

**MINUTES
CITY COUNCIL MEETING
MONDAY, DECEMBER 5, 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 Camille Mackaoui, 11-year-old, 6th grade student at Grover Beach Elementary School.

ROLL CALL

City Council: Council Members Ashton, Ekbom, and Mayor Shoals were present. It was noted that Council Member Lieberman and Mayor Pro Tem Versaw were absent, serving as American Red Cross volunteers assisting the victims of Hurricanes Katrina and Rita in Baton Rouge, Louisiana.

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

CLOSED SESSION ANNOUNCEMENTS City Attorney Koczanowicz read the following announcements:

On Monday, November 21, 2005, after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Anticipated Litigation.
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One (1) potential case

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

CEREMONIAL CALENDAR

1. Rotation of Mayor and Mayor Pro Tem Pursuant to Resolution No. 05-31.

Due to the absence of incoming Mayor Versaw and incoming Mayor Pro Tem Lieberman, City Attorney Koczanowicz stated that comments from outgoing former Mayor Shoals would be appropriate at this time and advised the Council to appoint an Acting Mayor to conduct business until Mayor Versaw or Mayor Pro Tem Lieberman returned to Grover Beach.

Ending his one-year term in the position of Mayor, former Mayor Shoals thanked members of his family for being personal inspirations in his life and for their support. He then introduced his family members who were present to the other members of the City Council and the audience. Former Mayor Shoals also thanked the other members of the City Council and City staff for their support and professionalism, and added that he hoped he had served the citizens of Grover Beach well while striving towards a better community.

Council Members Ekbom and Ashton each expressed their appreciation to former Mayor Shoals for his efforts and commended him for being an excellent representative of the community.

Brief discussion was held regarding selection of an Acting Mayor. Council Member Ashton stated he did not support Resolution No. 05-31 and therefore declined a nomination from Council Member Ekbom. It was suggested that Council Member Shoals serve as Acting Mayor.

Action: It was m/s by Council Members Ashton/Ekbom to adopt Resolution No. 05-94, identifying Council Member Shoals as the Acting Mayor in the absence of the Mayor or Mayor Pro Tem. The motion carried on the following roll call vote:

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

Resolution No. 05-94: A Resolution of the City Council of the City of Grover Beach, California, Providing for the Temporary Acting Appointment of Mayor.

RECESS: Upon consensus of the City Council, the meeting recessed at 6:45 p.m. for a brief reception in the Council Chambers.
RECONVENE: At 6:59 p.m., the meeting reconvened with all Council Members present except for Mayor Pro Tem Lieberman and Mayor Versaw.

PUBLIC COMMUNICATIONS The Acting 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. Michelle Hix, Grover Beach, spoke in support of the People's Kitchen program and stated previous concerns regarding the location of a dumpster and porta-potty had been resolved.
- B. Bob Lloyd, AGP Video, apologized for his firm not being present to videotape the Annual Grover Beach Holiday Parade, which was held on Saturday, December 3, 2005, and offered to create a video montage of Grover Beach neighborhood holiday decorations. He then invited residents to submit photos directly to AGP Video.
- C. John Koepf, Arroyo Grande, congratulated former Mayor Shoals for a job well done. He then urged the Council to consider using recently secured federal grant funds through the assistance of Congresswoman Capps' office for street and storm drain improvements along West Grand Avenue.
- D. Don Fielding, Grover Beach, thanked and praised former Mayor Shoals for his service to the community. He then objected to the rotation process for the positions of Mayor and Mayor Pro Tem and disputed the legality of the resolution that outlined the process.
- E. Elizabeth Doukas, Grover Beach, objected to the rotation process for the positions of Mayor and Mayor Pro Tem, and expressed concern regarding the attendance record of certain Council Members.

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

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item No. 8 was pulled pursuant to the request of Council Member Ekbom.

Action: It was m/s by Council Members Ashton/Ekbom to approve Consent Agenda Item Nos. 2, 3, 4, 5, 6, and 7 as recommended. The motion carried on the following roll call vote:

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

2. Treasurer's Report for the Period November 16 - 30, 2005.

Action: Approved as submitted.

3. Minutes of the Following City Council Meetings:

- Special City Council Meeting of Monday, November 7, 2005;
- Regular City Council Meeting of Monday, November 7, 2005; and
- Special City Council Meeting of Thursday, November 10, 2005.

Action: Approved as submitted.

4. Amending the Annual Appropriation Resolution Based on the Classification and Compensation Study.

Action: Adopted Resolution No. 05-95, amending the Annual Appropriation Resolution for a cumulative 2.5% increase spread among various classifications of employees represented by the Service Employees International Union, Local 620, based on the recently completed Classification and Compensation Study.

Resolution No. 05-95: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 12th Amendment to the Annual Appropriation Resolution No. 05-45 by Providing Funding of \$19,300 for Service Employees International Union (SEIU) Adjustments Based on the Classification and Compensation Study.

5. Award of Bid for Grover Heights Park Large Group Picnic Area Rehabilitation Project.

Action: 1) Awarded the bid to G. Sosa Construction, Inc., in the amount of \$258,324.50; 2) authorized the Mayor to execute the contract on behalf of the City; and 3) adopted Resolution No. 05-96, amending the Annual Appropriation Resolution to fund the project and amenities in the amount of \$10,800.

Resolution No. 05-96: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 10th Amendment to the Annual Appropriation Resolution No. 05-45 by Providing Funding in the Amount of \$269,200 for Expenditures Related to Grover Heights Park Large Group Picnic Area Rehabilitation Project.

6. Appropriation of Remaining Citizens Option for Public Safety (COPS) Funds.

Action: Adopted Resolution No. 05-97, appropriating the remaining \$15,997.15 of COPS SLES funds and authorizing the use of other currently budgeted funding sources to purchase an additional patrol vehicle.

Resolution No. 05-97: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 11th Amendment to the Annual Appropriation Resolution No. 05-45 by Providing Funding in the Amount of \$15,997 for Unused FY 05 Citizens Option for Public Safety (COPS) Funds, and Budget \$2,668 In Insurance Reimbursement and Reallocation of Law Enforcement Development Impact Fees for the Purchase of a New Police Vehicle.

7. Consulting Services Agreement for City Engineer.

Action: 1) Approved the Agreement formalizing the long-term relationship for engineering services with Garing Taylor & Associates (GTA); and 2) authorized the Interim City Manager to execute it on behalf of the City.

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

8. Request to the San Luis Obispo Council of Governments (SLOCOG) to Provide State and Federal Funding for Street and Storm Drain Improvements.

For the information of those present, Interim City Manager Warne gave an overview of the report regarding the plan to request state and federal funds to be used towards: (1) street improvements on North Fourth Street from West Grand Avenue to Oceanview Avenue, and (2) storm drain and street improvements on West Grand Avenue from the Meadow Creek Bridge, located at Highway One and West Grand Avenue, to Oak Park Boulevard.

Council Member Ekbohm stated he had previously spoken with Mayor Versaw regarding this agenda item and that Mayor Versaw had expressed objections to: 1) committing 50 percent in matching City and Improvement Agency funds towards capital improvement projects of such significant cost when there were no guarantees that the City would receive the necessary state and federal funding to complete the projects, and

2) entering into such a significant financial commitment without having opportunities for more deliberation with all members of the City Council present.

Council Member Ekbohm stated he shared Mayor Versaw's concerns, observed that a 50 percent match was an unusually high requirement for a local agency, expressed concern that SLOCOG did not consider repairs to Meadow Creek Bridge a transportation project of "regional significance", stated it was very unlikely that the City would receive funds requested in the proposed application when SLOCOG had already recently rejected the City's previous list of proposed transportation projects, and stated he would be voting against staff's recommendation. He then suggested instead using available City funds and staff resources on local street improvement projects that could be completed without the assistance of state or federal funds, and waiting until the next SLOCOG funding cycle to submit an application when the City's application would be more competitive.

Interim City Manager Warne gave an overview of discussions held between the City and SLOCOG staff, and the significant contribution in matching funds required in order to be competitively considered for funding. He also confirmed that in order to be considered for this five-year funding cycle, the deadline for submitting project requests to SLOCOG was Monday, December 12, 2005. He and Public Works Superintendent Ford responded to questions from the Council.

Council discussion was held regarding funds no longer available through the Federal Emergency Management Agency (FEMA) to repair Meadow Creek Bridge, suggested amendments to the list of projects submitted in the application, whether to complete each proposed project segment in prioritized phases to ensure adequate funding, and whether to commit General Fund and Improvement Agency funds.

Action: Upon consensus (Mayor Pro Tem Lieberman and Mayor Versaw absent), the City Council authorized staff to submit a request to the San Luis Obispo Council of Governments (SLOCOG) to provide state and federal funding for the following projects listed in order of priority:

Project 1: Reconstruction of Meadow Creek Bridge with creosote pilings and resurfacing West Grand Avenue from Highway One to the bridge; and

Project 2: Storm drain improvements and resurfacing on West Grand Avenue from Fifth Street to Highway One, with a \$600,000 local match, including SAFETEA-LU funds and federal funds recently secured through Congresswoman Capps' office, and for enhancements along West Grand Avenue pursuant to requirements of the federal grant.

REGULAR BUSINESS

9. Traffic Committee Report of November 10, 2005.

Acting Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Police Chief Copsey gave an overview of the report regarding: 1) a request to mark two parking spaces near the Grover Beach Chamber of Commerce Office at the Train Station for a limited parking period; and 2) a request for no-parking signs to be installed along the 1100 block of Highland Way.

No Council discussion was held and no public comments were received.

Action: Upon consensus (Mayor Pro Tem Lieberman and Mayor Versaw absent), the City Council accepted the Traffic Committee's report and adopted Resolution Nos. 05-98 and 05-99.

Resolution No. 05-98: A Resolution of the City Council of the City of Grover Beach, California, Accepting the Traffic Committee Report and the Recommendation to Paint Two Parking Spaces at 180 S. Highway 1 (Chamber of Commerce Building) for One (1) Hour Parking.

Resolution No. 05-99: A Resolution of the City Council of the City of Grover Beach, California, Accepting the Traffic Committee Report and the Recommendation to Paint Red Curbs on the North Side of Highland Way 15 Feet On Each Side of the Driveway Located at 1151 Highland Way.

10. Update on ADA Improvements and Accessibility on South 13th Street at Several Intersections Along Oak Park Boulevard and Sidewalk Repair on Oak Park Boulevard Between Newport and Brighton Avenues.

Acting Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Interim Community Development Director Hansen gave an overview of the report on recommendations for street and sidewalk improvements in response to a citizen's request to improve access in accordance to standards established by the Americans with Disabilities Act (ADA).

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

Michelle Hix, Grover Beach resident, stated she still had difficulty reaching pedestrian crosswalk buttons even though they were located at the appropriate height, and that she had initially suggested installing bike lanes instead of sidewalk improvements as a cost savings measure.

There were no further public comments received.

Brief discussion was held regarding bike lanes not being recommended for ADA access and travel due to safety concerns, and that if a sidewalk was impassible, it was recommended that pedestrians and individuals using wheelchairs travel in the lane against traffic instead of with traffic. Further discussion was held regarding funds already budgeted to improve ADA access, the City's limited funds to address the many locations needing improvements, and a Citywide ADA Improvement Plan being developed with public input to be integrated into the City's Capital Improvement Plan. The Council thanked Ms. Hix for bringing her concerns and suggestions to the City and thanked staff for moving forward with addressing the issue.

Action: Upon consensus (Mayor Pro Tem Lieberman and Mayor Versaw absent), 1) the information was received and filed, and 2) directed staff to have the Traffic Committee look into the following suggestions and report its findings: (a) Developing a program to create a continuous path of travel for ADA access along the west side of South 13th Street from West Grand Avenue to Farroll Avenue: to connect the bus stop located at South 13th Street and Longbranch Avenue, the city-owned property near the intersection of South 13th Street and West Grand Avenue known as the "Clever property", the Trouville Community Center at South 12th Street and Trouville Avenue, the Grange Hall on South 13th Street, and Farroll Avenue to The Pike; and (b) installing a pedestrian crosswalk at Brighton Avenue and Oak Park Boulevard to accommodate school children disembarking from school buses.

PUBLIC HEARING

None at this time.

COUNCIL COMMITTEE REPORTS

Council Member Ekbohm announced that prior to the Sanitation District meeting in Oceano, there would be a tour of the facilities for the Arroyo Grande City Council and that the invitation had also been extended to the Grover Beach City Council to attend as well. Council Member Ashton stated he had nothing to report. Acting Mayor Shoals stated he had nothing to report.

CITY COUNCIL AGENDA

None at this time.

COUNCIL COMMUNICATIONS

None at this time.

CITY MANAGER'S AGENDA

Interim City Manager Warne announced that the December 19, 2005 City Council meeting was being cancelled due to the upcoming holidays and that notice of cancellation would be posted.

CLOSED SESSION At 8:30 p.m., City Attorney Koczanowicz announced Closed Session Item No. 2 would be rescheduled for a later date due to a conflict of interest regarding property ownership for Council Member Ekbohm and lack of a quorum with the members of the City Council remaining (Mayor Pro Tem Lieberman and Mayor Versaw absent). The Council met in Closed Session to consider Closed Session Item No. 1 only:

1. **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)

2. **Conference with Real Property Negotiators**
(Note: Discussion on this item was postponed due to a Conflict of Interest for Council Member Ekbohm and lack of a quorum.)
Property: 060-242-035
Agency Negotiator: Interim City Manager and City Attorney
Negotiating Party: Cindy Szelestey-Brooks and Tammy Szelestey-Williams
Under Negotiations: Acquisition of property

Closed Session announcements: At 8:45 p.m., Acting Mayor Shoals convened the meeting in open session with all Council Members present, except for Mayor Pro Tem Lieberman and Mayor Versaw, and announced there were no reportable actions taken during Closed Session.

ADJOURNMENT

There being no further business to come before the City Council, Acting Mayor Shoals adjourned the meeting at 8:45 p.m.

/s/ JOHN P. SHOALS, ACTING MAYOR

Attest: /s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg January 17, 2006)