

**MINUTES
CITY COUNCIL MEETING
MONDAY, MARCH 21, 2005**

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 Tanner Sandman, a 10-year old, 5th grade student attending Grover Heights Elementary School.

ROLL CALL

City Council: Council Members Ashton, Ekbom, Lieberman, and Mayor Shoals. Mayor Pro Tem Versaw was absent.

City Staff: City Manager Anderson, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Community Development Director Raper, Police Chief Copsey, Recreation Manager Petker, Public Works Superintendent Ford, and Planner I Hawkins were also present.

Also present were City Engineer Garing; Economic/Organizational Development Consultant Bragdon; and Anne Seavers of RRM Design Group, consultant for the Grover Heights Park Large Group Picnic Area Rehabilitation Project.

CLOSED SESSION ANNOUNCEMENTS Mayor Shoals read the following Closed Session announcement:

On Monday, March 7, 2005, after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Pending Litigation
Ward v. City of Grover Beach, et al CV 030679

the Council reconvened into public session. No reportable actions were taken in Closed Session, and the meeting was adjourned.

CEREMONIAL CALENDAR

None at this time.

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. Teresa Schmidt, Grover Beach, raised concerns regarding the City's recent code enforcement efforts involving two searain cargo containers located on her property, and misinformation received during her efforts to research the City's regulations.

Upon request by the City Council, Community Development Director Raper briefly summarized the discussion held at a recent Planning Commission meeting regarding authorized and unauthorized locations of searain cargo containers, and recent code enforcement efforts to notify property owners regarding unauthorized containers.

There were no further public comments received at this time.

CONSENT AGENDA

Upon consensus of the City Council (4-0-1, Mayor Pro Tem Versaw absent), Consent Agenda Item Nos. 1 and 2 were approved as submitted.

1. **Treasurer's Report for the Period March 2-17, 2005.**
Action: Approved as submitted.
2. **Minutes of the Regular City Council Meeting of February 7, 2005; Joint City Council/Improvement Agency Meeting of February 7, 2005; Special City Council**

Meeting of February 15, 2005; and Regular City Council Meeting of February 22, 2005. Action: Approved the minutes as submitted.

REGULAR BUSINESS

3. Authorization to Solicit Requests for Proposals (RFP) for the Grover Heights Park Large Group Picnic Area Rehabilitation Project.

Recreation Manager Petker gave an overview of the report requesting authorization to solicit proposals for proposed improvements for park amenities, landscaping, and access for the large group picnic area at Grover Heights Park located on Atlantic City Avenue in the not-to-exceed budgeted amount of \$150,000. She then introduced Anne Seavers, Senior Landscape Architect of RRM Design Group, and Public Works Superintendent Mike Ford who were both available to respond to questions.

Referencing a display board, Ms. Seavers gave a brief overview of the proposed project area.

Ms. Seavers and Recreation Manager Petker then responded to questions regarding proposed locations for electrical outlets, elevation level changes between the two group rental areas, estimated completion of construction by the July 4th holiday weekend. She then summarized the various phases that needed to be completed in order to bring the project to this point.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. None were received.

Action: Upon consensus of the City Council (4-0-1, Mayor Pro Tem Versaw absent), the City Council authorized staff to develop a Request For Proposals and begin the formal bid process for the Grover Heights Park Large Group Picnic Area Rehabilitation Project.

4. Status Report on Various Street Improvement Projects.

Referencing a PowerPoint presentation, City Engineer Garing provided a status report on the following street improvement projects: (1) Oak Park Street Widening Project - sight visibility concerns at the intersection of North Oak Park and Atlantic City Avenue; and (2) West Grand Avenue Traffic Mitigation Project - inherent ride quality and possible crosswalk repairs for paver areas on West Grand Avenue.

In reference to the Oak Park Street Widening Project, City Engineer Garing stated the project was, with the exception of street striping in some areas, essentially complete. He added that the issue of sight distance at the intersection of Atlantic City Avenue and North Oak Park Boulevard had since been raised.

Discussion was then held regarding GBMC Section 9137.25 - Sight Triangle, which had not been uniformly applied to private development projects and was never applied to public works projects; the previous California Department of Transportation's (CalTrans) sight triangle standards describing "a reasonable point", which he had determined as being 10 feet and was used to apply to public works projects; and the increased distance of 15 feet imposed under new CalTrans regulations. City Engineer Garing pointed out there would be increased cost consequences associated with right-of-way acquisitions if the City applied GBMC Section 9137.25 or the new CalTrans sight triangle standards for public works projects.

He then suggested the Council direct staff to perform a more comprehensive treatment of the sight distance issue that would include discussion of the City's zoning regulations, whether to apply the same standards for public works and private development projects, and whether to install red curbing at those intersections which did not comply with the applicable sight triangle standard.

In reference to the West Grand Avenue Traffic Mitigation Project, City Engineer Garing stated the project was essentially complete; however, the issue of the brick pavers settling slightly under tire loads had been raised. He stated his firm had engaged GeoSolutions and an independent consultant to review the project site and to suggest

possible solutions.

Discussion was then held regarding the project's original design which called for stamped concrete, but brick pavers had been selected as an alternate design feature to accommodate the anticipated installation of a storm drain project along West Grand Avenue.

Community Development Director Raper announced that a demonstration project with stamped concrete by a company called Street Print was scheduled to occur at Grover Beach City Hall on March 23, 2005.

Action: Upon consensus of the City Council, staff was directed to research whether the Council had authorized brick pavers on a sand base or stamped concrete for the West Grand Avenue Traffic Mitigation Project. City Engineer Garing's report was then received and filed.

PUBLIC HEARING

Prior to discussion of Public Hearing Item No. 5, Council Member Ekbohm declared a conflict of interest due to property interests within 500 feet of the subject property, stepped down from the dais, and left the Council Chambers.

5. Appeal of Planning Commission Decision for Architectural Approval, Use Permit, and Tentative Parcel Map, Application No. 04-062, Applicant Paul Bischoff.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Community Development Director Raper gave an overview of the report regarding an appeal filed by John A. Wysong of the Planning Commission's January 11, 2005 decision to allow the development of a four (4) unit, two-story, detached, Planned Unit Development on a 15,550 square foot lot in the Duplex Residential (R-2) Zone; Project location: 1547 Brighton Avenue, Grover Beach. Upon request by the City Council, Planner I Hawkins displayed an Assessor's Parcel Map as she described the surrounding neighborhood's character and the existing densities of nearby parcels.

Responding to Council questions, Community Development Director Raper referenced a plot plan as he described the proposed project and pointed out design features the Applicant had included in the project in response to Planning Commission concerns, such as subterranean retention basins, creative lot lines to preserve the existing oak tree, guest parking spread throughout the project site, and reduction in overall building heights.

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

Paul Bischoff, Applicant, Grover Beach, responded to project design concerns raised by the Council, and suggested an alternative solution to forming a homeowners association would be to require property owners to record a Driveway Maintenance Agreement.

John A. Wysong, Appellant, Grover Beach, opposed the proposed project, citing inadequate public notification, negative impacts to the neighborhood due to increased density, inadequate emergency access for fire trucks, and inadequate square footage for the single-family units located in the rear lots of the project.

Paul Bischoff, Applicant, Grover Beach, responded that all four units would contain fire suppression systems; the units could all be reached with the Fire Department's fire hoses; and described the three bedroom, two-and-a-half bath floor plan design for the project's rear units.

There were no further public comments received at this time.

Further Council discussion was held regarding a variety of potential project modifications.

Mayor Shoals stated he did not support the appeal but objected to the project's design

regarding lot width-to-depth ratios, lot shapes, insufficient separation between units, and the parking layout. He suggested the project was better suited for a five lot detached condominium project with one large common area with a homeowners association to maintain the driveway, open areas, and the existing oak tree. He also suggested the City resume discussion of forming a committee to review zoning regulations to further define what constitutes a rear yard and a side yard.

City Attorney Koczanowicz outlined alternatives available to the Council, which did not include redesigning the project, but could only include modifications if agreed upon by the Applicant.

Paul Bischoff, Applicant, Grover Beach, summarized those modifications which he would be agreeable to, and stated he would not agree to modifications that would result in additional architectural engineering costs. He also noted that, although he would reconfigure the parking spaces, certified arborists had recommended against guest parking being located beneath the drip line of the oak tree.

John A. Wysong, Appellant, suggested redesigning the project for only three units and stated the design did not provide for sufficient parking for the homeowners and/or tenants.

City Attorney Koczanowicz suggested calling for a brief recess for staff to clarify the modifications found acceptable by the Applicant.

Recess: Upon consensus of the City Council, the meeting recessed at 8:42 pm.
Reconvene: At 8:53 p.m., the meeting reconvened with all Council Members present, except for Mayor Pro Tem Versaw.

City Attorney Koczanowicz gave a brief overview of discussion held with the Applicant during the recess to clarify the proposed modifications. He stated staff recommended against the Council granting a partial project approval and against approving the Use Permit and Architectural Approval without also approving the Tentative Parcel Map.

Paul Bischoff, Applicant, Grover Beach, stated: 1) he was agreeable to relocating units on Lots 3 and 4 to a minimum of three feet apart, noting this did comply with the Uniform Building Code but did not comply with the City's Planned Unit Development (PUD) standards which required a 10 foot separation; 2) the modifications did not include changing parcel shapes; 3) he would prefer not to change the Tentative Tract Map from four units to five units; 4) he was agreeable to setback minimums of seven feet rather than five feet; and 5) he was agreeable to formation of a homeowners association.

Action: It was m/s by Council Members Ashton/Lieberman to continue the Public Hearing on the appeal to the City Council meeting of Monday, April 18, 2005, to provide the Applicant with an opportunity to prepare new plans incorporating the modifications verbally agreed upon by the Applicant at tonight's meeting. The motion carried on the following roll call vote:

AYES: Council Members Ashton and Lieberman.
NOES: Mayor Shoals.
ABSENT: Council Member Ekbom (due to a conflict of interest), and
Mayor Pro Tem Versaw.
ABSTAIN: Council Members - None

Upon consensus of the City Council, staff was then directed to prepare a letter to the Applicant summarizing the agreed-upon project modifications.

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

6. Final Allocation of Funding from the 2005 Action Plan of Community Development Block Grant (CDBG) Funds and Reallocation of Funding from the 2003 and 2004 Action Plans.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Community Development Director Raper gave an overview of the report regarding proposed allocations for Community Development Block Grant funds in the amount of \$140,356 for the 2005 Action Plan, and reallocation of

\$52,881 and \$233,744 from Program Income to a new project called the "Mentone Basin Storm Drainage Project".

Council Member Ekbohm objected to using CDBG funds on projects which were not directly related to providing additional affordable housing, questioned the effectiveness of certain segments of the storm drainage project's design, and questioned why a storm drainage project was not being considered along West Grand Avenue instead.

City Manager Anderson gave a brief overview of the potential funding source through storm water user fees, which was scheduled for Council discussion at the April 4, 2005 meeting when various suggestions and alternatives would be presented along with the Utility User Fee Study by Tuckfield Associates. He stated the entire Mentone Basin Storm Drainage Project could be designed and then implemented incrementally.

Community Development Director Raper summarized efforts completed to date on the issue of storm drainage along West Grand Avenue, which would require CalTrans encroachment permits and environmental clearances for the Meadow Creek area.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. None were received and he closed the Public Hearing.

Action: Upon m/s of Council Members Lieberman/Ashton, the City Council adopted Resolution No. 05-28 approving the 2005 Community Development Block Grant Program, as well as the reallocation of funds from the 2003 and 2004 Annual Action Plans for the "Mentone Storm Drainage Project" from Program Income for recommendation to the San Luis Obispo County Board of Supervisors. The motion carried on the following roll call vote:

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

Resolution No. 05-28: A Resolution of the City Council of the City of Grover Beach, California, Approving the 2005 Community Development Block Grant (CDBG) Program and Recommending Reallocation of Unused Funds from the 2003 and 2004 Action Plans by the County of San Luis Obispo Board of Supervisors.

7. Fireworks Permit Application/Award Process.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report.

At this time Council Member Lieberman expressed concern that the Public Hearing notice only described the application and award process for permits to operate fireworks stands, whereas the staff report in the agenda packet also included a discussion of relocating the Chamber of Commerce office to the office site adjacent to the train station and having the City use the Chamber's current office space. He requested the Council recognize that as a separate and distinct issue and direct staff to agendize it for discussion at a later time.

Action: Upon consensus of the City Council, staff was directed to present the staff report only on the issue of the fireworks permit application/award process and agendize the issue of relocating the Chamber of Commerce office to a future meeting date.

Recreation Manager Petker and Economic/Organizational Development Consultant Bragdon then gave an overview of the report regarding proposed amendments to the Grover Beach Municipal Code regarding the number and manner in which permits for the sale of safe and sane fireworks are awarded.

Discussion was then held regarding the number of permits and the award process conducted in other jurisdictions, potential negative impacts locally if the number of permits issued was increased, and whether to strictly apply a requirement that a non-profit organization's efforts be confined to within City limits.

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

this matter.

Zachary Joesting, President, Grover Beach Chamber of Commerce, stated sale proceeds from the Chamber's operation of a fireworks stand directly benefitted the Grover Beach community.

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

Further Council discussion was held acknowledging community improvement efforts by regional organizations - such as the Alisa Ann Ruch Burn Foundation; South County organizations which benefit the entire Five Cities area - such as high school student clubs; and those national organizations which hold chapter meetings primarily within City limits - such as the Boy Scouts, Girl Scouts, or Camp Fire USA. The Council concluded that such organizations be allowed to continue participating in the application process.

Action: Upon m/s of Council Members Ekbom/Ashton, the City Council introduced Ordinance No. 05-04 for first reading, by title only, and scheduled second reading and adoption for the next Regular City Council meeting. The motion carried on the following roll call vote:

AYES: Council Members Ashton, Ekbom, Lieberman, and Mayor Shoals.
NOES: Council Members - None.
ABSENT: Mayor Pro Tem Versaw.
ABSTAIN: Council Members - None.

Ordinance No. 05-04: An Ordinance of the City Council of the City of Grover Beach, California Amending Chapter 12 - Fireworks of the Grover Beach Municipal Code. (First Reading *only*)

COUNCIL COMMITTEE REPORTS

Council Member Ashton gave reports on the Integrated Waste Management Authority and Housing Trust Fund, and stated the next meeting of the Traffic and Noise Group was scheduled for March 30. Council Member Ekbom stated he had nothing to report. Council Member Lieberman stated he had nothing to report. Mayor Pro Tem Versaw was absent. Mayor Shoals stated he had nothing to report.

CITY MANAGER'S AGENDA

None at this time.

CITY ATTORNEY'S AGENDA

None at this time.

CITY COUNCIL AGENDA

8. Impact of Flood Control Improvements to the Arroyo Grande Creek on the South San Luis Obispo County Sanitation District.

Council Member Ekbom gave a brief overview of the three-and-a-half mile long flood control areas, designated as Flood Control Zones 1 and 1a, that stretched from Highway One to the Pacific Ocean and encompassed approximately 100 property owners. He stated the County had already paid significant amounts of money in flood claim damages and was anxious to turn this project over to the State to resolve. However, there was only a small window of time before the State would make its final determination on whether to take the project and bill the County for rehabilitation project costs.

Council Member Ekbom then summarized the significant estimated project costs facing those 100 property owners in Flood Control Zones 1 and 1a, and stated that the County was looking to the South San Luis Obispo Sanitation District to pass a portion of those costs on to its estimated 12,000 rate payers through a State or County fee assessment. He noted the District had already obtained a legal opinion that it could not legally charge

its customers for services which they did not benefit from, and that such an assessment could potentially increase Grover Beach sewer fees three-fold.

Brief Council discussion was held regarding funds allocated to install new equipment at the Sanitation District to handle potential flooding and the less expensive alternative of installing a low perimeter wall around the plant.

Council Member Ekbom requested Council comments and input to bring before the Sanitation District regarding this issue.

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. No one responded and the Mayor closed the Public Communications segment for this portion of the meeting.

COUNCIL COMMUNICATIONS

- A. Council Member Ekbom inquired and received staff confirmation that the City did not have a tree ordinance to protect 100-year-old oak trees within City limits.

CLOSED SESSION

None at this time.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 10:12 p.m.

Attest:

JOHN P. SHOALS, MAYOR

DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg: April 18, 2005)