

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, OCTOBER 17, 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 Molly Mackenzie, 9-year-old, 4<sup>th</sup> grade student from North Oceano Elementary School.

**ROLL CALL**

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

City Staff: Interim City Manager Warne, Assistant City Attorney Donaldson, City Clerk McMahon, Administrative Services Director Chapman, Interim Community Development Director Hansen, Police Chief Copsey, Public Works Superintendent Ford, Recreation Manager Petker, and Human Resources Coordinator Barrett were also present.

Also present was Labor Negotiator Katen.

**CLOSED SESSION ANNOUNCEMENTS:** Mayor Shoals read the following announcements:

On Monday, October 3, 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, Human Resources Coordinator, and Fire Chief.  
Represented Employee Group: Grover Beach Career Firefighters (GBCF)
2. Conference with Labor Negotiator  
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  
Property: Public right-of-way located at Grand View and North 6<sup>th</sup> Street  
Agency negotiator: Interim City Manager and City Attorney  
Negotiating party: Grayson & Friedman  
Under negotiation: Sale and Acquisition
4. Conference with Real Property Negotiators  
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  
Diamond v. City of Grover Beach - U.S. District Court, Central District, Southern Div., Case No. SACV 04-558 CJC (MANx)
6. Public Employment  
Title: City Manager

the Council reconvened into open session and announced there were no reportable actions taken.

## **CEREMONIAL CALENDAR**

**1. Introduction of New Parks and Recreation Department Employee - Rachael Manuele, Recreation Coordinator.**

Recreation Manager Petker introduced Recreation Coordinator Manuele to the City Council and members of the audience.

**2. Introduction of New Administrative Services Department Employee - Rebecca Realin, Customer Service Representative.**

Mayor Shoals announced this item had been rescheduled to the next City Council meeting of Monday, November 7, 2005.

**3. Swearing-in Ceremony and Introduction of New Police Department Employee - Stephen Ball, Reserve Police Officer.**

Police Chief Copsey administered the Oath of Allegiance to Reserve Police Officer Ball and introduced him to the City Council and members of the audience. Joining Reserve Police Officer Ball in the ceremony were his wife Tammy, daughter JoAnn, and his son Andrew.

## **PRESENTATIONS**

**4. Endorsement of Integrated Regional Water Management Plan for Proposition 50 Grant Applications.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, Public Works Superintendent Ford gave a brief overview of the staff report and then introduced Water Resources Engineer Frank Honeycutt from the San Luis Obispo County Department of Public Works to give an overview of the Integrated Regional Water Management (IRWM) Plan.

Mr. Honeycutt acknowledged and thanked Mayor Pro Tem Versaw for his participation on the San Luis Obispo County Water Resources Advisory Board. Referencing a PowerPoint presentation, Mr. Honeycutt highlighted key components of the IRWM Plan to enhance regional cooperation and promote sustainable water resource management, and outlined various steps to implement the grant process for the IRWM Plan. Mr. Honeycutt then responded to questions from the Council.

Brief discussion was held regarding the number of agencies involved and the lengthy process that had already occurred when projects were selected for the IRWM Plan, criteria used to rank each project, and concerns regarding potential negative impacts to other projects if the Los Osos Sewer and Wasterwater Treatment Facility project was found to be no longer eligible for funding. Mr. Honeycutt stated the Board of Supervisors would be looking for the Council's endorsement of the entire IRWM Plan, not of individual projects, and that the second step of the grant process could address specific project concerns. Further discussion was held regarding suggested amendments to the draft letter of endorsement, and concerns to be raised at the next meeting of the Water Resources Advisory Board such as whether the potential existed for additional funding for the Lopez Water Treatment Plant Upgrade if the Los Osos project was delayed.

**Action:** Upon unanimous consensus, the City Council amended the draft letter of endorsement to the County Board of Supervisors to include the Council's concerns regarding protecting the entire IRWM Plan even in the event the Los Osos Sewer and Wasterwater Treatment Facility was found to be no longer eligible for funding, and authorized the Mayor to sign the letter on the City's behalf.

**5. Strategic Planning, Implementation and Evaluation Decision-Making Process.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, Interim City Manager Warne gave a brief overview of the community visioning process and workshops that were completed in the spring of

2004. Referencing a flow-chart diagram, he outlined a Strategic Planning, Implementation and Decision-Making Process for making decisions and taking action to achieve the community's vision. He also noted the process would continue to be further refined, and that the next public workshop on the community vision process was scheduled for Monday, October 24, 2005 with the consultant from Design Community & Environment (DCE).

There were no questions of staff and no Council discussion held 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. The following persons spoke in support of the People's Kitchen program:  
- Pamela Beach, Grover Beach, who presented the Council with signed petitions of support; and  
- Zorro May, Grover Beach.
- B. Marsha Bolyanatz, Grover Beach, spoke in support of the People's Kitchen program but *objected* to the program being operated in a high density residential area.

There were no further public comments received.

### **CONSENT AGENDA**

Prior to consideration of the Consent Agenda, Item Nos. 8 and 9 were pulled pursuant to the request of Council Member Ashton. Regarding Consent Agenda Item No. 7, Council Member Lieberman requested the record to reflect his abstention from the minutes of the August 15, 2005 meeting due to his absence from that meeting.

**Action:** It was m/s by Council Member Ashton/Mayor Pro Tem Versaw to approve Consent Agenda Item Nos. 6, 7, and 10 as recommended. The motion carried on the following roll call vote:

AYES: Council Members Ashton, Ekbohm, Lieberman (*except* for the minutes of August 15, 2005), Mayor Pro Tem Versaw, and Mayor Shoals.  
NOES: Council Members - None.  
ABSENT: Council Members - None.  
ABSTAIN: Council Member Lieberman (for the minutes of August 15, 2005 *only*)

**6. Treasurer's Report for the Period September 28 - October 12, 2005.**

**Action:** Approved as submitted.

**7. Minutes of the Following City Council Meetings:**

- Regular Meeting of August 15, 2005;
- Special Meeting of August 23, 2005; and
- Special Meeting of September 6, 2005.

**Action:** Approved the minutes as submitted (*except* for Council Member Lieberman for the minutes of August 15, 2005 *only*).

**10. Final Acceptance of the West Grand Avenue Traffic Mitigation Project.**

**Action:** Accepted the project and adopted Resolution No. 05-86 for final acceptance of the Downtown Traffic Mitigation Project located on West Grand Avenue between 8<sup>th</sup> and 10<sup>th</sup> Streets.

**Resolution No. 05-86: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting the West Grand Avenue Traffic Mitigation Project.**

Mayor Shoals called for discussion of Consent Agenda Item No. 8.

- 8. Agreement for Executive Management Recruitment Services** - Consideration of entering into an agreement with the executive search firm of Bob Murray and Associates for the recruitment of a City Manager/Executive Director.

Council Members Ashton and Ekbom praised the job performance of Interim City Manager Warne and suggested the Council consider delaying the recruitment process.

Discussion was then held on initiating negotiations with Interim City Manager Warne to fill the permanent, full-time position of City Manager/Executive Director and delaying any action on retaining the services of an executive search firm until the next regular Council meeting.

Assistant City Attorney Donaldson responded to questions regarding negotiations that could be held at a later date under Closed Session.

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

**Action:** Upon unanimous consensus, the City Council: 1) continued this matter to the next regular City Council meeting, and 2) authorized staff to begin negotiations with Interim City Manager Warne to determine his interest in the permanent, full-time position of City Manager/Executive Director, and then to begin salary negotiations.

Mayor Shoals called for discussion of Consent Agenda Item No. 9.

- 9. Appropriation of Funds for Executive Management Recruitment and Labor Negotiations.**

Mayor Shoals called for discussion of Consent Agenda Item No. 9.

Upon question, Administrative Services Director Chapman stated the Resolution could be amended to place the funds identified for the services of an executive search firm under contingency until the Council made its final determination on that issue.

**Action:** It was m/s by Mayor Pro Tem Versaw/Council Member Ekbom to amend the Resolution placing funds for an executive search firm under contingency and adopt Resolution No. 05-87, as amended. 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. 05-87: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 6<sup>th</sup> Amendment to the Annual Appropriation Resolution No. 05-45 by Providing Funding in the Amount of \$39,400 for Executive Management Recruitment and Labor Negotiations.**

## **REGULAR BUSINESS**

None at this time.

## **PUBLIC HEARING**

- 11. Extension on Interim Urgency Ordinance for a Moratorium on the Establishment of Medical Marijuana Dispensaries in all Zoning Districts of the City.**

Mayor Shoals read the title to the foregoing item, declared the public hearing open, and deferred to staff for a report. For the information of those present, Assistant City Attorney Donaldson gave an overview of the report regarding extending the moratorium

prohibiting the establishment of medical marijuana dispensaries in the City for a six-month period.

There was no Council discussion held.

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 Interim Urgency Ordinance No. 05-08, extending the moratorium prohibiting the establishment of medical marijuana dispensaries in the City for a six-month period. The motion carried on the following roll call vote:

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

**Ordinance No. 05-08: Interim Urgency Ordinance of the City of Grover Beach, California, Extending the Moratorium on Establishment of Medical Marijuana Dispensaries in all Zoning Districts of the City.**

#### **COUNCIL COMMITTEE REPORTS**

Council Member Ashton stated he had nothing to report.

Council Member Ekblom gave a report on the meeting of the South San Luis Obispo County Sanitation District.

Council Member Lieberman gave a report from the Fire and Emergency Services Oversight Committee, the League of California Cities Policy Committee on Public Safety, and reminded all those present of the Carved Pumpkin Contest on Friday, October 28, 2005, which was sponsored by the Parks and Recreation Department and the Parks, Recreation & Beautification Commission.

Mayor Pro Tem Versaw stated he had nothing to report.

Mayor Shoals stated the next meeting of the Beach Lodge & Conference Center Ad Hoc Committee meeting was scheduled for Wednesday, October 19, 2005. Upon question, Interim City Manager Warne stated that the draft Joint Powers Agreement between the City and the California Department of Parks and Recreation was expected within the next few days and would be reviewed by the City Attorney and Ad Hoc Committee. Mayor Shoals then gave a report on the League of California Cities Policy Committee on Housing, and apologized for having missed the last meeting of the Water Resources Advisory Board. He then suggested the Council consider selecting another alternate member to attend the meetings of the Economic Vitality Corporation (EVC) now that he was already serving as the EVC's Chair. Council Member Ashton offered to serve as the alternate representative.

#### **CITY COUNCIL AGENDA**

##### **12. League of California Cities Position on Proposition 76.**

Council Member Lieberman gave a brief overview of the League's previous success in supporting the passage of Proposition 1A on the November 2004 ballot and then summarized the recent discussions held by voting delegates at the Annual League of California Cities Conference regarding Proposition 76 on the November 2005 ballot. He urged the Council's support to send a letter to the League expressing its great disappointment with the League's recent vote to support Proposition 76.

**Action:** Upon unanimous consensus, the City Council authorized the Mayor to sign the letter on behalf of the City Council.

### **COUNCIL COMMUNICATIONS**

- A. Council Member Lieberman stated he had received comments from Grover Heights Elementary School teachers and PTA members regarding the elimination of the DARE Program with requests to bring the program back.

Police Chief Copsey responded to questions regarding potential alternatives to fund the program.

Brief discussion was held on providing the Council with data on the program's success/failure rate and to first determine whether it would be cost-effective to re-introduce the program before authorizing reallocating funds to the DARE program.

Council Member Lieberman stated he and Arroyo Grande Mayor Tony Ferrera had recently developed a training program on the elected official's role during a critical event with an overview of the roles of City staff during such emergencies. He offered to present an abbreviated version of the program at a future City Council meeting.

- B. Mayor Pro Tem Versaw stated he had attended a recent event celebrate the Filipino Community Center's 35<sup>th</sup> anniversary in Grover Beach. He thanked the members of the Filipino Community Center for their generous hospitality and encouraged other Council Members to attend future Filipino cultural events.

- C. Mayor Shoals stated discussions had been held during the last two Mayors' luncheons regarding a County-wide effort to establish a sales tax initiative on the November 2006 and that Grover Beach would need to conduct that same discussion locally.

Upon consensus, staff was directed to schedule this matter for discussion at the next regular City Council meeting.

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

Interim City Manager Warne stated the San Luis Obispo County Housing Trust Fund had requested the City's endorsement of its grant application to Catholic Health Care West to be placed in a revolving loan fund to finance affordable housing projects.

Upon unanimous consensus, staff was authorized to administratively prepare the letter for the Mayor's signature.

Interim City Manager Warne then distributed a draft copy of the City's new marketing brochure on commercial and/or industrial building opportunities in Grover Beach, which had been prepared by Interim Community Development Director Hansen, and requested the Council to provide staff with feedback and comments on the draft materials.

### **CITY ATTORNEY'S AGENDA**

None at this time.

**CLOSED SESSION:** At 8:13 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: International Association of Firefighters (IAOFF), Local 4033
  
2. **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.  
Represented Employee Group: General Employees - (SEIU) Service Employees International Union, Local 620
3. **Conference with Labor Negotiator**  
Pursuant to Government Code Section 54957.6.  
Agency Negotiator: City Manager and Administrative Services Director  
Unrepresented Employee Groups: Management & Confidential Employees
4. **Conference with Labor Negotiator**  
Pursuant to Government Code Section 54957.6.  
Agency Negotiator: City Manager  
Unrepresented Employee Groups: Executive Management
5. **Conference with Real Property Negotiators**  
Pursuant to Government Code Section 54956.8  
Properties and Negotiating Parties:  
Robert Mosher (Mosher Trust), 549 Oak Park Blvd. (APN 060-122-039)  
Leonard Steele Victor Walker, 1791 Saratoga Ave. (APN 060-122-014)  
Leonard Steele Victor Walker, 473 Oak Park Blvd. (APN 060-124-009)  
Jennifer Banks-Steve Holtz, 365 Oak Park Blvd. (APN 060-181-136)  
Agency negotiator: Interim City Manager and City Attorney  
Under negotiation: Acquisition of Public Rights-of-way
6. **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)
7. **Conference with Legal Counsel - Anticipated Litigation**  
Significant exposure to litigation pursuant to Section 54956.9(b)  
Possible Litigation Amicus Support McPherson v. City of Hermosa Beach, Case No. B174240
8. **Conference with Real Property Negotiators**  
Pursuant to Government Code Section 54956.8  
Property: Public right-of-way located at Grand View and North 6<sup>th</sup> Street  
Agency negotiator: Interim City Manager and City Attorney  
Negotiating party: Grayson & Friedman  
Under negotiation: Sale and Acquisition

Closed Session Announcements: At 9:50 p.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 9:50 p.m.

/s/ JOHN P. SHOALS, MAYOR

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