

**MINUTES  
SPECIAL CITY COUNCIL MEETING  
MONDAY, JANUARY 22, 2007**

**CALL TO ORDER** Mayor Lieberman 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 Victoria Chartier, a 12-year-old, sixth grade honor roll student at North Oceano Elementary School.

**ROLL CALL**

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

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Community Development Director Hansen, Police Chief Copsey, and Public Works Superintendent Ford were also present.

Also present was City Engineer Garing.

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

On Monday, January 8, 2007 after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Pending Litigation  
People of the State of California vs. Kenneth Ray Parson, Case No. M386003

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

On Thursday, January 18, 2007 after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Pending Litigation  
Pursuant to Government Code Section 54956.9(a)  
People of the State of California vs. Kenneth Ray Parson, Case No. M386003

the City Council reconvened into open session, and reported the result in accordance with state law.

**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. Don Fielding, Grover Beach, commented on negative campaign activities that had occurred during the November 2006 election and an anonymous political mailer sent out just prior to the election regarding his character. It was noted that Mr. Fielding had provided the City with a copy of the mailer and information refuting the allegations.
- B. Helen McIver, Grover Beach, spoke in support of Mr. Fielding.
- C. Mack Massey, Grover Beach, inquired as to the City's plans for street repair once the Mentone Avenue Storm Drain Project was completed. City Manager Perrault offered to meet individually with Mr. Massey to review his concerns and exchanged contact information.

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

## **CONSENT AGENDA**

It was m/s by Council Members Ashton/Nicolls to approve Consent Agenda Item Nos. 1, 2, 3, and 4 as recommended. The motion carried on the following roll call vote:

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

**1. Treasurer's Report for the Period January 4 - January 17, 2007.**

**Action:** Approved as submitted.

**2. Minutes of the City Council Meeting of Monday, December 18, 2006.**

**Action:** Approved the minutes as submitted.

**3. Amendment to Council Assignments to Various Boards, Commissions, and Committees for 2007.**

**Action:** Adopted Resolution No. 07-08 amending City Council committee assignments for 2007, changing the Council representative assigned to attend the Integrated Waste Management Authority meetings from Mayor Lieberman to Council Member Ashton.

**Resolution No. 07-08: A Resolution of the City Council of the City of Grover Beach, California, Amending City Council Committee Assignments for 2007.**

**4. Public Employees Retirement System (PERS) Contract Amendment.**

**Action:** Adopted Resolution No 07-09 to correct the amendment to the contract that went into effect on November 6, 2006, between the California Public Employee's Retirement System (CalPERS) and the City of Grover Beach, regarding local fire members and pursuant to the request from CalPERS.

**Resolution No. 07-09: A Resolution of the City Council of the City of Grover Beach, California, Authorizing a Correction to the Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System, and the City Council of the City of Grover Beach.**

## **REGULAR BUSINESS**

**5. Grover Beach Bus Platform Update.**

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. For the information of those present, City Engineer Garing summarized the development of the Grover Beach Train Station located at Highway One and West Grand Avenue, which began in 1994. He stated that the final design separated the train station and restroom facilities on the west side of the railroad tracks from the bus platform boarding area on the east side of the tracks. He reviewed concerns raised by a citizens' committee to reconfigure the facilities and relocate bus service to the west side of the tracks, as well as concerns regarding Americans with Disability Act (ADA) accessibility at the existing bus platform loading/unloading area, and insufficient signage to direct passengers to the separated loading/unloading areas.

Referencing a PowerPoint presentation, City Engineer Garing reviewed the 2004 "Grover Beach Train Station Study" performed by Wilbur Smith Associates to assess options to consolidate train and bus connections on one side of the tracks, which concluded that the entire developed site would need to be rebuilt in order to achieve the desired improvements.

He then reviewed subsequent meetings held by staff from the San Luis Obispo Council of Governments (SLOCOG), CalTrans Rail, Amtrak, and the City to determine near-term modifications to improve the bus platform area on the east side of the tracks and improve signage. The resulting design proposal to demolish the existing bus waiting area and construct a new bus platform was estimated to cost between \$80,000-\$90,000, with available funding from SLOCOG, CalTrans, and surplus CalTrans planning funds

provided to the City for the Wilbur Smith Associates study. City Engineer Garing then responded to questions.

Council discussion was held regarding the Wilbur Smith study, comments from the citizens' group study, and points raised by Council Member Ashton's "white paper" on the Amtrak Bus/Rail Facilities that was distributed prior to the Council meeting. Further discussion was held regarding the proposed modifications being an immediate but short-term solution to improve access at the bus platform area on the east side of the tracks, and that long-term improvements requiring further study were needed on the west side of the tracks.

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

The following persons spoke in opposition to the current proposal:

- Helen McIver, Grover Beach, who requested that the Council postpone its decision until staff could speak with Dr. Donna Walton, a federal coordinator for civil rights and ADA in Washington, DC; and
- Liz Doukas, Grover Beach.

There were no further public comments received.

Further discussion was held regarding ADA requirements; confirmation that the proposed modifications had been reviewed and approved by staff from SLOCOG, CalTrans engineers, and Amtrak; and that funding was available now to take immediate action to improve ADA access for the bus platform on the east side of the tracks. Additional discussion was held regarding the need for long-term solutions to further address a variety of issues such as ADA access, parking, and restroom facilities. Redevelopment funds were suggested as a possible funding source for improvements on the west side of the railroad tracks.

**Action:** It was m/s by Council Member Nicolls/Mayor Pro Tem Shoals to direct staff to communicate with the San Luis Obispo Council of Governments (SLOCOG) to proceed with: 1) construction of the platform to improve conformance with Americans with Disability Act (ADA) requirements, and 2) signage improvements. The motion carried on the following roll call vote:

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

**Action:** Upon consensus, Council directed staff to work with CalTrans and SLOCOG staff on long-term alternatives as identified in the Wilbur Smith study, including an environmental impact report, and determine possible funding sources for those future long-term improvements.

## 6. Ad Hoc Parking Committee Progress Report.

Mayor Lieberman read the title to the foregoing item and deferred to Council Member Versaw, who briefly described the Ad Hoc Parking Committee's membership, purpose, and goals. He reviewed the process conducted to analyze parking issues in residential and commercial areas, causes of parking issues and their impacts to individuals and the community-at-large, potential parking solutions that were investigated, and successful parking methods studied in other communities with issues similar to those in Grover Beach. He also noted that, although there were no significant commercial parking impacts at present, it would be prudent for the City to look ahead and plan for the future.

Council Member Versaw stated that the Ad Hoc Parking Committee would continue to meet in order to present formal recommendations to the Council in approximately two months. He then commended all members of the Ad Hoc Parking Committee for their significant contributions to the report and thanked staff for their support of the committee.

Brief discussion was held regarding the concept of developing parking districts. The Council commended the efforts of Council Member Versaw and the Ad Hoc Parking Committee.

**Action:** The report was received and filed.

**Recess:** Upon consensus of the City Council, the meeting was recessed at 8:05 p.m.

**Reconvene:** At 8:15 p.m., the meeting reconvened with all Council Members present.

## **PUBLIC HEARINGS**

### **7. Proposed Ordinance Establishing Sex Offender Residency Restrictions.**

Mayor Lieberman 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, City Attorney Koczanowicz stated that this matter was in response to Council direction at the September 18, 2006 meeting to bring a draft Ordinance for Council consideration once the outcome of Proposition 83, or "Jessica's Law", at the November 2006 election had been determined.

City Attorney Koczanowicz noted the following corrections to the proposed draft Ordinance, first paragraph, second sentence: "According to a ~~1998~~ 1997 report by the U. S. Department of Justice, and subsequent amendments, ... ." He pointed out that the proposed Ordinance was more restrictive than state law, in that: 1) it also included licensed day care centers, and 2) reduced the restricted "safe zone" distance for designated locations from 2,000 feet to 1,000 feet. He also stated that prior to the Ordinance going into effect, and annually thereafter, staff would bring a Resolution for Council consideration that included a list of protected locations and a map indicating the 1,000-foot distance from designated locations. He then referenced relevant correspondence received from Jeff and Casandra Appleton, which had been received after distribution of the agenda packet.

Council discussion was held regarding distance limitations, identification of state-licensed day care centers, sex offender registrants who already lived within a restricted area being precluded from having to comply with the proposed Ordinance, whether to designate Pismo State Beach as a restricted park area, and that the Ordinance imposed no requirement on property owners to investigate potential tenants.

Mayor Lieberman invited comments from those in the audience who wished to be heard on this matter. There was no response, and the Mayor closed the Public Hearing.

Upon request, Police Chief Copsey responded to questions regarding whether to include the beach in the list of restricted park facilities. City Attorney Koczanowicz confirmed that the Council could direct staff to include Pismo State Beach in the Resolution as a protected location, which would be scheduled for Council consideration prior to the effective date of the Ordinance. Upon further question, Police Chief Copsey explained the different situations and complex requirements used to evaluate community notification procedures for sex offender registrants.

The Council recognized Jeff and Casandra Appleton, who were unable to attend tonight's meeting, through whose efforts this issue to further protect children was brought to the Council's attention.

**Action:** It was m/s by Council Members Versaw/Ashton to conduct first reading, by title only, of Ordinance No. 07-01, as amended, and schedule second reading and adoption at the next regular City Council meeting. The motion carried on the following roll call vote:

**AYES:** Council Members Ashton, Nicolls, Versaw, Mayor Pro Tem Shoals, and Mayor Lieberman.

**NOES:** Council Members - None.

**ABSENT:** Council Members - None.

**ABSTAIN:** Council Members - None.

**Ordinance No. 07-01: An Ordinance of the City Council of the City of Grover Beach, California, Adding Chapter 16 to Article III of the Grover Beach Municipal Code Regarding Residency Requirements for Penal Code 290 Registrants. (First Reading only.)**

**Action:** Upon consensus, Council directed staff to include Pismo State Beach in the Resolution listing restricted facilities, and to conduct further research on also including state-licensed day care facilities and similar businesses.

**8. Amendment of the Traffic Regulations Ordinance.**

Mayor Lieberman 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, stating that whenever streets were widened and improved, as with North Oak Park Boulevard between West Grand Avenue and El Camino Real, a new engineering and traffic survey was required to be certified by the City Engineer and filed with the court. Speed limits would be maintained or adjusted based on such survey, and any changes included by Ordinance. The survey was completed and no changes were being proposed to existing speed limits. However, staff determined that relevant sections in the Municipal Code needed to be updated to include all City streets which had been certified through an engineering and traffic survey. Police Chief Copsey then responded to questions from the Council.

Mayor Lieberman invited comments from those in the audience who wished to be heard on this matter. There was no response, and the Mayor closed the Public Hearing.

**Action:** It was m/s by Mayor Pro Tem Shoals/Council Member Ashton to introduce Ordinance No. 07-02 for first reading, by title only, and schedule second reading and adoption at the next regular City Council meeting. The motion carried on the following roll call vote:

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

**Ordinance No. 07-02: An Ordinance of the City Council of the City of Grover Beach, California, Amending Section 16 of Chapter 3 of Article III of the Grover Beach Municipal Code. (First Reading only.)**

**9. Update of Master Fee Schedule for Returned Check Fees and Sanitation District Fees.**

Mayor Lieberman read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Administrative Services Director Chapman stated that following a Proposition 218 hearing by the South San Luis Obispo County Sanitation District, increased fees became effective January 1, 2007. Sanitation District rates were separated from the City's rates in the billing system and would be reflected as a separate section in the Master Fee Schedule. She also stated that the City's wastewater rates would not be increased. The other item covered by the proposed Resolution was an update of the returned check fee, which was in compliance with state law. Administrative Services Director Chapman then responded to questions.

Mayor Lieberman 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 Mayor Pro Tem Shoals/Council Member Versaw to adopt Resolution No. 07-10 amending the Master Fee Schedule. The motion carried on the following roll call vote:

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

**Resolution No. 07-10: A Resolution of the City Council of the City of Grover Beach, California, Amending the Master Fee Schedule for Returned Check Fees and Sanitation District Fees.**

### **COUNCIL COMMITTEE REPORTS**

Council Member Ashton gave a report on the Parks, Recreation & Beautification Commission.

Council Member Nicolls stated that he had nothing to report.

Mayor Lieberman stated that he had nothing to report.

Mayor Pro Tem Shoals gave a status report on the Beachfront Lodge and Conference Center project, the time line to receive Requests for Proposals, and upcoming meeting scheduled with the State Architect.

Council Member Versaw stated that he had nothing to report, other than to note that City Engineer Jim Garing was now Chair of the Zone Three Advisory Committee.

### **CITY COUNCIL AGENDA**

None at this time.

### **COUNCIL COMMUNICATIONS**

- A. Council Member Ashton described a recent Neighborhood Watch meeting that focused on Police Department activities and recent crime statistics, and announced that the February and March meetings would be tours of the Police Department and the Fire Department, respectively.

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

City Manager Perrault stated that prior to being elected to the City Council, Council Member Nicolls was appointed to serve on the Citizens Transportation Advisory Commission (CTAC). With Council's direction, staff would advertise for candidates to fill the resulting CTAC vacancy.

**Action:** Upon consensus, staff was directed to advertise the vacancy.

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

None at this time.

**Recess:** Upon consensus of the City Council, the meeting was recessed at 9:09 p.m., to convene the Joint City Council / Improvement Agency meeting which was also scheduled for this same evening.

**Reconvene:** At 9:37 p.m., the meeting reconvened with all Council Members present.

**CLOSED SESSION**

At 9:37 p.m., the Council met in Closed Session regarding the following items:

1. **Conference with Legal Counsel – Pending Litigation**  
Pursuant to Government Code Section 54956.9(a)  
Santa Maria Valley Water Conservation District v. City of Santa Maria, etc., et al,  
and Related Cross-Actions: Santa Clara Superior Court Case No. CV 770214.
2. **Conference with Legal Counsel - Anticipated Litigation**  
Significant exposure to litigation pursuant to subdivision (b) of  
Section 54956.9: Two (2) potential cases

Closed Session Announcements: At 10:07 p.m., Mayor Lieberman convened the meeting in open session with all Council Members present, and announced there were no reportable actions taken during Closed Session.

**ADJOURNMENT**

There being no further business to come before the City Council, Mayor Lieberman adjourned the meeting at 10:07 p.m.

/s/ STEPHEN C. LIEBERMAN, MAYOR

Attest: /s/ DONNA L. McMAHON, CITY CLERK

(Approved at CC Mtg 2/20/07)