

**MINUTES
CITY COUNCIL MEETING
MONDAY, NOVEMBER 17, 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 battling recent wildfires.

FLAG SALUTE The flag salute was led by Karen Ruiz, a 12-year-old, 6th grade student at Grover Beach Elementary School.

ROLL CALL

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

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Interim Community Development Director Beck, Police Chief Copsey, Fire Chief Hubert, Parks and Recreation Director Petker, Battalion Chief Heath, Public Works Superintendent Ford, Economic Development Specialist Buckingham, and Planner I Reese were also present.

Also present was City Engineer Garing.

CLOSED SESSION ANNOUNCEMENTS

None at this time.

AGENDA REVIEW

Action: Upon consensus (Council Member Ashton being absent from this meeting), the Council adopted the agenda as presented.

CEREMONIAL CALENDAR

None at this time.

PRESENTATIONS

1. Parks, Recreation & Beautification Commission Quarterly Report.

Chair Laferriere provided an overview of Commission activities for the period July 1 through September 30, 2008. He then responded to Council questions regarding the successful Farmers' Markets being offered on Sunday afternoons and provided an update regarding information being gathered from other communities regarding BMX facilities and bike parks.

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. Dennis Burkhart, President of the Boys & Girls Club of South San Luis Obispo County, stated that he had met with the Parks and Recreation Director for preliminary discussions regarding the Club's interest in partnering with the City to develop a community center on South 13th Street.

PUBLIC HEARINGS

- 2. Appeal of the Planning Commission's Non-action, Which Effectively Denied the Request for a Variance to Allow a Lot to be Subdivided Without the Required Street Frontage.** Project Location: 198 Foremaster Lane; Appellant: John Mack, representative for Applicants Lauren and John Stevens; Development Permit Application No. 08-004.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Planner I Reese provided a summary of the Planning Commission's tie vote on October 14, 2008 regarding a requested Variance to reduce the required amount of street frontage in order to subdivide a property. She outlined the significant discussion held at the Commission meeting regarding issues of access, fire safety/emergency vehicle access, drainage, tree protection, parking, increased density, and view protection. The Commission's tie vote resulted in a "non-action" that was subsequently appealed by the Applicants. Planner I Reese outlined the Council's options regarding whether to consider the appeal, the circumstances pursuant to the Municipal Code under which a Variance could be approved and, if granted, would provide for the request for a subdivision proposal to be scheduled for Planning Commission review at a future meeting.

Planner I Reese then provided an overview of the project site's flag lot parcel and two existing structures, the analysis conducted by staff of similar properties in the surrounding area, and the techniques applied previously to subdivide those properties.

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

The following persons spoke in support of granting a Variance:

- John Mack, representative for the Applicants, distributed photographs with samples of other flag lots within the City developed with less than the required amount of street frontage. He reviewed the proposed project design and described how it would address existing issues regarding fire/emergency vehicle access and improved drainage.
- John Stevens, Applicant/Appellant, spoke about the two-year process to design the proposed project, and described how the project would improve access for fire/emergency vehicles and prevent flooding to properties located further downhill. He also objected to any requirement to preserve views for adjacent property owners.
- Lauren Stevens, Applicant/Appellant, stated regulations regarding "subdivisions" of five lots or more did not apply to this project, as development of only four lots was being proposed. She also described how the project design would resolve existing concerns regarding access for fire vehicles and drainage.
- Jack Hardy, Grover Beach, cited similar developments built within the City that had less than the required width for street frontage and access.

The following persons (residents of Sharon Lane) spoke in opposition to the requested Variance, citing concerns regarding potential increased traffic and parking congestion on Ritchie Road (located adjacent to an elementary school), insufficient fire/emergency vehicle access, inadequate design for water retention/drainage, and cited development efforts by the previous property owner that were ultimately denied and which had raised similar concerns from adjacent property owners:

- Ginny Bailey-Hill, Grover Beach;
- Adam Hill, Grover Beach, inquired how the lot was determined to be "unique in shape";
- Rick Odom, Grover Beach;
- Tom Clough, Grover Beach;
- Nichole Shasta, Grover Beach;
- Kerran Gilliland, Grover Beach;
- Stephen Hughes, Grover Beach; and
- Mitch Gilliland, Grover Beach.

Anita Shower, Grover Beach, inquired who would be responsible for maintenance of the proposed project's drainage basin.

John Mack, representative for the Applicants, in response to expressed concerns, stated that: the project design did not call for removal of any existing trees, water retention would occur below ground, density would increase from two existing lots to a total of four, and each residential unit would have on-site parking and two-car garages with additional parking available along one side of the street. He also described the irregularly shaped project site.

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

For clarification, Interim Community Development Director Beck stated: 1) maintenance responsibility would be identified as a condition of the Tentative Parcel Map, not as part of the request for a Variance; 2) the unique physical characteristic of the lot was created in 1972 and the 60' street frontage requirement could not be met without including one of the lots along Ritchie Road, which was not a part of the project proposal; and 3) proposed improvements would increase safety with regard to fire/emergency vehicle access.

In response to Council questions, Fire Chief Hubert confirmed that the project design included a condition for fire vehicle access and red curbing along Foremaster Lane. Police Chief Copsey confirmed that there were no concerns regarding police vehicle access. City Engineer Garing confirmed the project design would improve drainage conditions in the project area and described how underground drainage systems were maintained.

Brief Council discussion was held regarding the majority of public comments received that pertained to the project's design, but not to the issue of the request for a Variance; policy issues that should have been brought earlier to the Commission and/or Council for determination; flaws within the review process that occurred; rescinding the need for a Variance; fees and deposits paid to date by the Applicants; and whether to refund all or a portion of the appeal fee. Further discussion was held regarding the policy interpretation regarding flag lots that was applied to new subdivisions, but that the applicants' flag lot was part of an existing subdivision.

City Attorney Koczanowicz clarified that if the Council determined no Variance was required, then the project would be returned to the Community Development Department and/or Planning Commission for further processing.

Action: It was m/s by Council Member Lieberman/Mayor Pro Tem Nicolls to: 1) rescind the need for a Variance; 2) refund the full amount of the appeal fee to the Applicants; and 3) direct staff to schedule the project before the Planning Commission for its consideration. The motion carried on the following roll call vote:

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

Recess: Upon consensus of the City Council, the meeting recessed at 8:00 p.m.

Reconvene: At 8:09 p.m., the meeting reconvened with all Council Members present, except for Council Member Ashton who was absent from the meeting.

3. Reallocation of Unspent Community Development Block Grant (CDBG) Funds from the 2006 and 2007 Annual Allocation Plans.

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, Planner I Reese reviewed the request to reallocate unspent funds from the 2006 and 2007 Annual Action Plans to the South 13th Street Barrier Removal Project, also identified as Capital Improvement Project 382. She then responded to Council questions regarding home repair projects completed by the Economic Opportunity Commission and the required term of "barrier removal" instead of "ADA access".

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. 08-83 reallocating unspent 2006 and 2007 Community Development Block Grant (CDBG) funds from the 2006 and 2007 Annual Action Plans to the "South 13th Street Barrier Removal Project". The motion carried on the following roll call vote:

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

Resolution No. 08-83: A Resolution of the City Council of the City of Grover Beach, California, Amending the 2006 and 2007 Annual Action Plans for the City's Community Development Block Grant (CDBG) Program and Reallocating CDBG Funds.

4. Preliminary Allocation of 2009 Community Development Block Grant (CDBG) Funding Cycle - 2009 Action Plan Recommendation to the San Luis Obispo County Board of Supervisors.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Planner I Reese provided an overview of the federal grant program which authorized the use of funds to eliminate blight and to assist low- and moderate-income residents. She reviewed the criteria for allocating the funds, the evaluation process applied to analyze and make recommendations regarding the nine applications received, and staff recommendations for funding. She then responded to Council questions regarding the administration and review process.

Mayor Shoals invited public comments on this matter.

The following persons spoke in support of their respective agency's application for funding, briefly reviewing the services provided to Grover Beach residents:

- Raye Fleming, Division Director for Senior Health Screening;
- Anna Boyd Bucy, Big Brothers Big Sisters;
- Cheryl Flores, Peoples' Self Help Housing Corporation, who described a foreclosure counseling program;
- Linda McGregor, 2-1-1 Hotline, who stated overall call volume had increased by 61%, with calls received from Grover Beach residents increasing by approximately 300%, primarily from seniors in need of financial assistance, housing, shelter, and food; and
- Dee Torres, Director for EOC Homeless Services.

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

Action: It was m/s by Council Members Bright/Lieberman to adopt Resolution No. 08-84 allocating all 2009 Community Development Block Grant (CDBG) program year funds as recommended. The motion carried on the following roll call vote:

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

Resolution No. 08-84: A Resolution of the City Council of the City of Grover Beach, California, Approving the 2009 Community Development Block Grant (CDBG) Program and Recommendations for Preliminary Allocation by the San Luis Obispo County Board of Supervisors.

5. Adoption of the City of Grover Beach Housing Element.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Interim Community Development Director Beck provided a brief overview of the statutory requirement to periodically update the Housing Element of a City's General Plan and to have it subject to certification by the California Department of Housing and Community Development (HCD). She then summarized the review and approval process between the City and HCD since March 2008 regarding a revised draft of the Housing Element, the notification received in October 2008 from HCD that the draft document met the statutory requirements, and that it was now ready for Council adoption.

Mayor Shoals commended City Manager Perrault for keeping this project on track, stating that he and the City Manager had met with key staff members in Sacramento regarding anticipated certification of the Housing Element.

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 Lieberman/Bright to adopt Resolution No. 08-85 adopting the City's Housing Element. The motion carried on the following roll call vote:

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

Resolution No. 08-85: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 2008 Revisions to the 2003 General Plan Housing Element.

6. Consideration of a Request from the County of San Luis Obispo to Participate in a Countywide Vector Control Program and Benefit Assessment Process.

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 participate in a Countywide Vector Control Program and allow the County to conduct a benefit assessment process in the City, which required Council approval. He explained a "vector" was an insect or rodent capable of transmitting disease to humans, with the most notable recent example being the transmission of the West Nile Virus by mosquitoes.

City Manager Perrault cited a Grand Jury report that recommended conducting an educational campaign effort regarding mosquito abatement and pest control, and a County-sponsored survey completed earlier in the year that indicated public support for a special assessment to fund a Vector Control Program. He described past efforts to treat mosquito breeding areas in the City and additional services to be provided through the proposed program, and stated that the survey indicated a high level of support from Grover Beach residents for the program and assessment. He then reviewed estimated program costs and introduced Curt Batson, Director of Environmental Health.

City Manager Perrault, Public Works Superintendent Ford, and Mr. Batson responded to Council questions regarding mosquito abatement efforts, program funding, and direct mail ballots anticipated to be issued in May 2009 and, if approved, assessments would appear on the tax rolls in December 2009.

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 Bright/Lieberman to adopt Resolution No. 08-86 authorizing the City to participate in the Countywide Vector Control Program and for the County to conduct a mail-out benefit assessment ballot measure for a Vector Control Benefit Assessment District. The motion carried on the following roll call vote:

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

Resolution No. 08-86: A Resolution of the City Council of the City of Grover Beach, allowing the City to Participate and Receive Vector Control Services in the City of Grover Beach from the County, and the County to Conduct a Benefit Assessment Ballot Measure for a Vector Control Benefit Assessment District.

CONSENT AGENDA

It was m/s by Council Member Lieberman / Mayor Pro Tem Nicolls to approve Consent Agenda Item Nos. 7, 8, and 9 as recommended. The motion carried on the following roll call vote:

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

7. Treasurer's Report for the Period October 15 - November 13, 2008.

Action: Approved as submitted.

8. Minutes of the Following Meetings:

- Regular City Council Meeting of Monday, May 19, 2008;
- Joint City Council / Improvement Agency Meeting of Monday, May 19, 2008; and
- Special Joint City Council / Planning Commission Meeting of May 20, 2008.

Action: Approved the minutes as submitted.

9. Award of Contract for Seismic Retrofit & Rehabilitation of Reservoir No. 2 -
Consideration of bids received on October 23, 2008 to retrofit Reservoir No. 2 with seismic bracing and other maintenance updates.

Action: 1) Adopted Resolution No. 08-87 to award the Seismic Retrofit and Rehabilitation of Reservoir No. 2 Project to the lowest responsive bidder, Spiess Construction; 2) adopted Resolution No. 08-88 amending the annual appropriation in the amount of \$209,000; 3) authorized the City Manager to sign and affirm change orders to the project in amounts totaling up to \$62,878 to be deducted from contingency funds; and 4) authorized the Mayor to execute the contract on behalf of the City.

Resolution No. 08-87: Resolution of the City Council of the City of Grover Beach, California, Awarding the Contract for the Seismic Retrofit and Rehabilitation of Reservoir No. 2.

Resolution No. 08-88: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 4th Amendment to the FY 09 Annual Appropriation Resolution No. 08-50 by Appropriating \$209,000 for Costs Which Exceeded the Budget Estimate for the Seismic Retrofit and Rehabilitation of Reservoir #2.

REGULAR BUSINESS

10. Status Report and Request for Direction Regarding Re-striping of North 4th Street.

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 options to re-stripe the lane designations and include bike lanes on North 4th Street between West Grand Avenue to Ocean View Avenue were presented to the City Council at the September 15, 2008 meeting. A public workshop was then held on November 6, 2008 for property owners and residents to provide comments regarding each of the proposed options.

He summarized the consensus of workshop participant comments as follows: 1) include bike lanes on North 4th Street; 2) narrow both the travel and center lanes to reduce traffic speeds; 3) maintain parking on both sides of the street, with red curbing at certain intersections to increase site distance; 4) increase pedestrian safety, particularly at Atlantic City Avenue and North 4th Street; and 5) continue reviewing traffic calming measures for future implementation on North 4th Street. He reviewed options for incorporating each of the workshop consensus points into a single street striping plan, cost estimates to conduct a second public workshop, and cost estimates to maintain temporary lane designations. City Manager Perrault and City Engineer Garing responded to Council questions regarding lane widths, Caltrans requirements, and travel patterns on North 4th Street.

Brief discussion was held regarding whether to schedule another workshop and the preference to re-stripe North 4th Street as soon as possible.

Action: Upon consensus (Council Member Ashton absent), the Council directed staff to: 1) not schedule any further workshops on this issue; 2) proceed with re-striping North 4th Street with 12-foot wide travel lanes to accommodate parking and bike lanes on each side of the street (with 11-foot travel lanes) and a 10-foot-wide center lane; and 3) schedule discussion at a future Council meeting of red curbing certain intersections to increase sight distance for vehicles entering North 4th Street from adjacent side streets, pedestrian crossing enhancements at Atlantic City Avenue, and narrowing the street to reduce traffic speeds.

COUNCIL COMMITTEE REPORTS

None at this time.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

- A. Council Member Bright announced that a local business, Five Cities Water, was a drop-off site to receive used cell phones for a program that recycled old cell phones into one-hour phone cards for soldiers.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault made the following announcements: 1) Reserve Fire Engine 68 was deployed to Orange County to assist those agencies battling fires and was expected to be in Southern California for least a week; and 2) Council Members interested in participating in the City's holiday parade needed to submit their reservation by the deadline of November 21st.

11. Request to Set a Special Meeting to Discuss a Report from Omni Means, the City's Traffic Consultant, and to Discuss the Storm Water Management Plan.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault stated the next regular meeting in December was reserved primarily for the installation of the directly-elected Mayor and seating of new Council Members, with regular business items held to a minimum. He therefore suggested scheduling a special meeting/workshop to allow sufficient time for: 1) discussion of the traffic analysis being prepared by Omni Means regarding angled-parking on West Grand Avenue and adjacent streets in the downtown area, traffic calming measures for Margarita Avenue, and pedestrian safety for the pedestrian crossing at Brighton Avenue and Oak Park Boulevard; and 2) a review of the draft Storm Water Management Program prior to the formal presentation scheduled for mid-December, which would be within the 60-day comment period.

Brief discussion was held regarding expanding the notification process for this special meeting/workshop to those residents and property owners within the areas analyzed for the Omni-Means traffic study.

Action: Upon consensus (Council Member Ashton being absent), the Council directed staff to schedule a special meeting for Thursday, December 4, 2008 to discuss the special traffic report prepared by Omni Means and the Draft Storm Water Management Plan, and to send meeting notifications to property owners/residents along the areas analyzed for the traffic study - West Grand Avenue downtown area, Margarita Avenue, and Oak Park Boulevard/Brighton Avenue.

12. Update Regarding the Longbranch Avenue Affordable Housing Project - Citizen Participation in Selection Committee.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault announced that Habitat for Humanity of San Luis Obispo County was actively recruiting for potential homeowners for the Longbranch Avenue Affordable Housing Project. 75 applications had already been received by the agency from qualified applicants who would be expected to participate in the actual construction of the homes.

CITY ATTORNEY'S REPORTS AND COMMENTS

City Attorney Koczanowicz stated that within thirty days of a vacancy on the City Council, the Council was required to either appoint someone to fill the vacancy or call for a special election. This matter would be scheduled for formal discussion at the first meeting in December when Mayor Shoals was formally seated as the directly-elected Mayor, vacating his Council seat.

Recess: Upon consensus of the City Council, the meeting recessed at 9:12 p.m. to the Financing Authority meeting, which was also scheduled for this same evening.

Reconvene: At 9:13 p.m., the meeting reconvened with all Council Members present.

CLOSED SESSION

At 9:13 p.m., the Council met in Closed Session regarding the following item:

- 1. Conference with Legal Counsel - Anticipated Litigation**
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One (1) potential case

Closed Session Announcements: At 9:26 p.m., Mayor Shoals reconvened the meeting to open session with all Council Members present (except for Council Member Ashton who was absent from this meeting), and announced there were no reportable actions taken during Closed Session.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 9:26 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:
/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 3/16/09)