

**MINUTES
CITY COUNCIL MEETING
MONDAY, DECEMBER 21, 2015**

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 Council Member Nicolls.

ROLL CALL

City Council: Council Members Karen Bright, Barbara Nicolls, Mariam Shah, Mayor Pro Tem Jeff Lee, and Mayor John Shoals were present.

City Staff: City Manager Robert Perrault, City Attorney Martin Koczanowicz, City Clerk Donna McMahon, Police Chief John Peters, Administrative Services Director Gayla Chapman, Community Development Director Bruce Buckingham, and Public Works Director/City Engineer Greg Ray were also present.

CLOSED SESSION ANNOUNCEMENTS

None at this time.

AGENDA REVIEW

Action: Upon unanimous consensus, the Council adopted the agenda as presented.

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. John Wysong, Grover Beach resident, expressed concerns regarding low water pressure and disrupted water utility service to his home over the Thanksgiving holiday weekend.

No further public comments were received at this time.

Upon request, City Manager Perrault described follow-up steps taken by City representatives and the contractor to address water utility service to Mr. Wysong's home in relation to the City's street rehabilitation project on Brighton Avenue. He noted that any further asserted damages would be processed through the City's claims procedure. Additionally, the street project was scheduled for final acceptance by the City Council as a Consent Agenda item and there was a one-year guaranty on workmanship and materials from the date of acceptance.

PUBLIC HEARING

None at this time.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item No. 6 was pulled pursuant to the request of Council Member Bright. It was also noted that a supplemental item had been distributed regarding Consent Agenda Item No. 5 indicating a minor correction to the Memorandum of Understanding with the Grover Beach Police Officers' Association. It was moved by Council Member Shah and seconded by Council Member Bright to approve Consent Agenda Item Nos. 1, 2, 3, 4, 5, and 7, as recommended. The motion carried on the following roll call vote:

AYES:	Council Members Bright, Nicolls, Shah, Mayor Pro Tem Lee, and Mayor Shoals.
NOES:	Council Members - None.
ABSENT:	Council Members - None.
ABSTAIN:	Council Members - None.

1. **Treasurer's Report for the Period December 2, 2015 - December 15, 2015.**
Action: Approved the Treasurer's Report as submitted.
2. **Treasurer's Report for the Streets Bond Account (Measure K-14: Grover Beach Street Rehabilitation; Safety Improvement Bond Measure) for the Period December 2, 2015 - December 15, 2015.**
Action: Approved the Treasurer's Report as submitted.
3. **Minutes of the City Council Meeting on November 2, 2015.**
Action: Approved the minutes as submitted.
4. **Adoption of Federal Equitable Sharing Agreement** - Agreement with the Department of Justice and the Department of Treasury to receive federally forfeited funds as a participating agency in a multi-agency narcotic task force coordinated by the San Luis Obispo County Sheriff's Office.
Action: Adopted Resolution No. 15-73.

Resolution No. 15-73: Resolution of the City Council of the City of Grover Beach Authorizing the Mayor and the Chief of Police to Sign a Federal Equitable Sharing Agreement.

5. **Proposed Three-year Successor Memorandum of Understanding with the Grover Beach Police Officers Association** - Authorizing the City to enter into a three-year successor Memorandum of Understanding with employees represented by the Grover Beach Police Officers' Association (GBPOA).
Action: 1) Adopted Resolution No. 15-74 approving the three-year Successor Memorandum of Understanding (MOU) with the GBPOA; 2) adopted Resolution No. 15-75 amending the Classification and Compensation Plan for job classes represented by the GBPOA; and 3) adopted Resolution No. 15-76 amending the FY 16 Budget.

Resolution No. 15-74: A Resolution of the City Council of the City of Grover Beach, California, Approving a Memorandum of Understanding with Grover Beach Police Officers' Association (GBPOA) from July 1, 2015 to June 30, 2018.

Resolution No. 15-75: A Resolution of the City Council of the City of Grover Beach, California, Amending Salary Schedule of City's Classification and Compensation Plan.

Resolution No. 15-76: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 11th Amendment to the Annual Appropriation Resolution No. 15-26 to Provide Funding for the Agreement Between the City of Grover Beach and the Grover Beach Police Officers Association for Fiscal Year 16.

7. **Final Acceptance of the 2015-1 Street Rehabilitation and Repair Project** - Accepting street improvements constructed on Brighton Avenue between North 13th Street and Oak Park Boulevard, Nice Avenue between South 12th and South 13th Streets, and South 7th Street between West Grand Avenue and Rockaway Avenues.
Action: Adopted Resolution No. 15-77 accepting the improvements constructed by CalPortland Construction, and authorizing staff to send the Notice of Completion for the 2015-1 Street Rehabilitation and Repair Project.

Resolution No. 15-77: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting the 2015-1 Street Rehabilitation and Repair Project.

ORDER OF THE DAY: Upon consensus of the City Council, the Order of the Day was amended to consider pulled Consent Agenda Item No. 6 at this time.

6. **Final Acceptance of the West Grand Avenue Enhancement Project, Phase 3** - Accepting improvements constructed for Phase 3 of the West Grand Avenue Enhancement Project located from the beach to Highway 1 (Pacific Coast Highway).

Upon request, Public Works Director/City Engineer Ray described possible alternate surface treatments and signage to accommodate equestrians crossing West Grand Avenue to access the dunes. He then responded to questions from the Council and confirmed the two new crossings were designed for pedestrian use.

Action: Upon consensus of the City Council, direction was provided for staff to schedule a more in-depth discussion on the potential options for an equestrian crossing at West Grand Avenue between Highway 1 and the beach at the regular City Council meeting on Tuesday, January 19, 2016.

Action: It was moved by Council Member Nicolls and seconded by Mayor Pro Tem Lee to adopt Resolution No. 15-78 accepting the improvements and authorize staff to send the Notice of Completion to Souza Engineering Construction, Inc., for the West Grand Avenue Enhancement Project, Phase 3 improvements. The motion carried on the following roll call vote:

AYES: Council Members Bright, Nicolls, Shah, Mayor Pro Tem Lee, and Mayor Shoals.
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.

Resolution No. 15-78: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting the West Grand Avenue Enhancement Project, Phase 3 Improvements.

ORDER OF THE DAY: At this time, the Order of the Day resumed to the agenda as posted.

REGULAR BUSINESS

8. Discussion Regarding Newly Adopted Medical Marijuana Legislation.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz outlined legislation recently signed by the Governor pertaining to medical marijuana regulations and the anticipated impacts on local government. He noted the City's existing regulations prohibited medical marijuana dispensaries within city limits, but do not regulate the cultivation or mobile delivery of medical marijuana. Under the new state regulations, if the Council chose not to prohibit or regulate the cultivation of marijuana effective March 1, 2016, then it will lose the authority to regulate or ban cultivation within city limits and the State will become the sole licensing authority. Additionally, if the City does not have regulations in place prohibiting or regulating marijuana delivery services on or before January 2018, mobile delivery of marijuana will be permitted within the City limits by any state licensed dispensary, including delivery by dispensaries existing outside of the City limits. Staff then responded to questions from the Council.

Discussion ensued regarding the new legislation; whether to institute a total ban on the cultivation and delivery of medical marijuana; the City's enforcement process; and permitted uses for licensed residential care facilities, primary caretakers, and personal medicinal use. Additional discussion was held on proposed clean up legislation that could change the deadline for local agencies to take action.

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

Peter Keith, former Mayor, spoke in support of allowing medical marijuana cultivation and mobile delivery services within city limits.

There were no further public comments received.

Further discussion was held regarding recommendations from the League of California Cities, land use impacts to be considered by the Planning Commission, propositions anticipated to be placed on the November 2016 statewide ballot pertaining to the recreational use of marijuana, and the Council's ability to amend the City's regulations in

the future by ordinance. Council Members also commented on circumstances that warranted personal medicinal use.

Action: Upon unanimous consensus, direction was provided for staff to develop an ordinance for Council consideration that would prohibit commercial cultivation of cannabis within city limits. Additional direction was provided for the draft ordinance not to include regulations on personal use cultivation permitted by state law for a qualified card holder or qualified caretaker, and not to include regulations on mobile delivery services of medical marijuana. Further, during the next review of the Goals and Work Program, the Council may consider including an ordinance amendment regarding medical marijuana regulations, commercial cultivation of cannabis, and potential revenue opportunities.

9. Appointment of Council Members to Various Boards, Commissions, and Committees.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault described the process for appointing representatives to those regional boards, commissions, and committees with Council representation. Additionally, the Council was requested to consider appointing representatives to a new committee being formed by the San Luis Obispo Council of Governments regarding a Draft Coastal Regional Sediment Management Plan. He then responded to questions from the Council.

Brief discussion was held regarding each Council Member's availability to attend the various regional meetings. It was noted that the selection of City representatives to attend meetings on the proposed recycled water facility project by the City of Pismo Beach was, at this time, deferred to a later date.

Action: It was moved by Mayor Pro Tem Lee and seconded by Council Member Bright to: 1) adopt Resolution No. 15-79 confirming certain Council appointments; and 2) authorize the City Clerk to update FPPC Form 806 for posting on the City website. The motion carried on the following roll call vote:

AYES: Council Members Bright, Nicolls, Shah, Mayor Pro Tem Lee, and Mayor Shoals.
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.

Resolution No. 15-79: A Resolution of the City Council of the City of Grover Beach, California, Revising City Council Committee Assignments for Calendar Year 2016.

PULLED CONSENT AGENDA ITEMS

Pulled Consent Agenda Item No. 6 was considered earlier in the meeting.

COUNCIL COMMITTEE REPORTS

Council Member Bright stated that she had no committee reports at this time.

Council Member Shah stated that she had no committee reports at this time.

Council Member Nicolls stated that she had no committee reports at this time.

Mayor Pro Tem Lee stated that he had no committee reports at this time.

Mayor Shoals reported on meetings of the Five Cities Fire Authority, South San Luis Obispo County Sanitation District, and San Luis Obispo Council of Governments.

COUNCIL COMMUNICATIONS

A. Council Member Nicolls congratulated Council Member Shah on being named one of the "Top 20 Under 40" by *The Tribune*. She also praised Council Member Shah for initiating and coordinating the successful "Story Time with Santa Claus" event that was held at the Grover Beach Community Library.

- B. Mayor Pro Tem Lee announced that information regarding this year's Holiday of Lights competition winners and a map for the self-guided tour were now available on the City's website and Facebook page.
- C. Council Members commended staff for finalizing Council business for the year by December 21st and extended wishes to staff and the community for a happy holiday.
- D. Mayor Shoals announced that he had been contacted by Duke Sterling regarding possible formation of a Chamber of Commerce task force to address transients and vagrancy issues impacting local businesses. He noted positive community feedback has been received after the Council workshop on December 10th and that further meetings/workshops would be held. He also suggested the Council discuss Police Department staffing levels at the upcoming mid-year budget review.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault extended wishes for a happy holiday to the Council, staff, and the community.

CITY ATTORNEY'S REPORTS AND COMMENTS

City Attorney Koczanowicz also extended wishes for a happy holiday.

CLOSED SESSION

None at this time.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 8:22 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 03/07/2016)