

**MINUTES
CITY COUNCIL MEETING
MONDAY, OCTOBER 3, 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: A moment of silence was held in memory of George Moylan, Executive Director of the San Luis Obispo County Housing Authority, who had recently passed away.

FLAG SALUTE The flag salute was led by 11-year-old, 6th grade student Autumn Trent of Oceano Elementary School.

ROLL CALL

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

City Staff: Interim City Manager Warne, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Interim Community Development Director Hansen, Police Chief Copsey, Planner III Hetherington, Public Works Superintendent Ford, Human Resources Coordinator Barrett, Planner I Reese, and Planner I Nicholas were also present.

Also present were City Engineer Garing and Labor Negotiator Katen.

CLOSED SESSION ANNOUNCEMENTS: Mayor Shoals read the following Closed Session announcements:

On Monday, September 19, 2005, after meeting in Closed Session regarding:

1. Conference with Legal Counsel – Pending Litigation
Diamond v. City of Grover Beach -
U.S. District Court, Central District, Southern Div., Case No. SACV 04-558 CJC (MANx)
2. Conference with Real Property Negotiators
Property: APN 060-242-039 (1206 West Grand Ave "flag lot")
Agency Negotiator: Interim City Manager and City Attorney
Negotiating Party: Larache Land Corp.
Under Negotiations: Acquisition of property
3. Public Employment
Title: City Manager

the City Council convened into open session, with Council Member Ekbohm absent from Closed Session Item No. 2 *only*, and announced there were no reportable actions taken during Closed Session. The meeting was then adjourned.

CEREMONIAL CALENDAR

1. **Swearing-in Ceremony and Introduction of New Employee - Roy Ituralde, Police Officer.**

Police Chief Copsey administered the Oath of Allegiance to Police Officer Ituralde and introduced him to the City Council and members of the audience. Joining Officer Ituralde in the ceremony was his mother, Claudine. Officer Ituralde then introduced his sons, parents, and other members of his family.

2. **Introduction of Recently Promoted Employees - Planner I Janet Reese and Planner I Sean Nicholas.**

Interim Community Development Director Hansen announced that Janet Reese and Sean Nicholas had recently been promoted within the department to Planner I positions. He then re-introduced them to the City Council and members of the audience. The City Council congratulated both employees on their promotions.

PRESENTATION

3. FY 06 Local Street Improvement Program.

City Engineer Garing gave an overview on the Local Street Improvement Program for the period FY 06 through FY 08, criteria used for selection of street improvements, referenced a map of street improvements over the last six years, and reviewed project estimates for the five-year Capital Improvement Plan. He then responded to questions from the Council, and stated he anticipated the Pavement Management System to be updated by mid-December 2005.

It was noted that any Council discussion regarding use of surplus funds from the FY 06 program to begin design of the FY 07 program would be conducted at a later date.

Action: The information was received and filed.

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. Abe Garces, Program Director, Filipino Community Center, stated their organization was working with the Police Department in response to a department memorandum dated March 11, 2005 regarding complaints of excessive noise from nearby residents during social and cultural events at the Center. He stated the building was undergoing renovations to further reduce the impact of noise on surrounding neighbors. Mr. Garces then invited the Council to attend a "Cultural Night" event on Saturday, October 15, 2005, at 6:30 p.m. at the Filipino Community Center.

Upon consensus, staff was directed to provide the Council with follow-up information on this matter.

- B. Bob Lloyd, AGP Video, apologized for the cell phone interruption at the beginning of the meeting.
- C. Bill Senna, Grover Beach, thanked the Mayor and City Council for supporting the recent Narvacanian Sister City Celebration and barbecue, and thanked Mayor Shoals for his personal monetary donation. He expressed his own support of the Filipino community and announced that the 5-Cities Optimist Club was collecting used books to be shipped to various villages in the Philippines.

There were no further public comments received at this time.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item Nos. 4 and 5 were pulled pursuant to the respective requests of Council Member Ashton and Mayor Pro Tem Versaw. Regarding Consent Agenda Item No. 5, Mayor Pro Tem Versaw requested that the record reflect his abstention on the minutes of the July 18, 2005 meeting as he was absent from that meeting.

Action: Upon m/s of Council Members Ekbohm/Lieberman, Consent Agenda Item Nos. 5 and 6 were approved as recommended. The motion carried on the following roll call vote:

AYES: Council Members Ekbohm, Lieberman, Ashton, Mayor Pro Tem Versaw
(except for the minutes of July 18, 2005), and Mayor Shoals.
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Mayor Pro Tem Versaw (for the minutes of July 18, 2005 only)

5. **Minutes of the Regular City Council Meeting, July 18, 2005; Special City Council Meeting, August 1, 2005; and Regular City Council Meeting, August 1, 2005.**

Action: Approved as submitted (*except* for Mayor Pro Tem Versaw for the minutes of July 18, 2005 *only*).

6. **Agreement with Todd Engineers to Prepare a Groundwater Study.**

Action: 1) Approved an agreement with Todd Engineers to prepare a groundwater study in the amount of \$20,950, and 2) adopted Resolution No. 05-81, amending the Annual Appropriation Resolution.

Resolution No. 05-81: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 5th Amendment to the Annual Appropriation Resolution No. 05-45 by Providing Funding in the Amount of \$20,950 for the City's Share of a Contractual Agreement with Todd Engineers.

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

4. **Treasurer's Report for the Period September 15 - 28, 2005.**

Council Member Ashton requested and received clarification regarding recent expenditures for striping school crosswalks and intersections as well as program changes currently underway to avoid late fees in the future on City credit cards.

Action: Upon unanimous consensus, the City Council approved Consent Agenda Item No. 4 as submitted.

REGULAR BUSINESS

7. **Status Report - People's Kitchen.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, Interim Community Development Director Hansen gave a progress report on the application for a Use Permit to expand activities at 946 Rockaway Avenue to provide for a noon meal program to feed the community's needy.

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

The following persons spoke in support of the People's Kitchen program:

- Zorro May, Grover Beach, a "houseless" resident and advocate for health and social service issues for the homeless;
- Pamela Beach, Grover Beach, previously homeless along with her children but now a homeowner; and
- Lloyd Francis, Pastor, Assembly of God Church, Grover Beach, who raised concerns regarding a recent incident in which his wife was intimidated by a nearby homeowner.

The following persons spoke in objection to the People's Kitchen being located in close proximity to a high-density residential area and at a location without adequate sidewalks:

- Marsha Bolyanatz, Grover Beach; and
- Robert Hays, Longbranch Townhomes Association, Grover Beach, who reported there were recent residential burglaries and vehicle break-ins involving transients.

There were no further public comments received.

Interim Community Development Director Hansen outlined the Use Permit process and 30-day review period. He stated a Public Hearing would be scheduled before the Planning Commission and that residents and businesses within 300 feet of the subject property would be notified of the hearing date. He then outlined the appeal process of any Planning Commission decision to the City Council.

Action: None at this time.

8. Consideration of Converting the Costa Bella Neighborhood Park to an Official Regional Off-Leash Dog Park.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Interim City Manager Warne gave an overview of the report on survey results and projected cost estimates of converting the Costa Bella neighborhood park to an official regional off-leash dog park, located on the corner of Oak Park Boulevard and Farroll Road. 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.

The following persons spoke in support of converting the Costa Bella neighborhood park to an official off-leash regional dog park:

- Donald Wilson, Grover Beach;
- Jerry Bunin, Oceano;
- Judy Rohr, Grover Beach;
- Cynthia Eckland, Arroyo Grande; and
- John Ballister, Grover Beach.

There were no further public comments received at this time.

Public Works Superintendent Ford responded to Council questions regarding cost estimates for fencing and gates that would be required if the park were to be designated an official off-leash dog park. Police Chief Copsey responded to questions regarding enforcement of animal regulations. City Attorney Koczanowicz responded to questions regarding liability and confirmed that any private donations for park amenities would still need to meet City standards.

Brief discussion was held regarding the pros and cons of converting the site from a drainage basin to an off-leash dog park, survey results of neighbors in the park's vicinity that opposed the proposal, and that the City Engineer had previously recommended against using the Mentone Basin as a possible alternative for a dog park.

Action: It was m/s by Council Member Ekbohm/Mayor Pro Tem Versaw to table this item. The motion carried on the following roll call vote:

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

9. Consideration of Revisions to the Development Review Process.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, Interim Community Development Director Hansen gave an overview of the report regarding expanding Part 44 of the Grover Beach Municipal Code regarding Development Permits and Revocation of Permits to require City Council approval of all related development permits and application of SB 1818 regulations regarding density bonuses involving Tentative Tract Maps, General Plan Amendments, and Zone Changes. He then responded to questions.

Upon question, City Attorney Koczanowicz gave a brief overview of the appeal process of a Planning Commission's decision to the City Council.

Brief Council discussion was held.

Action: Upon unanimous consensus, the City Council directed staff to prepare an ordinance amending Article IX, Part 44 of the Municipal Code regarding Development Permits and Revocation of Permits by expanding Section 9144 to include a section requiring City Council approval of all related Development Permits involving Tentative Tract Maps, General Plan Amendments, Zone Changes, CEQA Findings, and Application of SB 1818.

Recess: Upon consensus of the City Council, the meeting recessed at 8:50 p.m.
Reconvene: At 9:04 p.m., the Council reconvened with all Council Members present.

PUBLIC HEARING

10. Amendment to Certificate of Public Convenience and Necessity for Grover Beach Taxi.

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 request to raise the Grover Beach Taxi Cab per mile rate from \$2.00 to \$3.00. He then responded to questions.

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

Leland Stanford Simpson IV, owner of Grover Beach Taxi, in response to an earlier question by the Council regarding whether this had any impact on the Senior Taxi Program stated that he had no interest in being the provider for that program.

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

Action: It was m/s by Council Members Ashton/Ekbom to: 1) adopt Resolution No. 05-82, amending the Master Fee Schedule for the per mile taxi cab rate for Grover Beach Taxi, and 2) directed staff to investigate how this rate increase would impact the subsidized Senior Taxi Program. 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. 05-82: A Resolution of the City Council of the City of Grover Beach, Amending the Master Fee Schedule.

11. Approval of Mitigated Negative Declaration, Tentative Map, Establishing a Seventeen (17) Lot Condominium Development, and Three Development Incentives for Affordable Housing (Application No. 04-040), Applicant: Vernon and Associates.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Interim Community Development Director Hansen introduced Planner III Hetherington who gave an overview on the Planning Commission's recommendations regarding the proposed 16-unit condominium project with two affordable units proposed for very low-income in the R-3 Zoning District at 248 North 14th Street.

Planner III Hetherington, Interim Community Development Director Hansen, and City Attorney Koczanowicz then responded to questions from the Council regarding density bonuses, affordable housing, calculation methods to determine density, parking, and application of SB 1818.

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

Lenny Grant, Architect, gave an overview of the proposed project design.

Brad Vernon, Applicant, gave an overview of additional features that exceeded the City's requirements to ensure an aesthetically pleasing project design.

Brief discussion was held with the Applicant and Architect responding to Council questions regarding the project's design, the current review process, and the Applicant's suggestion of having an advisory meeting in advance of any formal review by the Planning Commission or City Council. Further discussion was held regarding the Applicant incurring the costs to relocate three current tenants at the project site.

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

Action: It was m/s by Council Members Lieberman/Ekbom to adopt Resolution No. 05-83, accepting the Mitigated Negative Declaration with the Monitoring Program. 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. 05-83: A Resolution of the City Council of the City of Grover Beach Adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for a Tentative Tract Map Relating to Application No. 04-040.

Brief discussion was held regarding wording in the draft Resolution for the Tentative Tract Map, discussion currently among Planning Directors and the County regarding administration of affordable housing units, and amending the wording for the draft Resolution regarding development incentives for affordable housing to add, "in accordance with state law".

Brief discussion was then held regarding the issue of development incentives, open space, the Council's preference to install more mature landscaping for a three-story project, and the overall benefit of gaining affordable housing units that outweighed the Council's concerns regarding the project's height.

Action: It was m/s by Mayor Pro Tem Versaw/Council Member Lieberman to adopt Resolution No. 05-84, approving the Tentative Tract Map making the necessary findings with the appropriate Conditions of Approval. 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. 05-84: A Resolution of the City Council of the City of Grover Beach, California, Approving Development Incentives for Affordable Housing Relating to Application No. 04-04.

Action: It was m/s by Council Member Ekbom/Mayor Pro Tem Versaw to adopt Resolution 05-85, as amended, approving the requested three development incentives in exchange for two units designated for very low-income households. 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. 05-85: A Resolution of the City Council of the City of Grover Beach, California, Approving a Tentative Tract Map for Application No. 04-040.

11:00 p.m. Rule: It was m/s by Council Members Ekbom/Ashton 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 COMMITTEE REPORTS

Mayor Pro Tem Versaw announced that Mayor Shoals would be attending the SLO County Water Resources Advisory Committee meeting in his absence. Council Member Lieberman requested Council Member Ekbom to attend the Fire and Emergency Services Oversight Committee meeting in his absence, and then stated he would be attending the League of California Cities Policy Committee on Public Safety in San Francisco on Thursday, October 6, 2005. Council Member Lieberman then gave a report on the Parks, Recreation and Beautification Commission meeting. Council Member Ekbom stated he had nothing to report as he had missed the meetings for both the Air Pollution Control District and South SLO County Sanitation District. Council Member Ashton stated he had nothing to report. Mayor Shoals stated the Beach Lodge & Conference Center Ad Hoc Committee had completed the constraints analysis and gave an overview of future plans. Mayor Shoals then reported on the recent joint meeting between the San Luis Obispo Council of Governments and its organizational counterpart in Santa Barbara County.

CITY COUNCIL AGENDA

12. Scheduling a Joint City Council/Planning Commission Workshop to Discuss Topics Such as "Planning 101", General Plan, Land Use, Environmental Reviews, Development Standards, and Development Incentives/Concessions.

Interim City Manager Warne gave a brief overview of the proposal to hold a joint workshop with the Planning Commission in either late October or November.

Council Member Ashton requested conducting a workshop regarding the issue of affordable housing as well.

13. Council Requests to Staff.

Mayor Shoals requested Council Members to be mindful of current staff workloads.

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 Ekbom commended staff for staying on course with various work projects in spite of recent changes in key staff positions.
- B. Council Member Lieberman reminded all those present of the Annual Fire Prevention event at the Wal-Mart shopping center in Arroyo Grande on Saturday, October 8, 2005.

CITY MANAGER'S AGENDA

None at this time.

CITY ATTORNEY'S AGENDA

None at this time.

CLOSED SESSION At 11:01 p.m., the Council met in Closed Session to consider the following items:

1. **Conference with Labor Negotiator**
Pursuant to Government Code Section 54957.6.
Agency Negotiator: City Manager, James K. Katen, Administrative Services Director, Assistant Administrative Services Director, Human Resources Coordinator, and Fire Chief.
Represented Employee Group: Grover Beach Career Firefighters (GBCF)
2. **Conference with Labor Negotiator**
Pursuant to Government Code Section 54957.6.
Agency Negotiator: City Manager, Administrative Services Director, Assistant Administrative Services Director, Human Resources Coordinator, Police Lieutenant, and Police Chief.
Represented Employee Group: Grover Beach Police Officers' Association (GBPOA)
3. **Conference with Real Property Negotiators**
Pursuant to Government Code Section 54956.8
Property: Public right-of-way located at Grand View and North 6th Street
Agency negotiator: Interim City Manager and City Attorney
Negotiating party: Grayson & Friedman
Under negotiation: Sale and Acquisition
4. **Conference with Real Property Negotiators**
Pursuant to Government Code Section 54956.8
Property: APN 060-162-019, 944 Brighton Avenue
Agency negotiator: Interim City Manager and City Attorney
Negotiating party: Gregory Cebulla
Under negotiation: Property Acquisition
5. **Conference with Legal Counsel – Pending Litigation**
Pursuant to Government Code Section 54956.9 (a)
Diamond v. City of Grover Beach -
U.S. District Court, Central District, Southern Div., Case No. SACV 04-558 CJC (MANx)
6. **Public Employment**
Pursuant to Government Code Section 54957
Title: City Manager

Closed Session Announcements: At 12:15 a.m. the Mayor convened the meeting in open session with all Council Members present, and announced there were no reportable actions taken.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 12:15 a.m.

/s/ JOHN P. SHOALS, MAYOR

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