

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, APRIL 2, 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 Tim Student, a 13-year-old, 6<sup>th</sup> grade student from 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, Fire Chief Hubert, Public Works Superintendent Ford, and Planner I Reese were also present.

Also present were City Engineer Garing, Labor Negotiator Jim Katen, and Consultant John Dunn.

**AGENDA REVIEW**

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

**CEREMONIAL CALENDAR**

**1. Proclamation Designating April 2007 as "Month of the Child" and "Child Abuse Prevention Month" and Further Proclaiming April 14, 2007 as "Day of the Child".**

As the representative from the Child Care Planning Council was not present, Mayor Lieberman announced the title of this agenda item and requested that staff make arrangements for the organization to receive the proclamation.

**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. David Haskin, Fresno, requested to speak on the issue of property located at 192 North 7<sup>th</sup> Street. Upon being advised that the issue was scheduled for discussion later on the agenda, he agreed to reserve his comments until that time.
- B. Don Fielding, Grover Beach, spoke in support of filling the Council vacancy by appointing the Council candidate who had received the next highest number of votes at the last election.

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

**PUBLIC HEARINGS**

**2. Consideration of Planning Commission Recommendation for Approval of a Development Concession/Incentive, Site and Architectural Plans, Use Permit, and Tentative Tract Map. Applicants:** Brian James and John Mack.  
**Project Site:** 192 North 7<sup>th</sup> Street, Grover Beach (APN 060-224-001).  
**Development Permit Application No.** 05-066.

Mayor Lieberman read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Community Development Director Hansen gave an overview of the proposed six-unit, three-story condominium development project with application of one development concession for one moderate-income housing unit. He described the project site, architectural features, various building heights, and confirmed the project was below the maximum building height in the R-3 zone of 40 feet. The

Applicants had requested application of one development concession to exceed the floor ratio design standard between the second floor area and the first floor area for all six units, and had included various design techniques to reduce any box-like appearance to the exteriors. Community Development Director Hansen also stated that, although the project was eligible for a density bonus, no additional units were being proposed.

Discussion was held regarding the request to increase the size ratio between the second and first floors, the proposed design to cantilever the second floor, and whether this posed a driveway access problem for emergency vehicles, such as a fire ladder truck.

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

John Mack, Applicant, Project Architect, stated that garage areas had been designed for two vehicles plus additional work and storage space to minimize impacts to on-street parking, and the project was located on a corner lot with no turn-around at the end of the interior common driveway; therefore, access for emergency vehicles and equipment would be along either side of the street frontages.

Brief discussion was held as to whether the overall building height could be lowered.

David Haskin, Fresno resident and Grover Beach property owner, expressed concerns regarding adequate access for emergency vehicles, increased parking, and noise problems posed by the proposed design.

Linda McClure, American Property Services, representative for the Applicant/Property Owner, spoke in support of the proposed project.

Liz Doukas, Grover Beach, expressed concerns regarding increased noise, traffic, and parking problems.

There were no further public comments received at this time.

Council discussion was held regarding issues that would be addressed by Codes Covenants and Restrictions or similar agreements, fire safety issues, confirmation that the buildings included fire sprinklers, minimum requirements for emergency vehicles and equipment to access the project site's interior driveway, and delaying a determination until the new Fire Chief had an opportunity to review the proposed project with the Applicants. Additional discussion included comments praising the project design for the loss of only one on-street parking space, and providing adequate off-street parking, as well as additional storage space for each unit. Further discussion focused on potentially lowering the overall building height, minimum clearance requirements for building overhangs, and whether the height of the overhanging second floor level could be lowered and still meet requirements for emergency vehicle access.

Council Member Ashton objected to a project design that did not allow driveway access for emergency vehicles.

**Action:** It was m/s by Council Members Versaw/Nicolls to: 1) continue the Public Hearing to the City Council meeting of Monday, May 7, 2007; 2) direct staff to review whether fire safety requirements could allow clearance of the proposed second floor overhang to be reduced to 10 feet, thus allowing the overall building height to be lowered one to two feet. The motion carried on the following roll call vote:

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

### 3. Request to Increase Taxi Cab Rate for Beach Cities Cab Companies, Inc.

Mayor Lieberman read the title to the foregoing item, declared the Public Hearing open,

and deferred to staff for a report. Police Chief Copsey described the request from Jeff Goldenberg of Beach Cities Cab Companies, Inc., to raise the per mile rate from \$2.50 to \$3.00 per mile, which was consistent with other cab companies in the area and increasing fuel costs, and to eliminate the \$10.00 minimum fee.

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. 07-36 to amend the Master Fee Schedule to reflect the authorized rates charged by Beach Cities Cab Companies, Inc. 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. 07-36: A Resolution of the City Council of the City of Grover Beach Amending the Master Fee Schedule for Taxi Cab Rates - Beach Cities Cab Company, Inc.**

#### **CONSENT AGENDA**

It was m/s by Council Members Ashton/Versaw to approve Consent Agenda Item Nos. 4 and 5, 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.

#### **4. Treasurer's Report for the Period March 13 - 27, 2007.**

**Action:** Approved as submitted.

#### **5. Authorization to Examine Transactions (Sales) and Use Tax Records.**

**Action:** Adopted Resolution No. 07-37 to reflect authorization for certain City representatives to examine confidential transactions and use tax records of the State Board of Equalization as a result of the one-half percent sales tax measure approved at the November 6, 2006 General Municipal Election.

**Resolution No. 07-37: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the Examination of Transactions (Sales) and Use Tax Records.**

**Recess:** Upon consensus of the City Council, the meeting recessed at 7:49 p.m.

**Reconvene:** At 8.00 p.m., the meeting reconvened with all Council Members present.

#### **REGULAR BUSINESS**

#### **6. FY 08 Goals and Priority Setting Session.**

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. City Manager Perrault gave a brief overview of FY 06 goals and progress achieved under each item. Consultant John Dunn commended the City Council and staff for a remarkable job in achieving many of the identified goals, given the City's budget constraints and recent turnover in personnel. He then reviewed the list of suggested FY 08 goals and work tasks submitted by the Council, executive staff, and management personnel, which had been organized into the following categories - Economic Development (immediate, intermediate, and long-term), Planning/Land Use, Streets, Utilities and Infrastructure, Water Supply, Public Safety, Housing, Policy/Administration, City Employees, Finance, Transportation and Parking, Parks, and City Hall.

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

Adam Hill, Grover Beach, spoke in support of economic development as a primary goal, and suggested hiring an economic development specialist to assist in this effort.

There were no further public comments received.

Brief discussion was held on the list of items submitted.

**Action:** Upon consensus, the Council agreed to individually rank the identified goals in order of importance, prioritize the tasks listed under each goal, and submit their responses to the City Clerk by Monday, April 9, 2007. Results would be compiled and scheduled for Council discussion and further public comment at the next Regular City Council meeting of Monday, April 16, 2007.

**7. Consideration of a Request to Provide a Policy Determination on the Advisability of Amending the Local Coastal Plan.**

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. City Manager Perrault stated that the Council was being asked to review a request from Architect George Garcia, on behalf of his client Ron Perkins, who was seeking to construct a 20-room hotel facility on the northwest corner of West Grand Avenue and Highway One. Mr. Garcia was requesting a determination of whether an amendment to the City's Local Coastal Plan was necessary in order for Mr. Perkins' hotel project to move forward. City Manager Perrault stated that a Local Coastal Program governed land use development within the Coastal Zone and ensured compliance with State and Coastal Commission policies.

Brief discussion was held regarding specific excerpts of the Local Coastal Program. It was noted that, as Mr. Perkins' 20-room hotel project was processed, this same issue could again be raised and discussed at the Coastal Commission level.

City Attorney Koczanowicz clarified that the matter before the Council was not to discuss any specific hotel project being proposed, but instead for a policy determination as to whether the language contained in subsection F of the City's Local Coastal Plan was applicable to any project in the entire referenced area or was only applicable to a 22-acre hotel/conference center.

Mayor Lieberman invited public comments.

Ron Perkins, developer, Grover Beach, thanked the Council for reviewing his request, stated his Architect could not be present at the meeting to respond to questions due to a recent injury, and then gave a brief overview of his proposed mixed-use condominium development.

**Action:** Upon unanimous consensus, staff was directed to draft a letter to the developer's representative indicating that a proposed project located in the Coastal Planned Commercial Zone did not appear to require an amendment to the City's Local Coastal Plan at this time.

**8. Department of Homeland Security FY 06 Assistance to Firefighters Grant Program.**

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. City Manager Perrault gave an overview of the request to participate in the regional Department of Homeland Security FY 06 Assistance to Firefighters Grant Program. As part of a multi-agency effort, there was an opportunity to receive \$27,338 for the purchase of wildland firefighting personal protective equipment and radios. The City's share of cost would be \$6,834. City Manager Perrault stated that the Fire Department responds to wildland fire incidents, both locally and on a mutual aid basis throughout the State of California. The grant would allow the department to be fully compliant with regulations regarding wildland firefighting personal protective equipment. He and Administrative Services Director Chapman then responded to questions from the Council.

**Action:** It was m/s by Council Member Versaw/Mayor Pro Tem Shoals to: 1) adopt Resolution No. 07-38 formally accepting the grant and authorizing the matching funds, and 2) adopt Resolution No. 07-39 amending the FY 07 Annual Appropriation Resolution. 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. 07-38: A Resolution of the City Council of the City of Grover Beach, California, Accepting the Department of Homeland Security Assistance to Firefighters Grant Funds, and Providing City Matching Funds.**

**Resolution No. 07-39: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 20<sup>th</sup> Amendment to the Annual Appropriation Resolution No. 06-61 by Providing Matching Funds in the Amount of \$6,834 for a Department of Homeland Security Grant.**

### **COUNCIL COMMITTEE REPORTS**

Council Member Ashton reported on the selection of Chair and Vice Chair at the recent Parks, Recreation & Beautification Commission meeting. He then announced the next Neighborhood Watch Program on Tuesday, April 10, 2007 would include a tour of the Grover Beach library.

Council Member Nicolls reported on the meeting of the Air Pollution Control District (APCD).

Mayor Lieberman stated that he would be attending an upcoming meeting of the Fire and Emergency Services Oversight Committee.

Mayor Pro Tem Shoals reported on the recent ribbon-cutting ceremony by South County Area Transit (SCAT) for the arrival of the first hybrid electric bus in San Luis Obispo County.

Council Member Versaw reported on recent activities of the Economic Vitality Corporation.

### **CITY COUNCIL AGENDA**

None at this time.

### **COUNCIL COMMUNICATIONS**

#### **9. Mayor's Report and Recommendation Regarding the Possible Sale of a Portion of the Oceano Dunes to the State of California.**

Mayor Lieberman reported on discussions held at the Oceano Dunes task force meetings, which had been formed by County Supervisor Achadjian to review the proposed sale of County-owned property to the State. He recommended adopting a Resolution in support of the sale, citing the following reasons: traffic count data from the Buxton Study, the City's updated Circulation Element, and State Parks documentation that indicated the high volume of vehicles accessing the beach from West Grand Avenue; the State was willing to pay \$4.8 million over a two-year period; the State has continuously managed the use of the property as a public asset; the County doesn't have the funding or staff to adequately manage this resource; the State would continue assuming the liability for use activities; vehicle access would continue; the State would continue providing funds to ensure certain areas reserved for habitat preservation were maintained; and other nearby cities were also in support of selling the land to the State.

Brief discussion was held on environmental concerns discussed at the task force meetings, the benefits of selling the land rather than a long-term lease, fees paid at beach entrance kiosks do not remain locally but instead go to the State, and deleting paragraph (e) in the draft Resolution regarding alternate access in Oceano:

~~(e) The State is to develop a plan to provide for a safe crossing of Arroyo Grande Creek or alternate access located in the Oceano area.~~

It was announced that the San Luis Obispo County Board of Supervisors was scheduled to discuss this issue on Tuesday, April 17, 2007, and that City representatives should plan on attending that meeting.

**Action:** Upon m/s by Council Members Versaw/Ashton, the Council adopted Resolution No. 07-40, as amended, and directed staff to send an executed copy of the Resolution to the San Luis Obispo County Board of Supervisors and to each member of the City Council. 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. 07-40: A Resolution of the City Council of the City of Grover Beach, California, Supporting the Sale of County-Owned Land to the State of California for Continued Use as a Recreation Area Provided Certain Conditions Are Met as a Part of the Sale.**

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

##### **10. Request to Reschedule the Joint City Council/Planning Commission Meeting.**

Brief discussion was held on rescheduling the Joint City Council/Planning Commission meeting previously scheduled for Monday, April 9, 2007, due to the Town Hall meeting that was also scheduled for that same evening in the community of Oceano to discuss the Oceano Dunes and its potential sale to the State.

**Action:** Upon unanimous consensus, staff was directed to cancel the Joint City Council/Planning Commission meeting until further notice.

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

##### **11. Procedures for Filling a Vacancy on the City Council.**

City Attorney Koczanowicz reviewed the procedures pursuant to state law to fill the vacancy on the City Council due to occur with the anticipated resignation of Council Member Versaw. He stated that, once the date of resignation had been established, the Council would need to act within 30 days from that date, with deliberations at a noticed public meeting.

The available options to fill the vacancy were to either: 1) appoint a replacement by agreement of a majority of the City Council, or 2) schedule a special election. A special election was estimated to cost from \$7,000 to \$10,000, and would be consolidated with the statewide election to be held in November 2008.

The process for appointing a candidate was entirely within the Council's discretion. He then described methods utilized by other agencies, including: 1) a selection committee could screen candidates who submitted letters of interest and make a recommendation to the City Council; 2) nominations could be submitted by individual Council Members, which would be voted upon at a noticed public meeting; 3) selection of one individual upon consensus of the Council; or 4) random selection from a pool of several qualified candidates.

**Action:** Upon unanimous consensus, the Council agreed that each Council Member would contact up to two individuals who would be invited to submit letters of interest to the City Clerk by Wednesday, April 11, 2007, which would be reviewed at the City Council meeting of Monday, April 16, 2007. Candidates would be interviewed at the meeting and a selection would then be determined within the required time frame.

Brief discussion was held on whether Council Member Versaw could still chair the Ad Hoc Committee on parking. City Attorney Koczanowicz stated that since Council Member Versaw had been appointed to the Ad Hoc Committee by the City Council,

unless the Council intended to change the appointment, Council Member Versaw remained the appointed representative. Other vacant committee assignments for which he represented the City Council at various agencies throughout the County would need to be discussed and formal action taken once a new Council Member was selected and seated.

### **CLOSED SESSION**

Prior to going into Closed Session, it was announced that Closed Session Item No. 1 was cancelled. At 10:31 p.m., the Council, except for Council Member Versaw, met in Closed Session regarding Closed Session Item No 2 only:

1. **Conference with Labor Negotiators**

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 Fire Fighters (IAFF), Local 4403

2. **Conference with Real Property Negotiators**

Pursuant to Government Code Section 54956.8

Property: APN 060-271-016

Agency negotiator: City Manager and City Attorney

Negotiating party: Eric Ekdahl, property owners' negotiator

Under negotiation: Property negotiations regarding price

Closed Session Announcements: At 11:00 p.m., Mayor Lieberman reconvened the meeting in open session, with Council Member Versaw absent, and announced that there were no reportable actions taken during discussion of Closed Session Item No. 2.

### **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Lieberman adjourned the meeting at 11:00 p.m.

/s/STEPHEN C. LIEBERMAN, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK

(Approved at CC Mtg 5/21/07)