

**MINUTES
CITY COUNCIL MEETING
MONDAY, FEBRUARY 2, 2009**

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 Ruben Acosta, a 12-year-old, 6th grade student at Grover Beach Elementary School.

ROLL CALL

City Council: Council Members Bright, Mires, 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, Parks and Recreation Director Petker, and Economic Development Specialist Buckingham were also present.

Also present were Planning Commission Chair Blum and Parks, Recreation and Beautification Chair Laferriere.

CLOSED SESSION ANNOUNCEMENTS:

None at this time.

AGENDA REVIEW

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

CEREMONIAL CALENDAR

1. Proclamation Declaring February 2009 as "Grand Jury Awareness Month".

Mayor Shoals read and presented the Proclamation to current Grand Jury Member Lynn Hill and former Grand Jury Member Val McClure.

PRESENTATIONS

2. Planning Commission Quarterly Report.

Planning Commission Chair Blum provided a brief summary of Commission activities during the second and third quarters of the calendar year, from July - September 2008 and from October - December 2008.

3. Parks, Recreation and Beautification Commission Quarterly Report.

Parks, Recreation and Beautification Commission Chair Laferriere provided an overview of Commission activities for the period October - December 2008.

Mayor Shoals thanked both Commission Chairs for their reports and commented on scheduling joint Council/Commission workshops to discuss roles, responsibilities, and goals.

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. Dee Santos, former Mayor of Grover Beach, thanked the City Council for the street repair work currently under construction on Atlantic City Avenue.

PUBLIC HEARINGS

None at this time.

CONSENT AGENDA

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

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

4. Treasurer's Report for the Period January 22 - 28, 2009.

Action: Approved as submitted.

5. First Quarter FY 09 Budget Amendments - Formalizing adjustments to the FY 09 Budget pursuant to direction provided at the Special Joint City Council/Agency meeting held on Monday, January 26, 2009.

Action: Adopted Resolution No. 09-07.

Resolution No. 09-07: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 5th Amendment to the Annual Appropriation Resolution No. 08-50 by Providing Funding in the Amount of \$54,100 in Reserves and Decreases in Revenues and Expenditures.

6. Annual Review for Residency Requirements for Penal Code 290 Registrants Pursuant to Grover Beach Ordinance No. 07-01 - Annual review of protected locations within the City frequented by children pursuant to Grover Beach Municipal Code Section 3999(B)(2).

Action: Adopted Resolution No. 09-08.

Resolution No. 09-08: A Resolution of the City Council of the City of Grover Beach, California, Identifying Protected Facilities for Residency Requirements for Penal Code 290 Registrants Pursuant to City of Grover Beach Ordinance No. 07-01.

REGULAR BUSINESS

ORDER OF THE DAY: Upon consensus of the City Council, the Order of the Day was amended to consider Agenda Item No. 8 next.

8. Consideration of a 10-Year Plan to End Homelessness in San Luis Obispo County.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault summarized the County effort initiated in January 2008 to address the issue of homelessness. That effort was funded through a federal grant and included formation of a Leadership Council of community stakeholders to develop a long-range, 10-year plan to end homelessness. In February 2008, the City of Grover Beach coordinated a joint meeting between the cities of Arroyo Grande and Pismo Beach, the Oceano Community Services District, and representatives from the County to discuss the limited resources available to serve the needs of the homeless population in the South County and the need to work cooperatively on this issue.

City Manager Perrault summarized components of the 10-Year Plan document and the County's request to appoint a Council Member to continue serving on a Coordinating Committee and act as a liaison to the County-wide efforts.

Mr. Dana Lilley of the San Luis Obispo County Department of Building and Planning introduced the following members of the Transition Team: Richard Margetson - EOC Homeless Advisory Group, Dee Torres - EOC Homeless Services, Carol Hatley - Housing

Authority for the City of San Luis Obispo, Amy Gilman - San Luis Obispo County Supervisor Patterson's Office, Mike Ball - San Luis Obispo County Mental Health, and Scott Smith - People's Self-Help Housing. Mr. Lilley reviewed the development of the 10-Year Plan document and outlined the plan strategies.

The following persons spoke in support of the 10-Year Plan:

- Dee Torres, EOC Homeless Services; and
- Scott Smith, People's Self-Help Housing.

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

Patti Diefenderfer, Five Cities Homeless Coalition President and Community Health Center Program Manager for the Special Populations Program, requested information regarding the time line for program implementation.

Betsy Ehrler, President of the South County People's Kitchen and Vice President of the Five Cities Homeless Coalition, stated that the South County People's Kitchen had not been involved in developing the 10-year Plan and was interested in assisting in the County's efforts.

Mr. Lilley stated that programs to address homelessness were anticipated to continue beyond the 10-year time frame, and that the governing board would be comprised of representatives from non-profit organizations located throughout the County.

There were no further public comments received.

Discussion was held regarding the Plan document and having a representative from the South County People's Kitchen involved in the Coordinating Committee. Mayor Pro Tem Nicolls volunteered to serve as the Council representative.

Action: Upon unanimous consensus, the Council endorsed the Plan and designated Mayor Pro Tem Nicolls to act as the City's liaison to serve on the Coordinating Committee.

ORDER OF THE DAY: At this time, the Order of the Day resumed to the agenda as posted.

7. Appointment to Citizens' Transportation Advisory Committee.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault stated that an unscheduled vacancy occurred on the Citizens' Transportation Advisory Committee when Mayor Pro Tem Nicolls was elected to the City Council in November 2006. The City advertised the vacancy and one application was received in October 2008. Due to the November 2008 election and winter holidays, an interview with the applicant was delayed until January 2009.

Mayor Shoals briefly described the qualifications of the applicant.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to accept the Mayor's recommendation and adopt Resolution No. 09-09, appointing Jennifer Mouzis to the Citizens' Transportation Advisory Committee (CTAC). The motion carried on the following roll call vote:

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

Resolution No. 09-09: A Resolution of the City Council of the City of Grover Beach, California, Appointing Jennifer Mouzis to Serve on the Citizens' Transportation Advisory Committee (CTAC).

9. Tree Regulations and Potential Tree Preservation Ordinances.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz provided an overview of existing Municipal Code regulations regarding tree planting, the types of trees which may be planted on City property or public rights-of-way, the manner in which trees were to be maintained and/or removed on private property, and the process for potential tree preservation. He also reviewed the Planning Commission's adopted policy regarding tree replacement during the development process. In reference to the mandated Master Tree List, he stated that the Parks and Recreation Director and the Parks, Recreation and Beautification Commission had begun the process of updating that list. He recommended minor reorganization of sections of the Municipal Code to clarify the requirements related to street trees and other public spaces, as well as tree removal regulations that applied to undeveloped or developed properties. Staff then responded to Council questions.

Brief discussion was held regarding whether to amend the regulations to vest controlling authority in the Community Development Director instead of the Parks and Recreation Director; staff resources to pursue enforcement proceedings for improper tree plantings or maintenance; amending the existing regulations to clarify the requirements; and:

Historic or Heritage Trees:

- develop a process for nominations, eligibility criteria, selection, and appeals;
- add oak tree preservation requirements; and
- designate eucalyptus trees to be preserved for Monarch butterfly habitats only.

Master Tree List:

- add xeriscape and drought tolerant varieties to the list and designate them as such;
- designate specific types of palm trees instead of allowing any type to be planted; and
- designate trees that specifically beautify the City, public planting areas, and public/private transitional areas.

Tree Plantings:

- regulate trees planted in public spaces and front yards, but not trees in backyard areas;
- ensure tree plantings don't encroach upon curb, gutter, and sidewalk areas or negatively impact pedestrian safety; and
- review requirements regarding location, space between plantings, and minimum size.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. No public comments were received.

Further discussion was held regarding a review of the Council's adopted goals and work program that was scheduled to occur within the next 30 days, and adding "Amendment of the Master Tree List" to the work program.

Action: The information was received and filed, with further discussion to be held during the Council's upcoming review of the adopted goals and the work program.

10. Request to Discuss Rescinding and Replacing Graffiti Ordinance Section 3998, Chapter 15, of Article 3 of the Grover Beach Municipal Code.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Police Chief Copsy reviewed existing regulations regarding graffiti abatement and cited statistics regarding a sharp increase in the number of incidents involving graffiti since 2007. He stated that staff recently collaborated with a community focus group to draft revised regulations to better address community needs, improve upon established mechanisms for graffiti removal, enhance cost recovery procedures, and establish a reward program.

Ralph Wright, Grover Beach resident and member of the community focus group, spoke in support of the proposed ordinance and referenced escalating incidents of graffiti in communities without such regulations, such as Ventura County.

Upon question, Chief Copsy stated that he intended to enlist teams of citizen volunteers/business and community groups to assist private property owners with the quick removal of graffiti; and to fund the program through grants, donations, and sponsorships, and

supplemented through the work of individuals required to perform community service hours. He reviewed various methods of reporting incidents of graffiti and the administrative hearing process to contest a graffiti abatement notice.

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

Ralph Wright, Grover Beach, suggested hosting a "graffiti paint-out day" to promote the program and encourage community participation.

There were no further public comments received.

Action: Upon unanimous consensus, staff was directed to return to the Council with the proposed Graffiti Ordinance for introduction and first reading.

Recess: Upon consensus of the City Council, the meeting recessed at 8:35 p.m.

Reconvene: At 8:45 p.m., the meeting reconvened with all Council Members present.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

Council Member Bright reported on the meeting of the Air Pollution Control District, and announced her appointment to the Basin-Wide Air Pollution Control Council.

Council Member Peterson reported on meetings of the Housing Trust Fund, the San Luis Obispo County Visitors & Conference Bureau, and the meeting of the Economic Vitality Corporation, which she attended as the Alternate Representative.

Council Member Mires reported on meetings of the integrated Waste Management Authority, San Luis Obispo County Water Resources Advisory Board, and the Zone Three Advisory Committee.

Mayor Pro Tem Nicolls stated that he had nothing to report at this time.

Mayor Shoals reviewed items scheduled for discussion later that week before the San Luis Obispo Council of Governments and the San Luis Obispo Regional Transit Authority.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

None at this time.

CITY MANAGER'S REPORTS AND COMMENTS

- 11. Reminder that the 2nd meeting in February Would be Held on Tuesday, February 17, 2009 due to the Legal Holiday on Monday, February 16, 2009.**

City Manager Perrault announced that construction on Meadow Creek Bridge had been completed, and that street paving would be constructed at a later date in conjunction with the West Grand Avenue Storm Drain Project.

He then reminded the Council that the next regular City Council meeting would be held on Tuesday, February 17, 2009, due to the federal legal holiday of Presidents' Day on Monday, February 16, 2009.

12. Report and Recommendations Regarding Facility Needs.

City Manager Perrault stated that in developing the FY 09 - FY 10 Budget, the Council had identified the need to make both short-term and long-term improvements to the City Hall facility in order to better serve the needs of the public. He outlined a list of recommendations for facility improvements recently suggested by staff and categorized as:

- *Immediate or Short-Term Needs* - address safety issues, improve entryway access, clearly mark the City Hall facility, and use landscaped areas to display examples of drought tolerant plantings;
- *Needs Over the Next Five-Year Period* - make ADA accessibility improvements to interior areas with funds secured through the Community Development Block Grant Program; and
- *Long-Term Facility Improvements Beyond Five Years* - build a second story on the existing facility, investigate opportunities for property acquisition, develop a South County location to collocate City and County government services, and review cooperative public/private partnerships for a future project or projects.

City Manager Perrault reviewed cost estimates for the list of short-term recommended facility improvements, presented conceptual drawings for a monument sign, and displayed examples of drought tolerant plantings. Staff then responded to Council questions.

Brief discussion was held regarding the list of recommended facility improvements to address immediate safety concerns, developing a wayfinding program to ensure design consistency of City signs, removing the Magnolia trees around City Hall due to root intrusion, and replacing the trees with drought tolerant varieties located in areas which did not block building entryways. Additional discussion was held regarding tree varieties that could serve as visual accents or focal points placed along the perimeter of City Hall, such as Canary Island Palm or Brisbane Box, and installing areas of colored, but not stamped, concrete.

Action: Upon consensus of the City Council, staff was authorized to proceed with the following short-term improvements to the City Hall facility: 1) remove and replace the sidewalk, gutter, and driveways at City Hall along South 8th Street and Rockaway Avenue; 2) remove and replace street trees with drought-tolerant trees located away from the front entryway of the building and install irrigation, as necessary; 3) remove the architectural wall feature that visually blocks the front entrance to City Hall; 4) replace landscaping with drought tolerant varieties by the north parking lot; and 5) repair the south parking lot in FY 10. The Council further directed staff to defer work on a City Hall monument sign until a wayfinding program was established.

CITY ATTORNEY'S REPORTS AND COMMENTS

13. Verbal Status Report Regarding a Proposal for a Mobile Home Conversion Ordinance.

City Attorney Koczanowicz stated that, at Council direction, he had been working with Mr. Jim Erickson of Le Sage Mobile Home Park on a proposed mobile home conversion ordinance. City Attorney Koczanowicz reviewed current State law and pending legislation regarding mobile home conversions, and stated that the City of San Luis Obispo was also considering a similar ordinance. He stated a draft ordinance would be ready for Council consideration within the next 45 days.

Action: Upon consensus of the Council, staff was directed to schedule the draft ordinance for Council consideration at the second regular meeting in March, 2009.

CLOSED SESSION

At 9:42 p.m., the Council met in Closed Session regarding the following items:

1. Conference with Real Property Negotiators

Pursuant to Government Code Section 54956.8

Property: APN 060-205-017
Agency negotiator: City Manager and City Attorney
Negotiating party: Donald H. Marek, Mohr Partners, Inc.
Under negotiation: Acquisition

Property: APN: 060-228-005 & 011
Agency negotiator: City Manager and City Attorney
Negotiating party: Robert E. Hulette
Under negotiation: Acquisition

2. Conference with Legal Counsel - Pending Litigation

Pursuant to Government Code Section 54956.9(a)
Sorrell v. City of Grover Beach USDC CV 09 00137 JSL

Closed Session Announcements: At 10:58 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present, 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 10:58 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:
/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 6/22/09)