

**MINUTES
CITY COUNCIL MEETING
MONDAY, NOVEMBER 20, 2006**

CALL TO ORDER Mayor Versaw 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 Joel Braun, a 10-year-old fifth grade student at Grover Beach Elementary School.

ROLL CALL

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

City Staff: City Manager Perrault, City Attorney Koczanowicz, Administrative Services Director Chapman, Community Development Director Hansen, Police Chief Copey, Planner III Hetherington, Planner I Reese, and Staff Assistant White were also present.

Also present was City Engineer Garing.

CLOSED SESSION ANNOUNCEMENTS

None at this time.

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. Liz Doukas, Grover Beach, commented on negative campaign activities that had occurred during her campaign for a seat on the City Council.
- B. Don Fielding, Grover Beach, expressed concerns regarding political advocacy by members of the Planning Commission during the recent election.

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

CONSENT AGENDA

It was m/s by Council Members Ashton/Ekbom to approve the Consent Agenda as recommended. The motion carried on the following roll call vote:

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

1. Treasurer's Report for the Period October 31 - November 15, 2006.

Action: Approved as submitted.

2. Minutes of the Following City Council Meetings:

- Regular Meeting of Monday, September 18, 2006;
- Special Meeting of Tuesday, September 26, 2006;
- Regular Meeting of Monday, October 2, 2006;
- Regular Meeting of Monday, October 16, 2006; and
- Joint City Council / Improvement Agency Meeting of October 16, 2006.

Action: Approved the minutes as submitted.

3. Affirming the City of Grover Beach Investment Policy.

Action: Adopted Resolution No. 06-92 affirming the Investment Policy for the City of Grover Beach as presented.

Resolution No. 06-92: A Resolution of the City Council of the City of Grover Beach, California, Affirming the Investment Policy for the City of Grover Beach.

4. Payment of Funds Received on an Escheated Bond.

Action: Adopted Resolution No. 06-93 to authorize the expenditure of \$15,300 for escheated bond funds, unclaimed in 1998 when bonds were initially sold to build the City's nitrate plant.

Resolution No. 06-93: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 5th Amendment to the Annual Appropriation Resolution No. 06-61 by Providing Funding in the Amount of \$15,300 for the Payment to Lois B. Schilder TR, Schilder Revocable Family Trust, for Escheated Bond Funds.

REGULAR BUSINESS

5. Final Acceptance of the Reconstruction and Widening of Oak Park Boulevard from Atlantic City Avenue to the Northerly City Limits and from Ramona Avenue to Brighton Avenue.

Mayor Versaw read the title to the foregoing item and deferred to staff for a report. For the information of those present, City Engineer Garing gave an overview of the report and summarized the history of the Oak Park Boulevard Street Widening Project. He stated that the contractor had completed repairs on November 8, 2006 and that the City needed to formally accept the project in order to request any remaining reimbursement from the State prior to the February 2007 deadline. He then responded to questions.

Discussion was held regarding funds expended for repairs, warranties or advance materials testing to protect the City in the future against poor or failed workmanship or materials, and the City's monitoring process to prevent a similar recurrence on street repair projects. Further discussion was held regarding landscaping and irrigation along a portion of the sound wall and retaining wall which were beyond the project's scope, and that street striping of the repaved segments of Oak Park Boulevard was the City's responsibility and was being pursued.

Action: It was m/s by Council Members Shoals/Ekbom to: 1) adopt Resolution No. 06-94 accepting the street improvements on Oak Park Boulevard from Atlantic City Avenue to the northerly City limits and from Ramona Avenue to Brighton Avenue, and 2) authorize payment of \$10,000.00 to Souza Construction Company, Inc. The motion carried on the following roll call vote:

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

Resolution No. 06-94: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting Street Reconstruction and Widening of Oak Park Boulevard from Atlantic City Avenue to the Northerly City Limits and from Ramona Avenue to Brighton Avenue.

PUBLIC HEARING

6. Consideration of Planning Commission Recommendation for Approval of Development Concessions/Incentives, Site and Architectural Plans, Use Permit and Vesting Tentative Tract Map. Location: 594 Rockaway Avenue (APN 060-192-001). Applicants: Scott & Debbie Pimental. Development Permit Application No. 05-059.

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

Community Development Director Hansen gave an overview of the proposed five-unit, three-story condominium project and the two development concessions being requested: 1) to increase the ratio between the first and second floors from 80% of the first floor to 93.75%, and 2) to reduce the number of on-site parking spaces from the State requirement of ten spaces down to five spaces, pursuant to state law for provision of one moderate-income housing unit. He also noted that the property was zoned Multiple Residential (R-3). He further summarized the discussion held and actions taken at the August 29, 2006 Planning Commission meeting regarding the proposed project. He and City Attorney Koczanowicz then responded to questions.

Discussion was held regarding development standards, single-car garages and other parking aspects, placement of utilities, availability of sewer and water lines on South Sixth Street, reduction of street width, the property owner's premature removal of a heritage oak tree without a permit, the City's street tree list, trees planted for mitigation requirements, and trees allowed in the public right-of-way.

Further discussion was held, with direction provided regarding grammatical corrections to the proposed Resolutions, clarification that the word "lowering" meant "undergrounding", and amending terminology in the draft Resolutions for consistency.

In reference to the telephone utility, Community Development Director Hansen stated that telephone lines could be located in the front of the project, and should be included on the Vesting Tentative Tract Map.

Mayor Versaw opened the floor to public comments from those in the audience who wished to be heard on this matter.

The following persons spoke in support of the proposed project:

Demian Minjarez, project designer, representing Applicants Scott and Debbie Pimental, gave a brief overview of the project's design process, calculations for parking, the goal to provide an affordable housing unit, and problems encountered. He noted that the project's location and design reflected elements that were highlighted at the June 2006 community workshop on housing.

Upon question, Mr. Minjarez stated that the Applicant was considering lowering the building height by one and a half feet; however, that would create issues with stair design. Further discussion was held regarding reduced street width, fewer units in the project, creation of a homeowners association, parking enforcement, and placement of utilities. It was noted that, although this was a one-lot subdivision with five airspace condos, the Vesting Tentative Tract Map did not identify the lot. Mr. Minjarez stated it would be on the Final Map.

Scott Pimental, Arroyo Grande, Applicant, gave a brief overview of his plans to develop the subject property and his commitment to affordable housing, and responded to questions from the Council.

The following person spoke in opposition to the proposed project:

Liz Doukas, Grover Beach, inquired whether there were written findings on which to base an opinion.

Upon question, City Attorney Koczanowicz stated that if the City Council chose to deny the project or the concessions based on public health and safety issues, staff would return with a draft Resolution for Council consideration based on testimony and findings presented at this meeting.

There being no further public comments, the Mayor closed the Public Hearing.

Further discussion was held regarding a five-unit condominium qualifying as a multi-family project, State parking requirements, further consideration being given to the project's building height, reduction of street width, the character of the project in relation to the neighborhood, parking issues related to safety, affordable housing concessions, and objections raised to findings in the draft Resolutions such as those regarding safety, general welfare of residents in the neighborhood, and impacts on property values.

Upon question, City Attorney Koczanowicz suggested the Council consider each Resolution separately regarding the Use Permit, Site Plan and Architectural Approval,

and Vesting Tentative Map; or alternately, short of approval, consider the following alternatives:

- Continue the matter for specific project amendments or changes to the project to make it more acceptable based on comments received, and allow the Applicants an opportunity to return with different design options; or
- Deny the project without prejudice, which would allow the Applicant to pursue the project without incurring additional fees. City Attorney Koczanowicz pointed out that a denial without prejudice, if design changes were feasible, could place the project in limbo and the Applicant was entitled to a final determination by the City Council.

City Attorney Koczanowicz suggested that if the project was continued, a date certain should be set for it to be brought back for Council consideration, such as thirty to forty-five days.

Further discussion was held regarding building height, street width on Sixth Street, parking issues, and continuance without conditions. Community Development Director Hansen stated that the project could be redesigned to eliminate some driveways to increase parking on the street.

At this time, the Applicant indicated he would prefer a continuance of the project.

Action: It was m/s by Council Member Shoals/Mayor Versaw to continue this matter for a period no longer than ninety (90) days, with the following direction for the Applicant's consideration: 1) lower the height of the buildings, the site, and possibly the parking garage; 2) provide additional information on the Vesting Tentative Tract Map regarding location of the telephone utility and identifying the lot; 3) revise the project to meet the State minimum parking requirement of two spaces per unit; 4) redesign driveways to increase on-street parking; and 5) use a different species of trees other than oak trees in the public right-of-way. The motion carried on the following roll call vote:

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

Recess: Upon consensus of the City Council, the meeting was recessed at 8:50 p.m.

Reconvene: At 8:59 p.m., the meeting reconvened with all Council Members present, except for Mayor Pro Tem Lieberman.

COUNCIL COMMITTEE REPORTS

Council Member Ashton gave a report on the Parks, Recreation & Beautification Commission meeting and two upcoming sponsored events, the Tree Lighting Ceremony on Friday, December 1, 2006, and the Annual Holiday Parade and Santa's Workshop and Craft Faire on Saturday, December 2, 2006.

Council Member Ekbom gave reports on meetings of the Air Pollution Control District and the South San Luis Obispo County Sanitation District.

Council Member Shoals gave a report on the meeting of the San Luis Obispo Council of Governments, specifically regarding passage of Propositions 1A and 1B on the November 7, 2006 statewide ballot, which will result in funds provided directly to the City. He also reported on airport expansion plans and distributed copies of the Economic Vitality Corporation's newsletter.

Mayor Versaw gave reports on meetings of the Economic Vitality Corporation and the Zone Three Advisory Committee.

CITY COUNCIL AGENDA

None at this time.

COUNCIL COMMUNICATIONS

- A. Council Member Ekbom publicly recognized a citizens' group that distributed information to Grover Beach neighborhoods, the Grover Beach Firefighters' Association, and *The*

Tribune newspaper for having a significant positive impact on passage of the City's half-percent sales tax measure.

- B. Mayor Versaw praised City Manager Perrault for his efforts to educate the community and the media on issues surrounding the sales tax measure, and acknowledged the voters of Grover Beach for supporting the measure.
- C. Council Member Shoals commented on conduct observed during recent election campaigns and inquired regarding the appropriate protocol for citizen comments at City Council meetings, specifically those comments directed to individual members of the Council rather than to the entire City Council.

Brief discussion was held on the requirement to receive public comments that pertained to matters within the jurisdiction of the City Council, and that the Council had the authority to formally adopt a protocol or code of conduct. City Manager Perrault added that a relevant article had appeared in a recent League of California Cities "Western City" magazine on controlling disruptive meetings and said he would distribute copies to the City Council.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault reported on the following items:

Beachfront Lodge and Conference Center - The most recent meeting of the Ad Hoc Committee focused on development of the Request for Proposals process and design criteria. These two elements would be reviewed at the next Ad Hoc Committee meeting and the final Request For Proposal would be brought before the City Council for review.

Economic Development - The two special workshops held on Thursday, November 16 and Friday, November 17, 2006 were well attended on both days. Team members from the California Association for Local Economic Development (CALED) who toured the community would be submitting a report of findings and recommendations for Council discussion and recommended action steps for an economic development strategy.

Affordable Housing - Ongoing meetings were being held with representatives from various affordable housing groups to determine a project for the \$350,000 HOME grant funds.

CITY ATTORNEY'S AGENDA

None at this time.

CLOSED SESSION

None at this time.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Versaw adjourned the meeting at 9:15 p.m.

/s/ LARRY VERSAW, MAYOR

Attest: /s/ DONNA L. McMAHON, CITY CLERK

(Approved at CC Mtg 1/08/07)

Respectfully submitted,

/s/ MARY ANN WHITE, STAFF ASSISTANT