

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, APRIL 18, 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 Joanna Costa, a 12-year-old, 6<sup>th</sup> grade student attending North Oceano Elementary School.

**ROLL CALL**

City Council: Council Members Ashton, Ekbohm, Lieberman, and Mayor Shoals were present. 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, Fire Chief Fibich, Recreation Manager Petker, Planner I Hawkins, and Recreation Coordinator O'Donnell were also present.

Also present was Economic/Organizational Development Consultant Bragdon.

**CLOSED SESSION ANNOUNCEMENTS** Mayor Shoals read the following announcements:

On Monday, April 4, 2005, after meeting in Closed Session regarding:

1. Conference with Labor Negotiator  
Agency Negotiator: City Manager, Administrative Services Director, Human Resources Coordinator  
Represented Employee Group: General Employees - (SEIU) Service Employees International Union Local 620
3. Conference with Legal Counsel - Pending Litigation  
Doukas v. Stanley, City of Grover Beach, et al. CV 040946

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

**CEREMONIAL CALENDAR**

1. **Proclamation Declaring April 29, 2005 as "Arbor Day"**. Mayor Shoals read and presented the Proclamation to Recreation Manager Petker, who provided a brief overview of "Arbor Day" activities to be held at Grover Beach Elementary School.

**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. Bill Nicolls, Interim Parks, Recreation and Beautification Commissioner, thanked the Council for its support of Commissioner training and gave a brief overview of recent training conferences he attended for parks and recreation services. He then highlighted information being gathered on the issue of dog parks in Grover Beach and San Luis Obispo by a graduate student at California Polytechnic State University who was also a Grover Beach resident. Commissioner Nicolls was joined in his presentation by Interim Parks, Recreation and Beautification Commissioner Turner.
- B. The following persons spoke in support of having the Council suspend code enforcement efforts regarding SeaTrain cargo containers, requested this issue to be scheduled for discussion on a future Council meeting agenda, and that the Council consider modifying the Municipal Code to allow the containers under certain specified criteria:
  - Teresa Schmidt, Grover Beach, who also submitted signed petitions in support of the requests;
  - Debbie Hoage, Carol's Roman Shades, Grover Beach;
  - Dr. Ronald Arnoldsen, former Council Member, Grover Beach. Dr. Arnoldsen then

expressed his objection to the recently adopted Resolution amending the process for yearly rotation of Mayor and Mayor Pro Tem.

- C. Nora O'Donnell, Recreation Coordinator, gave a brief overview of the recent Tiny Tots Ice Cream Social held at 16<sup>th</sup> Street Park, as she and Recreation Manager Petker displayed photos of the fund raising event for the Tiny Tots program. She then thanked all the volunteers, businesses, and participants in making the event a success.

### **CONSENT AGENDA**

Prior to consideration of the Consent Agenda, Item Nos. 2 and 3 were pulled pursuant to the respective requests of Council Members Lieberman and Ashton.

Upon consensus of the City Council (4-0-1, Mayor Pro Tem Versaw absent), Consent Agenda Item Nos. 4 and 5 were approved as recommended.

- 4. Request for Letter of Support for CALSTAR Air Ambulance Service to Temporarily use State Parks Property as an Interfacility Transport Site While the Oceano Airport is Temporarily Closed.**

**Action:** Approved the letter as submitted, and authorized the Mayor to sign it on behalf of the City Council.

- 5. Request for Letter of Opposition Regarding Assembly Bill 260, Which Would Require Fire Data Reported to the State Fire Marshal Include a Comparison of Response Times and Staffing Levels to Benchmarks Found in a Nationally Recognized Standard for Fire Protection.**

**Action:** Approved the letter as submitted, and authorized the Mayor to sign it on behalf of the City Council.

Mayor Shoals then called for discussion on Consent Agenda Item No. 3.

- 3. Minutes of the City Council Meetings of March 21, 2005 and April 4, 2005.**

Council Member Ashton requested modifications to page 7 of the draft minutes of April 4, 2005, Regular Business Item No. 11 - Revision of Method for Selection of Mayor and Mayor Pro Tem, as follows (deleted text denoted with ~~strikeout~~, added text denoted with double underline):

The following persons spoke against the proposed Resolution and in support of maintaining the existing rotation system:

Helen McIver, Grover Beach;

Denise StillmanDolan, Grover Beach;

Phillip Dolan, Grover Beach;

Robert Hayes, Grover Beach;

John A. Wysong, Grover Beach; and

Michael Burnham, Grover Beach.

**Action:** Upon consensus of the City Council, (Mayor Pro Tem Versaw absent), the minutes were approved as amended.

Mayor Shoals then called for discussion on Consent Agenda Item No. 2.

- 2. Treasurer's Report for the Period March 31 - April 13, 2005.**

Brief discussion was held regarding payments issued to James F. Rupp, which were payments for legal services rendered while he was the City Attorney. It was noted that previously issued checks had never cleared the bank. Administrative Services Director Chapman confirmed no further payments were anticipated.

**Action:** Upon unanimous consensus of the City Council (Mayor Pro Tem Versaw absent), the Treasurer's Report was approved as submitted.

### **REGULAR BUSINESS**

- 6. Amendments to Solid Waste Franchise Agreements.**

City Manager Anderson gave an overview of the report regarding a proposal to extend the agreement for solid waste collection services provided by South County Sanitary Service, Inc., for the collection, processing, and marketing of residential recyclable materials and residential green waste. He then responded to questions from the Council.

Brief discussion was held regarding termination periods for franchise agreements with other agencies, and potential benefits during the negotiation process if termination periods were the same.

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

Tom Martin, South County Sanitary Service, Inc., spoke in support of approving the proposed agreement, and responded to questions regarding franchise agreement expiration dates and service coverage areas.

**Action:** It was m/s by Council Members Ashton/Lieberman to approve the amendments to the franchise agreements with Waste Connections, Inc., to provide for optional extensions until November of 2010, and authorize the Mayor to execute them on the City's behalf. 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.

## **PUBLIC HEARING**

### **7. Request for Interim Year Solid Waste Rate Adjustments.**

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Manager Anderson gave an overview of the report for the information of those present regarding the request from South County Sanitary Service, Inc., for a 2005 Interim Year Rate Adjustment, effective July 1, 2005 in the amount of 3.09%. He then responded to Council questions regarding various factors used to calculate the rate increase.

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

Tom Martin, South County Sanitary Service, Inc., pointed out that the agreement called for using the National Consumer Price Index rather than a regional Consumer Price Index. He then responded to questions regarding the various waste wheelers provided to customers.

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

**Action:** It was m/s by Council Members Ekbom/Ashton to adopt Resolution No. 05-32 amending the Master Fee Schedule to approve the interim year rate adjustment of 3.09 percent as provided in the City's franchise agreements with Waste Connections, Inc. 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.

### **Resolution No. 05-32: A Resolution of the City Council of the City of Grover Beach Amending the Master Fee Schedule.**

**Recess:** Upon consensus of the City Council, the meeting recessed at 7:30 p.m.  
**Reconvene:** At 7:35 p.m., the meeting reconvened with all Council Members present.

**8. Approval of Tentative Tract Map G04-0611, Applicant: Ric Paul, Location: 717 Manhattan Avenue (APN 060-277-015 and -016).**

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 the recommendation to approve a Mitigated Negative Declaration and to approve a Tentative Tract Map to re-subdivide two existing parcels and create a six-unit condominium project with one unit deed-restricted to be for affordable to moderate-income households in the Multiple Residential (R-3) Zone. He outlined affordable housing requirements under Senate Bill 1818 in order for a development to qualify for a density bonus, gave an overview of the Applicant's development incentive request to increase the floor area ratio of the first floor to the second floor, and gave an overview of the project's proposed overall design.

As part of the Initial Study, Community Development Director Raper then quantified the following mitigation measures as a condition of the six-unit, single-family condominium project to reduce potential impacts to the level of "less than significant to no impact":

- Air Quality Analysis: 35 pounds per day in terms of total emissions;
- Air Quality Analysis: Installation of sidewalks;
- Transportation and Traffic: Weekdays and weekends at 10 trips per day for single-family units pursuant to standards set forth by the San Luis Obispo Air Pollution Control District's CEQA Handbook and International Transportation Engineers (ITE); and
- Water and Drainage: Installation of on-site retention for storm drainage.

Community Development Director Raper then outlined information pertaining to Redevelopment Housing Law under Attachment 9 of the staff report.

He and Planner I Hawkins then responded to questions from the Council.

It was noted there was a typographical error in the draft resolution regarding restrictions for a moderate income household unit, and that it would be corrected to indicate: "a Minimum of 45 Years for a Resale Unit or 55 Years for a Rental Unit" (double underline to denote corrected text).

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

Ric Paul, Applicant, Atascadero, spoke in support of the proposed project, gave an overview of project design features regarding location of retention basins and yards, and proposed fencing and gate materials. Mr. Paul disagreed with the interpretation of SB 1818 regarding time line restrictions for moderate income household units, and pointed out that he was not requesting redevelopment area funds or density bonuses for this project. He confirmed the deed-restricted unit in the proposed project would be a unit "for sale" rather than a rental.

There were no further public comments at this time.

**Action:** It was m/s by Council Members Ekbohm/Lieberman to adopt Resolution No. 05-33, as amended, approving the Mitigated Negative Declaration. The motion carried on the following roll call vote:

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

**Resolution No. 05-33: A Resolution of the City Council of the City of Grover Beach, California, Approving a Mitigated Negative Declaration for a Tentative Tract Map Relating to Application No. 04-083.**

Discussion was then held regarding modifications to clarify the proposed Resolution approving the Tentative Tract Map for Application No. 04-083, with the Applicant responding to questions regarding materials and location of proposed fencing and

landscaping.

The Resolution was modified as follows (deleted text denoted with ~~strikeout~~, added text denoted with a double underline):

- CDD-12. Guest parking spaces shall be located on a separate or additional sheet on the recorded map.
- CDD-13. A shared maintenance agreement shall be established for driveway, parking areas, landscaping; and on-site subterranean water retention shall be established benefitting units 3, 4, 5, and 6 and causing said properties to share in the cost of maintenance and repair of all facilities. Said agreement shall be recorded concurrently with the Map.
- CDD-14. Homeowner Association and Conditions, Covenants, and Restrictions shall be presented to the Community Development Department thirty (30) days prior to a request to review and process the final map.
- CDD-15. Wrought iron fencing is authorized at transition points along the interiors between the street and the parking spaces, but not between the parking spaces and back yards; and wood design fencing for the remainder of the perimeter to provide additional privacy from the street for units 1, 3, and 5.
- SD-1. ~~If required~~; Building Permits shall not be issued until clearance is received from the School Districts that school impacts have been mitigated.

**Action:** It was m/s by Council Members Lieberman/Ashton to adopt Resolution No. 05-34, as amended, conditionally approving the Tentative Tract Map making the necessary findings with the appropriate Conditions of Approval. The motion carried on the following roll call vote:

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

**Resolution No. 05-34: A Resolution of the City Council of the City of Grover Beach, California, Approving a Tentative Tract Map for Application No. 04-083.**

Brief discussion was then held regarding Affordable Housing Law, with further clarification of having the "for sale" affordable housing unit under a 45-year deed restriction.

Council Member Ekbom objected to the proposed second floor ratio as too massive in size, stating it would negatively impact adjacent neighbors. He also objected to having incentives provided in exchange for only one affordable housing unit.

Mr. Paul, Applicant, again asserted a different interpretation of time restrictions under the Affordable Housing Law.

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

**Action:** It was m/s by Council Member Ashton/Mayor Shoals to adopt Resolution No. 05-35, as amended, to include masonry fencing material along 7<sup>th</sup> Street as another development incentive, correct the minimum number of years for "resale" of units, and delete the reference to "rental units". The motion carried on the following roll call vote:

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

**Resolution No. 05-35: A Resolution of the City Council of the City of Grover Beach, California, Approving Development Incentive Increasing Second Floor Coverage Ratio from 80% to 104% for a Six-Unit Condominium Project with One**

**Common Lot in Exchange for Unit Number 6 to be Deed Restricted as a Moderate Household Income Unit as Defined by State Law for a Minimum of 45 Years for a Resale Unit; Application No. 04-083.**

Prior to discussion of Public Hearing Item No. 9, Council Member Ekbohm declared a conflict of interest due to property ownership within 500 feet of the subject property, stepped down from the dais, and left the room.

**9. Appeal of Planning Commission Decision for Architectural Approval, Use Permit, and Tentative Parcel Map, Application No. 04-062, Location 1547 Brighton Avenue, Applicant Paul Bischoff** *(Continued from City Council Meeting March 21, 2005).*

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 and summarized the issues discussed at the March 21 Public Hearing regarding creative lot configuration and usability of individual parcels, side-yard setbacks, and potential conflicts among property owners relating to parking. He pointed out the Applicant had submitted a letter stating his intent to withdraw the application for a four-unit Planned Unit Development, and to submit a new application that would include a condominium map consisting of five lots with modified side-yard setbacks. The Applicant was also requesting a waiver of fees for the resubmitted Use Permit, Architectural Review, and credit for fees for the Tentative Parcel Map.

Council Member Ashton stated Mr. Bischoff had called him on March 23 after the last Council meeting and Council Member Ashton had relayed the Applicant's concerns to the City Attorney.

City Attorney Koczanowicz outlined the Council's alternatives now that Applicant was attempting to withdraw the project application, and the Applicant had submitted a request for a fee waiver and credit for fees already paid.

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

Paul Bischoff, Applicant, Grover Beach, summarized proposed modifications for a new project application in order to address concerns raised at the last Council meeting.

The following persons objected to the proposed project due to higher density, loss of privacy, lack of oak tree preservation requirements, creative lot line configurations, setbacks for units located in the back of the project, the request to waive fees, and the notification process to area residents :

- Tom Smith, Grover Beach;
- Eric Klemowicz, Grover Beach;
- Dean Novotny, Grover Beach, who then spoke in support of the Applicant's request for a credit toward fees already paid;
- John A. Wysong, appellant, Grover Beach, who also distributed photos of an existing Planned Unit Development with a more favorable design layout;
- Robert Hayes, Grover Beach; and
- Bonnie Smith, Grover Beach.

There were no further public comments received at this time.

Discussion was then held regarding concerns over density and the method used to calculate the minimum allowable per lot size of 3,500 square feet for Planned Unit Developments, the absence of oak tree preservation requirements, creative lot configurations, and the layout for guest parking at lot 2.

Paul Bischoff, Applicant, pointed out that the current definition of "gross acreage" allowed density for 4 units, and confirmed that his resubmitted application would not be for a substantially different project.

**Action:** It was m/s by Council Members Ashton/Lieberman to: 1) grant the appeal of the Planning Commission decision; 2) deny the project without prejudice; 3) allow the Applicant 12 months to resubmit the project to the City; and 4) allow the Applicant to

apply for a waiver of fees considered to be a duplicate of fees already paid for. The motion carried on the following roll call vote:

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

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

### **COUNCIL COMMITTEE REPORTS**

Council Member Ashton gave reports on meetings of the Traffic and Noise Group and Housing Trust Fund. He then stated he would be attending the upcoming lunch meeting of the Integrated Waste Management Authority. Council Member Ekbom gave a report on the meeting of the Air Pollution Control District. Council Member Lieberman gave reports on meetings of the Public Safety Committee of the League of California Cities and the Fire Oversight Committee. Mayor Shoals stated the Beach Lodge & Conference Center Ad Hoc Committee and South County Area Transit would both be meeting later that same week, and then gave reports on meetings of the Economic Vitality Commission, the Housing Committee for the League of California Cities, and the San Luis Obispo Council of Governments.

### **CITY MANAGER'S AGENDA**

None at this time.

### **CITY ATTORNEY'S AGENDA**

None at this time.

### **CITY COUNCIL AGENDA**

#### **10. Discussion of Placing the Question of Having a Directly Elected Mayor on the Next General Election Ballot.**

Council Member Lieberman suggested placing the issue of selecting a Mayor on the next General Election Ballot in November 2006, having a two-year term Mayor, and limiting it to a maximum of four consecutive two-year terms.

Brief discussion was held regarding when to schedule this matter for discussion when all members of the City Council would be present.

**Action:** Upon consensus of the City Council, staff was directed to agendize this matter for discussion at a future meeting sometime after adoption of the FY 06 Budget.

**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. Robert Hayes, Grover Beach, in reference to Agenda Item No. 10, suggested dividing the City into districts and having a Mayor selected at-large.

There were no further public comment received, and the Mayor closed the Public Communications segment for this portion of the meeting.

### **COUNCIL COMMUNICATIONS**

- A. Council Member Lieberman, in reference to concerns raised under the Public Comment period at the beginning of the meeting, requested consensus to agendize the issue of SeaTrain cargo containers.

Council Member Ekbom agreed to have this matter scheduled for Council discussion, but objected to telling any code enforcement officer to stop doing his job at this time.

**Action:** Upon consensus of the City Council, staff was directed to agendaize this matter for discussion at a future meeting.

**Recess:** Upon consensus of the City Council, the meeting recessed at 10:47 p.m. to conduct the Joint City Council/Improvement Agency Meeting, which was also scheduled this same evening.

**Reconvene:** At 11:38 p.m., the meeting reconvened with all Council Members present, except for Mayor Pro Tem Versaw.

**CLOSED SESSION** At 11:38 p.m., the Council met in Closed Session to consider the following items:

1. **Conference with Real Property Negotiators**  
Pursuant to Government Code Section 54956.8  
Property: APN 060-031-005  
Agency negotiator: City Manager  
Negotiating party: Margaret M. Tanner and Sharon Tanner  
Under negotiation: Location of Fence
2. **Conference with Labor Negotiator**  
Pursuant to Government Code Section 54957.6.  
Agency Negotiator: City Manager, Administrative Services Director,  
Human Resources Coordinator  
Represented Employee Group: General Employees - (SEIU) Service Employees  
International Union Local 620
3. **Conference with Legal Counsel - Pending Litigation**  
Pursuant to Government Code Section 54956.9(a)  
Diamond v. City of Grover Beach CV04-2631

**Closed Session announcements:** At 12:12 a.m., the Mayor convened the meeting in open session with all Council Members present. The following announcements were then provided: In reference to Closed Session Item Nos 1 and 3, no reportable actions were taken. In reference to Closed Session Item No. 2, staff was directed to revise the list of negotiators authorized to represent the City in labor negotiations.

### **ADJOURNMENT**

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

/s/ JOHN P. SHOALS, MAYOR

Attest: /s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg: May 16, 2005)