

**MINUTES
CITY COUNCIL MEETING
MONDAY, MAY 19, 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 Nathan Fuhriman, 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: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Community Development Director Hansen, Police Chief Copsey, Parks and Recreation Director Petker, Public Works Superintendent Ford, Planning Manager Gould-Wells, Human Resources Coordinator Barrett, and City Mechanic Ross were also present.

The following members of the Parks, Recreation & Beautification Commission were present: Chair Laferriere, Vice Chair Greeley, and Commissioner Delo.

Also present were City Engineer Garing, Labor Negotiator Jim Katen, and David Foote, consultant from *firma*.

CLOSED SESSION ANNOUNCEMENTS:

None.

AGENDA REVIEW

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

CEREMONIAL CALENDAR

1. Proclamation Declaring May 19-23, 2008 as "National Public Works Week".

Mayor Shoals read and presented the Proclamation to City Mechanic Jerry Ross and Public Works Superintendent Mike Ford.

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. Liz Doukas, Grover Beach, raised concerns regarding the public notification process and low public turnout for the recent General Plan Land Use Element Update workshop.
- B. Mina Vaughn, Grover Beach resident and former Parks, Recreation & Beautification Commissioner, citing former Mayor David Ekbohm's recent donation to improve the 16th Street Park ball field, presented the City with a ten thousand dollar (\$10,000) check. She stated the best use of the funds should be determined by the Parks, Recreation & Beautification Commission, the City Council, and the Parks and Recreation Director. The donation was received by Parks and Recreation Director Petker on behalf of the City. The Council thanked and praised former Commissioner Vaughn for her generosity and dedication to improving parks and recreation programs and services.

PUBLIC HEARINGS

2. Adoption of Negative Declaration Related to Proposed Zoning Ordinance Amendments to Article IX (Planning and Zoning Regulations), Part 50, West Grand Avenue Corridor Planned Development (PD) Overlay.

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 reviewed the purpose of the PD Overlay District to encourage innovative site planning and facilitate the development of smaller parcels in the area. She displayed a map of the proposed district boundaries, and summarized the results of the environmental analysis conducted. Upon question, Planning Manager Gould-Wells confirmed that the environmental documents were the only matters for Council consideration at this time.

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 Member Lieberman to: 1) adopt Resolution No. 08-41 adopting the Negative Declaration for the West Grand Avenue Corridor Planned Development (PD) Overlay District, and 2) direct staff to prepare the Notice of Determination as required by CEQA. 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. 08-41: A Resolution of the City Council of the City of Grover Beach, California, Adopting the Negative Declaration Relating to Amendments to Article IX, Part 50, West Grand Avenue Planned Development (PD) Overlay.

3. Introduction and First Reading of an Ordinance to 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 provided an overview of the discussion held at the May 5, 2008 City Council meeting regarding proposed amendments to clarify the City's regulations regarding temporary political campaign signs. He reviewed proposed amendments to: 1) clarify that the maximum size limit for political signs would be applied to each particular candidate or political issue; 2) provide a more specific definition of public property to include public right-of-way; and 3) permit summary abatement of signs placed on, or extending over, public property. Upon question, he confirmed that the proposed amendment to permit summary abatement of signs would not apply to private property.

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

Liz Doukas, Grover Beach, objected to the proposed amendments as being insufficient with regard to enforcement.

There were no further public comments received.

Upon question, City Attorney Koczanowicz reviewed concerns raised during the November 2006 campaign period regarding interpretation of the Municipal Code as to: 1) whether the maximum size limit was applicable to all signs posted within the same property or to each candidate or issue posted on a single property; and 2) the abatement process for signs posted in the public right-of-way.

Council Member Ashton objected to amending campaign sign regulations during an election year. He announced that he would be running for office in the November 2008 election and would therefore abstain from voting on the proposed Ordinance.

Further discussion was held regarding the intent of the proposed amendments to clarify the City's existing regulations prior to the local campaign season for the November 2008 election.

Action: It was m/s by Council Members Lieberman/Bright to: 1) introduce and conduct first reading, by title only, of Ordinance No. 08-07, and 2) schedule second reading and adoption at the next regular City Council meeting of June 2, 2008. The motion carried on the following roll call vote:

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

Ordinance No. 08-07: 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.)

CONSENT AGENDA

It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to approve Consent Agenda Item Nos. 4, 5, 6, and 7 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.

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

Action: Approved as submitted.

5. Minutes of the Regular City Council Meetings of Monday, February 4, 2008 and Tuesday, February 19, 2008.

Action: Approved the minutes as submitted.

6. Second Reading of Ordinance No. 08-06, Amending Article IX, Part 50, of the Grover Beach Municipal Code, Regarding the West Grand Avenue Corridor Planned Overlay - Revising mandatory project features to provide an applicant with the ability to develop property in the West Grand Avenue Corridor under the more relaxed provisions of the Planned Development (PD) Overlay.

Action: Conducted second reading, by title only, and adopted Ordinance No. 08-06 amending Article IX, Part 50 of the Grover Beach Municipal Code.

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. (Second reading.)

7. Employer-Paid Member Contributions - Amending Memorandums of Understanding with the Service Employees International Union (SEIU), Local 620, and the Grover Beach Police Officers Association (GBPOA).

Action: Adopted Resolution No. 08-42 authorizing the employer-paid member contribution of 1%, retroactive to April 7, 2008.

Resolution No. 08-42: A Resolution of the City Council of the City of Grover Beach, California, for Employer-Paid CalPERS Member Contributions.

REGULAR BUSINESS

8. Consideration of "Cleaver Property" Park Master Plan.

Location: 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 the property and stated that it was put into the "Cleaver Memorial Trust" with the City as a named beneficiary. When the last living relative of the Cleavers passed away, the property transferred to the City. As beneficiary, the City's only options were to use the property for public park purposes or turn it over to the Veterans of Foreign Wars National Home. She stated that the trustee, Clifford Clark, had previously retained the services of David Foote from *firma* to develop preliminary conceptual plans for the property. In FY 08, the City Council authorized funds for the preparation of a park master plan and also retained the services of David Foote. She then introduced Mr. Foote to the City Council and members of the audience.

Mr. Foote reviewed public comments received during workshops to update the Parks and Recreation Element and during additional workshops held regarding the Cleaver property. Referencing site plan displays for each concept, he reviewed the Parks, Recreation and Beautification Commission's three prioritized long-term alternatives and one short-term alternative for: 1) a permanent dog park; 2) a community center; or 3) a neighborhood park; and 4) the short-term alternative of an interim dog park. He stated that once Council comments were received, a park master plan concept would be further refined.

Brief discussion was held regarding adding public restroom facilities and additional parking to the design, maintenance costs, removal or stabilization of an existing oak tree, whether a dog park facility provided maximum benefit to Grover Beach residents or non-resident dog owners, and expenditures incurred to date for maintaining and future planning of the property.

Mayor Shoals invited comments from the Chair of the Commission on this matter.

Parks, Recreation & Beautification Commission Chair Laferriere confirmed the Commission's recommendations, and reviewed discussions held regarding the existing oak tree and whether selling the property to generate revenue for another park project was a viable option.

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

The following persons spoke in support of a permanent dog park:

- Rick Fontana, Grover Beach, and Vice President of the Five Cities Dog Park Association;
- Greg Perry, Grover Beach, and Fund Raising Committee Chair and Webmaster of the Five Cities Dog Park Association;
- Karen Converse, Grover Beach;
- Lori Aguilar, member, Five Cities Dog Park Association; and
- Shannon Weasler, member, Five Cities Dog Park Association.

There were no further public comments received.

Council discussion was held regarding the potential benefits, as well as liability and costs, of a dog park facility. Parks and Recreation Director Petker responded to questions regarding current usage rates and storage at City parks and community center facilities.

Further discussion was held regarding:

- whether to authorize an interim dog park facility with additional parking and temporary restroom facilities;
- tree replacement at a 5:1 ratio or designating the existing oak tree as a "landmark tree";
- preparing more developed master plan concepts for further Council consideration regarding: 1) a permanent dog park facility, and 2) a community center with a modified parking configuration, reversing locations for the proposed parking area and building; and
- investigating the option of selling the property with the proceeds to be used towards other park purposes.

City Attorney Koczanowicz noted that authorizing an interim dog park would require initiating a Municipal Code amendment to allow dogs to be off leash within the City.

Action: Upon unanimous consensus, this matter was continued to the City Council meeting of June 2, 2008, with direction to staff to provide preliminary cost estimates for improvements required to provide an interim dog park.

9. Consideration of a Request to Vacate a Portion of Right-of-way Along Nice Avenue Between 12th Street and 13th Street and Along 12th Street Between Nice Avenue and Baden Avenue. Applicant: Eric Briggs, property owner. Project Location: 1210 Nice Street.

Mayor Shoals read the title to the foregoing item, and deferred to staff for a report. Planning Manager Gould-Wells provided an overview of the Planning Commission's approval of a three-unit, three-story residential airspace condominium development with one common lot. She stated that project approval was, however, subject to the Council's approval of the applicant's request to abandon public right-of-way along Nice Avenue and South 12th Street. She confirmed that the abandonment process would be conducted at the expense of the applicant, irrespective of the outcome. Planning Manager Gould-Wells reviewed standard right-of-way widths pursuant to the City's 2005 Circulation Element, existing street widths for Nice Avenue and South 12th Street, and confirmed that street vacation would result in a right-of-way that exceeded the minimum width required. She also confirmed that a public utilities easement would need to be retained in the vacated area and sidewalk, and that curb, gutter and sidewalk improvements would be constructed at the applicant's expense.

City Engineer Garing responded to questions regarding standard street widths and the wider street widths required in new subdivisions. He confirmed the requested street vacation would provide sufficient space for installation of sidewalks along both sides of the street.

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

Kim Hatch, project architect, introduced himself and stated that he was available for any questions from the Council.

There were no further public comments received.

Council Member Ashton objected to the requested street vacation, stating it did not comply with guidelines for properties located within R-3 zoning districts.

Planning Manager Gould-Wells confirmed that the only issue under Council consideration at this time was whether to schedule the applicant's request for a Public Hearing in order to make a determination on the street vacation.

Action: It was m/s by Council Members Lieberman/Bright to direct the City Clerk to set, post and notice a Public Hearing for June 16, 2008, to consider vacation of right-of-way pertaining to the property located at 1210 Nice Avenue, on the southeast corner. Such vacation would consist of the southerly six (6) feet of Nice Avenue, including the frontage of the property, and the easterly six (6) feet of South 12th Street for the entire block face, including the frontage of the property. The motion carried on the following roll call vote:

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

NOES: Council Member Ashton.

ABSENT: Council Members - None.

ABSTAIN: Council Members - None.

10. Consider Amendment to Ordinance No. 04-14 Relating to Curb, Gutter and Sidewalk Paving Improvements.

Mayor Shoals read the title to the foregoing item, and deferred to staff for a report. City Engineer Garing provided an overview of the City's existing regulations to require curb, gutter, and sidewalk improvements to conform to the existing street. He stated that several

unintended consequences of the requirements adopted in 2004 had been: 1) developments fronting streets already in poor condition were not required to make street improvements where curb, gutter and sidewalk already existed; 2) developments were required to construct the street conform only so far as necessary to match a standard street slope, instead of requiring the developer to remove and replace portions of street already in poor condition all the way to the street centerline; and 3) residential remodels or additions were required to pay for and construct a conform of only four feet from the gutter, which often was not wide enough to match a standard street slope. In those instances, the cost of the much wider conform had been paid for by the City.

City Engineer Garing then reviewed proposed amendments to instead: 1) require residential remodels of 40 percent or more increase in total floor area to provide a street conform as wide as necessary to match the existing street at a standard street slope; and 2) for residential developments of more than one unit, or any commercial development or commercial remodel, to reconstruct the street all the way to the street centerline, if the street condition fronting the project fell below a street condition rating of 60 in the Pavement Management System, regardless of whether curb, gutter and sidewalk already existed.

Discussion was held regarding smaller residential remodel projects that would not be impacted from the proposed amendments; eliminating the City subsidy of street rehabilitation for larger development projects; the alternative of establishing an in-lieu fee program to rehabilitate an entire street segment instead of just halfway to the street centerline; placing a bond measure on the November 2008 ballot to improve all streets; and the unintended consequences of the 2004 Ordinance when the Council's focus was to encourage property owners to remodel smaller single-family residential projects of 40 percent or less total building square footage.

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

Additional discussion was held regarding potential negative fiscal impacts of the proposed amendments to young families and new home buyers.

Action: It was m/s by Council Member Lieberman/Mayor Shoals to accept the recommendation and direct staff to prepare an amendment to Ordinance No. 04-14, incorporating requirements that certain qualifying projects as outlined by the City Engineer 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. 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 8:37 p.m.

Reconvene: At 8:44 p.m., the meeting reconvened with all Council Members present.

COUNCIL COMMITTEE REPORTS

Council Member Bright deferred her committee reports at this time due to the late hour.

Mayor Pro Tem Nicolls reported on the meeting of the Housing Trust Fund and the South San Luis Obispo County Sanitation District, stating that the Sanitation District had offered to give a presentation to the City Council.

Action: Upon unanimous consensus, City Manager Perrault was directed to contact the Sanitation District to schedule a short presentation at a future City Council meeting.

Council Member Ashton reported on the meeting of the San Luis Obispo County Water Resources Advisory Board (WRAC), the Zone Three Advisory Committee, and the Integrated Waste

Management Authority. He also reported on the meeting of the San Luis Obispo Countywide 10-year Plan to End Chronic Homelessness. He also commented on the recent Neighborhood Watch Meeting which included a presentation from Fire Captain Bart Pearson regarding home safety.

Council Member Lieberman stated he had nothing to report.

Mayor Shoals stated that he and City Manager Perrault had discussed scheduling a second meeting with other South County agencies and Board of Supervisor representatives to discuss homelessness and a developing a South County Resource Center for individuals and families in transition.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

None at this time.

CITY MANAGER'S REPORTS AND COMMENTS

11. Proposed Schedule for FY 09 - FY 10 Biennial Budget Workshops.

City Manager Perrault reviewed the proposed meeting schedule during the month of June to discuss the proposed FY 09 - FY 10 Biennial Budget, with anticipated budget adoption scheduled to occur by the first regular City Council meeting in July.

He also reminded all those present of the Joint City Council/Planning Commission workshop scheduled for Tuesday, May 20, 2008, beginning at 6:30 p.m.; and then announced that he and Community Development Director Hansen would be traveling to Santa Cruz to meet with Coastal Commission staff regarding the proposed Hilton Garden Inn project.

Recess: Upon consensus of the City Council, the meeting recessed at 8:59 p.m. to the Joint City Council/Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 9:39 p.m., the meeting reconvened with all Council Members present.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 9:40 p.m., the Council met in Closed Session regarding the following items:

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

2. Conference with Legal Counsel - Pending Litigation

Pursuant to Government Code Section 54956.9(a)

Mireya Jaimes-Freyre v. City of Grover Beach CV 070478

Closed Session Announcements: At 9:55 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present, and announced the following reportable actions:

In reference to Closed Session Item No. 1 - On a 5-0 vote, the Council approved in principal a new three-year agreement with SEIU, Local 620.

In reference to Closed Session Item No. 2 - On a 5-0 vote, the City Council accepted a Settlement Agreement with plaintiff, which will result in dismissal of the case.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 9:55 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 11/17/08)