

**MINUTES
CITY COUNCIL MEETING
MONDAY, JUNE 2, 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 Connor MacDougall, a 12-year-old, 6th grade student at Grover Heights 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, and Planning Manager Gould-Wells were also present.

Also present were City Engineer Garing and consultant Patrick Riddell of Cannon Associates.

CLOSED SESSION ANNOUNCEMENTS: City Attorney Koczanowicz read the following announcement:

On Monday, May 19, 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 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

the City Council reconvened into open session, and announced the following: In reference to Closed Session Item No. 1 - On a 5-0 vote, the Council approved in principle 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.

AGENDA REVIEW

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

CEREMONIAL CALENDAR

1. **Proclamation Declaring June 2008 as "Make-A-Wish Foundation Month of Joy".**

Mayor Shoals read and presented the Proclamation to Cindy Martin, a "Wish Mom" of the Make-a-Wish Foundation, who gave a brief description of her family's positive experiences with the Foundation.

2. **Proclamation Declaring June 9 - 10, 2008 as "Special Olympics - Law Enforcement Torch Run Days".**

Mayor Shoals read and presented the Proclamation to Police Chief Copsey, who invited all those present to attend the event segment scheduled to be held in the South County on Tuesday, June 10, 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. Samantha McTighe, Grover Beach resident and business owner of Beach Botanicals in Grover Beach, requested the City reduce speed limits on West Grand Avenue, and narrow street widths and install diagonal parking in the downtown corridor.
- B. Linda McClure, business owner of American Property Services in Grover Beach, requested the City install directional signage at Oak Park Boulevard and West Grand Avenue to indicate recreational opportunities near the beach, and redesign the City website to include information regarding local businesses as well as government services.
- C. Liz Doukas, Grover Beach, spoke in support of installing directional signage and redesigning the City website.
- D. Larry Conner, Grover Beach, offered to donate his time to assist with installation of directional signs on West Grand Avenue.

PUBLIC HEARINGS

Prior to discussion of the Public Hearing Item, Council Member Lieberman declared a conflict of interest on Agenda Item No. 3, stating that his employer was a major shareholder in Clearwire. He then stepped down from the dais and left the Council Chambers.

3. Appeal of Planning Commission Denial of a Use Permit for the Construction of a Monopine Communications Pole and Antennas.

Application No. 07-012. Appellant: Tricia Knight, Clearwire LLC.

Proposed Location: 750 Charles Street (APN 060-443-049) in the Single Family Residential (R-1) District. (Continued Public Hearing Item from the City Council meeting of May 5, 2008.)

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 a summary of the appeal filed regarding the Planning Commission's denial of a Use Permit to construct a monopine communications pole, antennas, and a small equipment area. She stated that the original request was for a 65-foot high communications pole with antennas at the Charles Street water tank on property owned by the City of Pismo Beach. Pursuant to Council direction, staff met with Pismo Beach representatives to discuss revenue sharing arrangements which could be brought before the Council at a later date. She also noted that the applicant had lowered the proposed tower height to 50 feet and had offered the City the option to locate public safety communication equipment on the tower. She then responded to questions from the Council.

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

John Merritt, applicant/appellant, representing Clearwire, spoke in support of the appeal. In response to Council comments, he stated that other proposed locations were determined to be less suited for providing residential wireless service, lowering the tower below 50 feet was not economically feasible, and that his company could consider providing enhancements to screen the equipment. He stated that radio emissions from the proposed equipment would be in compliance with federal regulations and less than the maximum allowable amount and that public safety equipment would be allowed on the tower at no charge. He then cited a similar communications pole currently located near Laguna Lake Middle School in the City of San Luis Obispo.

The following persons spoke in *opposition* to the proposed project, citing health and safety concerns for school children and residents located within close proximity to the proposed location, and requested that the applicant consider an alternative non-residential site:

Liz Doukas, who read a statement of opposition from Anita Shower, Grover Beach;
Linda Fielder, Grover Beach; and
Norma Newdall, Grover Beach.

There were no further public comments received.

Brief Council discussion was held regarding the proposed communications pole providing economic benefit to the City of Pismo Beach rather than Grover Beach, objections raised by the surrounding neighbors, other communication services co-locating on the tower in the future that could potentially interfere with public safety communication equipment, and a potential alternative site at Grover Heights Park.

Upon question, City Attorney Koczanowicz confirmed that the applicant/appellant had provided evidence that radio emissions from the proposed monopine equipment would be within federal limits, and therefore the issue of health and safety had been satisfied. He also confirmed that a resolution of denial could be prepared for Council review with findings regarding detriment to the neighborhood.

Action: It was m/s by Council Members Ashton/Bright to deny the appeal and uphold the Planning Commission's decision of March 11, 2008, denying the Use Permit for Development Permit Application No. 07-012. 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).

Upon consensus, additional direction was provided for staff to work with the applicant to determine if Grover Heights Park was a viable alternative site to locate the communications pole.

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

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Council Member Ashton stated that he would abstain from voting on Agenda Item No. 6 regarding amendments to the City's sign regulations.

Action: It was m/s by Council Members Bright/Lieberman to approve Consent Agenda Items Nos. 4, 5, and 6, as recommended. The motion carried on the following roll call vote:

AYES: Council Members Ashton (*except* for Agenda Item No. 6), Bright, Lieberman, Mayor Pro Tem Nicolls, and Mayor Shoals.
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Council Member Ashton (for Agenda Item No. 6 *only*).

4. Treasurer's Report for the Period May 14 - May 28, 2008.

Action: Approved as submitted.

5. Minutes of the Special Joint Cities/Community Services District Meeting on Thursday, February 21, 2008.

Action: Approved minutes as submitted.

6. Second Reading and Adoption of Ordinance No. 08-07, Which Would Amend the Grover Beach Municipal Code, Section IX, Chapter 4, Sign Regulations -

Amending the Grover Beach Municipal Code to clarify existing regulations with regard to temporary political signs that would be permitted in residential and commercial properties per candidate, ballot proposition, or issue; further clarify where signs could be located in relation to property lines and public rights-of-way; and provide for summary abatement of signs located on public property.

Action: Conducted second reading, by title only, and adopted Ordinance No. 08-07.

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.

REGULAR BUSINESS

7. Award of the South County Transit Hub Project - Ramona Avenue, North 10th Street and Brighton Avenue (Phase 1).

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault provided an overview of the proposed bus transfer facility project. He stated that Phase 1 of the project included proposed improvements on Brighton Avenue between 9th and 10th Streets, parking facilities for five buses, and street improvements along Ramona Avenue and the parking area. Phase 2 would include improvements on Ramona Avenue between 8th and 9th Streets. The original estimate for Phase 1 was \$800,000. Of the eight bids received, the lowest responsive bidder was Granite Construction Company. He then introduced Mr. Patrick Riddell of Cannon Associates, the project engineer, who was seated in the audience and available to respond to questions.

Brief discussion was held regarding the completed project providing a long-term solution for public bus transit needs in the South County, and future funding anticipated for transportation purposes. Further discussion was held regarding the next project phase and contacting the San Luis Obispo Council of Governments to assist with identifying additional funds to begin Phase 2.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Lieberman to: 1) adopt Resolution No. 08-43 awarding the South County Transit Hub Project, Phase 1, for FY 08 to the lowest responsive bidder, Granite Construction; 2) authorize the City Manager to sign and affirm change orders to the project in amounts totaling up to \$11,175 to be deducted from contingency funds; and 3) authorize the Mayor to execute the contract on behalf of the City. 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. 08-43: A Resolution of the City Council of the City of Grover Beach, California, Awarding the South County Transit Hub Project Ramona Avenue, North 10th Street and Brighton Avenue (Phase 1).

8. Consideration of a Request to Vacate a Portion of Right-of-Way at the Southwest Corner of Rockaway Avenue and South Sixth Street.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, Planning Manager Gould-Wells reviewed the request to vacate six feet of right-of-way from the front and side of property located at 6th Street and Rockaway Avenue for a proposed four-unit, three-story residential airspace condominium development, with one common lot, located at 594 Rockaway Avenue. She stated that the additional land would allow the applicant to meet the 35% lot coverage requirements for the R-3 zoning district. Vacating six feet on the south side of Rockaway Avenue, between 5th and 6th Streets, would result in 64 feet remaining for the right-of-way, which exceeded the minimum 52-foot width requirement.

There was no discussion held.

Action: It was m/s by Council Members Lieberman/Bright to direct the City Clerk to set, post, and notice a Public Hearing for Monday, July 7, 2008 to consider vacation of right-of-way pertaining to the property located at 594 Rockaway Avenue on the southwest corner. Such vacation would consist of the southerly six (6) feet of Rockaway Avenue, including the frontage of the property, and the easterly six (6) feet of South 6th Street for the entire block face, including the frontage of the property. 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 unanimous consensus of the City Council, the meeting recessed at 7:58 p.m. to the Joint City Council / Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 8:56 p.m., the meeting reconvened with all Council Members present.

COUNCIL COMMITTEE REPORTS

Council Member Ashton stated that he had nothing to report.

Council Member Bright praised the Parks and Recreation Department's recent Spring Garden Tour event.

Council Member Lieberman stated that he had nothing to report.

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

Mayor Shoals stated that he had nothing to report.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

- A. Council Member Lieberman stated that he was unable to attend this year's Spring Garden Tour due to an out-of-town business commitment that same day. He then suggested the Council consider authorizing installation of a test block with diagonal parking either along West Grand Avenue, in an area that did not have a median, or along the first block of adjacent side streets.

Action: Upon unanimous consensus, staff was directed to contact a traffic consultant, such as Omni-Means, to research the feasibility of diagonal parking along either: 1) a test block of West Grand Avenue, where there was no median, or 2) within the first block of side streets located adjacent to West Grand Avenue.

- B. Mayor Shoals suggested having additional directional signage at key entryways to the City. He also suggested establishing some consistency in City signage designs.

Action: Upon unanimous consensus, staff was directed to research costs to install directional signage at the following locations: 1) Oak Park Boulevard and West Grand Avenue, 2) 4th Street and West Grand Avenue, and 3) Pacific Coast Highway/Highway One and West Grand Avenue.

Mayor Shoals made the following announcements:

- San Luis Obispo County Food Bank Coalition's Hunger Awareness Day was scheduled for Tuesday, June 10, 2008;
- Special Olympics Law Enforcement Torch Run Day was scheduled in the South County on Tuesday, June 10, 2008;
- California Coastal Commission meetings would be held in San Luis Obispo on July 9-11, 2008, and representatives from the Cities of Grover Beach and Pismo Beach had met with County Supervisor Katcho Achadjian, a member of the California Coastal Commission, to coordinate a tour of South County areas and an evening reception on July 10, 2008;
- correspondence was received from a company called "Innovative Housing Solutions" regarding developing affordable housing projects in Grover Beach near 13th Street and The Pike and 10th Street and Farroll Road;
- he had recently attended a student presentation at Cal Poly regarding a proposed South County facility; and

- the temporary lease of County-owned property to the People's Kitchen program would be ending in July 2008, and another regional meeting would not be necessary until the program had identified a permanent location.

Action: Upon consensus of the Council, staff was directed to research the feasibility of developing affordable housing projects on property located at 13th Street and The Pike and 10th Street and Farroll Road.

CITY MANAGER'S REPORTS AND COMMENTS

9. Status Report Regarding Consideration of Interim Improvements for "Clever Property".

City Manager Perrault announced that this item was being continued to allow staff additional time to collect information relative to the improvements necessary for an interim dog park.

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 9:11 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 12/1/08)