

**MINUTES
CITY COUNCIL MEETING
MONDAY, JULY 7, 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 A moment of silence was held for communities throughout California that were currently battling wildfires.

FLAG SALUTE The flag salute was led by Mayor Shoals.

ROLL CALL

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

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Community Development Director Hansen, Fire Chief Hubert, Parks and Recreation Director Petker, Public Works Superintendent Ford, Planning Manager Gould, Police Lieutenant Bewick, Police Lieutenant Peters, and Administrative Secretary/Public Safety Pearson were also present.

Also present were City Engineer Garing and Parks, Recreation & Beautification Commission Chair Laferriere.

The following invited representatives were also present:

Bill Worrell, Integrated Waste Management Authority; and
Tom Martin, South County Sanitary Service, Inc.

CLOSED SESSION ANNOUNCEMENTS:

None at this time.

AGENDA REVIEW

Action: Upon consensus (Council Member Lieberman absent), the Council adopted the agenda as presented.

CEREMONIAL CALENDAR

1. Proclamation Declaring July 2008 as "National Parks and Recreation Month".

Parks and Recreation Director Petker read the Proclamation and announced the schedule of upcoming events being offered through the Parks and Recreation Department.

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. Linda McClure, Grover Beach business owner, praised the new City directional sign banner near the intersection of Oak Park Boulevard and West Grand Avenue. She also stated that local business owners remained interested in participating in the Council's discussion regarding redesigning the City website.

Upon question, City Manager Perrault responded that the City website was tentatively scheduled for Council discussion at either the end of July or beginning of August.

There were no further public comments received.

PUBLIC HEARINGS

2. 2008 Weed Abatement Program Cost Protest Hearing.

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, Fire Chief Hubert gave

an overview of the restructured Weed Abatement Program to increase property owner awareness and reduce incentives for property owners to rely on the City to maintain their lots. He then reviewed administrative costs associated with the program.

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

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Ashton to adopt Resolution No. 08-52 authorizing the City Clerk to attach weed abatement costs to properties in the amounts listed in Exhibit "A" of the Resolution for assessment on the County tax rolls. 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 Member Lieberman.
ABSTAIN: Council Members - None.

Resolution No. 08-52: A Resolution of the City Council of the City of Grover Beach, California, Confirming the Report of City Staff Regarding the Weed and Rubbish Abatement Procedure and Making Assessments.

3. Amendment to the Master Fee Schedule Regarding Parks and Recreation Fees.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Parks and Recreation Director Petker gave an overview of proposed fee adjustments for recreation classes, programs, and facilities, and noted that a corrected copy of the staff report and fee schedule had been distributed to the Council just prior to the meeting. She explained that the proposed fees and subsidy levels were based on the Consumer Price Index, a parks and recreation industry tool referred to as the "Cost Recovery Pyramid" or "Pricing Philosophy Pyramid", and previous Council direction regarding recreation opportunities. She also confirmed that the proposed fees had been reviewed by the Parks, Recreation & Beautification Commission and introduced the Chair of the Commission, John Laferriere.

Parks, Recreation & Beautification Commission Chair Laferriere provided an overview of the Commission's deliberations regarding the proposed fees, determining whether a proposed subsidy benefitted individuals or a larger segment of the community, and recommendations to subsidize certain recreation opportunities for targeted age groups.

Brief discussion was held, with explanations provided by staff, regarding fees charged to non-profit groups, non-residents, and for facilities and amenities.

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

The following persons spoke in opposition to certain proposed fee increases:

- Dr. Girish Herekar, Grover Beach resident and business owner, representing a local table tennis group, objected to a fee increase for continued use of the Community Center;
- Judy Neufeld, Grover Beach resident, Vice President of the Bishop's Peak Chapter of the Embroidery Guild of America, objected to a fee increase for continued use of the Community Center;
- Linda McClure, Grover Beach business owner, suggested that the City provide some form of concession or reduced deposit for long-term rental groups; and
- Bob Wolf, San Luis Obispo resident, member of the SLO Table Tennis Club and director of a local table tennis group, distributed a document regarding the history of table tennis activities in the city and opposing the proposed community center fee increase.

There were no further public comments received.

Council Member Ashton objected to increasing fees for the use of public parks and community centers.

Brief discussion was held regarding:

- maintaining the same fee amount currently collected for community center security deposits;
- the current process for requesting a fee waiver;
- recommendations from the City's insurance administrator against authorizing youth recreation activities on a drop-in basis due to liability concerns;
- whether to charge facility fees on a per person or per group basis; and
- possible alternatives for reducing the facility fee for the table tennis group's use of the Community Center at Trouville Avenue.

Action: It was m/s by Mayor Pro Tem Nicolls/Mayor Shoals to amend the proposed Resolution amending the Master Fee Schedule to: 1) not increase the amount collected for security deposits, 2) charge the table tennis group a facility fee for use of the Community Center on Trouville Avenue in the amount of \$18.28 for the first hour and \$9.14 for each additional hour, and 3) adopt Resolution No. 08-53, as amended. The motion carried on the following roll call vote:

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

Resolution No. 08-53: A Resolution of the City Council of the City of Grover Beach, California, Amending the Master Fee Schedule for Parks and Recreation Department Fees.

4. **Request to Vacate a Portion of Right-of-Way Along Rockaway Avenue (between South 5th Street and South 6th Street) and Along South 6th Street (between Rockaway Avenue and Longbranch Avenue).** Applicant: Scott Pimentel. Project Site: 594 Rockaway Avenue.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Planning Manager Gould gave a brief overview of the request to vacate a portion of right-of-way located at 594 Rockaway Avenue to construct a four- (4) unit residential, airspace-condominium development with one common lot in the R-3 zoning district. This would allow the applicant to meet the 35% lot coverage requirements for the R-3 zoning districts and maintain a street width that exceeded the minimum required for a standard local street. She also stated that all costs associated with this action would be borne by the applicant, regardless of the outcome. She then responded to questions from the Council.

Brief discussion was held regarding correspondence received from a neighboring property owner who objected to the request. Planning Manager Gould stated that she had contacted the concerned property owner and had provided clarification that the project would be designed to match the existing curb, gutter, and sidewalk configuration and that there would be no change to the street width.

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 Bright to adopt Resolution No. 08-54 approving the vacation of the southerly six (6) feet of Rockaway Avenue, including the frontage of the property, and the westerly 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, Mayor Pro Tem Nicolls, and Mayor Shoals.
NOES: Council Members - None.
ABSENT: Council Member Lieberman.
ABSTAIN: Council Members - None.

Resolution No. 08-54: A Resolution of the City Council of the City of Grover Beach, California, to Vacate an Unused Portion of the Westerly Side of South 6th Street Between Rockaway Avenue and Longbranch Avenue and the Southerly Side of Rockaway Avenue Between South 5th Street and South 6th Street Reducing the Total Street Width From 70 Feet to 64 Feet.

5. Consideration of Amended And Restated Solid Waste Collection, Recycling and Green Waste Franchise Agreement.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Manager Perrault provided an overview of the request to approve an Amended and Restated Agreement for solid waste collection and disposal services, including recycling services, for a 15-year period. He reminded the Council that, in October 2007, it had approved a three percent (3%) rate adjustment along with a one-year extension of the agreement to permit additional time for staff to review the proposed agreement.

He summarized the review process for the proposed agreement, which included the City Managers from Pismo Beach and Arroyo Grande, as franchise agreements with all three cities were scheduled to expire at approximately the same time, and the assistance of Mr. Bill Worrell from the San Luis Obispo Intergrated Waste Management Authority. The review determined that the rates offered by the current contractor were low when compared to most other jurisdictions. He pointed out that the 15-year franchise agreement period was requested by the contractor to assist with financing the expansion of improvements at the landfill. Those improvements would result in reduced rate increases in the future and the City receiving annual landfill savings payments from the contractor.

The Council thanked and praised Mr. Worrell, who was seated in the audience, for his professional expertise and assistance in reviewing the proposed franchise agreement.

Tom Martin, South County Sanitary Service, Inc., responded to questions from the Council regarding equipment costs and the proposed franchise period.

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: 1) adopt Resolution No. 08-55 approving the Amended and Restated Agreement with South County Sanitary Service, Inc., and 2) authorize the Mayor to execute the agreement on behalf of the City. 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 Lieberman.
ABSTAIN: Council Members - None.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Mayor Pro Tem Nicolls requested that the Council consider Consent Agenda Item No. 9 separately.

It was m/s by Council Members Ashton/Bright to approve Consent Agenda Item Nos. 6, 7, 8, and 10 as presented. 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 Member Lieberman.
ABSTAIN: Council Members - None.

6. Treasurer's Report for the Period June 11 - July 2, 2008.

Action: Approved as submitted.

7. **Minutes of the City Council Meeting of March 17, 2008.**

Action: Approved the minutes as submitted.

8. **Resolutions for the 2008 General Municipal Election for the Election of Certain Officers of the City.**

Action: 1) Adopted Resolution No. 08-56 calling and giving notice of the election; 2) adopted Resolution No. 08-57 requesting that the County Board of Supervisors consolidate the City's General Municipal Election with the Statewide General Election; and 3) adopted Resolution No. 08-58 adopting regulations for candidates governing submittal of a Candidate's Statement.

Resolution No. 08-56: A Resolution of the City Council of the City Grover Beach, California, Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 4, 2008, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities.

Resolution No. 08-57: A Resolution of the City Council of the City of Grover Beach, California, Requesting the Board of Supervisors of the County of San Luis Obispo to Consolidate a General Municipal Election to be Held on Tuesday, November 4, 2008, with the Statewide General Election to be Held on the Date Pursuant to Section 10403 of the Elections Code.

Resolution No. 08-58: A Resolution of the City Council of the City of Grover Beach, California, Adopting Regulations for Candidates for Elective Office Pertaining to Candidate Statements Submitted to the Voters at an Election.

10. **North Oak Park Boulevard Sidewalk and ADA Upgrades Final Acceptance of Project.**

Action: Adopted Resolution No. 08-59 accepting the construction work performed by Brinar Construction, Inc., for sidewalk improvements and Americans with Disabilities Act (ADA) upgrades along North Oak Park Boulevard, from West Grand Avenue to the easterly City limits.

Resolution No. 08-59: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting the Oak Park Boulevard Sidewalk and ADA Upgrades - Final Acceptance.

REGULAR BUSINESS

11. **Water Shortage Contingency Plan.**

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 adopted 2005 Urban Water Management Plan which outlined a Contingency Plan and various Stages of Action in the event of a water shortage. As a result of reduced rainfall totals in June 2007, the Council declared a Stage 1 (Minor-Voluntary) water shortage condition with voluntary consumption reduction methods instituted. He then reviewed current rainfall totals which were more than normal for one year, but significantly less than normal for the past two-year period. He recommended continuing the Stage 1 (Minor-Voluntary) water shortage Stages of Action until such time as conditions warranted recommending a further change.

Mayor Shoals invited public comments on this matter. There was no response and he closed the public comment period for this item.

Action: It was m/s by Council Members Bright/Ashton to: 1) continue the Stage 1 Water Shortage (Minor-Voluntary) condition, and 2) direct staff to continue those measures as noted in the Water Shortage Stages of Action and Consumption Reduction methods. 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 Member Lieberman.
ABSTAIN: Council Members - None.

PULLED CONSENT AGENDA ITEMS

Mayor Shoals read the title to the following item which was pulled at the request of Mayor Pro Tem Nicolls for a separate vote.

9. Award of the Street Rehabilitation Projects: North 4th Street (West Grand Avenue to Ocean View 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 Manager Perrault reviewed proposed cost estimates, funding sources, and the seven bids received to rehabilitate street segments along North 4th and North 12th Streets. He stated that the lowest bid for the North 4th Street Project was 15% less than the engineer's estimate, and the lowest bid for the North 12th Street Project was 25% less than the engineer's estimate.

Brief discussion was held regarding:

- continuing the rehabilitation of North 4th Street from Ocean View Avenue to the northern City limits, as this was a major entry way into the City;
- delaying the striping plan for North 4th Street that was included as "Alternate A" in the bid until a determination could be made regarding whether to extend the rehabilitation of that street segment;
- extending the project area for North 12th Street; and
- potential funding sources to rehabilitate these additional street segments.

Action: It was m/s by Council Members Ashton/Bright to:

- 1) adopt Resolution No. 08-60 to award both the North 4th Street and North 12th Street Rehabilitation Projects to the lowest responsive bidder, Rockwood General Contractors, excluding "Alternate A" for the striping plan on North 4th Street;
- 2) direct staff to investigate the possibility of amending the contracts to:
 - (a) extend rehabilitation of North 4th Street from Ocean View Avenue to the northern city limits, and
 - (b) extend the rehabilitation of North 12th Street for one block in each direction;
- 3) authorize the City Manager to sign and affirm project change orders in amounts up to 10% of the project bids; and
- 4) authorize the Mayor to execute the contracts on behalf of the City.

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 Member Lieberman.
ABSTAIN: Council Members - None.

Resolution No. 08-60: Resolution of the City Council of the City of Grover Beach, California, Awarding the Street Rehabilitation Projects: North 4th Street (West Grand Avenue to Ocean View Avenue) and North 12th Street (Atlantic City Avenue to El Camino Real).

Recess: Upon consensus of the City Council, the meeting recessed at 8:24 p.m. to the Joint City Council/Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 8:48 p.m., the meeting reconvened with all Council Members present (except for Council Member Lieberman, who was absent from the meeting).

COUNCIL COMMITTEE REPORTS

Council Members Ashton and Bright, Mayor Pro Tem Nicolls, and Mayor Shoals stated they had nothing to report at this time.

CITY COUNCIL MEMBER ITEMS

12. Designation of Voting Delegates and Alternates at League of California Cities Annual Conference - September 24-27, 2008 in Long Beach, CA.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault reviewed the request that each member agency designate a voting representative and alternate to participate in the business session at the annual conference.

Brief discussion was held regarding those Council Members who would be attending this year's conference.

Action: Upon consensus (Council Member Lieberman absent), Mayor Shoals was designated as the City's voting delegate and Mayor Pro Tem Nicolls was designated as the alternate at this year's League of California Cities Annual Conference.

COUNCIL COMMUNICATIONS

- A. Council Member Ashton announced that the guest speaker for the next Neighborhood Watch meeting would be Tom Martin from South County Sanitary Service.
- B. Mayor Shoals announced that the California Coastal Commission would be conducting meetings in San Luis Obispo County later that week, with issues regarding the Central Coast scheduled for discussion on Thursday. He announced that a joint reception, open to members of the public and hosted by the cities of Grover Beach and Pismo Beach, was scheduled for Thursday evening at the Sea Venture Restaurant in Pismo Beach. .

He then inquired about, and received information regarding, the status of:

- a mobile home park conversion ordinance - to be discussed potentially in August;
- the affordable housing project with Habitat for Humanity - to be discussed at the next Council meeting;
- signage/wayfinding program - additional signs were scheduled for installation, a temporary directional banner had been installed, and staff was working with Caltrans to install additional signage along the freeway; Mayor Shoals also suggested including weight limit information on posted "No Trucks" signs; and
- a presentation regarding bikeways along Highway 1 and 4th Street - to be scheduled potentially for the next Council meeting.

CITY MANAGER'S REPORTS AND COMMENTS

13. Request to Alter the Regular Meeting Schedule for the Months of August and September 2008.

City Manager Perrault reminded all those present that the groundbreaking ceremony for Phase I of the South County Transit Facility was scheduled for 10:00 a.m on Thursday, July 10, 2008.

He then stated that other governmental agencies, such as the City of Arroyo Grande and the San Luis Obispo County Board of Supervisors, alter their regular meeting schedule during the summer months as a cost saving measure, to provide staff with a period of time that would otherwise be spent on preparing staff reports to instead focus on special projects, and to accommodate potential vacation periods for members of the Board or Council. He suggested the Council consider cancelling one regularly scheduled meeting in August and one meeting in September.

Action: It was m/s by Council Members Ashton/Bright to authorize the cancellation of City Council meetings regularly scheduled for Monday, August 18, 2008 and Tuesday, September 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 Member Lieberman.
ABSTAIN: Council Members - None.

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 8:48 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:
/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 1/26/09)