CITY OF GRASS VALLEY
MINUTES

SPECIAL MEETING
TUESDAY, FEBRUARY 28, 2006, 6:00 P.M.

CLOSED DOOR SESSION – Pursuant to Government Code Section 54957
Public Employee Appointment / Employment
Title: City Clerk

Continued to end of meeting.

REGULAR MEETING OF THE GRASS VALLEY CITY COUNCIL,
CAPITAL IMPROVEMENTS AUTHORITY AND REDEVELOPMENT AGENCY
TUESDAY, FEBRUARY 28, 2006, 7:00 P. M.,

1.0 CALL TO ORDER: 7:00 p.m.
PLEDGE OF ALLEGIANCE: Carol Fish
ROLL CALL: Council Members Ingram, Swarthout, Williams, Vice Mayor Johnson and
Mayor Tassone were present. Also present were Gene Haroldsen, City Administrator, Ruthann
Zeigler, City Attorney and Bobbi Poznik-Coover, City Clerk.

2.0 INTRODUCTIONS AND PRESENTATIONS – No Items

3.0 ANNOUNCEMENTS, AGENDA REVIEW AND CHANGES - None

4.0 PUBLIC COMMENT

Howard Levine, Grass Valley Downtown Association (GVDA) Executive Director, announced
that the Northern Sierra Winter Wine and Food Celebration put on by the Nevada County Wine
Association is on March 3rd and March 4th with 25 restaurants and wineries involved. He stated he was
very fortunate that the California Main Street Alliance, along with the Historic Preservation
Committee sponsored the 2006 Winter California Main Street meeting which is a networking meeting
of all the Main Street programs in California. There were a number of workshops on historic
preservation, grants, fundraising, preservation strategies, incentives, State parks, and how issues are
impacting the State budget.

5.0 BRIEF REPORTS BY COUNCIL MEMBERS

Council Member Williams stated he attended meetings on the Development Code update.
Council Member Ingram stated she attended a Nevada County Transportation Commission
(NCTC) workshop, and also met with a group of leaders when Congressman Doolittle was in town
discussing Dorsey Drive and she also attended the Red Light Ball.

Mayor Tassone stated he attended a meeting with Congressman Doolittle regarding Dorsey
Drive and it was important to do this in efforts to get the project fully funded.

6.0 CONSENT ITEMS

Motion by Council Member Ingram, seconded by Council Member Swarthout and carried by a unanimous roll call vote to approve the consent items as follows:

6.1 Warrant Registers
Approved disbursements of $801,479.33.

Received and filed.

6.3 FY 2007 Federal Appropriation Requests
Received and filed.

6.4 Slate Creek/Morgan Ranch Lift Station Improvement Project – Sauers Engineering, Inc.
Authorized execution of amendment #2 in the amount of $7,500 to incorporate less costly pumps at the Slate Creek Station.

6.5 Emergency Vehicle Preemption Equipment – Installation at Brunswick Road Signals
Authorized execution of contract with Republic Electric in the amount of $14,880, subject to legal review and authorized City Engineer to approve changes up to $1,000.

6.6 Parks Maintenance Worksite Utility Vehicle
Approved purchasing a 2006 Kubota Worksite Utility Vehicle for $11,373.72 from Gold Country Tractor and approved associated budget transfer.

6.7 Sierra Terrace Rezoning Ordinance
Waived the reading of the ordinance in its entirety and adopted Ordinance #659 rezoning the property.

6.8 FY 05/06 Six Month Budget Review – Capital Projects, Fire Assessment, Water & Sewer
Received and filed.

6.9 FY 05/06 Six month Budget Review – Redevelopment Agency
Received and filed.

7.0 COUNCIL

7.1 St. Piran’s Day Cornish Celebration – Saturday, March 11, 2006

Vice Mayor Johnson stated the first St. Piran’s Day celebration was a year ago and it is hoped to make this an annual event. This year the festivities have expanded and include additional activities.

Eleanor Kenitzer, Grass Valley resident, stated that Professor Ralph Mann will be the speaker at the 2nd annual pasty luncheon. This is the 25th anniversary of the publication of his book called “After the Goldrush” which is about the Grass Valley/Nevada City area. Also, Heather Dale, a wonderful Cornish singer, will be presenting a concert at the Veterans Building. She stated that everyone is looking forward to the pasty toss between Mayor Tassone and Mayor Weaver of Nevada City. On Saturday morning there will be a bicycle parade after the flag raising ceremony. The Grass Valley Kiwanis Club is supporting the event and is offering a $100 prize to children between the ages of four and ten years of age that have the best bicycle decorated in the Cornish colors of black, white and gold.

Vice Mayor Johnson asked for Council’s support of this event and added that keeping Cornish heritage and history alive with this type of event is very important.

Motion by Council Member Swarthout, seconded by Council Member Ingram and unanimously
carried to adopt Resolution #06-12 supporting this celebration.

7.2 Composition of Council’s Budget / Finance Committee

Vice Mayor Johnson and Council Member Swarthout agreed to serve on the committee at the request of Mayor Tassone.
Motion by Council Member Ingram, seconded by Council Member Williams and unanimously carried to approve the appointment of Vice Mayor Mark Johnson and Council Member Lisa Swarthout to serve on this committee.

7.3 City’s Goals & Objectives

Gene Haroldsen, City Administrator, stated that at the January 17th Council/Management workshop Council had an opportunity, besides looking at the vision statement and guiding principles, to update the City’s goals and objectives. Subsequently this was sent to Council Members asking them to prioritize the goals and objectives for fiscal year 2006/2007. Once approved, this will provide important direction for departments, Commissions, and Boards, as well as the general public.
Motion by Vice Mayor Johnson, seconded by Council Member Swarthout and unanimously carried to adopt Resolution #06-13 approving prioritized Goals and Objectives for 2006 and 2007.

7.4 Potential Revisions to the City’s Code of Conduct

Gene Haroldsen, City Administrator, stated that at the May 24, 2005 Council meeting, Council Members Swarthout and Williams were appointed to an ad hoc committee to review the Code of Conduct and come back to Council with ideas and recommendations. After meeting several times they developed an October 13, 2005 version which brings about certain changes. One item regarding problem resolution would be changed to a two step process. Council Member Swarthout explained that if someone has a problem with a Council Member or Commissioner’s behavior, a private discussion should occur with that individual and if the issue remains unresolved it could be brought up with the full Council in a public meeting. Other clarifications have been made, and political statements have been removed. In addition, Council Member Williams presented a proposed February 22, 2006 version which may need to be discussed.
Council Member Swarthout stated she would be happy to explain her reasons for some of the changes being proposed.
Council Member Ingram stated the only concern she has is Council Members supporting candidates that are running for election. She adheres to the premise that once one becomes an elected official, some personal rights are lost. When a Council Member endorses a candidate, they are not really representing the interests of the City, but their own personal interest, and she doesn’t think that is something that a Council Member should do. Other than this issue, she supports Council Member Swarthout’s proposal.
Mayor Tassone stated he shares that same concern and feels it is dangerous ground to endorse candidates running for office. The danger is if the person endorsed doesn’t get elected hard feelings and issues can surface.
Council Member Swarthout stated she doesn’t feel Council Members should have to give up the right to endorse candidates when they become elected officials. It is her hope that Council Members would use good judgment and common sense in the decisions that are made and it is up to the people involved whether they want to risk the relationship.
Council Member Ingram stated the unfortunate thing is that common sense and politics don’t always go hand in hand. She doesn’t think it is appropriate to continually regulate the decision making process, but sometimes it is needed.

Council Member Williams asked if the City Attorney had an opinion on Council Members endorsing candidates.

Ruthann Zeigler, City Attorney, stated that ultimately it is what Council Members decide among themselves. She does agree that to varying degrees when one becomes a public official certain aspects of first amendment rights are lost.

Mayor Tassone asked if three Council Members endorse the same candidate, could that be misconstrued as a Brown Act violation.

Ruthann Zeigler responded no, because it would be no different than a member of the public having three individual conversations with three members of the Council.

Mayor Tassone added that if other Council Members know about the information that could constitute a potential violation. It is all open to interpretation and retains a lot of ambiguity.

Ruthann Zeigler stated this is entirely a policy decision.

Vice Mayor Johnson recalled when he was on the Council in the mid 1990’s, he endorsed a supervisorial candidate who lost and it created problems for the winner. However, he doesn’t want to take any Council Member’s prerogative or choice for endorsing a candidate away. It is important to choose endorsements carefully and he supports the fact that Council Members should have the right to do so, but common sense should prevail.

Council Member Williams stated he agrees with that and he commented about the shorter version and the need to clarify committee procedures and there is some disagreement about what the procedures are. It should be stated that when a committee is created it would be given written objectives and if the committee members are not able to reach agreement on achieving those objectives then the issue would come back to Council.

Mayor Tassone stated this is implied already and he wondered where the written objectives would come from.

Council Member Williams replied that they would come from Council.

Mayor Tassone stated that staff would have to write the objectives as there may need to be a wide range of issues to be discussed. Also, it depends on what the committee is and what the items are, so he stated he doesn’t support this and he also wondered who would police it.

Council Member Ingram stated this could be limiting the thought process.

Council Member Williams stated the idea is that when Council wants to give general direction to a committee, the written objectives would be general and if there was something specific, then it would be provided.

Council Member Ingram asked the City Attorney if she could vote for part of the Code of Conduct and object to a certain paragraph in the document or must she vote for the document in its entirety.

Ruthann Zeigler suggested that the area of concern be mentioned and see if the maker of the motion is willing to split the motion to take out the area of concern. She clarified that it is necessary to either vote in favor of the entirety or vote against the entirety of the Code of Conduct.

Motion by Vice Mayor Johnson, seconded by Council Member Swarthout and carried by the following voice vote to adopt Resolution #06-14 revising the Code of Conduct using the October 13, 2005 version as amended: Council Members Swarthout, Williams, Vice Mayor Johnson and Mayor Tassone-aye; Council Member Ingram-no.

8.0 PUBLIC HEARINGS
8.1 DeMartini Recreational Vehicle Sales Project – 22,400 square foot building and related improvements at 10707 Idaho Maryland Rd. – Planning Commission Recommendation

Joe Heckel, Community Development Director, stated staff is presenting the Planning Commission’s recommendation on the DeMartini RV sales project. The applicants are Timothy and Margie DeMartini and this involves a number of applications for the property as the parcel is outside the City limits. He stated the location is south of Idaho-Maryland Road, encompasses about thirteen acres and is outside the City limits but is within the Sphere Plan designated to be annexed within the horizon of 2000/2005. The application comes with a General Plan amendment, to change a Business Park designation to Commercial to facilitate the RV sales, Heavy Commercial zoning and also a Development Review application that deals with the landscape, the design elements of the building, and the site plan development. The next step would be the annexation application which would have to go to LAFCo for their approval.

Joe Heckel stated the original application was submitted on April 14, 2005, and in the summer of 2005 the City deemed the application complete. An environmental document was prepared in the format of a Negative Declaration and was released for a 30 day review period. The design went through extensive review by the Development Review Committee (DRC) and three primary changes were made. The General Plan does identify commercial land adjoining to and contiguous to this property to the west and to the south. The prezoning to C-3 would allow for the RV sales and service facility to be located where proposed and the overall approach for development of the property is consistent with the design guidelines. He stated this project generates 8 PM peak hour trips and that is well below any level of traffic that would be approaching any threshold at any sensitive intersections, so it is not viewed as a significant issue. However, there was a concern that if this property was ever converted to another use the volume of traffic could grow. So a condition has been added that states if this were to occur a traffic analysis would be required to mitigate the issue. In regards to road improvements, there are two conditions that require the applicant to look at enhancing the driveway and access onto Idaho-Maryland Road to allow for widening and turn lanes for those entering and exiting the driveway. And also, with Wolf Creek Trail, there is a requirement for dedicating an easement along Wolf Creek for locating a future trail.

Vice Mayor Johnson asked about the timeframe involved before this could be forwarded to LAFCo, assuming it is approved.

Joe Heckel stated the application can move directly to LAFCo once it is approved. The timing of when this property would be annexed and be within the City may be a number of months and the City cannot issue a building permit or any entitlements until the annexation is complete. The prezoning would only become effective when annexation is complete, which may take up to sixty days. But the more critical benchmark is when the property is annexed to the City it may be a number of months before a building permit can be issued.

Council Member Swarthout wondered if this property is being annexed into the NID service area for water.

Joe Heckel stated it is targeted to be served by NID water.

Andy Cassano, Nevada City Engineering, representing Tim and Margie DeMartini, thanked everyone for all the time put into this project as there has been a lot of thought and work that has gone into it. This is an exciting project for him and for the City for a number of reasons. One is that the DeMartini’s have taken a little corner business and made it into a contender for national sales leading and even international sales leading in RV sales, and this community is a beneficiary of that. The development of this site is the ultimate reclamation where it was put into a productive use. It is also a
very low traffic generator and is a high sales tax generator. Due to the low trip generation, the benefits of the project and the unsensitivity of the site, they have been concentrating on the aesthetics. A great deal of landscaping has been moved to the front of the site to help screen the project from the freeway. He stated that at the Planning Commission level there were some comments raised about water quality, but basically modern drainage practice requires that dust management practices be implemented which essentially means erosion control, so the sediment is prohibited from leaving the site. There are requirements for filtration, drainage runoff from the parking lot, and from storm detention.

Andy Cassano stated that the only condition that came to the DeMartini’s attention is the requirement for the dedication of a trail easement for the Wolf Creek Trail and this would require that the public trail be on the project side. He stated this is an area that has more sensitivity with its habitat and resources and the other side would be more appropriate. Also, Council hasn’t adopted an alignment for the Wolf Creek Trail, so it seems like the dedication is premature. There has been discussion about landscape islands in the middle of project, and whether they would be appropriate where RV’s are displayed. If approved, this could be problematic, as RV’s are large so they tend to dwarf landscaping and it is not very effective.

Brent Daggett, architect, stated that they have addressed most of the concerns expressed by the DRC and the Planning Commission. This project started off being fairly simple in design but as it got further along, he saw a need to articulate the building more. There has been some discussion about this project having a arch on the top and this was an attempt to articulate the building as was requested in many of the design review guidelines. The arches on the building and the hillside feature helps to soften the building against the back landscape rather than having a feature along the front zone. There has been some discussion about changing the slate tiles to a rock veneer and slightly darkening the color of the building and the applicant is willing to do that.

Mayor Tassone opened the public hearing.

Kristin Hackler, 13785 Manion Canyon Road, Grass Valley, stated this project has been exceptionally well designed and planned and she feels that to require any further modifications would be ridiculous. This business gives a great deal to the City and its needs should be considered as well as the City’s. Height and ability to move easily and quickly in and out of this building and parking lot is important. Also, she doesn’t feel there is a need for any interior landscaping, as this project is not seen until you get into it. She supports approval so the project can move forward with construction.

Mike Walsh, owner of property adjacent to this project, stated he has no objection to the project and added that it could be a tremendous asset to the City.

Susan Rogers, 640 Charlene Way, Grass Valley, stated she likes the idea of darkening the building, using rock instead of slate and putting in the berm which are all good design changes.

There being no other comments, the hearing was closed.

Council Member Ingram stated that it is important to address the Wolf Creek Trail, but since a plan for it hasn't been adopted yet, she wonders if the applicant would be willing at a future date to grant easement if they were relieved of any liability. This would be at a future point and time and she believes that the trail will be on the appropriate side of Wolf Creek. She agrees that it is premature to stipulate that it would be on the project side of the creek.

Tim DeMartini stated this future request could be considered, but the property doesn’t go all the way to Idaho-Maryland Road, so the proposal would have to be seen first. He added that there are some potential tax advantages for those who donate trail easements that are not mandated.

Council Member Swarthout wondered if dirt would have to be imported in order for things to grow on the site. She has dealt with projects on the other side of Idaho-Maryland Road where there have been some problems getting plants to grow. She added that wildflowers are going to be used in erosion control and wondered if they will grow well there on the slopes.
It was stated that it depends on what type of soil there is once they are planted. Putting soil onto the slopes becomes a sticky situation because erosion comes off of it, so that is why there are a lot of native plants there that will start growing once they are well grounded. It will take them a little longer to surface, but they will survive and grow. She stated that they do well the first year and then it depends on how much they reseed. The first year there are a lot of bloom off the wildflowers, the next season is usually not that great and then all of a sudden they reappear again, so it depends on what reseeds and survives. She added that wildflowers can always be reseeded if the appearance becomes objectionable.

Brent Daggett added that soil has been added to the site, which will enhance growing efforts.

Vice Mayor Johnson stated he is excited to see a local person do well and he wholeheartedly supports the General Plan amendment, likes the rezoning and supports the DeMartini project for this site. They offer a lot to their customers and it is amazing to see what they do. They do need a larger site which will allow them to grow and make the community better because of it. He does have some concerns and feels that there can be some articulation or improvements to the building. He thinks using stone will enhance the project as well as darkening the color.

Council Member Williams stated he doesn’t have a strong opinion about what changes he would like to see with the project because there is one piece of critical information that is not available and that is what the visibility is going to be of the parking area for the RV’s from the freeway. What is needed is a small change to the elevation and enough shielding of the parking lot with trees.

Council Member Ingram asked Vice Mayor Johnson if he is suggesting that the approval be withheld while some elements on the project are discussed or is he suggesting that the project be approved with him sitting in on review of the painting and rock choices.

Vice Mayor Johnson stated his suggestion is not to stop the process, but to refine some of the design elements, such as the two mentioned and the roof articulation issues and the stone and the colors. He feels spending time with the architect and planner can address these elements.

Council Member Ingram stated that a lot of the businesses in the Whispering Pines development look very similar.

Vice Mayor Johnson stated he is just sharing some of his preferences. He supports approval of the project with the condition that some time in the near future details on the articulation elements are brought to Council for discussion.

Mayor Tassone questioned Vice Mayor Johnson about what changes he proposes. He stated he has no problem with changing colors and using rock, but wonders what the design would be changed to.

Vice Mayor Johnson stated different architectural elements would help this project immensely. Vice Mayor Johnson stated his goal is not to debate the elements, and he is just sharing his concerns about the project. He supports the process moving as efficiently as possible, supports the General Plan amendment and the prezone, but would like to spend more time working on some of the elements.

Mayor Tassone stated his concern is bringing the project back again for public discussion and public scrutiny and he wonders who would approve the new design.

Vice Mayor Johnson responded that ultimately it would be a Council decision.

Mayor Tassone stated it would have to be brought back for a public hearing.

Council Member Swarthout stated she likes the building articulation that has been done and feels it is important to support the prezone and the annexation. It could be real simple to change the base color of the building so it is a little darker and blends in better with the hillside and she likes the idea of using natural stone. The only other issue she has is with the landscape planters that have been suggested and she would like to see them broken up with additional landscaping in the parking lot.
She understands the difficulty of maneuvering RV’s in and out of the site, but feels it can work. She feels the DeMartini’s have been through a lot, and with the direction given, she would like to see the project approved tonight.

Council Member Ingram stated that tonight's action should include removing the requirement of the Wolf Creek Trail until a master plan has been adopted, but include some wording that leaves this open for future consideration.

Council Member Williams pointed out that Council is considering approving this without knowing how many acres of the RV parking is going to be visible from the freeway and he feels that is a mistake.

Brent Daggett stated that from the very first point that you can see this building, it is about 1400 feet away from the project and he timed this and noted that when coming down the freeway there is a total of ten seconds before you drop below the pad level and you don’t see it any more.

Mayor Tassone stated the time the site is seen from the freeway is very minimal and he doesn’t think it is a major issue. Also, when the trees get larger the parking lot will not be visible at all and most of the RV’s are going to cover it most of the time.

Joe Heckel stated there have been a number of projects where Council deferred approval of color and signage to staff and even the DRC.

Vice Mayor Johnson stated he will vote against this project because he feels the building could be better. He wondered if the signage issue is coming back to the DRC.

Joe Heckel responded that there is the potential that the applicant may need signage on the Idaho-Maryland Road driveway, but they do have signage on the building.

Motion by Council Member Ingram, seconded by Council Member Swarthout and unanimously carried to waive the reading of the ordinance in its entirety and read by title only; title read by Bobbi Poznik-Coover, City Clerk; motion by Council Member Swarthout, seconded by Council Member Ingram and carried by the following roll call vote to introduce an ordinance pre-zoning the property to Heavy Commercial (C-3) and adopt Resolution #06-15 approving the Annexation, General Plan Amendment, Development Review applications and a Negative Declaration with including a condition that would be additional landscape islands placed within the front area, color of the base of the building would be darkened, and the slate accent would be changed to rock, and the easement relating to Wolf creek would be rewritten to allow for it to be advisory and not regulatory: Council Members Ingram, Swarthout and Mayor Tassone-aye; Council Member Williams and Vice Mayor Johnson-no.

Mayor Tassone called for a 5 minute recess.

Council Member Ingram excused herself from the meeting.

8.2 General Plan and Zoning Map Inconsistency Program

Joe Heckel, Community Development Director, stated it is important that the General Plan have consistent zoning and land use designations. Staff received approval from Council to initiate a strategy to bring consistent General Plan zoning designations together and that was endorsed on July 13, 2004. There have been a number of meetings with the Planning Commission and Council to work through this process. He stated that two areas were pulled out for further evaluation, the Pleasant Street area and the Ridge Road area which staff is looking for direction on tonight. To lead this process a two person subcommittee of Mayor Tassone and Vice Mayor Johnson was formed that provided input on these two areas as well as on the full General Plan zoning consistency process. On August 9th Council approved a major step in this program by adopting a General Plan amendment and rezonings covering over 266 parcels throughout the town, and the two areas being focused on tonight.
will complete the program. The subcommittee recommends that Council consider revising the Pleasant Street area to a high density residential designation in the General Plan. It is low density now and is zoned R-3. Also, they recommend revising the Ridge Road area to a low density residential designation. It is high density in the General Plan now and is zoned R-1. Both of these recommendations were endorsed by the Planning Commission earlier this year.

Joe Heckel stated the Ridge Road area consists of 32 parcels defined as urban high density with a zoning of R-1, so there is a conflict. All of the parcels were evaluated for development potential and historical value. What is being proposed is to change this area to urban low density and keep the zoning in place as R-1. The Planning Commission supports the subcommittee’s recommendation to change the General Plan to urban low density to achieve consistency with existing zoning. He stated the Pleasant Street area is comprised of 59 parcels and there is not much left in this area for development. Currently the General Plan has this area as urban low density and the zoning is R-3, so there is a conflict again. It is proposed by the subcommittee and endorsed by the Planning Commission to change the General Plan to urban high density so it will match the existing zoning. Once again, the parcels in the area were looked at and evaluated for development potential, etc.

Joe Heckel stated in looking at the General Plan zoning program and the consistency that is encouraged by the document and also for CEQA review, a Negative Declaration was prepared and no significant issues were raised as the environmental document was taken through the process.

Mayor Tassone opened the public hearing.

Todd Dubois, 342 pleasant Street, Grass Valley, thanked the subcommittee and the Planning Commission for their diligent work on this and expressed his support for the recommendations.

Andy Cassano, Nevada City Engineering, supports the Pleasant Street recommendations as presented. He stated he has a couple of clients in the Ridge Road area, one is the former Berg Heights project which is being redesigned and another project across the street called Ridge Village, which should be coming to the Planning Commission in March. He stated that when a General Plan is in place for a period of time people become accustomed to it, and it becomes the definition of the level playing field and the basis for everything. He feels that taking the General Plan down this drastically is a hardship on property owners in that area. One of the things in Council's purview tonight would be to consider some medium density or possibly allowing a range of density. The Zoning Ordinance Council can set the density at anything it desires and he feels that six units per acre would be better than four and would result in letting the projects that have been processed to continue and at least be heard on their own merit. He feels it would also facilitate a balance between what people have relied on in the General Plan and what Council is looking for.

There being no other comments the hearing was closed.

Council Member Swarthout stated there are some properties in the Ridge Road area and on Hughes Road that are undeveloped as well as some that are currently developed with R-1 zoning. She questioned if it is possible to leave the developed parcels with the R-1 designation so there wasn’t greater development potential there, but on the undeveloped parcels to look at more of a medium density. She is concerned because while working on the Zoning Ordinance there is the potential for having smaller lots, so perhaps when the new Zoning Ordinance is approved, more dense workforce housing could be placed on these vacant parcels.

Joe Heckel stated Council has the ability to look at any portion of this area as moderate or higher density than others. The one issue to consider is to make sure spot zoning does not occur. He stated that as far as he is aware there are two properties that are vacant and all the rest have a house of on them, so it could be said that they are underutilized for the General Plan designation they have.

Mayor Tassone stated this has been looked at for a long time and it is important to make everything consistent.
Council Member Swarthout stated she has always felt that Ridge Road was a rural area and it should stay rural. She wondered if when the new Zoning Ordinance goes into effect it would allow a greater number of houses to be built in an R-1 neighborhood. Also, would there be the potential for a project to come forward that met all of the City's criteria, that still kept a rural look, but was denser than four units per acre.

Joe Heckel stated that it would still be necessary to maintain what the General Plan numbers are but a higher density could be considered if the project met the City’s requirements.

Council Member Williams stated it is appropriate to have R-3 on Pleasant Street because there are schools there, a park and downtown is close.

Motion by Council Member Swarthout, seconded by Vice Mayor Johnson and carried by the following roll call vote to adopt Resolution #06-16 approving General Plan Amendments for various properties in the “Ridge Road Area” and “Pleasant Street Area” and a Negative Declaration: Council Members Swarthout, Williams, Vice Mayor Johnson and Mayor Tassone-aye; Council Member Ingram-absent.

Council Member Ingram rejoined the meeting.

9.0 STAFF REPORTS, REQUESTS AND COMMUNICATIONS

9.1 Traffic Safety  Driving Under the Influence Grant – “Avoid the Five DUI Campaign”

John Foster, Police Chief, stated he has been selected to be the host agency for a program, which is “Avoid the Five DUI” in Nevada County. The program includes the Police Departments of Truckee, Nevada City, and Grass Valley, the California Highway Patrol and the Nevada County Sheriff’s Office. This is a three year grant in which the goal is to reduce the number of alcohol involved fatalities and injuries related to DUI’s as well as to raise public awareness. During this campaign regional DUI enforcement will be conducted through goals and objectives which include check points, targeted enforcement, saturated patrols during the Holiday Seasons, and providing a media blitz. Memorial Day, Labor Day, and the winter holiday period are when most DUI's occur. This program fits perfectly within the Traffic Safety Management Program as well as the other Office of Traffic Safety Grants and is the traffic safety education enforcement program for teens.

Howard Levine, GVDA Executive Director, stated that this is a grant for five agencies and that they all pursue DUI equally. This is not just a Grass Valley only program, it is County-wide and the GVDA supports this program.

Motion by Council Member Ingram, seconded by Vice Mayor Johnson and carried by a unanimous roll call vote to approve the $239,700 grant and budget transfer.

9.2 NPDES Permit Compliance – Larry Walker Associates (LWA)

Jeff Jewett, Director of Public Works, stated that currently the City has a professional services agreement with Larry Walker Associates (LWA) in the amount of $247,000 to provide assistance related to the NPDES Permit and wastewater treatment programs. Since entering into that agreement, LWA has been working closely with the City on several items. They have provided support for the RFP process in which Carollo Engineers was selected to do the pre-design evaluation for the ultraviolet and denitrification. In addition they have completed field monitoring for the local limits and pre-treatment programs and were in the field for seven days monitoring field information, getting samples, and sending them to the lab for testing in order to develop the local limits program. Also,
they have been reviewing all of the test results, compliance reports and helping with progress reports to the State on a monthly basis. Currently staff is dealing with three different issues regarding Permit compliance. Two of those issues are being addressed with Carollo Engineers and the design of the facilities for modification. The other issue has to deal with trace metals, and LWA is taking the lead on that issue. They have been helping to monitor what the existing affluent levels are, have sent a letter to the State requesting a modification to the City's Permit with regard to concentrations and continue to work on getting resolution on what to do about the trace metals. He stated that the funding for the contract with LWA has been depleted and staff is requesting approval of an amendment to the contract with LWA bringing the total to $357,000.

Mayor Tassone asked how close it is to getting resolution from the State as it is critical that the City gets some relief on the numbers.

Jeff Jewett stated it is getting very critical that a response be received. He has had discussions with the State which says they understand the City's concerns, the timeliness with the response and stated a response should be received in a week or two.

Motion by Vice Mayor Johnson, seconded by Council Member Swarthout and carried by a unanimous roll call vote to authorize execution of an agreement amendment with LWA, subject to legal review, and increasing the contract amount by $110,008 and authorize a budget transfer in the amount of $70,418.

9.3 Idaho Maryland / East Main Intersection Level of Service (LOS) Requirements

Joe Heckel, Community Development Director, stated that on February 14th Council considered a recommendation from the Council subcommittee of Mayor Tassone and Council Member Swarthout on the Idaho-Maryland/East Main intersection. At that time public input and comments were received and Council requested that the information be evaluated and time be allowed for legal counsel to provide an opinion on the use of policy 7C1 in the General Plan and the item be continued to this evening. Unfortunately, legal counsel was unavailable to attend tonight's meeting and also requested that there be additional time to review the comments and be able to respond to any points raised at the Feb. 14th meeting. The intent tonight is to request continuance of this item to March 14, 2006 at which time Bill Abbott, Legal Counsel, will be present to provide background on this issue.

Motion by Council Member Swarthout, seconded by Council Member Ingram and unanimously carried to continue to March 14, 2006.

10.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND / OR ANY ADDED AGENDA ITEMS – No Items

11.0 CITY OF GRASS VALLEY REDEVELOPMENT AGENCY – (See Item #6.9 on consent).

12.0 CAPITAL IMPROVEMENTS AUTHORITY – No Items

13.0 CLOSED DOOR SESSION

13.1 Pursuant to Government Code Section 54957
Public Employee Appointment / Employment
Title: City Clerk

Council Members reconvened to further discuss this item and direction was given to staff.
14.0 ADJOURN

The meeting was adjourned at 9:30 p.m. by Mayor Tassone.

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GERARD TASSONE, MAYOR    Bobbi Poznik-Coover, City Clerk