

**MINUTES
CITY COUNCIL MEETING
MONDAY, MAY 16, 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

FLAG SALUTE The flag salute was led by Rocia Garcia, a 12-year old, 5th grade student attending Grover Beach Elementary School.

ROLL CALL

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

City Staff: City Manager Anderson, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Community Development Director Raper, Police Chief Copsey, and Maintenance Worker II Thompson were also present.

CLOSED SESSION ANNOUNCEMENTS Mayor Shoals read the following announcements:

On Monday, May 2, 2005, after meeting in Closed Session regarding:

1. Conference with Labor Negotiator
Agency Negotiator: City Manager, James K. Katen,
Administrative Services Director, Assistant
Administrative Services Director, and
Human Resources Coordinator
Represented Employee Group: General Employees - (SEIU) Service
Employees International Union Local 620
2. Conference with Legal Counsel - Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of
Section 54956.9: One (1) potential case

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

On Monday, May 9, 2005 after meeting in Closed Session regarding:

1. Public Employee Performance Evaluation
Employee: City Manager

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

CEREMONIAL CALENDAR

1. **Proclamation Declaring June 6-7, 2005 as “Special Olympics Law Enforcement Torch Run Days”**. Mayor Shoals read and presented the Proclamation to Police Chief Copsey. Chief Copsey gave an overview of the event and invited the public to join members of the Police Department as they ran the segment scheduled to come through the City.
2. **Proclamation Declaring May 15-21, 2005 as “National Public Works Week”**. Mayor Shoals read and presented the Proclamation to Maintenance Worker II Thompson, who gave an overview of events scheduled to occur at the Thursday night Farmers Market in San Luis Obispo.

PRESENTATIONS

3. Proposal for Local Tobacco Control Regulations.

Director of Health Promotion Susan K. Hughes and Health Educator Specialist Trina Long from the County of San Luis Obispo Tobacco Control Program gave an overview of a proposed local ordinance to hold retailers responsible for the illegal sale of tobacco products, and stated a similar ordinance had been adopted in the cities of San Luis Obispo and Arroyo Grande. They were joined in the presentation by Tobacco Control youth decoy participant Ranessa Sanders, Chair of the Volunteer Coalition for Tobacco Control and Grover Beach resident Wayne Hanson, and Coalition for Tobacco Control Volunteer and throat cancer survivor John Fisher, who spoke with a voice box.

County representatives then responded to questions from the Council.

Mayor Shoals stated he had spoken individually with County representatives on this matter and had also spoken with the Arroyo Grande Police Chief regarding the tobacco control ordinance recently adopted in that jurisdiction.

Action: Upon consensus of the City Council, staff was directed to agendize consideration of a tobacco retail licensing ordinance, include fiscal implications in the staff report if the ordinance was adopted, and to notify local tobacco retailers of the meeting scheduled to consider the proposed ordinance.

4. Seat Belt Safety Program "Click It or Ticket".

Police Chief Copsey gave an overview of the grant-funded seat belt safety program from May 16 through June 6, 2005 to specifically enforce seat belt laws, and then responded to questions from the Council.

At this time, Mayor Shoals acknowledged and introduced former Police Chief Bradbury, who was seated in the audience.

5. Police Department Annual Report 2004.

Police Chief Copsey gave an overview of department accomplishments and successes over the past year, praised programs implemented by former Police Chief Bradbury which had resulted in these successes, acknowledged and praised department staff and Citizens Assistance Team volunteers, and gave a year-to-date statistical overview of department activities. He then responded to questions from the Council.

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 public comments were received at this time and the Mayor closed the Public Communications segment for this portion of the meeting.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item Nos. 6 and 9 were pulled pursuant to the respective requests of Council Members Ashton and Ekbohm. Council Member Ekbohm stated he would abstain from voting on Consent Agenda Item No. 8 due to a conflict of interest. Mayor Pro Tem Versaw stated he would abstain from voting on Consent Agenda Item Nos. 7 and 8 as he was absent from the meeting of April 18, 2005.

It was m/s by Council Members Lieberman/Ashton to approve Consent Agenda Item Nos. 7 and 8 as recommended. The motion carried on the following roll call vote:

AYES:	Council Members Ashton, Lieberman, and Mayor Shoals.
NOES:	Council Members - None.
ABSENT:	Council Members - None.
ABSTAIN:	Council Member Ekbohm (<i>due to a conflict of interest on Item No. 8 only</i>) and Mayor Pro Tem Versaw (<i>due to absence on Item Nos. 7 and 8</i>).

7. **Minutes of the City Council Meeting of April 18, 2005.**

Action: Approved the minutes as submitted.

8. **Findings Granting Appeal of the Planning Commission Decision on Architectural Approval, Use Permit, and Tentative Parcel Map, Application No. 04-062, for a Four-Unit, Two-Story, Detached, Planned Unit Development on a 15,550 Square Foot Lot in the Duplex Residential (R-2) Zone, Applicant Paul Bischoff, Project Location: 1547 Brighton Avenue, Appellant John A. Wysong.**

Action: Adopted Resolution No. 05-38 granting the appeal without prejudice and denying the project based on the inability to make the necessary findings to deny the appeal.

Resolution No. 05-38: A Resolution of the City Council of the City of Grover Beach, California, Granting the Appeal of and Denying the Use Permit, Architectural Approval, and Tentative Parcel Map for Application No. 04-062.

Mayor Shoals then called for discussion of Consent Agenda Item No. 6.

6. **Treasurer's Report for the Period April 28 - May 11, 2005.**

Administrative Services Director Chapman responded to questions regarding credit card late fees and expenditures to date from the State budget deficit.

Action: Upon consensus, the Treasurer's Report was approved as submitted.

Mayor Shoals then called for discussion of Consent Agenda Item No. 9 and requested a brief staff report.

9. **City Participation in the Urban County Program for FY 06 through FY 08.**

Community Development Director Raper gave an overview of the report on whether to participate in the "urban county" program or the statewide competitive process for federal Community Development Block grant funds for various City projects and community-based programs. He then responded to questions from the Council.

Council Member Ekbohm spoke in support of focusing the City's efforts towards a large single project, rather than having staff expend time and effort meeting the time-consuming federal reporting requirements for numerous small projects through the "urban county" program.

Action: Upon consensus of the City Council (4-1, Council Member Ekbohm voting no), the City Council approved the Urban County Cooperative Agreement for Fiscal Years 2006 through 2008, and authorized the Mayor to execute it on the City's behalf.

REGULAR BUSINESS

10. **Proposed Internal Water Allocation Agreement.**

City Manager Anderson gave an overview of the report regarding the proposed agreement for short-term sharing of groundwater resources with the Cities of Arroyo Grande and Pismo Beach, and the Oceano Community Services District, as long as the total allocation of the four agencies would not be exceeded. He then responded to questions from the Council.

Action: Upon unanimous consensus, the City Council approved the Internal Water Allocation Agreement, and authorized the Mayor to execute it on the City's behalf.

ORDER OF THE DAY: At 7:58 p.m., Mayor Shoals changed the Order of the Day to consider Public Hearing Item No. 12 next on the agenda.

PUBLIC HEARING

12. Amendment to Certificate of Public Convenience and Necessity.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Manager Anderson gave an overview of the request from Beach Cities Cab Company for a \$.15 per mile increase from \$2.00 to \$2.15 and stated the General Manager of the company was scheduled to be present to respond to any questions.

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: Upon m/s of Council Members Ashton/Lieberman, the City Council adopted Resolution No. 05-39 amending the Master Fee Schedule to authorize the requested \$.15 per mile rate increase. 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. 05-39: 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 posted.

REGULAR BUSINESS

11. Request to Provide Direction Regarding Residential Density Calculations.

Prior to discussion of Business Item No. 11, and for the information of those members of the public present in the audience, Mayor Shoals requested and received confirmation from Community Development Director Raper that this issue regarding density calculation had no impact on the development of "granny units" or second dwelling units in the Duplex Residential District (R-2), which were permitted by state law.

Community Development Director Raper then gave an overview of the report requesting clarification of the City's policy on calculating density for areas in the Single-Family Zone District (R-1), Duplex Residential District (R-2), and Multiple Residential District (R-3), and consideration of various options to bring consistency to calculating dwelling unit density. He and City Attorney Koczanowicz responded to questions from the Council.

Brief discussion was held regarding the City's past practice of calculating "gross acreage" to the center of the street when calculating for residential density, recent interpretations which have been inconsistent with past practice, calculations implemented in 1991 to accommodate Planned Unit Developments, and differing density calculation methods used by other neighboring jurisdictions.

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

The following persons spoke in support of continuing the City's past practice of calculating residential density, stated Planned Unit Developments and condominium projects should not be required to meet the same density restrictions, and cited the potential for significant loss of income with the City's recent interpretation of residential density calculations:

John Fricks, Attorney at Law, San Luis Obispo;
Paul Bischoff, Grover Beach;
Eleanor Foster, Grover Beach;
Mike Amenta, Oceano;
Robert Grayson, Grover Beach property owner;
Patrick Morrissey, Grover Beach;

Jerry McLaughlin, Grover Beach;
John L. Bradbury, Grover Beach property owner;
Kathy Springford, Grover Beach property owner;
Josanne Jacksen, Grover Beach property owner, who also urged for calculation consistency regardless of whether the lot was located on a corner;
Paul Schmidt, Grover Beach;
Marilyn Schmidt, Grover Beach;
John Schmidt, Grover Beach;
Douglas Shoulders, Grover Beach;
Tom Girard, Grover Beach;
Ken Taylor, Arroyo Grande; and
Jack Hardy, Grover Beach.

The following persons also spoke:

Tom Smith, Grover Beach, reiterated his objection to the Bischoff project at 1547 Brighton Avenue;
Eric Eckdahl, Grover Beach, read past campaign literature of Council Members;
Dean Devotney, Grover Beach, objected to allowing maximum density build-out; and
John A. Wysong, Grover Beach, objected to three-story units in residential neighborhoods.

There were no further public comments received at this time.

Council discussion was held regarding the City's General Plan, the Zoning Ordinance, and conflicting information regarding whether Part 40 of the Zoning Ordinance with regard to condominiums and Planned Unit Developments should apply to the Single-Family Zone District (R-1). Further discussion was held regarding how Planned Unit Developments (PUDs) were originally created to provide for "affordable housing" but could no longer be considered in that same category when PUDs were selling in today's real estate market in excess of \$500,000 each.

Upon question, Community Development Director Raper confirmed that City regulations required a Use Permit to restore a structurally damaged PUD, such as structural damage incurred from a fire, if located in a non-conforming lot. In reference to the issue of affordable housing, he confirmed that income levels designated for very-low, low-, and moderate-income families were established by the Department of Housing and Urban Development, but that there was some flexibility for the Council to determine the number of years a dwelling unit was to remain "affordable".

Action: Upon consensus of the City Council, staff was directed to:

- 1) Prepare a draft resolution for Council's consideration at the next meeting memorializing a policy for calculating residential density that included the following points:
 - Round up to 2 units when calculations are 1.9 or higher;
 - Allow bonus incentives for "affordable housing" at .4 to .89;
 - Allow bonus incentives for "workforce housing" with resale restrictions at .5 or .6; and
 - Clarifying the use of "gross acreage" rather than "net acreage";
- 2) Follow the direction verbally provided by Council to "round up" from this point forward until formally memorialized by a resolution;
- 3) Prepare a draft resolution for Council's consideration at the next meeting initiating a Zoning Ordinance Amendment regarding density to include the following points:
 - R-1: Part 40 does not refer to lots in Single-Family Zone Districts (R-1);
 - R-2: Sec 9109.11 change "3,400 square feet" to "3,500 square feet"; and
 - Part 40, Sec. 9140.4 (E)(1) reworded to, "All density set forth in the General Plan is applicable and Part 40 is subject to those densities;"
- 4) Provide information on various "affordable housing" provisions available for the Council to establish for projects consisting of four units or less;
- 5) Provide information on the new S&S affordable housing units in Arroyo Grande, and what challenges the developer and/or City were experiencing as to why the units were not selling quickly, such as price or qualification requirements; and

6) Provide information on financial assistance programs the Council could offer through housing set-aside funds or other programs similar to the program offered to homeowners of the Santa Carmela development near Farroll Avenue.

Recess: Upon consensus of the City Council, the meeting recessed at 10:15 p.m. for a short break and then to conduct the Improvement Agency meeting also scheduled for this same evening.

Reconvene: At 11:00 p.m. the meeting reconvened with all Council Members present.

11:00 p.m. Rule: It was m/s by Council Members Lieberman/Ekbom to continue the meeting past 11:00 p.m. 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.

COUNCIL COMMITTEE REPORTS

Council Member Ashton gave a report on the Integrated Waste Management Authority. Council Member Ekbom gave a report on the South SLO County Sanitation District. Council Member Lieberman stated he had nothing to report. Mayor Pro Tem Versaw gave reports on the Zone Three Advisory Committee, which was scheduled to be televised for the first time on May 19, and the Economic Vitality Corporation (EVC). He then praised a People's Self Help Housing project he had recently toured during an open house event in Santa Maria. Mayor Shoals gave reports on meetings of the SLO County Mayors Luncheon, SLO Council of Governments, and Beach Lodge & Conference Center Ad Hoc Committee. He then stated at a recent YMCA Board of Directors meeting, it was announced the YMCA would be cutting programs due to fiscal constraints.

It was also announced that a section of the group picnic area located on State Parks property at the end of West Grand Avenue had been fenced off for construction of new restroom facilities.

CITY MANAGER'S AGENDA

None at this time.

CITY COUNCIL AGENDA

13. Scheduling FY 06 Budget Workshop Dates - Wednesday, June 1, and Thursday, June 2, 2005.

Administrative Services Director Chapman gave an overview of available dates to schedule FY 06 Budget workshops.

Action: Upon consensus of the City Council, staff was directed to schedule Special FY 06 Budget meetings on Wednesday, June 1, and Thursday, June 2, for FY 06 Budget workshops, and to schedule an additional Special Meeting on Wednesday, June 15, only if necessary to conclude budget discussions.

14. Request to Send a Letter of Support to the County Board of Supervisors to Delay Maintenance of Flood Control Zone 1A by the State Department of Water Resources to Allow Further Research of Less Expensive Funding Alternatives.

Council Member Ekbom requested the letter be revised to encourage County action by either this summer or next summer.

Discussion was held on amending the draft letter to include a request for vegetation removal, and to seek any remedial short-term measures possible to clean up the channel.

Action: Upon consensus of the City Council, the draft letter was approved as amended, and the Mayor was authorized to sign it on behalf of the City.

15. Re-broadcast Schedule of City Council Meetings on the City's Government Cable Access Television Channel 20.

Council Member Ashton requested the schedule for the City's government cable access channel be revised to rebroadcast City Council meetings more frequently, and criticized out-dated calendar/bulletin board information being shown.

Brief discussion was held regarding the variety of information scheduled to appear on Channel 20 to encourage viewing, that City staff prepared and posted the calendar/bulletin board information as time permitted, and that the Parks and Recreation Department was in the process of developing video production classes that could be included in the programming scheduled to appear on Channel 20.

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

Bob Lloyd of the City's video production company, AGP Video, suggested "cycling" the schedule so that the same meetings were not being continually rebroadcast at the same time throughout the week. He then confirmed he would work with City staff to determine a revised program schedule. With regard to "public or student video programs" being broadcast, he cautioned there were strict FCC regulations regarding the content of programs broadcast on government cable access channels.

16. Status of the Planning Commission.

Mayor Shoals gave an overview of Commission vacancies, increased Commissioner orientation and training previously discussed, and requested consensus to agendaize this for a future agenda.

Discussion was held regarding the City Council taking a more active role in recruiting residents to serve on the Commission, and changing the frequency of meetings, the number of members, and limiting meeting times. Further discussion was held regarding staff overtime that would be incurred in the Community Development Department with a two-meeting per month schedule.

Action: Upon consensus of the City Council, staff was directed to schedule a discussion of the Planning Commission at a future meeting regarding:

- Revising the Commission from seven members to five;
- Meeting frequency - scheduling two meetings per month or maintaining the current schedule of one meeting per month with special meetings scheduled as needed;
- Obtaining feed back from current Planning Commissioners regarding satisfaction levels with serving on the Commission, but that this "feedback survey" would not be a performance evaluation of the Commission or individual Commissioners; and
- Conducting a joint Council/Commission workshop regarding roles and responsibilities.

Community Development Director Raper reminded the Council that Joint City Council/ Planning Commission meetings were already tentatively scheduled towards the end of June regarding creating a Planned Development (PD) Overlay and updating the Housing Element.

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. Mayor Shoals raised concerns regarding the Council having an opportunity to comment on the revised draft Housing Element before the Council had made a final determination on it.

Community Development Director Raper gave an overview of the continuing dialog with the California Department of Housing and Community Development (HCD) over the past several months regarding amendments to the Housing Element, scheduling a joint

workshop with the Planning Commission and City Council, gathering and submitting comments from the Planning Commission and City Council to the HCD on the revised draft document prior to scheduling a Public Hearing, and then finalizing programs.

- B. Mayor Pro Tem Versaw requested, and received consensus from the Council, to agendize Council discussion at the next regular meeting regarding the issue of parking, reviewing/establishing policies to assist and ensure adequate parking in the downtown redevelopment area for business owners and future developers, forming a blue ribbon committee to review this issue, and surveying other jurisdictions for alternative parking solutions such as levying in-lieu parking fees.
- C. Mayor Ekbohm suggested, for future Council meetings, rescheduling the Order-of-the Day to accommodate the large number of people in the audience to further encourage public participation and attendance at meetings.

CLOSED SESSION At 11:53 p.m., the Council met in Closed Session to consider the following items:

- 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. **Public Employee Performance Evaluation**
Pursuant to Government Code Section 54957
Employee: City Manager

Closed Session Announcements: At 12:30 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

Mayor Shoals then adjourned the meeting at 12:30 a.m. to an Adjourned Regular Meeting of the City Council on Tuesday, May 17, 2005, beginning at 6:00 p.m. to continue discussion of Closed Session Item No. 2.

/s/JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 6/20/05)