Executive Committee's recommendation and provide the Council's designated representative, Mayor Shoals, with the following direction: 1) use cost savings available in the SCAT FY 08 Budget in the amount of \$61,000; 2) combine \$27,178 from the Equipment Reserves Fund with a \$43,500 reduction of next year's contribution to this fund; and 3) schedule annual repayments to the Equipment Reserve Fund amounting to \$23,559 over a three-year period, beginning next year. 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.

Recess: Upon consensus of the City Council, the meeting recessed at 7:24 p.m. to the Joint City Council/Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 7:29 p.m., the meeting reconvened with all Council Members present.

COUNCIL COMMITTEE REPORTS

Council/Board Member Ashton reported on meetings of the Integrated Waste Management Authority (IWMA) and the South San Luis Obispo County Water Resources Advisory Board (WRAC).

Council Member Bright stated she had no committee reports at this time; however, she praised the Parks and Recreation Department for the recent unveiling ceremony for the Harold Hatley Memorial at Grover Heights Park.

Mayor Pro Tem Nicolls reported on the meeting of the South San Luis Obispo County Sanitation District. He also reported on the meeting of the Arroyo Grande/Grover Beach Fire and Emergency Services Oversight Committee, which he had attended as the alternate representative for Council Member Lieberman. Mayor Pro Tem Nicolls then praised Parks and Recreation Director Petker and department staff for the Harold Hatley Memorial unveiling ceremony.

Council Member Lieberman stated he had nothing to report at this time.

Mayor Shoals reported on the meeting of the San Luis Obispo Council of Governments (SLOCOG) regarding funding for transportation projects and discussions regarding new Regional Housing Needs Assessment (RHNA) allocations, and a recent presentation given to the California Transportation Commission.

CITY COUNCIL ITEMS

None at this time.

COUNCIL COMMUNICATIONS

- A. Mayor Shoals stated that he, Council Member Ashton, and City Manager Perrault were recently in Sacramento during the League of California Cities Legislative Action Days event for meetings with Senator Maldonado and Assembly Member Blakeslee regarding issues of concern to Grover Beach. He and City Manager Perrault then met with State Parks and Recreation Director Ruth Coleman and other State Parks representatives regarding the Grover Beach Lodge and Conference Center Project.

Mayor Shoals stated that staff members from the San Luis Obispo Council of Governments had confirmed that proposed project improvements at the Grover Beach Train Station should compete well against all the other project applications vying for Proposition 1B rail service funds. He suggested developing a "preferred plan", along with an environmental study, and requested consensus to schedule Council discussion.

Action: Upon consensus of the Council, staff was directed to schedule this matter for Council discussion at the next regular meeting.

Mayor Shoals praised the Chamber of Commerce's first annual Central Coast Celebration as a successful event. He noted that the City's agreement with the Chamber would soon be expiring and suggested forming a City/Chamber Committee to discuss the existing contract, delivery of products, future organizational changes, and future plans for the Chamber.

Action: Upon consensus of the Council, staff was directed to schedule this matter for Council discussion at the next regular meeting.

- B. Council Member Lieberman commended staff for the Harold Hatley Memorial unveiling ceremony and praised all those who were involved with this project. He then spoke briefly about California Propositions 98 and 99 on the upcoming June 3, 2008 statewide primary, referenced a publication he had recently received in the mail, and urged citizens to be fully informed regarding the Propositions.

CITY MANAGER'S REPORTS AND COMMENTS

13. Verbal Update Regarding the Oak Park Boulevard Sidewalk Widening Project.

City Manager Perrault provided a brief background regarding the Oak Park Boulevard Sidewalk Widening Project, which was originally designed to include bulb outs. He reviewed design modifications that were made to preserve existing trees and address City liability concerns and stated that, in order to meet federal project deadlines and protect allocated Community Development Block Grant funds, he had authorized proceeding with the modifications. City Manager Perrault noted that construction costs should be somewhat reduced due to sidewalk narrowing, that additional engineering costs were incurred, but were offset by construction cost reductions, and that the original goal of tree preservation without incurring further liability should be achieved.

14. Selection of a Date to Conduct a Joint Meeting with the Planning Commission to Review Design Standards.

City Manager Perrault stated that staff was working on scheduling a date to conduct a joint City Council/Planning Commission workshop to discuss design standards and review photos submitted by Council Members and Commissioners.

Action: Upon consensus, the meeting was tentatively scheduled for Monday, April 28, 2008, with Tuesday, May 20, 2008 identified as the alternate date.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 7:54 p.m., City Attorney Koczanowicz announced that Closed Session Item No. 1 was withdrawn from discussion, and that the Council would meet in Closed Session regarding Item Nos. 2 and 3 only:

1. **Conference with Labor Negotiators**
Pursuant to Government Code Section 54957.6.
Agency Negotiator: City Manager, James K. Katen, Administrative Services Director, Assistant Administrative Services Director, Human Resources Coordinator.
Represented Employee Group: General Employees - (SEIU) Service Employees International Union, Local 620
2. **Conference with Legal Counsel - Pending Litigation**
Pursuant to Government Code Section 54956.9(c)
Initiation of Litigation: One (1) potential case
3. **Public Employee Performance Evaluation**
Pursuant to Government Code Section 54957
Employee: City Manager

Closed Session Announcements: At 8:25 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present, 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 8:25 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 9/15/08)

Respectfully Submitted:

/s/LORRIE TOLES, ADMINISTRATIVE SECRETARY