

**MINUTES
CITY COUNCIL MEETING
MONDAY, FEBRUARY 7, 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: Mayor Shoals held a moment of silence and asked all those present to remember U.S. military personnel serving abroad.

FLAG SALUTE The flag salute was led by Christine Moreno, a 10-year old, 4th grade student from Grover Beach Elementary School.

ROLL CALL

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

City Staff: City Manager Anderson, City Attorney Koczanowicz, City Clerk McMahon, Community Development Director Raper, Police Chief Copsey, Fire Chief Fibich, Assistant Administrative Services Director Byrd, and Fire Captain Ferguson were also present.

Also present were City Engineer Garing, and Economic/Organizational Development Consultant Bragdon.

CLOSED SESSION ANNOUNCEMENTS Mayor Shoals read the following announcements:

On Tuesday, January 18, 2005, after meeting in Closed Session regarding:

1. Public Employee Performance Evaluation
Employee: City Manager

2. Conference with Real Property Negotiators
Property: APN 60-242-24 (1284 West Grand Avenue)
Agency Negotiator: City Manager and City Attorney
Negotiating Party: Clifford Clark, Trustee of the Cleaver Memorial Trust
Under Negotiation: Terms of Acquisition of Property

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

PRESENTATIONS

1. Status Report on the Proactive Code Enforcement Program.

Referencing a PowerPoint presentation, Fire Chief Fibich gave an overview of the Code Enforcement Program being administered by the Fire Department since September 2004. He and Fire Captain Ferguson responded to questions regarding various program procedures. The Council thanked and praised Fire Department personnel for the presentation and the program's emphasis on a partnership approach with residents and businesses to achieve voluntary compliance.

Mayor Shoals invited public comments on this matter.

The following individuals spoke regarding illegal signs posted in the public right-of-way:
Les Henderson, Grover Beach; and
Jessie Lemus, Grover Beach.

Action: The information was received and filed.

2. Proposal for Town Hall Meeting and Goal Setting Workshop.

City Manager Anderson introduced John Dunn, former Chief Administrative Officer for the City of San Luis Obispo. Mr. Dunn gave a brief overview of his proposal to facilitate a series of three Council goal setting workshops to establish goals and priorities for the next budget year.

Discussion was held regarding the goal setting process and tentative dates to schedule each workshop.

Council Member Ekbom objected to scheduling more than one workshop and to having the City hire a facilitator. He expressed concern that public input provided at the second and third workshops would be too late in the goal setting process.

Mayor Shoals invited public comments on this matter.

Helen McIver, Grover Beach, requested clarification on the dates of each workshop.

Action: It was m/s by Council Member Lieberman/Mayor Pro Tem Versaw to adopt Resolution No. 05-10 to amend the Annual Appropriation Resolution in the amount of \$2,800. The motion carried on the following roll call vote:

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

Resolution No. 05-10: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 20th Amendment to the Annual Appropriation Resolution No. 04-40 by Providing Funding in the Amount of \$2,800 for a Facilitator for City Council Goal Setting Workshops.

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. Susan Reade, Grover Beach, requested to address the Council regarding the proposal to install traffic signals on Oak Park Boulevard and Brighton Avenue. She was then advised to speak when that specific item was presented and discussed later in the agenda (under Agenda Item Nos. 9B and 10).

There were no further public comments at this time.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item No. 4 was pulled pursuant to the request of Council Member Lieberman.

It was then m/s by Mayor Pro Tem Versaw/Council Member Ashton to approve Consent Agenda Item Nos. 3, 5, 6, and 7 as recommended. The motion carried on the following roll call vote:

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

3. Treasurer's Report for the Period January 12 - February 2, 2005.

Action: Approved as submitted.

5. Second Reading of Ordinance No. 05-02 Regarding Consolidating the Parks and Recreation Commission and the Grover Beautiful Committee with the Formation of a Seven-Member Parks, Recreation and Beautification Commission.

Action: Conducted second reading, by title only, and adopted Ordinance No. 05-02.

Ordinance No. 05-02: An Ordinance of the City Council of the City of Grover Beach, California, Amending Article II, Chapters 5 and 6 of the Grover Beach Municipal Code to Dissolve Both the Parks and Recreation Commission and the Grover Beautiful Committee and Establish the Parks, Recreation and Beautification Commission as a New Advisory Body to the City Council.

6. Response to Grand Jury Final Report.

Action: Approved as submitted the draft response to the 2003-2004 findings and recommendations of the Grand Jury, that the Police Department appropriately handled a specific traffic accident in Grover Beach, and authorized the Mayor to execute it on behalf of the City.

7. Temporary Office Assistance.

Action: Adopted Resolution No. 05-11 for the 18th Amendment to the Annual Appropriation Resolution No. 04-40 to appropriate \$10,000 for temporary staff assistance in the Administrative Services Department while a full-time staff member is on restricted duty.

Resolution No. 05-11: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 18th Amendment to the Annual Appropriation Resolution No. 04-40 by Providing Funding in the Amount of \$10,000 for Temporary Office Assistance.

Mayor Shoals then called for discussion of Consent Agenda Item No. 4.

4. Minutes of the Regular City Council Meeting of January 3, 2005.

Council Member Lieberman requested a status report on a safety concern raised under the Public Comment period by Grover Beach resident Shirley Grogg regarding a residential construction project on Seabright Avenue.

Community Development Director Raper gave a brief overview of actions taken by the City's Building Official to immediately address safety concerns at a construction site.

Mayor Pro Tem Versaw inquired if the issue of an Out-of-Area Service Agreement with the City of Arroyo Grande, Agenda Item No. 13 on the draft minutes, had already been resolved.

Community Development Director Raper stated that issue had not been resolved and would be brought back before the Council at its next regular meeting.

Action: Upon unanimous consensus (5-0), the minutes were approved as submitted.

REGULAR BUSINESS

8. Alternatives for Addressing Community Development Department Projects
(Continued from the City Council Meeting of 1/18/05).

City Manager Anderson gave an overview of the report regarding alternatives to immediately address public works and public utilities issues in the Community Development Department.

Discussion ensued regarding priority levels of various projects, current staff resources, and projects identified for the Planner III position to complete once that position was filled.

Mayor Shoals invited public comments on this matter. None were received.

Further discussion was held on obtaining additional information on consultant services regarding costs, scope of work, and estimated completion dates.

City Manager Anderson estimated that it could take from two weeks to over a month to

identify one or more qualified consultants, and that the proposed amendment to the Annual Appropriation Resolution would provide funding for consultant services only through the end of the current fiscal year.

Council Member Ashton objected to the use of consultant services without first having the opportunity to review specific information on who the consultants were that were being considered, estimated costs, and scope of work.

Action: It was m/s by Mayor Pro Tem Versaw/Council Member Lieberman to: 1) direct staff to hire one or more consultants to address the Community Development Department projects identified as "Critical" or "High Priority" (excluding the Land Use Element Update), 2) to have Garing Taylor and Associates manage more projects, 3) adopt Resolution No. 05-12 amending the Annual Appropriation Resolution No. 04-40 to provide funding, and 4) direct staff to return to the Council with additional consultant service information regarding scope of work and time frames for project completion.

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

Resolution No. 05-12: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 17th Amendment to the Annual Appropriation Resolution No. 04-40 by Providing Funding in the Amount of \$44,600 for a Public Works Consultant.

Recess: Upon consensus of the City Council, the meeting recessed at 9:00 p.m.
Reconvene: At 9:14 p.m., the meeting reconvened with all Council Members present.

9. A. Traffic Committee Report Regarding North 9th Street and Ramona Avenue.

Police Chief Copsey gave an overview of the request to install either a four-way stop or red curbing at the intersection of North 9th Street and Ramona Avenue. He then responded to questions from the Council.

Mayor Shoals invited public comments on this matter.

Sue Hartman, Parks and Recreation Commissioner, Grover Beach, spoke in support of installing a four-way stop at the intersection.

There were no further public comments received.

Action: It was m/s by Council Members Ekbohm/Lieberman to accept the Traffic Committee's report and adopt Resolution No. 05-13. The motion carried on the following roll call vote:

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

Resolution No. 05-13: A Resolution of the City Council of the City of Grover Beach, California, Accepting the Traffic Committee Report and the Recommendation to Install Stop Signs on the East and West Sides of 9th Street at Ramona Avenue.

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

B. Traffic Committee Report Regarding Oak Park Boulevard.

Police Chief Copsey gave an overview of the request to install red curbing along portions of North Oak Park Boulevard. Chief Copsey, Community Development Director Raper, and City Manager Anderson responded to questions from the Council.

Mayor Shoals invited public comments on this matter.

Susan Reade, Grover Beach, spoke in support of red curbing portions of North Oak Park Boulevard.

John A. Wysong, Grover Beach, spoke against red curbing portions of North Oak Park Boulevard.

There were no further public comments received.

Mayor Shoals objected to the Traffic Committee's recommended action because an expanded notification process had not been conducted to specifically notify impacted residents of this proposal.

Action: It was m/s by Mayor Pro Tem Versaw/Council Member Ashton to accept the Traffic Committee's report and adopt Resolution No. 05-14. The motion carried on the following roll call vote:

AYES: Council Members Ashton, Lieberman, and Mayor Pro Tem Versaw.

NOES: Mayor Shoals.

ABSENT: Council Member Ekbohm (*due to a conflict of interest*).

ABSTAIN: Council Members - None.

Resolution No. 05-14: A Resolution of the City Council of the City of Grover Beach, California, Accepting the Traffic Committee's Report and the Recommendations to: (A) Paint Red Curbs on the East Side of Oak Park Boulevard from Ramona Avenue to Brighton Avenue and (B) Paint Red Curbs on the East Side of Oak Park Boulevard from Saratoga Avenue to Atlantic City Avenue.

10. Oak Park Boulevard Improvement Alternatives (*Continued from the City Council Meeting of 1/3/05*).

Referencing a PowerPoint presentation, City Engineer Garing gave an overview of the report regarding expanding the Oak Park Boulevard Street Widening Project to also encompass redesigning the intersection at Grand Avenue and Oak Park Boulevard, installing radar speed signs on North Oak Park Boulevard, and constructing sidewalks in the vicinity of Saratoga Avenue and Oak Park Boulevard. He also introduced James Worthley of the San Luis Obispo Council of Governments, who was available to respond to questions regarding the use of potential net surplus funds from the West Grand Avenue-Beach Boardwalk Project that could be used towards the Ramona Specific Plan Project. City Engineer Garing, Community Development Director Raper, and City Manager Anderson responded to questions from the Council.

Mayor Shoals invited public comments on this matter.

The following persons *objected* to the proposal to install a traffic signal at North Oak Park and Brighton Avenue:

Les Henderson, Grover Beach, and Susan Reade, Grover Beach, she also spoke in support of red curbing portions of North Oak Park Boulevard prior to installation of additional traffic lane delineators.

The following person spoke in *support* of staff recommendations:

James Worthley, San Luis Obispo Council of Governments. He then responded to questions from the Council.

The following person spoke in *support* of the proposal to install a traffic signal at North

Oak Park and Brighton Avenue:

John A. Wysong, Grover Beach, he also presented the Council with photographs of various intersections along West Grand Avenue and North Oak Park Boulevard.

There were no further public comments received.

Further discussion was held regarding criteria used to determine if stop signs and/or traffic signals were warranted, and estimated costs for a traffic signal.

Mayor Pro Tem Versaw objected to not having funds also spent on improving pedestrian access and safety along the full length of North Oak Park Boulevard, specifically to address sidewalk access to meet Americans with Disabilities Act standards.

Action: It was m/s by Council Members Lieberman/Ashton to:

(A) spend \$4,000 on a warrant study on the intersection of North Oak Park Boulevard and Brighton Avenue to determine if a traffic signal should be installed, and
(B) if the warrants were not met, direct staff to: 1) reconstruct the Oak Park Boulevard/Grand Avenue intersection by grinding and overlaying, 2) acquire right-of-way and complete the sidewalk improvements on the west side of North Oak Park Boulevard; 3) install radar signs for speed awareness on both sides of North Oak Park Boulevard in the vicinity of Brighton Avenue; and 4) extend the overlay west of the Oak Park/Grand Avenue intersection as far as remaining funds would allow.

11:00 p.m. Rule: Prior to concluding the discussion of the motion made by Council Members Lieberman/Ashton, at 10:55 p.m., it was m/s by Mayor Pro Tem Versaw/Mayor Shoals to continue the meeting past 11:00 p.m. At this time Council Member Ekbom returned to the dais to vote on whether to continue the meeting past 11:00 p.m. The motion carried on the following roll call vote:

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

Council Member Ekbom then stepped down from the dais, and he again left the room due to a conflict of interest.

Council discussion then continued on the original motion made by Council Members Lieberman/Ashton.

Upon question, City Manager Anderson stated it would take approximately six weeks to complete a warrant study.

Mayor Shoals objected to any further completion delays of the Oak Park Boulevard and Street Widening Project.

Council Members Lieberman/Ashton then amended the motion to have the warrant study include stop signs as well as a traffic signal. The motion failed on the following roll call vote:

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

Action: It was m/s by Mayor Pro Tem Versaw/Council Member Ashton to direct staff to spend the funding necessary to conduct a warrant study for both a traffic signal and stop signs at North Oak Park and Brighton Avenue, and

(A) if the warrants were not met for a traffic signal: the balance of the funds would be spent first on completing pedestrian improvements along North Oak Park Boulevard from Grand Avenue to the northern limits of the City, with upgrades as necessary for installation of handicap access ramps, then spent on installation of speed radar signs,

and that any remaining funds be spent on resurfacing the Oak Park Boulevard/Grand Avenue intersection by grinding and overlaying to smooth it out but not change its profile; but

(B) if the warrants were met for a traffic signal: direct staff to come back to the Council for further direction. The motion carried on the following roll call vote:

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

Upon request, City Engineer Garing gave an overview of the process for a traffic warrant study, criteria used to determine whether stop signs or traffic signals should be installed, and funding options if the study did not warrant installation of stop signs or traffic signals.

City Attorney Koczanowicz responded to questions regarding potential liability.

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

Recess: Upon consensus of the City Council, at 11:01 p.m., the meeting recessed to convene the Improvement Agency meeting which was scheduled for this same evening.

Reconvene: At 11:43 p.m., the meeting reconvened with all Council Members present.

11. Vehicle License Fee (VLF) Loan Program.

City Manager Anderson gave an overview of the report regarding participating in the Vehicle License Fee Gap Loan Program, which would allow the City to sell its VLF loan receivables from the State and provide immediate cash relief in the amount of \$200,202 in March 2005. He and Assistant Administrative Services Director Byrd responded to questions from the Council regarding the program and one-time costs for participation.

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

Council Member Ekbom suggested designating the entire amount of VLF receivables, which would be one-time monies, towards resolving the "critical" and "high priority" public works issues identified under Agenda Item No. 8, "Alternatives for Addressing Community Development Department Projects", discussed previously in the meeting.

Action: It was m/s by Mayor Pro Tem Versaw/Council Member Lieberman to: 1) Adopt Resolution No 05-16 entering into an agreement with the California Statewide Communities Development Authority; and 2) adopt Resolution No. 05-17 for the purchase and sale of the City's VLF Receivable with the contingency that the City's receivables will not fall below the 89.05% minimum; and 3) once the date of the VLF loan sale and receivables amount are known, direct staff to return to the City Council with an Amendment to the Annual Appropriation Resolution appropriating funds to be used first and foremost to fund "critical" and "high priority" public works issues identified under Agenda Item No. 8.

Resolution No 05-16: A Resolution of the City Council of the City of Grover Beach, California, Approving, Authorizing, and Directing Execution of an Amended and Restated Joint Exercise of Powers Agreement Relating to the California Statewide Communities Development Authority.

Resolution No. 05-17: A Resolution of the City Council of the City of Grover Beach, California, Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Vehicle License Fee Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection Therewith.

PUBLIC HEARING

12. Extension of Existing 45-day Moratorium on Medical Marijuana Dispensaries.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Attorney Koczanowicz gave an overview of the report regarding extending the moratorium on the establishment of medical marijuana dispensaries in the City for 180 days, or until the Municipal Code is amended.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There was no response and he closed the Public Hearing.

Action: It was m/s by Council Members Lieberman/Ashton to adopt Ordinance No 05-03 in order to continue the moratorium in effect until the Municipal Code amendment process is concluded. The motion carried on the following roll call vote:

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

Ordinance No. 05-03: An Interim Urgency Ordinance of the City of Grover Beach, California, Extending the Moratorium on the Establishment of Medical Marijuana Dispensaries in all Zoning Districts of the City.

COUNCIL COMMITTEE REPORTS

Council Member Ashton gave a report on the Traffic and Noise Group. Council Member Ekbom gave a report on the South San Luis Obispo County Sanitation District. Council Member Lieberman gave reports on the Fire and Emergency Services Oversight Committee and the League of California Cities Policy Committee on Public Safety. Mayor Pro Tem Versaw gave a report on the San Luis Obispo County Water Resources Advisory Board. Mayor Shoals gave a report on 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

13. Planned Development Overlay District to Implement Vision for Grand Avenue Corridor.

Mayor Shoals stated he had raised the issue of moving projects proposed along West Grand Avenue quickly through the review process through the formation of a Planned Development Overlay (P-D-O) District, and gave a brief overview of the concept.

Community Development Director Raper gave a brief overview of the process and estimated time frame to initiate a re-zone, notify property owners, and complete the necessary environmental documents to create a P-D-O District.

City Attorney Koczanowicz cautioned that staff would need to determine potential impacts to the Local Coastal Plan if the corridor extended the full length of West Grand Avenue.

PUBLIC COMMUNICATIONS The Mayor opened the floor to any member of the public for comment on items of interest which were within the jurisdiction of the City Council but were not listed on the agenda. No one responded and the Mayor closed the Public Communications

segment for this portion of the meeting.

COUNCIL COMMUNICATIONS

- A. Council Member Lieberman stated the Council could soon be directly contacted regarding its level of interest to participate in a study regarding the provision of joint fire services with the City of Pismo Beach.

He then requested, and received Council consensus, to schedule a Closed Session discussion to review goals and objectives outlined in the contract for economic development consultant services.

- B. Mayor Shoals requested, and received consensus, to agendaize the issue of when the Improvement Agency could assist in the process of moving potential projects forward, and identifying the tools available to the Agency.

CLOSED SESSION At 12:15 a.m., the Council met in Closed Session to consider the following matters:

1. Conference with Legal Counsel – Pending Litigation

Pursuant to Government Code Section 54956.9(a)
Santa Maria Valley Water Conservation District v. City of Santa Maria, etc., et al,
and Related Cross-Actions: Santa Clara Superior Court Case No. CV 770214.

2. Conference with Real Property Negotiators

Pursuant to Government Code Section 54956.8
Property: 177 South 8th Street, Grover Beach

Agency negotiator: City Manager and City Attorney
Negotiating party: Grover Beach Chamber of Commerce
Under negotiation: Amendment to the Lease Terms

Closed Session Announcements: At 1:05 a.m., Mayor Shoals convened 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 1:05 a.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg: March 21, 2005)