

**MINUTES
CITY COUNCIL MEETING
MONDAY, MAY 5, 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 Arlyleah Cereno, a 12-year-old, 6th grade student at Grover Beach Elementary School.

ROLL CALL

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

City Staff: Police Chief Copsey, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Community Development Director Hansen, Fire Chief Hubert, Planning Manager Gould-Wells, Public Works Superintendent Ford, and Administrative Secretary-Public Safety Pearson were also present. City Manager Perrault was absent.

Also present was City Engineer Garing.

CLOSED SESSION ANNOUNCEMENTS Mayor Shoals read the following announcement:

On Monday, April 21, 2008 after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Pending Litigation
Pursuant to Government Code Section 54956.9(c)
Initiation of Litigation: One (1) potential case
2. Public Employee Performance Evaluation
Pursuant to Government Code Section 54957
Employee: City Manager

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

AGENDA REVIEW

Mayor Shoals requested Council consensus to recess the Regular City Council meeting immediately after the conclusion of Public Hearing Item No. 4 in order to convene the Joint City Council/ Improvement Agency meeting, which was also scheduled for this same evening.

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

CEREMONIAL CALENDAR

1. **Proclamation Declaring May 2008 as "Bike Month" and May 19 - May 23, 2008 as "Bike to Work and School Week".**

Mayor Shoals read and presented the Proclamation to Jim DeCecco, who received it on behalf of San Luis Obispo Regional Rideshare.

PRESENTATIONS

2. **Parks, Recreation & Beautification Commission Quarterly Report.**

Commission Vice Chair Leah Greeley provided an overview of Commission activities for the period January 1 through March 31, 2008.

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. Parks, Recreation & Beautification Commission Vice Chair Greeley announced that the Spring Garden Tour & Plant Exchange would be held on Sunday, June 1, 2008.

There were no further public comments received.

PUBLIC HEARINGS

Prior to discussion of Public Hearing Item No. 3, Council Member Bright declared a conflict of interest, stating that she had deliberated on the project when she served previously on the Planning Commission. She then stepped down from the dais and left the Council Chambers.

- 3. Development Permit Application No. 05-059: Consideration of Approval of Site and Architectural Plans, Use Permit, and Tentative Parcel Map.**
Applicant: Scott Pimentel. Location: 594 Rockaway Avenue.

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, Planning Manager Gould-Wells provided an overview of the project as it was previously presented and approved by the Planning Commission, which consisted of a three-story, five-unit residential airspace condominium with one unit proposed for affordable housing.

She stated that, after Council review and public testimony on November 20, 2006, the Council voted to continue the matter to allow the applicant an opportunity to address a number of design and technical issues. On May 21, 2007, the Council was presented with a revised project that consisted of four units instead of five, as originally proposed. Following Council review and public testimony, the Council tabled the matter to allow staff further time to research issues regarding yard setbacks.

On November 2, 2007, the applicant submitted new plans for a four-unit, market-rate residential airspace condominium development, which addressed previous design concerns as follows: reduced the building heights, provided information on proposed utilities in the Tentative Parcel Map; provided two-car garage parking, but requested a parking reduction to eliminate guest parking spaces; redesigned driveways to increase on-street parking; and conditioned the project to require appropriate street tree species.

Planning Manager Gould-Wells reviewed staff analysis of the proposal, including conformance with design standards and compliance with the Council's previous direction. She stated that the project exceeded the maximum allowable lot coverage; therefore, the applicant was requesting street vacation along portions of South 6th Street and Rockaway Avenue. She also stated that a successful street vacation would be necessary in order for the project to be approved, and that specific request would therefore be scheduled for Council consideration at a separate hearing. Planning Manager Gould-Wells and City Attorney Koczanowicz then responded to questions regarding building height limits, parking, code enforcement procedures for illegal garage conversions, and the notification and hearing process for street vacations.

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

Demian Minjarez, project architect, reviewed changes to the project design.

Richard Newman, Grover Beach, raised concerns regarding adequate parking and the relocation of existing utility poles.

Liz Doukas, Grover Beach, expressed concerns regarding adequate parking and illegal garage conversions.

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

Council discussion was held regarding parking and placing utilities underground or requiring payment of an in-lieu fee. It was also confirmed that there would be no impact to sidewalk or street widths from the proposed street vacation. The Council then discussed requiring the applicant to plant mature-sized street trees and possibly use color separation to differentiate each unit. The Council acknowledged the reasoning behind the elimination of the previously proposed affordable housing unit, and commended the applicant and architect for the re-designed project.

Further discussion was held regarding amending text in the draft Resolutions to stipulate that street trees shall be of a 24" box size rather than ~~15-gallon size~~, and deleting the condition entirely regarding ~~"roll-up garage doors shall include windows"~~ (added text denoted with double underline, and deleted text denoted with ~~strikeout~~).

Action: It was m/s by Council Member Lieberman/Mayor Pro Tem Nicolls to: 1) adopt Resolution No. 08-32 approving Site and Architectural Plans, as amended, 2) adopt Resolution No. 08-33 granting the Use Permit, as amended, and 3) adopt Resolution No. 08-34 approving the Tentative Parcel Map, as amended. The motion carried on the following roll call vote:

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

Resolution No. 08-32: A Resolution of the City Council of the City of Grover Beach, California, Granting Approval of Site and Architectural Plans for Development Permit Application No. 05-059.

Resolution No. 08-33: A Resolution of the City Council of the City of Grover Beach, California Granting a Use Permit for Development Permit Application No. 05-059.

Resolution No. 08-34: A Resolution of the City Council of the City of Grover Beach, California, Approving the Tentative Parcel Map for Development Permit Application No. 05-059.

At this time, Council Member Bright returned to the dais.

Prior to discussion of Public Hearing Item No. 4, Council Member Lieberman declared a conflict of interest due to a business relationship between his employer and the applicant, Clearwire. He then stepped down from the dais and left the Council Chambers.

4. Appeal of Planning Commission Denial of a Use Permit for the Construction of a 60-foot High Monopine Communications Pole and Antennas.

Applicant: Tricia Knight, Clearwire, LLC. Proposed Location: 750 Charles Street.

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 Planning Commission's denial of a Use Permit to construct a communications pole with antennas at the Charles Street water tank site on property owned by the City of Pismo Beach. She stated that, including foliage, the proposed pole would be 65 feet in height. She reviewed the Commission's denial based on: 1) the proposed height was not compatible with the neighborhood, and 2) exposure to children attending the neighborhood elementary school to radio frequencies that exceeded safe levels. She then outlined the necessary findings in order to approve a Use Permit. Planning Manager Gould-Wells, along with City Attorney Koczanowicz, responded to questions regarding height restrictions, revenue directed to the City of Pismo Beach for use of its property, and Federal Communications Commission (FCC) regulations regarding radio frequency exposure standards.

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

Tricia Knight, applicant, representing Clearwire, LLC., spoke in support of the appeal and presented photo simulations of an alternative proposal for a 45-foot communications pole with an additional five feet of foliage, instead of a 60-foot pole.

John Merritt, Clearwire, LLC., suggested the City contact the Cities of Pismo Beach and Arroyo Grande to discuss a potential revenue sharing agreement. Upon question from the Council, he confirmed that consideration would be given to add public safety communication features in addition to improvements to the asphalt path area located next to the elementary school.

The following persons spoke in opposition to the proposed site for a monopine communications pole and antenna due to aesthetics and safety concerns:

- Norma Newdoll, Grover Beach, who suggested locating the communications pole on a non-residential site on the other side of Highway 101 in the City of Pismo Beach;
- Glen Austin, Grover Beach; and
- Anita Shower, Grover Beach.

John Merritt, Clearwire, LLC., responded to comments regarding safe levels of radio frequencies, and pointed out that an existing monopine communications pole was located near Laguna Middle School in San Luis Obispo. He briefly reviewed alternate sites that had been considered but were deemed unsuitable.

There were no further public comments received.

For clarification purposes, City Attorney Koczanowicz stated that the applicant was applying for a Use Permit with the City of Grover Beach because the proposed location was within the boundaries of the City, even though the specific property site was owned by the City of Pismo Beach. In response to previous Council comments, he suggested amending the proposed Resolution to add Condition No. G-7: "If requested, applicant shall allow location of public safety communications equipment on the tower so long as it does not interfere with the operation of any existing equipment." (Added text denoted with a double underline.)

Upon question, Police Chief Copsey confirmed that adding public safety communications equipment at the proposed location could enhance public safety communications, and that the Police Department was already researching options to address that issue.

Further Council discussion was held regarding: 1) reducing the proposed height of the monopine even further; 2) requiring improvements to the nearby pedestrian path; 3) contacting the City of Pismo Beach regarding potential revenue sharing opportunities before making a determination on the appeal; and 4) ensuring that installation of the communications pole provided other non-monetary benefits to the community.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to continue the Public Hearing on this matter to the Regular City Council meeting of Monday, June 2, 2008. The motion carried on the following roll call vote:

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

At this time, Council Member Lieberman returned to the dais.

Recess: Upon consensus of the City Council, the meeting recessed at 8:12 p.m. to the Joint City Council/Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 9:15 p.m., the meeting reconvened with all Council Members present.

5. Weed Abatement Protest Hearing.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Fire Chief Hubert stated that City-wide inspections of properties for the weed abatement program had been completed and 166 lots were found to be in violation. He stated that abatement notices were sent to property owners, inspections for compliance would begin May 26, 2008, with abatements scheduled to begin June 4, 2008.

Upon question, Fire Chief Hubert and Administrative Secretary Pearson clarified that some properties on the list did not have corresponding street addresses because they had not yet been assigned by the County.

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

John Pinero, Grover Beach, stated that he maintained an existing easement located near his property, and had planted numerous flower bulbs. In order to ensure the bulbs continued to bloom each season, he objected to the abatement of dead foliage.

Upon recommendation of City Attorney Koczanowicz, the Council requested Mr. Pinero speak directly with Fire Chief Hubert or Administrative Secretary Pearson to provide accommodation of his request.

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

Action: It was m/s by Council Member Bright/Mayor Pro Tem Nicolls to: 1) make a finding that there were no defensible protests, with the exception of the easement at 16th Street and Brighton Avenue; and 2) ordered the abatement of the noticed lots and properties. 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.

6. Annual Update to the Master Fee Schedule.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Administrative Services Director Chapman first requested *withdrawal of the Parks & Recreation section* of the proposed fee schedule as the Parks & Recreation Director Petker was absent from this evening's meeting due to illness. She then provided an overview of the process conducted to annually update the City's Master Fee schedule, establish new fees, and amend existing fees as necessary in order to recover the cost of providing City services.

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

Dr. Girish Herekar, Grover Beach, objected to the proposed discontinuation of table tennis at the Community Center on Trouville Avenue, citing a tennis club membership of 70-80 members, and use of the facility on a weekly basis.

There were no further public comments received.

Mayor Shoals clarified that a determination regarding Parks & Recreation fees would not be made this evening as the Parks and Recreation Director was absent due to illness. He stated that those department fees would be brought back for a full review when the Director was present to respond to questions and comments, and that Dr. Herekar would have another opportunity to address the Council on this matter.

Council Member Ashton spoke in support of allowing the table tennis group to continue its use of the City facility, stating the benefits of providing recreation opportunities outweighed cost recovery in this instance.

Action: It was m/s by Council Members Bright/Ashton to adopt Resolution No. 08-36 amending the Master Fee Schedule for all departments except Parks and Recreation. 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. 08-36: A Resolution of the City Council of the City of Grover Beach Amending the Master Fee Schedule for All Departments Except Parks and Recreation at the Rate Equal to the Consumer Price Index.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item Nos. 10 and 11 were pulled pursuant to the respective requests of Council Member Lieberman and Mayor Pro Tem Nicolls.

It was m/s by Council Members Ashton/Bright to approve Consent Agenda Item Nos. 7, 8, 9, and 12 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.

7. Treasurer's Report for the Period April 14 - 29, 2008.

Action: Approved as submitted.

8. Automated Clearing House (ACH) Daily Exposure - Request to increase the amount of funds processed electronically through an Automated Clearing House.

Action: Adopted Resolution No. 08-37 authorizing an increase in the Automated Clearing House daily exposure limit and authorizing the Administrative Services Director to sign the agreement on behalf of the City.

Resolution No. 08-37: A Resolution of the City Council of the City of Grover Beach, California, Authorizing an Increase in the Automated Clearing House (ACH) Daily Exposure Limit.

9. Authorization to Access State and Federal Level Summary Criminal History Information for Employment (including Volunteers and Contract Employees), Licensing or Certification Purposes - Request to authorize the Police Department to electronically submit fingerprints to state and federal agencies for criminal history checks, identification, and employment purposes, but not to disseminate the information to a private entity.

Action: Adopted Resolution No. 08-38.

Resolution No. 08-38: A Resolution of the City Council of the City of Grover Beach, California, Authorizing Access to State and Federal Level Summary Criminal History Information for Employment (Including Volunteers and Contract Employees), Licensing, or Certification Purposes.

- 12. Authorize Change Order No. 1 - Ramona Avenue (North 14th to North 16th Street) Street Rehabilitation Project** - Request to authorize a change order to the contract between the City and Apodaca Paving for street rehabilitation to allow for a parallel parking lane on the south side of Ramona Avenue, eliminating existing perpendicular parking, and bringing the street closer to City standards.

Action: Adopted Resolution No. 08-39 authorizing Change Order No. 1 to Apodaca Paving in the amount of \$23,224.80.

Resolution No. 08-39: A Resolution of the City Council of the City of Grover Beach, California, Authorizing Change Order No. 1 to the Approved Contract Between the City of Grover Beach and Apodaca Paving for the Ramona Avenue: North 14th to North 16th Street, Street Rehabilitation Project.

REGULAR BUSINESS

None at this time.

PULLED CONSENT AGENDA ITEMS

Prior to discussion of Consent Agenda Nos. 10 and 11, Council Member Lieberman declared a conflict of interest due to the proximity of his home in relation to the subject matter to be discussed. He then stepped down from the dais and left the Council Chambers.

- 10. Traffic Committee Report Recommending Painting the Curb Red Along the East Curb of North 4th Street, Between Parkview Avenue and Atlantic City Avenue.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Police Chief Copsey reviewed recommendations from the Traffic Committee to red curb the east side of North 4th Street between Parkview Avenue and Atlantic City Avenue. He stated that citizen complaints were received regarding inadequate sight distance of northbound traffic for drivers in vehicles entering North 4th Street from Parkview Avenue, due to a concrete wall at the southeast corner and parked vehicles. Upon question, Police Chief Copsey confirmed that no red curbing would be necessary if the existing concrete wall was either removed or lowered.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to adopt Resolution No. 08-40 authorizing a painted red zone on the east curb of North 4th Street, between Parkview Avenue and Atlantic City Avenue. The motion carried on the following roll call vote:

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

Resolution No. 08-40: A Resolution of the City Council of the City of Grover Beach, California, Accepting the Traffic Committee Report and the Recommendation that a Red Zone be Painted on the East Curb of North 4th Street, Between Parkview Avenue and Atlantic City Avenue.

- 11. Street Rehabilitation Projects: North 4th Street (West Grand Avenue to Oceanview Avenue) and North 12th Street (Atlantic City Avenue to El Camino Real).**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Engineer Garing provided an overview of the two street project overlay designs.

He stated that North 4th Street was initially constructed in 1981 and has been in service for 27 years. He explained that the typical life span for heavily traveled streets like

North 4th Street was 18 to 20 years. The project would extend along North 4th Street from West Grand Avenue to Oceanview Avenue, with an overlay of new asphalt pavement as well as necessary striping and adjustments of existing utilities. Funding for this project would come from local street rehabilitation funds.

The North 12th Street project would extend from Atlantic City Avenue to El Camino Real and would also include replacement of an asphalt concrete dike. Funding for the North 12th Street project would come from Proposition 1B funds.

Upon question, City Engineer Garing stated that cost estimates for extending street rehabilitation of North 4th Street from Atlantic City Avenue to the northerly City limits could be brought back for Council consideration, and suggested scheduling it for the next Local Street Rehabilitation Program street selection process. He also confirmed that any remaining Proposition 1B funds could potentially be used to rehabilitate segments of Atlantic City Avenue.

Action: It was m/s by Council Members Ashton/Bright to accept the rehabilitation plans for North 4th Street and North 12th Street as presented, and authorize staff to obtain bids for construction. The motion carried on the following roll call vote:

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

At this time, Council Member Lieberman returned to the dais.

COUNCIL COMMITTEE REPORTS

Upon unanimous consensus, the Council deferred Council Committee Reports to the next meeting.

CITY COUNCIL AGENDA

None at this time.

COUNCIL COMMUNICATIONS

None at this time.

CITY MANAGER'S REPORTS AND COMMENTS

None at this time as the City Manager was absent from this meeting.

CITY ATTORNEY'S REPORTS AND COMMENTS

13. Potential Initiation of Grover Beach Municipal Code Amendment Regarding Sign Regulations.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz reviewed potential amendments needed to clarify the Municipal Code in response to enforcement issues which occurred during the last General Municipal Election. He requested Council input and direction regarding the following: 1) whether political signs should be placed in a separate category in the Municipal Code or remain identified as "temporary signs"; 2) whether the maximum size limitation should be applied to each individual sign or applied on the basis of each candidate or issue; 3) whether language should be added to the Municipal Code specifically prohibiting signs from protruding into or being located in the public right-of-way; and 4) whether a new section should be added to permit expeditious abatement of signs found to be in violation of the Municipal Code.

Council discussion was held regarding existing regulations and whether to initiate amendments during an election year. Further discussion was held regarding amending the regulations to primarily provide clarification that: 1) campaign signs could be either one-sided or double-sided signs as long as both sides remained identical; 2) the maximum size requirement of campaign signs would be limited to a per issue or per candidate basis on each property, rather than allowing several identically-sized signs to be posted for the same candidate or issue; 3) adding a section providing for the expeditious abatement of illegally posted signs for the reduction of blight.

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

Liz Doukas, Grover Beach, opposed having the Municipal Code amended during an election year and expressed concerns regarding enforcement.

There were no further public comments received.

Action: Upon consensus, the Council directed staff to prepare amendments to the Grover Beach Municipal Code regarding campaign signs.

CLOSED SESSION

Upon consensus of the City Council, the following Closed Session item was cancelled.

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

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 10:18 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:
/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 10/6/08)