

**MINUTES  
CITY COUNCIL MEETING  
TUESDAY, SEPTEMBER 6, 2016**

**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 Fire Chief Steve Lieberman, Five Cities Fire Authority.

**ROLL CALL**

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

City Staff: City Manager Matthew Bronson, City Attorney Martin Koczanowicz, City Clerk Donna McMahon, Police Commander Limon, Administrative Services Director Gayla Chapman, Community Development Director Bruce Buckingham, Public Works Director/City Engineer Greg Ray, and Parks & Recreation Program Director Kathy Petker were also present.

Also present was Fire Chief Steve Lieberman, Five Cities Fire Authority.

**CLOSED SESSION ANNOUNCEMENTS**

None at this time.

**AGENDA REVIEW** Upon consensus (Council Member Nicolls absent), the Council called for Regular Business Item No. 8 to be heard prior to the Public Hearing item.

**Action:** Upon consensus (Council Member Nicolls absent), the Council adopted the agenda as amended.

**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. Parks & Recreation Program Director Petker announced details of the 9/11 Memorial Event to be held on Sunday, September 11, 2016 and the 9/11 Memorial Art Exhibit to be held on Saturday and Sunday, September 10 and 11, 2016 at the Ramona Garden Park Center.
- B. Brenda Auer, Grover Beach resident, described recent community clean up efforts along Highway One. She then expressed concerns with regards to before and after school pedestrian traffic at Grover Heights Elementary School in the area of Atlantic City Avenue; questioned recent road construction work at 11<sup>th</sup> Street and West Grand Avenue; and commented on the lack of merchandise promoting the city at the recent Stone Soup Music Festival and Street Faire.
- C. Cassandra Appleton, Grover Beach resident, announced details of the Muscular Dystrophy Association Muscle Walk of the Central Coast to be held on Sunday, September 24, 2016 at Dinosaur Caves in Pismo Beach. She then provided informational materials on the event, as well as on the Muscular Dystrophy Association.

**ORDER OF THE DAY:** At this time, the Order of Day was amended to consider Regular Business Item No. 8 prior to Public Hearing Item No. 1.

## **REGULAR BUSINESS**

### **8. Appointments to the Parks, Recreation & Beautification Commission.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Parks & Recreation Program Director Petker reviewed recommendations from the Advisory Body Screening Committee regarding interviews held with applicants interested in being appointed to fill two vacancies on the Parks, Recreation & Beautification Commission.

**Action:** It was moved by Council Member Bright and seconded by Mayor Pro Tem Lee to: 1) accept the Screening Committee's recommendations; 2) adopt Resolution No. 16-71 authorizing the appointment of Walter French to serve a four-year term of office, expiring on March 31, 2020, and the appointment of Maalaea Quirk to serve a four-year term of office, expiring on March 31, 2020, on the Parks, Recreation & Beautification Commission; and 3) in the event of an unscheduled vacancy on the Parks, Recreation & Beautification Commission, appoint Cindy Price to serve the remainder of the vacant Commission term without requiring Ms. Price to go through another interview process. The motion carried on the following roll call vote:

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

**Resolution No. 16-71: A Resolution of the City Council of the City of Grover Beach, California, Appointing Walter French and Maalaea Quirk to Serve on the Parks, Recreation & Beautification Commission, and Designating Cindy Price as the Next Eligible Candidate in the Event of an Unscheduled Vacancy on the Parks, Recreation & Beautification Commission.**

At this time, Mayor Shoals introduced Parks, Recreation & Beautification Commissioners Quirk and French to the City Council and members of the audience.

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

## **PUBLIC HEARING**

### **1. Master Fee Schedule Amendments and Clarifications.**

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. In follow-up to the Council's deliberations on the annual update to the Master Fee Schedule on May 16, 2016, Administrative Services Director Chapman provided additional information with regards to Development Impact Fees, a Cancellation Fee for Facility Rentals, Environmental Reviews, and General Plan Interpretations. She also noted a new fee for notarizations that would become effective January 1, 2017. She then responded to questions from the Council.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. No public comments were received at this time and the Mayor closed the Public Hearing.

Additional Council discussion was held regarding the proposed fees, amending the proposed fees for Environmental Reviews and the Cancellation Fee for Facility Rentals, as well as correcting a typographical date error in the draft Resolution and attached Exhibit A.

**Action:** Upon consensus of the City Council, the draft Resolution and attached Exhibit A were amended to correct the meeting date to reflect "September 6, 2016" and further amend the following fees:

- *Environmental Reviews:* a Deposit of \$5,000 for a Mitigated Negative Declaration prepared by staff; and
- *Cancellation Fee for Facility Rentals:* no charge if the cancellation notice is received more than 30 days from the date of the event; and 25% of the total fee amount paid, up to a maximum amount of \$200, if the cancellation notice is received less than 30 days from the date of the event.

It was moved by Mayor Pro Tem Lee and seconded by Council Member Shah to adopt Resolution No. 16-72, as amended, approving amendments to the Master Fee Schedule. The motion carried on the following roll call vote:

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

**Resolution No. 16-72: A Resolution of the City Council of the City of Grover Beach Amending the Master Fee Schedule.**

**CONSENT AGENDA**

It was moved by Mayor Pro Tem Lee and seconded by Council Member Bright 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 Bright, Shah, Mayor Pro Tem Lee, and Mayor Shoals.  
NOES: Council Members - None.  
ABSENT: Council Member Nicolls.  
ABSTAIN: Council Members - None.

**2. Treasurer's Report for the Period August 10 - August 30, 2016.**

**Action:** Approved the Treasurer's Report as submitted.

**3. Treasurer's Report for the 2015 Streets Bond Account - \$5,000,000 (Measure K-14: Grover Beach Street Rehabilitation; Safety Improvement Bond Measure) for the Period August 10 - August 30, 2016.**

**Action:** Approved the Treasurer's Report as submitted.

**4. Treasurer's Report for the 2016 Streets Bond Account - \$8,000,000 (Measure K-14: Grover Beach Street Rehabilitation; Safety Improvement Bond Measure) for the Period August 10 - August 30, 2016.**

**Action:** Approved the Treasurer's Report as submitted.

**5. Biennial Review of the City's Conflict of Interest Code - Review of the City's Conflict of Interest Code and proposed updates regarding persons appointed to designated job classifications who will be required to file, or continue filing, Statements of Economic Interests with the City Clerk.**

**Action:** Adopted Resolution No. 16-73 amending the City's Conflict of Interest Code.

**Resolution No. 16-73: A Resolution of the City Council of the City of Grover Beach, California, Adopting a Revised Standardized Conflict of Interest Code for Designated Filers.**

**6. Second Reading and Adoption of Ordinance No. 16-03 to Amend Grover Beach Municipal Code Article III, Chapter 2.21, Article III, Chapter 17 and Article X, Chapter 4.20 Regarding Tobacco Regulations - Amending the City's existing regulations regarding tobacco sales and use pursuant to state law, incorporating definitions and new minimum age requirements.**

**Action:** Conducted second reading, by title only, and adopted Ordinance No.16-03, amending the Grover Beach Municipal Code regarding tobacco regulations in the City.

**Ordinance No. 16-03: An Ordinance of the City Council of the City of Grover Beach Amending Article III, Chapter 2.21, Article III, Chapter 17 and Article X, Chapter 4.20 Amending Regulations Incorporating Definitions and New Minimum Age Requirements for Tobacco Uses.**

**7. Lease Renewal of Commercial Space at 180 Highway 1 - Renewal of the lease agreement with Monarch Grove Winery for use of the commercial office building located at 180 Highway 1 at the south end of the Grover Beach Train Station facility.**

**Action:** Approved the renewal of a lease agreement between the City and Monarch Grove Winery for the City-owned facility located at 180 Highway 1 and authorized the Mayor to execute the agreement on behalf of the City.

## **REGULAR BUSINESS**

### **8. Appointments to the Parks, Recreation & Beautification Commission.**

(This item was considered earlier in the meeting.)

### **9. Clarification of Council Direction on Proposed Ordinance to Regulate Commercial Medical Marijuana Uses.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Community Development Director Buckingham provided a summary of the Council's previous direction with regard to preparing an ordinance that would regulate commercial medical marijuana uses in the industrial area located south of Farroll Road. He also noted items still needing clarification in order to prepare the draft ordinance. Community Development Director Buckingham and City Attorney Koczanowicz then responded to questions from the Council.

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

Damian Martin, Milkman Collective, spoke in support of establishing regulations for medical marijuana uses.

There were no further public comments received at this time.

Discussion ensued with Council providing input regarding elements to be included in the proposed ordinance with regards to land use and regulatory requirements for:

- manufacturing, warehousing/distribution, laboratory testing;
- commercial cultivation and nurseries;
- personal cultivation;
- dispensaries;
- a development permit process requiring both a use permit and a regulatory permit; and
- design standards for upgrading older industrial buildings.

**Action:** Upon consensus, the Council provided comments to staff regarding the content of the draft ordinance to regulate commercial medical marijuana uses.

**Recess:** Upon consensus of the City Council, the meeting recessed at 8:48 p.m.

**Reconvene:** At 8:58 p.m., the meeting reconvened with all Council Members present (except for Council Member Nicolls who was absent from this meeting).

### **10. Capital Improvement Program Update.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray provided an overview of progress achieved to date on the following capital improvement projects previously identified by the City Council as being high priority items:

- *Parks:* Ramona Garden Park Playground Equipment and Golden West Park;
- *Streets:* Oak Park Boulevard Rehabilitation and Measure K-14 Street Projects; and
- *Facilities:* Facility improvements at City Hall, traffic calming for newly paved streets, new sidewalk/sidewalk infill and bike lanes for upcoming street projects; and encroachments where private improvements in the public right-of-way conflicted with proposed street and sidewalk improvements.

Discussion ensued regarding the capital improvement projects, with staff responding to questions from the Council. It was noted that there were a significant amount of complex infrastructure projects underway in Grover Beach. The Council thanked and praised the coordinated efforts by City staff and the consultants to ensure progress was being achieved.

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

**Action:** Upon consensus of the City Council, the report was received and filed and the Council authorized staff to schedule either single-topic regular meetings or special meetings to increase community awareness and public engagement regarding the following matters: Ramona Garden Park playground equipment and Golden West Park; street improvements on Longbranch Avenue; traffic safety; traffic calming; future street projects funded with Measure K-14 bond funds; complete street improvements and encroachments; street trees; water; and establishing a moratorium period to prevent trenching newly improved streets.

### **PULLED CONSENT AGENDA ITEMS**

None at this time.

### **COUNCIL COMMITTEE REPORTS**

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

Council Member Shah reported on the meeting of the Homeless Services Oversight Council and described the recent MASH event held to provide services for veterans and their families in the South County. She thanked City staff, the host church that provided the facility, nearby residents, and the service providers who worked together to ensure the event's success.

Council Member Nicolls was absent from this meeting.

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

Mayor Shoals stated that he had no committee reports at this time.

### **COUNCIL COMMUNICATIONS**

- A. Mayor Pro Tem Lee announced details of the following upcoming events: 9/11 Memorial Event and Art Exhibit to be held at Ramona Garden Park and the Ramona Garden Park Center; the Fall Cleanup Event by South County Sanitary Service; and the Empty Bowls fund raising event to benefit the 5Cities Homeless Coalition.
- B. Council Member Bright requested and received Council consensus for staff to schedule a future discussion regarding a local purchasing policy, specifically regarding purchasing merchandise and products from local businesses for City-sponsored events.

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

City Manager Bronson described the following recent event that illustrated the extent of service and dedication to the community by members of the Grover Beach Police Department – The Police Department responded to a call of a small child observed walking alone on the street. Sergeant Celis Rabena was able to locate and assist the three-year old boy return to his place of residence by walking him back to his home, which was located eight blocks away.

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

City Attorney Koczanowicz noted that he would be on vacation the following week. In his absence, Assistant City Attorney Hale would be available to respond to questions from the Council and staff.

### **CLOSED SESSION**

At this time, Mayor Shoals declared a conflict of interest regarding Closed Session Item No. 1 due to his employment with Pacific Gas & Electric (PG&E). He then stepped down from the dais and left the Council Chambers.

At 9:45 p.m., the Council (except for Council Member Nicolls and Mayor Shoals), met in Closed Session regarding the following item:

1. **Conference with Legal Counsel - Potential Litigation**  
Based on existing facts and circumstances, the legislative body of the local agency is deciding whether to join and participate in the Administrative CPUC hearing Pursuant to Government Code Section 54956.9(d): One (1) potential case

Closed Session Announcements: At 10:11 p.m., Mayor Pro Tem Lee reconvened the meeting in open session with all Council Members present (except for Council Member Nicolls who was absent from this meeting and Mayor Shoals who had declared a conflict of interest regarding the Closed Session item). It was announced that there were no reportable actions taken during Closed Session.

#### **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Pro Tem Lee adjourned the meeting at 10:12 p.m.

/s/ JEFFREY LEE, MAYOR PRO TEM

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 11/21/2016)