

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, AUGUST 21, 2006**

**CALL TO ORDER** Mayor Versaw 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 Administrative Services Director Gayla Chapman.

**ROLL CALL**

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

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Community Development Director Hansen, Police Chief Copsey, and Parks and Recreation Director Petker were also present.

Also present was City Engineer Garing.

**CLOSED SESSION ANNOUNCEMENTS**

None at this time.

**CEREMONIAL CALENDAR**

None at this time.

**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. Gary Stone, representing the Rotary Clubs of Arroyo Grande, Grover Beach, Pismo Beach, and Nipomo, requested that the City consider waiving the rental fees for the Trouville Community Center for five weeks of rehearsals for a play to be presented at the Clark Center in Arroyo Grande on October 26, 2006 to benefit Special Olympics of San Luis Obispo County. He said if the fees were waived, the City would be recognized as a corporate sponsor of the benefit.

B. Greg Galt, of Freedom Construction, and an organization called, "Pure Desire", raised concerns regarding the Grover Beach business Diamond Video World being located near an elementary school.

Mayor Versaw suggested that Mr. Galt submit his request in writing to the City Manager.

C. Teresa Schmidt, Grover Beach, referencing her letter distributed to the City Council regarding the seatrain cargo container on her property, requested the Council agendaize discussion of the placement of seatrain containers and direct staff to suspend any further abatement proceedings until full Council discussion had been held.

Upon question, City Attorney Koczanowicz stated that staff would research previous Council discussions held on this issue and bring a report back at the next regular City Council meeting.

D. Don Fielding, Grover Beach, voiced concerns regarding street maintenance and the method of "cold patching" City streets.

E. Gary Edmunds, Grover Beach, thanked the Council for holding the June 12, 2006 Town Hall meeting on the issue of housing and spoke in support of establishing an Architectural Review Board.

- F. John Wysong, Grover Beach, stated that he wanted to speak with the City Manager regarding his recent guest article published in The Tribune on street maintenance, suggested an audit be conducted of City funds, and voiced concerns regarding a three-story development at 1510 Brighton Avenue in Grover Beach.

There were no further public comments received, and the Mayor closed the Public Communications segment for this portion of the meeting.

### **CONSENT AGENDA**

It was m/s by Mayor Pro Tem Lieberman/Council Member Ashton to approve Consent Agenda Item Nos. 1, 2, 3, and 4 as recommended. The motion carried on the following roll call vote:

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

1. **Treasurer's Report for the Period August 1 - August 15, 2006.**  
**Action:** Approved as submitted.
2. **Minutes of the Following City Council Meetings:**
  - **Joint City Council/Improvement Agency Meeting of July 17, 2006;**
  - **Special Joint City Council/Improvement Agency Meeting of July 18, 2006; and**
  - **Special Joint City Council/Improvement Agency Meeting of July 19, 2006.****Action:** Approved the minutes as submitted.
3. **Second Reading of Ordinance to Amend Part 24 (Section 9124.3, Table 2) of the Zoning Regulations of the Grover Beach Municipal Code Modifying the Allowed Uses in the Coastal Industrial District with the Approval of a Use Permit.**  
**Action:** Conducted second reading, by title only, and adopted Ordinance No. 06-11, as recommended by the Planning Commission.  
  
**Ordinance No. 06-11: An Ordinance of the City Council of the City of Grover Beach, California, Amending Article IX, Planning and Zoning Regulations, Chapter 1, Zoning Regulations of the Grover Beach Municipal Code, Part 24 Coastal Industrial District (C-I) by Amending Section 9124.3: Uses Permitted Subject to Approval of a Use Permit.**
4. **Response to the 2005-2006 Grand Jury Final Report.**  
**Action:** Reviewed an excerpt of the 2005-2006 Grand Jury Final Report regarding domestic violence and restraining orders and the letter of response submitted by the Police Chief, and authorized the City Manager to execute the response letter on behalf of the City Council.

### **REGULAR BUSINESS**

5. **Grover Heights Park Large Group Picnic Area Release of Contract Retention and Final Acceptance of Rehabilitation Project.**

Mayor Versaw read the title to the foregoing item and deferred to staff for a report. For the information of those present, Parks and Recreation Director Petker gave an overview of improvements completed at the Grover Heights Park large group picnic area and the recommendation to release final payment of the retention fund to the contractor.

Brief discussion was held regarding damage to the new tables from a private party discharging fireworks over the Fourth of July holiday. Parks and Recreation Director Petker gave an overview of funding provided for the project from the City and grants through the Per Capita State Bond Act, and confirmed that the City required a one-year workmanship and material guaranty. The Council commended the work of the contractor and thanked all those who were involved with the project.

**Action:** It was m/s by Council Member Ashton/Mayor Pro Tem Lieberman to adopt Resolution No. 06-70 accepting the construction work at the Grover Heights Park large group picnic area and approving the final payment of \$25,980.20 to G. Sosa Construction. The motion carried on the following roll call vote:

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

**Resolution No. 06-70: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting the Grover Heights Park Large Group Picnic Area Rehabilitation Project.**

**Prior to discussion of Agenda Item No. 6, Council Member Ekbohm declared a Conflict of Interest due to property ownership within 500 feet of the subject area, stepped down from the dais, and left the room.**

**6. Discussion Regarding Oak Park Boulevard Projects and Recommendation Regarding Award of Bid for the Oak Park Boulevard Sidewalk Project. (Continued from the City Council meeting of August 7, 2006.)**

Mayor Versaw read the title to the foregoing item and deferred to staff for a report. For the information of those present, City Manager Perrault gave an historical overview of the Oak Park Boulevard street widening project, various sources for project funding, total project costs, and residual funds available for reimbursement once the City accepted the street no later than January 2007. City Manager Perrault stated that further research of all of the costs and reimbursement claims had revealed there were no remaining surplus monies from this project available either to fund additional work, such as the sidewalk in-fill project, or for transfer to other projects. As an illustration of the previous mis-communication, he cited the analogy of calling a bank to verify an account balance without accounting for outstanding checks that had not yet cleared the bank.

City Manager Perrault outlined the control process staff had implemented to ensure this situation did not occur again. He then reviewed the following Council options: 1) reject all bids received in June and direct staff to move forward to evaluate other sources of funding appropriate for this project; or 2) if the Council considered the project to be a priority, award the bid to the lowest responsible bidder.

City Attorney Koczanowicz clarified that the option of rejecting all bids would be based on the fact that there were no available funds and the bids came in higher than the engineer's estimate.

Brief discussion was held regarding project tracking, the best uses of Gas Tax Funds, and that the Oak Park Boulevard Sidewalk Project could be eligible for funding through the Community Development Block Grant program.

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

John Wysong, Grover Beach, requested installation of a traffic signal at the intersection of Oak Park Boulevard and Brighton Avenue and disputed the information and manner in which data had been collected for traffic warrants at that intersection.

Don Fielding, Grover Beach, requested and received information on engineering work completed on Oak Park Boulevard and Grand Avenue which could be used on future projects.

There were no further public comments received.

Further Council discussion was held and it was noted that a complete design for Oak Park Boulevard and Grand Avenue could enhance future funding priority through the San Luis Obispo Council of Governments.

**Action:** It was m/s by Mayor Pro Tem Lieberman/Council Member Ashton to reject all bids for the Oak Park Boulevard Sidewalk Project based on the fact that there were no available funds and the bids came in higher than the engineer's estimate, and direct staff to continue to evaluate other sources of funding appropriate for this project. The motion carried on the following roll call vote:

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

**At this time, Council Member Ekbohm returned to the dais.**

**7. Traffic Committee Report Recommending "No Parking-Loading Only" Signage on North 8<sup>th</sup> Street, Changing the School Bus Loading Zone on Ritchie Road, and a Placement of Library Directional Signs at West Grand Avenue and North 9<sup>th</sup> Street.**

Mayor Versaw read the title to the foregoing item and deferred to staff for a report. For the information of those present, Police Chief Copsey gave an overview of the Traffic Committee's recommendations regarding safety precautions at Grover Heights Elementary School and the request for directional signage to be posted on West Grand Avenue to the Grover Beach Community Library located on Ramona Avenue and 9<sup>th</sup> Street.

There was no discussion held and no public comments received.

**Action:** It was m/s by Council Members Ekbohm/Ashton to: 1) adopt Resolution No. 06-71 authorizing 20 feet of red curbing east and west of the crosswalk on the south side of Ritchie Road and relocating the bus loading zone to accommodate the needs of the Lucia Mar Unified School District; 2) adopt Resolution No. 06-72 authorizing the posting of "No Parking-Loading Only" signs; and 3) adopt Resolution No. 06-73 authorizing the posting of library directional signs on West Grand Avenue. The motion carried on the following roll call vote:

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

**Resolution No. 06-71: A Resolution of the City Council of the City of Grover Beach Authorizing that a Red Zone be Painted on the South Side of Ritchie Road 20 Feet East and West of the School Crosswalk and that the Bus Zone be Moved from the West Side of the School Crosswalk to the East Side and Adjacent to Grover Heights Elementary School.**

**Resolution No. 06-72: A Resolution of the City Council of the City of Grover Beach Authorizing that "No Parking-Loading Only" Signs be Placed on North 8<sup>th</sup> Street Between the Lower Parking Lot Driveways of Grover Heights Elementary School.**

**Resolution No. 06-73: A Resolution of the City Council of the City of Grover Beach Authorizing the Posting of Library Information Signs on the Northeast Corner of West Grand Avenue and 9<sup>th</sup> Street.**

**8. Adoption of the National Incident Management System (NIMS).**

Mayor Versaw read the title to the foregoing item and deferred to staff for a report. For the information of those present, Police Chief Copsey gave an overview of the

Presidential directive to develop a National Incident Management System (NIMS) by September 30, 2006. He stated that the County Office of Emergency Services and the Grover Beach Police and Fire Departments had been developing plans to comply with this directive, and to adopt a standardized procedure for responding to incidents which met federal Department of Homeland Security requirements. Police Chief Copsey listed several requirements of NIMS, and discussed the adaptability of existing local and state procedures to achieve compliance. He then responded to questions from the Council.

**Action:** It was m/s by Mayor Pro Tem Lieberman/Council Member Ashton to adopt Resolution No. 06-74 adopting the National Incident Management System (NIMS). The motion carried on the following roll call vote:

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

**Resolution No. 06-74: A Resolution of the City Council of the City of Grover Beach, California, Adopting the National Incident Management System (NIMS).**

**9. Request to Schedule a Special Meeting.**

City Manager Perrault requested the Council consider scheduling a special workshop in September to review the draft Capital Improvement Plan and the Pavement Management System.

**Action:** Upon consensus (Council Member Shoals absent), the Council unanimously agreed to schedule a special workshop to review the Pavement Management Program and the draft Capital Improvement Plan on Tuesday, September 26, 2006, at 6:30 p.m.

**PUBLIC HEARINGS**

None at this time.

**COUNCIL COMMITTEE REPORTS**

Council Member Ashton stated he had nothing to report.

Council Member Ekbohm gave a report on the South San Luis Obispo County Sanitation District, which would be raising sewer rates and restructuring the basic fees.

Mayor Pro Tem Lieberman stated he had nothing to report.

Council Member Shoals was absent.

Mayor Versaw stated he had nothing to report.

**CITY COUNCIL AGENDA**

None at this time.

**COUNCIL COMMUNICATIONS**

- A. Council Member Ashton announced the next Neighborhood Watch meeting would be held at the Ramona Garden Park Center on Wednesday, September 20, 2006. The topic would be child identification kits and the Grover Beach Police Department would be present to assist parents and respond to questions.
- B. Mayor Pro Tem Lieberman inquired if the City had been the target of more graffiti. Police Chief Copsey responded in the affirmative and stated that the Police Department was continuing its investigations.

## **CITY MANAGER'S REPORTS AND COMMENTS**

City Manager Perrault gave the following reports and comments:

*Appointment of Community Development Director* - A press release announcing the appointment of Interim Community Development Director George Hansen as the City's permanent Community Development Director had been issued on Friday, August 18, 2006. City Manager Perrault commended Mr. Hansen for his contributions to the City over the past year, and stated that he looked forward to Community Development Director Hansen's assistance with economic development planning as well as community development.

*Sales Tax Initiative on the November Ballot* - The League of Women Voters would be hosting an educational forum regarding the proposed sales tax initiative and had invited City Managers from each of the cities with a pending sales tax measure on the local ballot to participate in a non-advocacy role. He stated that the City Managers would receive an advance list of questions, and that he would have the City Attorney review the information prior to the forum. The forum was scheduled to be held on Thursday, September 21, 2006 in the Board of Supervisors' Chambers at the County Government Center in San Luis Obispo. The forum would be videotaped. Each city would be charged a nominal fee of \$100 and provided with a copy of the tape to be rebroadcast on each city's respective government cable access channel.

*Follow-up of Citizen Request at the August 7, 2006 City Council Meeting for a Local Ordinance on Sex Registrants* - Staff was following up on that request which would be scheduled for Council consideration in approximately one month.

*Beach Lodge and Conference Center* - Public comments would be accepted on Thursday, September 14, 2006, at 1:00 p.m. and 6:30 p.m. in the City Hall Council Chambers regarding the development of the beach lodge and conference center. This would not be a City Council meeting; however, representatives from the California Department of State Parks and Recreation and the City would be present to receive and document public comments for consideration when developing the Request for Proposals (RFPs).

## **CITY ATTORNEY'S AGENDA**

None at this time.

## **CLOSED SESSION**

At 8:19 p.m., the City 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)  
Spooner v. City of Grover Beach CV 030134
2. **Conference with Legal Counsel - Pending Litigation**  
Pursuant to Government Code Section 54956.9(a)  
Miller v. City of Grover Beach CV 040293

Closed Session Announcements: At 8:32 p.m., Mayor Versaw convened the meeting in open session with all Council Members present, except for Council Member Shoals, and announced there were no reportable actions taken during the Closed Session.

## **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Versaw adjourned the meeting at 8:32 p.m.

/s/ LARRY VERSAW, MAYOR

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

(Approved at CC Mtg 9/18/06)