

**MINUTES
CITY COUNCIL MEETING
MONDAY, DECEMBER 15, 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 Sarah Chapman, a 10-year-old, 5th grade student at Grover Heights Elementary School, and the daughter of Administrative Services Director Gayla Chapman.

ROLL CALL

City Council: Council Members Bright, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals were present.

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, Public Works Superintendent Ford, Police Lieutenant Bewick, Battalion Chief Heath, and Economic Development Specialist Buckingham were also present.

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

AGENDA REVIEW

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

POST-ELECTION MATTER - APPOINTMENT OF CITY COUNCIL MEMBER

1. Appointment of New Council Member to Fill Existing Vacancy.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz stated that there were five candidates who had submitted letters of interest for appointment to fill the two-year City Council seat vacancy. He outlined the available options for selecting a candidate at this meeting or instead continuing the matter to a special meeting to be held before January 2, 2009. He pointed out that two of the candidates were not in attendance at this meeting.

Three of the nominees who were present, Charlie Brunetti, Anita Showers, and Robert Mires, responded to Council questions regarding community issues and their individual interests in serving as a member of the City Council. Nan Fowler, introducing herself as the sister of candidate David Ekbom who was unable to attend the meeting, commented on his desire to serve as an appointed City Council Member. It was noted that Laurel Coleman, another candidate who also was unavailable to attend the meeting, had submitted a letter and résumé for the Council's consideration.

Brief Council discussion was held regarding the qualifications of all individuals who had submitted a letter of interest. Additional discussion was held regarding seating the newly appointed Council Member at the first meeting in January 2009 due to the significant number of items remaining on this agenda, and the upcoming holidays which could make a special meeting prior to January 2, 2009 difficult to schedule.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to adopt Resolution No. 08-90 appointing Robert C. Mires to fill the vacant two-year City Council seat to be officially seated at the first City Council meeting in January 2009. The motion carried on the following roll call vote:

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

Resolution No. 08-90: A Resolution of the City Council of the City of Grover Beach, California, Appointing Robert C. Mires to Fill the Vacancy on the City Council for the Remainder of the Term and to be Seated at the First City Council Meeting in January 2009.

At this time City Attorney Koczanowicz, City Clerk McMahon, and appointed City Council Member Mires left the Council Chambers. City Clerk McMahon administered the Oath of Office to Council Member Mires in the adjacent Conference Room. They immediately returned to the Council Chambers and Council Member Mires returned to his seat in the audience.

CEREMONIAL CALENDAR

None at this time.

PRESENTATIONS

2. Presentation Regarding the California Space Authority (CSA).

Nick Pelster, Chief Technical Director of the California Space Authority, gave a presentation on the California Space Authority, a nonprofit corporation representing the interests of the space enterprise community to facilitate its development. He and Mr. Ray Deutsch, Community Relations Director with Westberg+White, provided information regarding strategic plans to develop a California Space Center at Vandenberg Air Force Base and requested a letter of support from the City Council.

Action: Upon unanimous consensus, the Council authorized staff to draft a letter in support of the California Space Authority for Council consideration at a future meeting.

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. Bob Lloyd, AGP Video, announced that the 2008 Grover Beach Holiday Parade was being rebroadcast daily on the City's Government Cable Access Channel 20 and could also be viewed over the Internet by going to www.slospan.org.

There were no further public comments received and the Mayor closed the public comment period for this portion of the meeting.

PUBLIC HEARINGS

None at this time.

CONSENT AGENDA

It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to approve Consent Agenda Item Nos. 3, 4, 5, 6, 7, and 8, as recommended. The motion carried on the following roll call vote:

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

3. Treasurer's Report for the Period November 26 - December 10, 2008.

Action: Approved as submitted.

4. **Minutes of the Regular City Council Meeting of Monday, June 16, 2008.**
Action: Approved the minutes as submitted.
5. **Consultant Assistance in Preparation of the 2009 Housing Element Update - Request for Proposal.** Consideration of a Request for Proposal (RFP) to initiate consultant assistance in preparing the 2009 update to the Housing Element in order to meet the California Department of Housing and Community Development's (HCD) deadline of August 19, 2009. **Action:** Reviewed the Request for Proposal and authorized distribution to interested consultants.
6. **Proposition 1B Allocation for FY 09.** Authorization to allocate Proposition 1B funds for lane designations on North 4th Street, between West Grand Avenue and the northern City limits. **Action:** Adopted Resolution No. 08-91.

Resolution No. 08-91: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 4th Amendment to the Annual Appropriation Resolution No. 08-50 by Providing Funding in the Amount of \$9,295.11 for Proposition 1B Revenues and Expenditures.

7. **Award of Bid for Street Rehabilitation Project - Atlantic City Avenue (North 8th Street to North 13th Street).** Consideration of bid results received on Wednesday, December 10, 2008 for a local street rehabilitation project. **Action:** 1) Adopted Resolution No. 08-92 to award the Atlantic City Avenue (North 8th Street to North 13th Street) Project to the lowest responsive bidder, Union Asphalt, Inc.; 2) authorized the City Manager to sign and affirm change orders to the project in amounts up to \$29,344 to be deducted from contingency funds; and 3) authorized the Mayor to execute the contract on behalf of the City. (Note: Contract document title is "Atlantic City Avenue - Charles Street to 13th Street".)

Resolution No. 08-92: Resolution of the City Council of the City of Grover Beach, California, Awarding the Street Rehabilitation Project: Atlantic City Avenue, North 8th Street to North 13th Street.

8. **Consideration of a Request to Vacate a Portion of Right-of-Way Along Longbranch Avenue (Between South 5th and South 6th Streets) and Along South 5th Street (Between Longbranch Avenue and Manhattan Avenue).** Consideration of request from Habitat for Humanity to vacate portions of right-of-way for a proposed affordable housing project consisting of four, two-story residential airspace condominium units with one common lot. **Project Location:** 506 Longbranch Avenue (southeast corner of South 5th Street and Longbranch Avenue). **Action:** Directed the City Clerk to set, post, and notice a Public Hearing for Tuesday, January 20, 2009, to consider vacation of right-of-way pertaining to the property located at 506 Longbranch Avenue. Such vacation would consist of the southerly four (4) feet of Longbranch Avenue and the easterly six (6) feet of South 5th Street for the entire block face.

REGULAR BUSINESS

9. **Authorization to Submit a Letter to the Central Coast Water Quality Control Board.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault stated that the comment period for the draft Storm Water Management Program was scheduled to expire on December 16, 2008 and that, although the City had already submitted a letter requesting a four-month extension in order to work on program requirements and submit comments, staff recommended authorizing the Mayor send a letter to the Regional Water Quality Control Board requesting a hearing. Upon question, City Manager Perrault described staff-level discussions recently held with other affected agencies as well as representatives from the Regional Water Quality Control Board regarding federal requirements for storm water management.

Brief discussion was held regarding amending the proposed letter to indicate the existence of circumstances beyond the City's control to ensure the water quality in Meadow Creek, specifically, storm water runoff from Highway 101 and runoff from the adjacent Cities of Arroyo Grande and Pismo Beach, as well as the County of San Luis Obispo.

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.

Action: Upon unanimous consensus, the Council directed staff to: 1) amend the draft letter to include a comment regarding circumstances beyond the City's control to ensure the water quality in Meadow Creek; and 2) authorized the Mayor to execute the letter, as amended, on behalf of the City to ensure compliance with the State's hearing procedures.

10. Potential Bike Ramp Park - Status Report.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Parks and Recreation Director Petker reviewed the information gathered and discussions held by the Parks, Recreation and Beautification Commission in response to requests from the public to allow bike riders use of the South County Skate Park. She stated that, due to requirements for bicycles, the skate park design, and liability issues, it was not feasible to have bike ramps at the South County Skate Park. The Commission was, however, supportive of the concept of a bike ramp park at the Mentone Basin Park, replacing the existing tennis court, and had therefore added a bike ramp park to the Commission's Parks and Facilities Matrix of prioritized Capital Improvement Projects. She then responded to questions from the Council.

Brief discussion was held regarding facility costs, structural requirements, and other potential sites that were considered. Additional discussion was held regarding a letter received from Richard and Carol Roberts objecting to replacement of the tennis court at Mentone Basin Park with a bike ramp park, and whether there would be additional opportunities for public comments on this matter.

At the request of Mayor Shoals, Parks, Recreation and Beautification Commission Chair Laferriere reviewed the Commission's recommendations and the Parks and Facilities Matrix, which he likened to a Commission "project wish list", stating that until a funding source could be identified for development of a bike ramp park, it was essentially a concept for discussion purposes only in response to requests from the public.

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

Fred Gaalswyk, representative for Trinity Cyclery in Grover Beach, spoke in support of a local bike ramp park. He stated that his son, a co-owner of Trinity Cyclery, acknowledged the research conducted by staff and Commission discussions held in response to public requests for a bike ramp park.

Ann Dobrok, Grover Beach, spoke in support of maintaining the tennis court at the Mentone Basin Park.

There were no further public comments received.

Further Council discussion was held regarding using facility materials which might be less expensive than hard concrete surfaces to accommodate a bike ramp park at a different location.

Action: Upon unanimous consensus, the Council approved adding a bike ramp park that was not site specific to the City's Five-Year Capital Improvement Plan (CIP).

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

Upon unanimous consensus, the Council deferred Council Committee Reports to the next meeting.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

- A. Mayor Shoals suggested contacting those individuals who had applied for appointment to the City Council regarding possible involvement in the Economic Development Task Force Committee, which had not yet been formed, but was identified as a component of the City's Economic Development Strategy.

He then congratulated the Parks and Recreation Department for hosting a successful holiday parade and the Grover Beach Rotary for their assistance with this year's event.

CITY MANAGER'S REPORTS AND COMMENTS

11. Projects List Submitted to the San Luis Obispo Council of Governments (SLOCOG) to be Considered as a Part of a Federal Stimulus Package.

City Manager Perrault stated that the City had received a call from the San Luis Obispo Council of Governments (SLOCOG) requesting a list of infrastructure projects in anticipation of federal stimulus package funding. In response, the City submitted a list of six transportation-related projects listed in priority order: 1) West Grand Avenue Storm Drain Project; 2) South County Transit Hub Project, Phase II (Ramona); 3) West Grand Avenue Storm Drain Project, Phase III; 4) West Grand Avenue Enhancement Project; 5) Fourth Street Reconstruction and Paving Project; and 6) South County Transit Hub Project, Phase III (cul-de-sac).

Brief discussion was held regarding project time frames, established criteria for project eligibility, and possibly reducing the targeted time frame for completing the South County Transit Hub, Phase III (cul-de-sac) Project with consultant assistance.

Action: Upon unanimous consensus, the Council directed the City Manager to review the estimated time frames for project delivery with staff and to revise the information accordingly.

12. Request to Authorize Closure of City Hall Offices and Field Operations on Friday, December 26, 2008 and Friday, January 2, 2009.

City Manager Perrault requested authorization to close City Hall offices on the two consecutive Fridays of December 26, 2008 and January 2, 2009 as a cost-savings measure. He stated that City offices would be closed on Wednesday, December 24th and Thursday, December 25th, and then again on Thursday, January 1, 2009. He noted that the period between these two holidays was generally the slowest days for conducting business during the municipal year, and most departments were often minimally staffed. He reviewed estimated cost savings from the non-operation of office equipment, heating systems, and building utilities, as well as fuel savings from suspended field operations.

Brief discussion was held regarding other agencies and school districts that also closed administrative offices during this same time period.

Mayor Pro Tem Nicolls commended the City Manager and staff for voluntarily reducing the costs associated with conducting the annual City anniversary and holiday celebration.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to authorize the closure of City Hall offices and non-essential field operations for Friday, December 26, 2008 and Friday, January 2, 2009. The motion carried on the following roll call vote:

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

CITY ATTORNEY'S REPORTS AND COMMENTS

13. Discussion of Potential Options to Amend the Appeal Procedure for Projects Under the Local Coastal Plan and Other Appeals to the City Council.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz stated that the time period to file an appeal of a Planning Commission decision to the City Council was five (5) days and that process included an appeal fee. However, the time period to file an appeal to the Coastal Commission was ten (10) days for those projects that were located within the City's Local Coastal Program (LCP) area and for which a processing fee was charged.

He reviewed two of the options to resolve this conflict would be to either: 1) eliminate the appeal fee; or 2) extend the time period to file an appeal for all Planning Commission decisions to the City Council, regardless of project location, to ten (10) days.

He also suggested that the Municipal Code amendment process should include clarifying the process for appeals to the City Council to be filed with the City Clerk, who would set the matter for a public hearing.

Brief discussion was held regarding the significant amount of work involved in processing appeals, and recent efforts by Planning Commission and staff to streamline the development review process.

Action: Upon unanimous consensus, the Council directed staff to initiate an amendment to the Municipal Code to change the appeal period to ten (10) days and make other revisions to clarify the appeal process for filing appeals with the City Clerk.

Recess: Upon consensus of the City Council, the meeting recessed at 8:00 p.m. to the Joint City Council/Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 9:43 p.m., the meeting reconvened with all Council Members present.

CLOSED SESSION

At 9:43 p.m., the Council met in Closed Session regarding the following items:

1. **Conference with Legal Counsel - Pending Litigation**
Pursuant to Government Code Section 54956.9(a)
Locarnini v. City of Grover Beach WCAB Claim 2002003948
2. **Public Employee Performance Evaluation**
Pursuant to Government Code Section 54957
Employee: City Manager

Closed Session Announcements: At 10:15 p.m., Mayor Shoals reconvened the meeting into open session with all Council Members present and announced the following: In reference to Closed Session Item No. 1, the City Council unanimously approved the Settlement Agreement (on a 4-0-0 vote). In reference to Closed Session Item No. 2, there was no reportable action taken.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 10:16 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 5/18/09)