

**MINUTES
CITY COUNCIL MEETING
MONDAY, APRIL 4, 2005**

CALL TO ORDER Mayor Shoals called the meeting to order at 6:33 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 Rogelia Zambrano, an 11-year-old 5th grade student attending North Oceano Elementary School.

ROLL CALL

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

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

Also present were Economic/Organizational Development Consultant Bragdon, and Clayton Tuckfield of Tuckfield and Associates, consultant for the Utility User Fee Study.

CEREMONIAL CALENDAR

1. **Proclamation Declaring April as “National Organ Donation Awareness Month”.** Mayor Shoals read and presented the Proclamation to Leaha K. Magee, Grover Beach resident and volunteer for the San Luis Obispo Chapter of the California Transplant Donor Network. Ms. Magee then introduced Angel Jara from the Bay Area office of the California Transplant Donor Network, who gave a brief overview of the on-line donation program which had recently become available.
2. **Proclamation Declaring April as “Financial Literacy Month”.** Mayor Shoals read and presented the Proclamation to Carmela Vignocchi, Director of Public Relations, Consumer Credit Counseling Service, Grover Beach.
3. **Proclamation Declaring April as “Month of the Child”.** Mayor Shoals read and presented the Proclamation to Amy Buchanan from the San Luis Obispo County YMCA. Ms. Buchanan then presented the City Council with artwork made by kindergarten students attending YMCA programs at North Oceano Elementary School, along with promotional materials highlighting the "Month of the Child".

PRESENTATIONS

4. **San Luis Obispo County Housing Trust Fund.**

Referencing a PowerPoint presentation, Gerald L. Rioux, Executive Director of the San Luis Obispo County Housing Trust Fund distributed informational materials to the City Council, stating the "Fund" was a non-profit organization created to address local housing needs and to increase the supply of affordable housing, including households with special needs. He introduced Rachel Richardson, Vice Chair of the Housing Trust Fund, who was seated in the audience and was also available to respond to questions.

Mr. Rioux then gave an overview of the Fund's initial formation, vision statement, programs and activities, organizational structure, and financing available for eligible projects.

Brief discussion was held regarding the Fund's level of involvement with government agencies and the use of housing set-aside funds. The Fund's collaborative efforts with organizations such as People's Self Help Housing and the County Housing Authority to increase the availability of affordable housing was also discussed.

5. Request from the Grover Beach Police Officers' Association to Adopt a Resolution in Favor of Responsible Pension Reform.

Grover Beach Police Officers' Association (POA) President Angelo Limon presented a request from the Association for the Council to adopt a Resolution regarding responsible pension reform. He stated that this issue was scheduled to be considered by the San Luis Obispo City Council and listed public agencies throughout California that have already adopted similar Resolutions. He then responded to Council questions.

Action: Upon consensus of the City Council, staff was directed to: 1) prepare a staff report and draft Resolution; 2) obtain a copy of the staff report and Resolution being considered by the City of San Luis Obispo; and 3) schedule the matter for a City Council meeting at a time when the League of California Cities local representative, Dave Mullinax, would be available to present the League's position on this issue.

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. Ken Grose, Grover Beach, in reference to Agenda Item No. 11, spoke in support of the annual rotation process for the positions of Mayor and Mayor Pro Tem as discussed at the Council meeting of March 21, 2005.
- B. Lisa Abeloe, Grover Beach, CALSTAR representative, stated Oceano Airport was scheduled to temporarily close for two months. She then requested the City Council draft a letter of support for CALSTAR helicopters to temporarily use the open space property owned by State Parks, located adjacent to the parking lot at the end of West Grand Avenue. She stated she had already spoken with representatives from the Grover Beach Fire and Police Departments, who were supportive of CALSTAR's short-term use of this site.

Brief discussion was held regarding police and fire assistance that would be required to support this short-term use. It was estimated that there would be an average of one to two patients per month would be transported from this temporary location.

Action: Upon consensus of the City Council, staff was directed to draft a letter of support for consideration at the next City Council meeting of April 18, 2005.

- C. Bob Stone, Grover Beach, in reference to Agenda Item No. 11, urged the Council to spend more time discussing street improvements than the selection process for Mayor and Mayor Pro Tem.

CONSENT AGENDA

It was m/s by Council Members Lieberman/Ashton to approve Consent Agenda Item Nos. 6, 7, and 8 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.

6. Treasurer's Report for the Period March 17-31, 2005.

Action: Approved as submitted.

7. Minutes of the Special Joint City Council/Improvement Agency Meeting of Tuesday, March 1, 2005; and the Regular City Council Meeting of March 7, 2005.

Action: Approved the minutes as submitted.

8. Second Reading of Ordinance No. 05-04 Amending the Grover Beach Municipal

Code Regarding Fireworks Stands.

Action: Conducted second reading, by title only, and adopted Ordinance No. 05-04 regarding the permit and award process to operate fireworks stands.

Ordinance No. 05-04: An Ordinance of the City Council of the City of Grover Beach, California, Amending Chapter 12 - Fireworks, of the Grover Beach Municipal Code. (Second Reading)

REGULAR BUSINESS

9. 2005 Weed Abatement Program.

Fire Captain Ferguson gave an overview of the report on adopting a Weed Abatement Program to ensure that properties within City limits pose no fire hazard to the community. He then responded to questions from the Council.

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

Action: It was m/s by Council Member Lieberman/Mayor Pro Tem Versaw to adopt Resolution No. 05-29 declaring weeds to be a nuisance and providing for weed abatement.

Resolution No. 05-29 A Resolution of the City Council of the City of Grover Beach, California, Declaring Weeds to be a Nuisance and Providing for Weed Abatement, Pursuant to Government Code Sections 39560 through 39588; Article 2 - Alternative Procedures for Weed and Rubbish Abatement.

10. Utility User Fee Adjustments.

Administrative Services Director Chapman gave an overview of the report on the results of the Utility Rate Study conducted by Tuckfield and Associates, which included a study of water, wastewater, and storm water rates. She then introduced Clayton Tuckfield, of Tuckfield and Associates, who also was available to respond to questions.

Discussion was held regarding how calculations in the study were derived, projected revenue increases required to meet financial obligations, the concepts of debt financing and enterprise funds, and whether to use excess funds for capital improvements. Also discussed was conducting an expanded public notification and education process to stimulate public input before implementing new Utility User Fees. Further discussion was held regarding an opportunity for the Council to review cost estimates in the draft Five-Year Capital Improvement Plan (CIP), and approving a CIP before taking any action to revise service fees. Discussion also included providing more time for the Council to review and deliberate on information in the Utility Rate Study.

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

Helen McIver, Grover Beach, recommended the Council discuss bond financing, and stated many residential retention basins were not being maintained or had been filled in by property owners.

Robert Hayes, Grover Beach, objected to the public notification process, proposed mitigation credit process, and stated the proposed fees were punitive to those residents who had already installed water conservation fixtures. He also suggested applying the fees to property owners of undeveloped lots.

There were no further public comments received.

Action: Upon unanimous consensus of the City Council, staff was directed to: 1) continue the issue of Utility User Fee Adjustments to early May 2005; 2) bring a draft of the Five-Year Capital Improvement Plan at that same meeting; and 3) conduct expanded notification of this issue to residents and business owners, using the City-wide newsletter and Government Access Cable Channel 20, with information on opportunities

to provide public comment.

RECESS: Upon consensus of the City Council, at 8:50 p.m., the meeting recessed.
RECONVENE: At 9:12 p.m., the meeting reconvened with all Council Members present.

ORDER OF THE DAY: Upon consensus of the City Council, at this time the Order of the Day was amended for the Council to consider next the Public Hearing Agenda Item No. 12 regarding proposed amendments to the Master Fee Schedule.

PUBLIC HEARING

12. Annual Update of Master Fee Schedule.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Administrative Services Director Chapman gave an overview of the report on various proposed amendments to the Master Fee Schedule at the rate of 6.2 percent, which was equal to the Consumer Price Index at the end of calendar year 2004 for the Los Angeles-Riverside-Orange County Area. She pointed out several corrections in Exhibit A of the draft Resolution for certain fees, which could not be increased in accordance with state law, and then responded to Council questions.

Discussion was held regarding various proposed fee increases and additional corrections to Exhibit A of the proposed Resolution.

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 Ashton/Lieberman to adopt Resolution No. 05-30 with the corrections discussed on Exhibit A of the Resolution. 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.

Resolution No. 05-30: A Resolution of the City Council of the City of Grover Beach Amending the Master Fee Schedule.

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

BUSINESS

11. Revision of Method for Selection of the Mayor and Mayor Pro Tem. (Continued item from City Council meeting 3/7/05.)

City Manager Anderson gave an overview of the report regarding a proposed Resolution to further clarify the rotation method for the selection of Mayor and Mayor Pro Tem.

Council Member Ashton recommended keeping the existing rotation system and pointed out that if the Resolution was adopted, it would be retroactively effective and he would be the only Council Member negatively effected. He expressed concern that the proposed method could lead to unnecessary divisiveness on the Council.

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

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

Helen McIver, Grover Beach;
Denise Dolan, Grover Beach;
Phillip Dolan, Grover Beach;
Robert Hayes, Grover Beach;

John A. Wysong, Grover Beach; and
Michael Burnham, Grover Beach.

City Attorney Koczanowicz responded to questions regarding legal concerns of the proposed Resolution, and confirmed it was within the Council's authority to determine the selection process for Mayor and Mayor Pro Tem.

Discussion was held on whether Resolution No. 01-77 accurately reflected Council discussion held at that time, whether the position of Mayor should be directly elected, and if there were alternatives for a more equitable rotation process.

Mayor Shoals objected to the proposed Resolution, stating Council Member Ashton should have an opportunity under the rotation system to serve as Mayor. However, he pointed out the existing rotation system was also flawed in that Council Member Lieberman would not have another opportunity to serve as Mayor during his second term of office.

Council Member Ekbohm stated he had initially raised this issue to clarify the rotation process, even though his term would end and he would not have another opportunity to serve as Mayor. He acknowledged that each member of the City Council was qualified to serve as Mayor. He then spoke in support of the proposed draft Resolution.

Action: It was m/s by Council Member Ekbohm/Mayor Pro Tem Versaw to adopt Resolution No. 05-31 clarifying the Council's intent with regard to the method used to rotate Council Member service in the offices of Mayor and Mayor Pro Tem. The motion carried on the following roll call vote:

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

Resolution No. 05-31: A Resolution of the City Council of the City of Grover Beach, California, Amending the Method of Implementing the System for Rotation of Mayor and Mayor Pro Tem and Repealing Resolution No. 01-77.

RECESS: Upon consensus of the City Council, the meeting recessed at 9:59 p.m. to conduct the Improvement Agency meeting also scheduled for this same evening.

RECONVENE: At 10:42 p.m., the meeting reconvened with all Council Members present.

COUNCIL COMMITTEE REPORTS

Upon consensus of the City Council, due to the lateness of the hour, Council Committee Reports were deferred to the next regular meeting.

CITY MANAGER'S AGENDA

None at this time.

CITY ATTORNEY'S AGENDA

None at this time.

CITY COUNCIL AGENDA

13. Revised FY 06 Community Goals.

Brief discussion was held regarding the proposed goals.

Action: Upon unanimous consensus (5-0), the FY 06 Community Goals were approved as submitted.

14. Proposal to Form a Zoning Ordinance Advisory Committee.

Mayor Shoals suggested forming a committee of seven to nine members to conduct a

methodical review process of the City's zoning regulations and to make recommendations for amendments.

Brief discussion was held regarding the level of staff participation required to facilitate this process, concerns raised previously regarding existing staff constraints, and current staff workloads in preparation for the FY 06 Budget.

Action: Upon consensus of the City Council, the issue of forming a Zoning Ordinance Advisory Committee would be scheduled for discussion after the FY 06 Budget was adopted.

15. Proposal to Schedule a Joint City Council and Planning Commission Workshop with City Staff to Review Roles and Responsibilities.

Mayor Shoals suggested scheduling a Special Joint Meeting with the Planning Commission to discuss a variety of concerns and to clarify roles and responsibilities.

Discussion was held regarding potential dates and suggested formats for this meeting.

Action: Upon consensus of the City Council, staff was directed to verify the availability of Planning Commissioners to attend a Special Joint City Council and Planning Commission Workshop tentatively scheduled for Monday, May 9, 2005 at 6:30 p.m.

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 suggested it was no longer necessary to provide the Council with the weekly supplemental response report, since the City had formed a Cooperative Agreement with the City of Arroyo Grande for the provision of fire services.

Action: Upon unanimous consensus of the City Council, staff was authorized to cease providing this supplemental report to the City Council.

Council Member Lieberman then requested the City Council consider sending a letter of opposition regarding AB 260 on fire data reported to the State Fire Marshal.

Action: Upon unanimous consensus of the City Council, staff was directed to draft a letter of opposition for Council consideration at the next meeting.

CLOSED SESSION Prior to meeting in Closed Session, upon unanimous consensus of the City Council, Closed Session Item No. 2 regarding Performance Evaluation of the City Manager was postponed to a date as yet to be determined.

Council Member Ashton announced he had a conflict of interest regarding Closed Session Item No. 3 due to personal knowledge of the matter prior to his election to a seat on the City Council, and would recuse himself from that item.

At 11:00 p.m., the Council met in Closed Session regarding the following items:

1. **Conference with Labor Negotiator**
Pursuant to Government Code Section 54957.6.
Agency Negotiator: City Manager, Administrative Services
Director, Human Resources Coordinator
Represented Employee Group: General Employees - (SEIU) Service
Employees International Union Local 620
2. **Public Employee Performance Evaluation**
Pursuant to Government Code Section 54957
Employee (*Position Title*): City Manager
3. **Conference with Legal Counsel - Pending Litigation**

Pursuant to Government Code Section 54956.9(a)
Doukas v. Stanley, City of Grover Beach, et al. CV 040946

Closed Session Announcements: At 11:20 p.m., Mayor Shoals convened the meeting in open session with all Council Members present, except for Council Member Ashton, who had left the meeting at the conclusion of discussion on Closed Session Item No. 1, regarding Conference with Labor Negotiator. Mayor Shoals announced there were no reportable actions taken during the Closed Session.

ADJOURNMENT There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 11:20 p.m.

/s/ JOHN P. SHOALS, MAYOR

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

(Approved at CC Mtg: April 18, 2005)