

**MINUTES
CITY COUNCIL MEETING
MONDAY, JULY 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 A moment of silence was held for those California communities impacted by recent wildfires.

FLAG SALUTE The flag salute was led by Mayor Pro Tem Nicolls.

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, Fire Chief Hubert, Planning Manager Gould, Battalion Chief Heath, and Lieutenant Bewick were also present.

Also present was City Engineer Garing.

CLOSED SESSION ANNOUNCEMENTS:

None at this time.

AGENDA REVIEW

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

CEREMONIAL CALENDAR

1. Proclamation Declaring the City of Grover Beach a "Relay for Life Community".

Mayor Shoals read and presented the Proclamation to the Five Cities Relay for Life Event Chair Inger Hudson and Co-Chair Michelle Frayer. They described this year's event and volunteer opportunities for citizen participation.

PRESENTATIONS

2. Presentation Regarding San Luis Obispo County Community Impact Awards.

Mayor Shoals introduced John Fugler, Executive Director for radio station 89.3 FM, KLIFE. Mr. Fugler described the program to recognize those who exemplify service, sacrifice and commitment to our County, and stated that nominations were being accepted in the following four categories: 1) Outstanding Non-Profit Organization of the Year; 2) Outstanding Volunteer of the Year; 3) Outstanding Business of the Year; and 4) Outstanding Philanthropist of the Year.

3. Presentation on a Proposed Grover Beach Bikeway Master Plan.

Mayor Shoals introduced Adam Petersen, a recent graduate from California Polytechnic State University at San Luis Obispo. Mr. Petersen provided an overview of a proposed Grover Beach Bikeway Master Plan, which he had developed in order to fulfill a requirement for his Master's degree program in City and Regional Planning. He stated that the purpose of the Master Plan was to create and maintain a continuous system of bicycle facilities to create a bicycle-friendly community. He then responded to questions from the Council.

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

Fred Gaalswyk, Pismo Beach, expressed concerns regarding adequate street widths, pavement conditions, and striping to ensure the safety of bicyclists riding from San Luis Obispo to communities in the South County area.

Jessica Berry, San Luis Obispo Council of Government (SLOCOG) and San Luis Obispo Ride Share (SLORTA), stated that the application process for state bike transportation funds was highly competitive and that an adopted Bikeway Master Plan was just one factor, in addition to other requirements, in determining eligibility. She also stated that the City and Ride Share were discussing the installation of a bike locker at the redesigned South County Transportation Facility at Ramona Garden Park.

Adam Fukushima, San Luis Obispo County Bicycle Coalition, spoke in support of an adopted Bikeway Master Plan and offered to assist the City with pursuing grant funds.

There were no further public comments received.

The Council thanked and praised Mr. Petersen for his presentation and suggested that staff request authorization from the university to build upon Mr. Petersen's research to develop and adopt a Bikeway Master Plan. Additional discussion was held regarding developing bike paths along South 4th Street and Highway One, and scheduling future Council discussion of developing a BMX facility.

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 City for directional signage recently installed and thanked Community Development Director Hansen and planning staff for their assistance.
- B. Lori Laughlin, Nipomo, requested to speak regarding a proposed tree removal at Ramona Garden Park. Upon being advised that the issue was scheduled for discussion under Agenda Item No. 9, she agreed to reserve her comments until that time.
- C. Becky Cruz, Grover Beach, distributed photos of her home on Ocean View Avenue and requested the Council's assistance with her application to establish a bed and breakfast in an R-1 zoning district. Mrs. Cruz was advised to contact the City Manager the next business day to discuss her request.

PUBLIC HEARINGS

4. Amendment to Grover Beach Municipal Code Section 9137.9 Relating to Curb, Gutter and Sidewalk.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Engineer Garing provided an overview of the Council's previous direction on May 29, 2008 to prepare an Ordinance amending the Grover Beach Municipal Code regarding curb, gutter and sidewalk installation to incorporate requirements that certain qualifying projects 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. He and City Manager Perrault then responded to questions from the Council regarding the criteria that would trigger this requirement and the engineering costs involved to calculate the street conform.

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

The following people spoke *against* the proposed amendment, stating it was the City's responsibility to improve street conditions:

- David De La Torre, Grover Beach, who objected to having private citizens pay the significant costs to make street improvements that extended to the centerline; and
- Lori Laughlin, Nipomo, who also commented on the poor condition of City streets.

There were no further public comments received.

Brief Council discussion was held regarding previous Ordinance amendments that focused on relieving the financial burden for property owners of minor single family remodel projects from having to provide costly street conforms, and the unintended consequence that subsequently allowed developers of multi-unit developments on single lots to install just four feet of street improvements. Additional comments were made regarding the Council's commitment to improve street conditions, future scheduled street improvement projects, and the goal of developing a long-term plan to fund street improvements City-wide.

The Council confirmed that:

- 1) the requirement for four feet of street improvements for single family minor remodels was adequate and should remain unchanged, i.e., projects adding less than 40% of floor area to an existing structure;
- 2) the appeal process should remain in place so that individual circumstances and street conditions could be reviewed to avoid requiring a conform on a street already in very poor condition;
- 3) the proposed Ordinance amendment to provide pavement reconstruction and conformance to the existing centerline under certain circumstances should apply only to new multi-unit developments; and
- 4) in addition, if a second single family unit was constructed within a two-year period on the same parcel, then the property owner(s) would be required to install street improvements and a conform to a distance to be determined by the City Engineer.

Additional discussion was held regarding consideration at a future meeting of a bond measure or other funding mechanism to rehabilitate all local streets.

Action: Upon unanimous consensus, staff was directed to revise the draft Ordinance to: 1) exclude single family home projects adding less than 40 percent of floor area to an existing home from having to provide a street conform, and 2) add a requirement that if a second single family home was built within two years, then the property owner(s) must build a conform to the middle of the street or to a distance to be determined by the City Engineer.

Recess: Upon unanimous consensus of the City Council, the meeting recessed at 8:09 p.m.
Reconvene: At 8:14 p.m., the meeting reconvened with all Council Members present *except* for Mayor Pro Tem Nicolls.

CONSENT AGENDA

Upon consensus of those present (Mayor Pro Tem Nicolls absent at this time), Consent Agenda Item No. 5 was approved as submitted.

5. Treasurer's Report for the Period July 2 - July 18, 2008.

Action: Approved as submitted.

At this time, Mayor Pro Tem Nicolls returned to the dais.

REGULAR BUSINESS

6. Street Rehabilitation Project: North 4th Street (from Ocean View Avenue to the Northerly City Limits).

Mayor Shoals read the title to the foregoing item and deferred to staff for a report.

City Attorney Koczanowicz reviewed recently adopted regulations of the Fair Political Practices Commission regarding conflicts of interest applicable to small cities with populations of 30,000 or less and less than 10 square miles in size, referred to as the "small city exception". Based upon this information, he stated there was no conflict of interest pertaining to residence locations for either Mayor Pro Tem Nicolls or Council Member Lieberman.

Mayor Pro Tem Nicolls stated that he would not recuse himself from the discussion of this agenda item and that he had discussed the proximity of his residence to the proposed project on North 4th Street earlier that same day with both the City Manager and City Attorney.

City Engineer Garing provided an overview of previous reconstruction of North 4th Street that was completed in 1996, described current street conditions, identified areas in need of repair and re-striping, outlined available project funding, and provided cost estimates for either a full rebuild or a project more limited in scope.

Brief discussion was held regarding the durability of street construction materials and amending the contract for street rehabilitation currently underway on an adjacent segment of North 4th Street.

City Attorney Koczanowicz provided clarification regarding the bid process for public works projects and recommended issuing a request for bids for the street segment under discussion as a new and separate project.

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 comment period for this item.

Further discussion was held regarding various street construction materials, construction requirements pursuant to Caltrans, finding the most cost-effective solution, and whether this street rehabilitation project was an appropriate use of the funds received from the San Luis Obispo Council of Governments.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to direct staff to:

- 1) research options to repair and/or rehabilitate, but not to completely rebuild, North 4th Street from Ocean View Avenue to the northerly City limits;
- 2) research other resurfacing options, such as slurry coat, chip seal or other resurfacing materials that would cost \$150,000 or less to construct; and
- 3) to either:
 - (a) proceed with the bid process for this street segment as a new and separate project if construction costs were estimated to be less than \$150,000; or
 - (b) bring this matter back for further Council direction if construction costs were estimated to be more than \$150,000.

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. Authorize the Extension of an Amended Agreement for Joint Fire Services.

Mayor Shoals read the title to the foregoing item, and deferred to staff for a report. For the information of those present, City Manager Perrault stated that the Cities of Grover Beach and Arroyo Grande had entered into an agreement for jointly managed fire resources in 2004, which was amended in March 2008 to include the Oceano Community Services District (OCSD) for a four-month trial period. At the end of that trial period, the Fire Oversight Committee reviewed the effectiveness of the arrangement and recommended that the agreement be extended for a three-year period.

He then reviewed areas of responsibility regarding fire training and administrative functions and the proposed personnel costs to be allocated to each participating agency.

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 comment period on this agenda item.

Brief discussion was held regarding increasing the City's contribution towards fire personnel costs in the future and developing a regional fire agency in order to resolve current pay inequities between the three agencies.

Upon request, Fire Chief Hubert responded to questions regarding a recent newspaper article that cited inaccurate call volume statistics for the City of Morro Bay. He then reviewed the much higher average call volume experienced during the 2007 calendar year for the Cities of Arroyo Grande and Grover Beach.

The Council thanked and praised the Fire Chief and fire personnel for providing excellent service to the community and for successfully operating under the terms of the joint fire services agreement.

Action: It was m/s by Council Member Lieberman/Mayor Pro Tem Nicolls to adopt Resolution No. 08-61 extending the amended agreement between the Cities of Grover Beach and Arroyo Grande and the Oceano Community Services District. 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. 08-61: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the City to Enter into an Agreement for Joint Fire Management, Administrative, and Training Services.

ORDER OF THE DAY: Upon unanimous consensus of the City Council, the Order of the Day was amended to consider Agenda Item No. 9 next.

9. Request for Direction Regarding Potential Changes to South County Transportation Hub Project.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault provided an overview of a multi-trunk Monterey Cypress tree located at the eastern edge of Ramona Park that was initially scheduled to be removed to allow for parking and sidewalk improvements. Due to concerns expressed by residents and members of the Council to preserve the tree, staff reviewed two alternatives for preserving the tree with a bulb out adjacent to the tree on North 10th Street. He stated that an arborist report had not yet been received, but was expected by the end of the week. A local landscape company had submitted its inspection report and indicated that the tree was in declining health and recommended its removal. City Manager Perrault stated that, with ongoing care, the tree could possibly be sustained for several additional years before it needed to be removed.

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

The following persons spoke in support of saving the tree:
Lori Laughlin, Nipomo; and
Anita Shower, Grover Beach.

There were no further public comments received.

Brief discussion was held regarding the two alternative designs presented in order to preserve the tree.

Action: It was m/s by Council Member Bright/Mayor Pro Tem Nicolls to preserve the tree and authorize design changes as indicated in Option 2, Attachment No. 4 of the staff report, which included construction of a bulb out and a sidewalk around the tree. 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.

ORDER OF THE DAY: At this time, the Order of the Day resumed to the agenda as posted.

8. Status Report on Update of the City of Grover Beach Land Use Element.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Planning Manager Gould provided an overview of various circumstances which resulted in a five week delay in the schedule by the contractor for the Land Use Element update. Planning Manager Gould and City Attorney Koczanowicz then responded to questions regarding available options to terminate the contract and find another consultant to complete this project.

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

Ed Dorfman, Arroyo Grande, referenced correspondence he had submitted, dated July 16, 2008, on behalf of himself, Sharon Tanner, and Maxine and Joe Wolosz, regarding primarily undeveloped property zoned Residential Agricultural. He stated that their respective properties represented a combined total of almost 20 acres and they were interested in developing the unused parcels. He requested that the update of the Land Use Element include updating the zoning classifications for these parcels.

Joe Wolosz, Arroyo Grande, also spoke in support of updating the land use designation and zoning for his property.

There were no further public comments received.

Further discussion was held regarding adding other areas in the City to the Land Use Element update process such as North Oak Park Boulevard, Farroll Road, and Highland Avenue; severing the relationship with DC&E immediately and negotiating final payment of services; and selecting another firm to complete the update.

Action: It was m/s by Mayor Pro Tem Nicolls/Mayor Shoals to:

- 1) terminate the contract with DC&E;
- 2) issue a new Request for Proposal to select another firm to prepare the Land Use Element update; and
- 3) include the following additional properties in the Land Use Element update process:
 - (a) for those property owners who had requested that their properties be reviewed on North Oak Park Boulevard - Edwin Dorfman, Sharon Tanner, and Maxine and Joe Wolosz;
 - (b) properties on Farroll Road; and
 - (c) properties on Highland Avenue.

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.

COUNCIL COMMITTEE REPORTS

Council Member Lieberman reported on the meeting of the Fire Oversight Committee, including recent discussions regarding equipment replacements and research being conducted for a regional approach for future grant applications.

Council Member Ashton stated he had nothing to report.

Council Member Bright stated she had nothing to report.

Mayor Pro Tem Nicolls stated he had nothing to report.

Mayor Shoals stated he had nothing to report.

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CITY COUNCIL MEMBER ITEMS

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None at this time.

COUNCIL COMMUNICATIONS

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A. Mayor Shoals announced that the San Luis Obispo Regional Transit Authority (RTA) had contracted with Silverado Charters & Tours to provide shuttle service to the Mid-State Fair.

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B. Council Member Lieberman commented on the State's current budget crisis and the negative fiscal impact that situation might cause for the City estimated at \$471,000 less revenue.

CITY MANAGER'S REPORTS AND COMMENTS

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9. **Request for Direction Regarding Potential Changes to South County Transportation Hub Project 5.** *(Note: this item was considered earlier in the meeting, after Regular Business Item No. 7.)*

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CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

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CLOSED SESSION

None at this time.

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ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 10:02 p.m.

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/s/JOHN P. SHOALS, MAYOR

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Attest:
/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 2/17/09)