

**MINUTES
CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 6, 2005**

CALL TO ORDER Mayor Shoals called the meeting to order at 6:31 p.m. in the City Hall Council Chambers, 154 South Eighth Street, Grover Beach, California.

MOMENT OF SILENCE The City Council held a moment of silence in memory of the victims of Hurricane Katrina.

FLAG SALUTE The flag salute was led by Mayor Shoals.

ROLL CALL

City Council: Council Members Ashton, Ekblom, 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, Interim Community Development Director Hansen, Police Chief Copsey, Planner III Hetherington, and Public Works Superintendent Ford were also present.

Also present were City Engineer Garing and Planning Consultant Scott Bruce.

CLOSED SESSION ANNOUNCEMENTS Mayor Shoals read the following announcements:

On Monday, August 15, 2005, after meeting in Closed Session regarding:

1. Conference with Labor Negotiator
Agency Negotiators: City Manager, James K, Katen, and Administrative Services Director
Unrepresented Employee Groups: Management & Confidential Employees
2. Conference with Labor Negotiator
Agency Negotiator: City Manager
Unrepresented Employee Groups: Executive Management
3. Conference with Real Property Negotiators
Property: 1541 Hillcrest Road
Agency Negotiator: City Manager and City Attorney
Negotiating Party: LYLE Company
Under negotiation: Lease Agreement

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

On Thursday, August 25, 2005, after meeting in Closed Session regarding:

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

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

CEREMONIAL CALENDAR

1. **Swearing-in Ceremony and Introduction of Employees Promoted Within the Police Department: Sergeant Angelo Limon and Sergeant Brian Mollenkopf.**

Police Chief Copsey administered the Oath of Allegiance and introduced Sergeants Limon and Mollenkopf to the City Council and members of the audience. Sergeants Limon and Mollenkopf then introduced members of their respective families.

PUBLIC COMMUNICATIONS

- A. Mayor Shoals invited suggestions regarding what the City of Grover Beach could do to assist the victims of Hurricane Katrina. Brief discussion was held, including suggestions to: 1) establish a special trust fund account for individuals and families to make monetary donations to the American Red Cross; 2) offering access to City facilities, such as the community centers, to those organizations hosting disaster-relief fundraising activities; and 3) coordinating a group volunteer effort with Council Member Lieberman, who had already volunteered to travel to Louisiana for a two-to-three week period, to represent the Grover Beach community.

The Mayor then 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.

- B. Bill Senna, Board Member, Oceano Community Services District, invited all those present to attend the Sister City dinner celebration on Saturday, October 1, 2005, at 6:30 p.m., at the Veterans Memorial Building in Pismo Beach.

There were no further public comments received at this time.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item Nos. 2 and 3 were pulled pursuant to the respective requests of Council Members Ashton and Lieberman. Council Member Ekbohm requested that Consent Agenda Item No. 7 be pulled for a separate vote only, but requested no further discussion on the item.

It was m/s by Mayor Pro Tem Versaw/Council Member Lieberman to approve Consent Agenda Item Nos. 4, 5, 6, and 8 as recommended. 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.

4. **Proposed Cost-of-Living Adjustments for Certain Job Classifications** - Amending the Classification and Compensation Plan for employees in the Management and Confidential group and the Executive Management group with cost-of-living adjustments effective July 1, 2005 and January 1, 2006; a maximum increase in health insurance paid by the City in FY 07; and a maximum equity adjustment effective October 1, 2005.

Action: 1) Adopted Resolution No. 05-68, approving the amendment to the Classification and Compensation Plan to adjust salary ranges for certain job classes; and 2) adopted Resolution No. 05-69, amending the Annual Appropriation Resolution to provide funds to implement adjustments to the Classification and Compensation Plan.

Resolution No. 05-68: A Resolution of the City Council of the City of Grover Beach California, Amending Resolution No. 02-73 to Adjust Salary Ranges Consistent With the City's Agreement with Management Employees for Fiscal Year 2006.

Resolution No. 05-69: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 3rd Amendment to the Annual Appropriation Resolution No. 05-45 by Providing Funding of \$28,100 for Proposed Cost-of-Living Adjustments for Certain Job Classifications.

5. **Contractual Obligation for Fire Management Services with the City of Arroyo Grande** - Appropriating an additional \$3,744 to fund the contractual agreement for fire management services with the City of Arroyo Grande. **Action:** Adopted Resolution No. 05-70, amending the Annual Appropriation Resolution to provide funds to pay the one-time contractual obligation.

Resolution No. 05-70: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 4th Amendment to the Annual Appropriation Resolution No. 05-45 by Providing Funding in the Amount of \$3,744 for the Fire Services Contractual Obligation with the City of Arroyo Grande.

6. **Records Destruction Authorization** - Authorizing the destruction of certain records in accordance with the City-wide retention schedule. **Action:** Adopted Resolution No. 05-71, authorizing the destruction of certain records.

Resolution No. 05-71: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the Destruction of Certain Administrative Services Department Records.

8. **Tobacco Ordinance Licensure Annual Fees** - Establishing an annual fee for tobacco retail licensing.

Action: Adopted Resolution No. 05-72, amending the Master Fee Schedule to establish an annual retail tobacco licensing fee of \$224.

Resolution No. 05-72: A Resolution of the City Council of the City of Grover Beach, California, Amending the Master Fee Schedule.

Mayor Shoals called for discussion of Consent Agenda Item No. 2.

2. **Treasurer's Report for the Period August 10 - 31, 2005.**

Council Member Ashton requested and received clarification regarding payments to former Economic/Organizational Development Consultant Bragdon and to a local office supply vendor.

Action: Upon unanimous consensus of the City Council, the Treasurer's Report was approved as submitted.

Mayor Shoals called for discussion of Consent Agenda Item No. 3.

Prior to discussion of Consent Agenda Item No.3, Council Member Lieberman requested that the record reflect his abstention from the minutes of June 15, 2005 as he was absent from that meeting.

3. **Minutes of the Following Meetings:
Special Joint City Council/Improvement Agency Meeting of June 1, 2005;
Special Joint City Council/Improvement Agency Meeting of June 15, 2005; and
Special Joint City Council/Improvement Agency Meeting of June 29, 2005.**

No Council discussion was held at this time.

Action: Upon consensus of the City Council (Council Member Lieberman abstaining from the minutes of June 15, 2005 *only*), the minutes were approved as submitted.

Mayor Shoals called for discussion of Consent Agenda Item No. 7.

7. **Second Reading of the Tobacco Retail Licensing Ordinance** - Adopting an Ordinance to regulate tobacco retail licensing within City limits in order to provide a more effective tool for the Police Department to encourage business owners, as well as sales clerks, to follow state law with regard to the sale of tobacco products to children.

No Council discussion was held at this time.

Action: It was m/s by Mayor Pro Tem Versaw/Council Member Lieberman to conduct second reading, by title only, and adopt Ordinance No. 05-06. 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.

Ordinance No. 05-06: An Ordinance of the City Council of the City of Grover Beach, California, Adding Chapter 4.20 to Article X of the Grover Beach Municipal Code Providing for the Licensing of Tobacco Retailers.

REGULAR BUSINESS

9. **Appointment to Advisory Traffic Committee** - Recommendations from the Advisory Body Screening Committee from interviews held August 9, 2005.

Police Chief Copsey gave a brief overview of the report. No Council discussion was held, and no public comments were invited at this time.

Action: It was m/s by Mayor Pro Tem Versaw/Council Member Ashton to adopt Resolution No. 05-73, re-appointing Dr. Robert Reed to the Traffic Committee to serve a two-year term, expiring on January 15, 2007. 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. 05-73: A Resolution of the City Council of the City of Grover Beach, California, Appointing Dr. Robert Reed to the Advisory Traffic Committee.

Dr. Reed was then introduced to the City Council and members of the audience. He thanked the Council for the opportunity to continue serving the community.

10. **ADA Improvements and Accessibility Regarding South 13th Street and Several Intersections along Oak Park Boulevard, and Sidewalk Repairs on Oak Park Boulevard** - Report on the feasibility of installing public street improvements for wheelchair accessibility in response to a citizen's request.

Interim Community Development Director Hansen gave an overview of the report regarding street improvements and repairs requested by Grover Beach resident Michelle Hix.

Referencing a PowerPoint presentation, City Engineer Garing gave an overview of various locations throughout the City that required street improvements in order to be in compliance with regulations of the Americans with Disabilities Act.

Discussion was held regarding safe pedestrian travel, wheelchair access, fiscal impacts to make the improvements, legal obligations regarding curbs, and alternative pedestrian routes. No public comments were invited at this time.

Action: Upon consensus of the City Council, staff was directed to: 1) send this matter to the Traffic Committee to determine priorities and concerns, law enforcement issues, and overall costs; and 2) bring a report of the Traffic Committee's findings to the City Council.

11. **Status Report on Code Enforcement Investigation Related to the Relocation of the "People's Kitchen"** - Report regarding complaints to the City concerning recently expanded activity at the Assembly of God Church, 946 Rockaway Avenue, involving outside distribution and consumption of food and potential Public Health and Safety issues related to the new activity.

Interim Community Development Director Hansen gave an overview of the report.

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

- A. The following persons spoke in objection to the People's Kitchen program being located within close proximity to residential condominiums:
- Robert Hays, Grover Beach, who also submitted a letter on behalf of Joseph and Connie Echelmeier;
 - Patti Hays, President of the Longbranch Townhomes Association, Grover Beach;
 - David Millard, Grover Beach; and
 - Marsha Bolyanatz, Grover Beach.
- B. The following persons spoke in support of the People's Kitchen program:
- Lloyd Francis, Pastor, Assembly of God Church, who stated the church congregation was fully supportive of operating the program and confirmed they would work with City staff to meet the requirements for a Use Permit; and
 - Betsy Ehrler, President, People's Kitchen program, who explained the challenges of requesting all of the clients served by the program to remain indoors.

There were no further public comments received.

The Council acknowledged the valuable community service provided by the People's Kitchen program as well as the valid concerns of nearby residents. Discussion was then held regarding potential sites to relocate the program, suggestions for a modular building to also provide child care services for low- to moderate-income families as well as senior services, and other issues that would be resolved through the Use Permit process.

Action: The information was received and filed.

12. Interim Urgency Ordinance Establishing a Moratorium on Medical Marijuana Dispensaries - Re-establishing the moratorium on the establishment of medical marijuana dispensaries in the City for 45 days.

City Attorney Koczanowicz gave an overview of the report.

No Council discussion was held. No public comments were invited at this time.

Action: It was m/s by Council Members Lieberman/Ashton to adopt Interim Urgency Ordinance No. 05-07. The motion carried on the following roll call vote:

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

Ordinance No. 05-07: An Ordinance of the City Council of the City of Grover Beach, California, Establishing a Moratorium on Medical Marijuana Dispensaries.

Recess: Upon consensus of the City Council, the meeting recessed at 8:05 p.m. to conduct the meeting of the Improvement Agency, which was also scheduled this same evening.

Reconvene: At 8:44 p.m., the meeting reconvened with all Council Members present.

PUBLIC HEARINGS

13. Approval of General Plan Amendment Relating to the West Grand Avenue Neighborhood.

Mayor Shoals read the title to the foregoing item, declared the public hearing open, and deferred to staff for a report.

Interim Community Development Director Hansen gave an overview of the report and responded to Council questions regarding amending the General Plan to clarify that mixed-use residential development be allowed within the following Zoning Districts:

Central Business (C-B-D), Neighborhood Commercial (C-N), Professional Office (C-P), Visitor Serving (C-V), Coastal Visitor Serving (C-C-V), and Commercial Shopping Center (C-S); and allowing up to twenty (20) residential units per acre in mixed-use projects.

Brief discussion was held regarding the location of impacted areas and amending the wording in the titles of both proposed Resolutions to delete the word "Neighborhood" from the term "West Grand Avenue Neighborhood".

Consultant Scott Bruce stated the proposed amendment was to specifically allow mixed-use development and bring the General Plan and Zoning Code into conformance, and pointed out that mixed-use developments could potentially provide affordable housing units.

Council Member Ashton opposed the concept of allowing a higher ratio of residential units than commercial units in the downtown area, stating commercial businesses would provide more revenue to the Redevelopment Area.

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

Robert Hays, Grover Beach, requested clarification regarding wording in the General Plan.

There were no further public comments received, and the Mayor closed the public hearing.

Action: It was m/s by Council Member Lieberman/Mayor Pro Tem Versaw to: 1) adopt Resolution No. 05-74, as amended, approving the Mitigated Negative Declaration, and 2) adopt Resolution No. 05-75, as amended, approving the General Plan Amendment. The motion carried on the following roll call vote:

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. 05-74: A Resolution of the City Council of the City of Grover Beach, California, Adopting the Mitigated Negative Declaration for a General Plan Amendment Relating to West Grand Avenue.

Resolution No. 05-75: A Resolution of the City Council of the City of Grover Beach, California, Approving a General Plan Land Use Amendment Relating to West Grand Avenue.

14. **Approval of Tentative Tract Map** - Application No. 04-077; Project Location: 178 South 4th Street (APN 060-176-001), northwest corner of Rockaway Avenue and South 4th Street in the City of Grover Beach; Applicant: Ron Perkins, Cobalt Construction.

Mayor Shoals read the title to the foregoing item, declared the public hearing open, and deferred to staff for a report.

Interim Community Development Director Hansen and Consultant Scott Bruce provided an overview of the proposal to subdivide an existing parcel into an eleven (11)-unit condominium airspace subdivision and to develop a four (4)-story, mixed-use structure to include two (2) commercial/retail office spaces and nine (9) residential units. They also noted the proposal included: deed restrictions for two units to be affordable for moderate income households, a request for development incentives to exceed the height limit in the Coastal Visitor Serving (C-C-V) Zoning District, and a request to exceed the ratio of residential to commercial uses. He then highlighted the various conditions for approval.

Council Member Ashton objected to the proposal, stating the proposed number of parking spaces was inadequate, the City's current water resources could not support the project, vacant lots were not necessarily "blighted" properties, and opposed the proposal for a higher ratio of residential units rather than commercial units in the Redevelopment Area.

Further discussion was held with staff and the consultant responding to questions regarding setbacks, sight triangles, potential impacts to traffic volume, pedestrian activity, parking, fire mitigation measures, and water usage, as well as an overview of development impact fees.

Consultant Bruce stated four-story buildings were not being recommended along the full length of the corridor, but limited to specific locations only. He also noted that the ratio of commercial versus residential units was site specific to this project location one block south of West Grand Avenue, and that the same ratio would not be recommended for other mixed-use projects along West Grand Avenue.

Mayor Shoals opened the floor to public comments.

Ron Perkins, Applicant, Grover Beach, gave a brief overview of the project and other proposed projects located within the same vicinity to generate both retail and transient occupancy tax.

George Garcia, Project Architect, gave a color-digitized, 3-dimensional visual overview of the project, emphasized that the project was designed for its specific location, and then responded to questions from the Council. Mr. Garcia then agreed to "slide" the building's footprint further to the west-side of the lot to provide additional landscaping along the street-side of the building.

Robert Hays, Grover Beach, objected to the project due to its proposed height, mass, and inadequate landscaping. He also noted red curbing along the building frontage would have a negative impact on neighboring residential areas.

Pat Cusack, Grover Beach property owner, spoke in support of the project and the project's design, and urged the Council to support the project when nearby communities were offering more attractive development incentives.

There were no further public comments received, and the Mayor Shoals closed the public hearing.

Action: It was m/s by Council Members Lieberman/Ekbom to: 1) adopt Resolution No. 05-76, approving the Mitigated Negative Declaration; 2) adopt Resolution No. 05-77, approving the Tentative Tract Map; and 3) adopt Resolution No. 05-78, approving the affordable housing development incentives, making the necessary findings with the appropriate Conditions of Approval. The motion carried on the following roll call vote:

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

Resolution No. 05-76: A Resolution of the City Council of the City of Grover Beach, California, Adopting the Mitigated Negative Declaration for a Tentative Tract Map Relating to Application No. 04-077.

Resolution No. 05-77: A Resolution of the City Council of the City of Grover Beach, California, Approving a Tentative Tract Map for Application No. 04-077.

Resolution No. 05-78: A Resolution of the City Council of the City of Grover Beach, California, Adopting the Requested Affordable Housing Incentives Relating to Application No. 04-077.

11:00 p.m. Rule: It was m/s by Council Member Ekbohm/Mayor Pro Tem Versaw, to continue the meeting past 11:00 p.m. 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.

15. Supplemental Law Enforcement Services Fund (SLESF) Appropriation.

Mayor Shoals read the title to the foregoing item, declared the public hearing open, and deferred to staff for a report.

Police Chief Copsey gave an overview of the report regarding the use of state funds provided through the Citizens Option for Public Safety (COPS) grant that was deposited in the Supplemental Law Enforcement Services Fund (SLESF) in the amount of \$100,000 to be used towards costs for a Records-Communications Technician, overtime for patrol services, and any remaining funds not spent on personnel to be expended on front line police services.

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

Robert Hays, Grover Beach, spoke in support of the request.

There were no further public comments received, and the Mayor closed the public hearing.

No Council discussion was held.

Action: It was m/s by Mayor Pro Tem Versaw/Council Member Ashton to adopt Resolution No. 05-79, approving the allocation of COPS funds. 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. 05-79: A Resolution of the City Council of the City of Grover Beach, California, Accepting the Grover Beach Police Department's Recommendations for Spending the Citizens Option for Public Safety (COPS) Grant (FY 06).

COUNCIL COMMITTEE REPORTS

Due to the lateness of the hour, Mayor Pro Tem Versaw deferred his reports to the next meeting. Council Member Lieberman stated he had nothing to report. Council Member Ekbohm stated he had nothing to report. Council Member Ashton gave a report on the recent meeting of the Traffic and Noise Group. Mayor Shoals stated he had nothing to report, but noted meetings for the San Luis Obispo Council of Governments and Regional Transportation Authority would be held Wednesday, September 7, 2005.

CITY MANAGER'S AGENDA

None at this time.

CITY ATTORNEY'S AGENDA

None at this time.

CITY COUNCIL AGENDA

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. Chris Rivas, former Long Beach resident, raised concerns regarding homeland security.

There were no further public comments received.

COUNCIL COMMUNICATIONS

- A. Mayor Pro Tem Versaw suggested that all future staff reports or resolutions requesting approval of a Tentative Tract Map include information on the amount of development impact fees paid by the applicant.
- B. Mayor Shoals objected to limiting the Council's review of a proposed project to the Tentative Tract Map only and suggested modifying the Municipal Code regarding the review process to require bringing all elements of a proposed project to the Council for its review with recommendations from the Planning Commission. Brief discussion was held regarding conducting a joint City Council/Planning Commission workshop to review conclusions from the previous year's visioning workshops, as well as an overview of the current review process.

Action: Upon consensus of the City Council, staff was directed to agendize this matter for further discussion at a future Council meeting.

- C. Council Member Ekbohm raised concerns regarding recent information on Lopez water rates doubling over the next two-year period. City Manager Anderson provided additional information regarding water rates and methods of delivery.
- D. Mayor Shoals suggested amending the City's regulations to reduce the number of parking spaces required for new hotel developments in order to be more competitive with neighboring jurisdictions.

Action: Upon consensus of the City Council, staff was directed to agendize this matter for Planning Commission review, with recommendations to then be brought to the City Council for an amendment to the Grover Beach Municipal Code.

CLOSED SESSION

None at this time.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 11:10 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest: /s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg November 7, 2005)