

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, JUNE 4, 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 former Mayor and current Grover Beach Police Department Citizen Assistance Team (CAT) member Gene Gates.

**ROLL CALL**

City Council: Council Members Ashton, Bright, Nicolls, 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, Police Lieutenant Bewick, Public Works Superintendent Ford, Human Resources Coordinator Barrett, and Reserve Officer Simpson were also present.

Also present were City Engineer Garing and Labor Negotiator Katen

**AGENDA REVIEW**

Mayor Lieberman suggested amending the agenda to discuss all items as listed through Regular Business Item No. 10, recess the City Council meeting to conduct the Joint City Council / Improvement Agency Meeting regarding an overview of the FY 08 Budget, and then reconvene the Regular City Council Meeting to consider all remaining items on the agenda.

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

**CEREMONIAL CALENDAR**

**1. Proclamation Declaring June 5, 2007, as "Food Bank Coalition of San Luis Obispo County Hunger Awareness Day".**

Mayor Lieberman read and presented the Proclamation to Adam Hill, Grover Beach resident and Food Bank representative.

**2. Recognition of the Citizen Assistance Team Program Upon Receipt of Presidential Service Awards for Community Volunteers.**

Mayor Lieberman introduced Police Chief Copsey and Police Lieutenant Bewick, who presented Presidential Awards to Police Department Citizen Assistance Team (CATs) members for having collectively served over 3,000 volunteer hours for the community. Awards were presented to the following individuals:

- in recognition of over 100 hours of volunteer service in one year - Phyllis Evans, Della Anderson, Kim Greene, and Jeff Wilson;
- in recognition of over 250 hours of service in one year - Gene Gates, Bob Flagel, and Richard Simpson; and
- in recognition of over 500 hours of volunteer service in one year - Rose Lundgren and Pat Martin.
- The Lifetime Service Award was then presented to Pat Martin for a collective total of 4,000 hours of volunteer service to the community.

**PRESENTATIONS**

**3. Presentation from the San Luis Obispo County Integrated Waste Management Authority (IWMA) Regarding the Need to Establish a Funding Source for the Household Hazardous Waste Program.**

Mayor Lieberman introduced Bill Worrell, Manager of the San Luis Obispo County Integrated Waste Management Authority. Referencing a PowerPoint presentation,

Mr. Worrell provided an overview of the 1989 legislative requirement for waste reduction as a result of AB 939. He reviewed efforts conducted throughout the County to reduce waste disposal amounts going to landfills, and he outlined various options to fund the Household Hazardous Waste Program.

Mr. Worrell congratulated the City of Grover Beach for achieving a 61% recycle rate in 2005 and presented the City with a commemorative metal recycling bin.

**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. Roy Ogden, attorney, San Luis Obispo, stated that he represented Mrs. Mireya Jaime-Freyre, a Grover Beach resident, regarding an issue of access to her home due to a construction project.

Upon question from the Council, City Attorney Koczanowicz stated that Mr. Ogden represented a client regarding a matter that was currently in litigation. He advised the Council against engaging in a dialogue on this issue.

Mr. Ogden reviewed various points of his client's case and requested an opportunity to discuss his client's concerns with the Council.

Upon question from the Council, City Attorney Koczanowicz stated that matters in litigation were discussed in Closed Session and in consultation with the City's claims administrator.

- B. Paul Bischoff, Grover Beach, commented on the issue of underground utility requirements that was discussed at the last Council meeting.
- C. Don Fielding, Grover Beach, objected that an item had been added to the agenda at the last regular City Council meeting regarding an issue that was critical of another member of the City Council.

#### **PUBLIC HEARINGS**

#### **4. Consideration of Adopting a Multi-Jurisdictional Hazard Mitigation Plan.**

Mayor Lieberman read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Fire Chief Hubert gave an overview of the report of the federal Disaster Mitigation Act of 2000, which required local, county, and tribal governments to develop a hazard mitigation plan in order to be: 1) eligible to apply for mitigation grants before disasters strike, and 2) eligible for federal mitigation funds following natural and human-caused disasters. He stated that the Local Hazard Mitigation Plan had been developed in conjunction with the Cities of Grover Beach and Arroyo Grande and the Lucia Mar Unified School District to assess each agency's vulnerabilities to potential hazards and develop strategies to reduce the risks associated with those hazards. Once adopted, the mitigation plan would be submitted to the Governor's Office. Fire Chief Hubert then introduced consultant Bob Neumann of Category Five Professional Consultants.

Mr. Neumann, Category Five Consultant, reviewed the various stages in developing the mitigation plan, and outlined plan goals to promote a disaster-resistant community and increase each agency's disaster preparedness. He 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 he closed the Public Hearing.

**Action:** It was m/s by Council Members Nicolls/Mayor Pro Tem Shoals to adopt Resolution No. 07-59, adopting the Multi-Jurisdictional Hazard Mitigation Plan. The motion carried on the following roll call vote:

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

**Resolution No. 07-59: A Resolution of the City Council of the City of Grover Beach, California, Adopting a Multi-Jurisdictional Hazard Mitigation Plan.**

**5. Adoption of Ordinance in Compliance with Newly Adopted Health and Safety Code Section 33342.7.**

Mayor Lieberman read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Attorney Koczanowicz stated that the legislature had adopted new provisions for any redevelopment plan that had been adopted prior to January 1, 2007. Agencies were now required to specifically adopt an Ordinance describing their respective redevelopment agency's plan for acquisition of real property through eminent domain. He stated that, although the City's two redevelopment plans already included policies regarding property acquisition, staff had prepared a draft Ordinance that basically restated what the City had already adopted on this issue in order to comply with the new state mandate.

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 Nicolls to introduce and conduct first reading, by title only, of Ordinance No. 07-04 and schedule second reading and adoption at the next regular City Council meeting.

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

**Ordinance No. 07-04: An Ordinance of the City Council of the City of Grover Beach, California, Describing the Improvement Agency's Program to Acquire Real Property by Eminent Domain in Compliance with California Health & Safety Code Section 33342.7 (First reading only.)**

**CONSENT AGENDA**

It was m/s by Council Members Ashton/Bright to approve Consent Agenda Item Nos. 6, 7 and 8 as recommended. The motion carried on the following roll call vote:

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

**6. Treasurer's Report for the Period May 15 - May 30, 2007.**

**Action:** Approved as submitted.

**7. Second Reading of Ordinance to Amend the Traffic Regulations.**

**Action:** Conducted second reading, by title only, and adopted Ordinance No. 07-03 amending the City's traffic regulations pursuant to the City's adopted Circulation Element, which added the following new streets to be designated as "truck routes": Ramona Avenue (from North 4<sup>th</sup> Street to Front Street) and North 3<sup>rd</sup> Street (from West Grand Avenue to Ramona Avenue).

**Ordinance No. 07-03: An Ordinance of the City Council of the City of Grover Beach, California, Amending Section 3303 of Chapter 3 of Article III of the Grover Beach Municipal Code. (Second Reading.)**

**8. Final Acceptance of the Mentone Storm Drain / Mentone Basin Intertie Project and Release of Contract Retention.**

**Action:** Adopted Resolution No. 07-60 accepting the construction work on the Mentone Storm Drain Project / Mentone Basin Intertie Project as complete and authorizing the release of final retention to MGE Underground.

**Resolution No. 07-60: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting the Mentone Storm Drain / Mentone Basin Intertie Project and Release of Final Retention.**

**REGULAR BUSINESS**

**9. Appointment to the Parks, Recreation & Beautification Commission.**

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. For the information of those present, City Manager Perrault reviewed the recommendations of the Advisory Body Screening Committee to: 1) reduce the number of representatives appointed to the Parks, Recreation & Beautification Commission from seven to five Commissioners, and 2) make one appointment to the Commission from the slate of applicants who were interviewed on either March 14, 2007 or May 23, 2007. He stated that the Screening Committee had recommended Susanne Krum to be appointed to a four-year term on the Parks, Recreation & Beautification Commission. He then responded to questions.

Brief discussion was held regarding the size of the Commission and referring this issue to the Parks, Recreation & Beautification Commission for comments and suggestions before the Council made a determination on whether to change the number of members appointed to the Commission.

**Action:** It was m/s by Council Members Bright/Ashton to amend the proposed Resolution by deleting the reference to reducing the number of members on the Commission, and: 1) adopt Resolution No. 07-61, as amended, appointing Susanne Krum to a four-year term on the Parks, Recreation & Beautification Commission; and 2) schedule an item for the next Parks, Recreation & Beautification Commission agenda for discussion, input, and recommendation to the City Council regarding the number of members appointed to the Commission. The motion carried on the following roll call vote:

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

**Resolution No. 07-61: A Resolution of the City Council of the City of Grover Beach, California, Appointing Susanne Krum to Serve on the Parks, Recreation & Beautification Commission.**

City Manager Perrault then introduced Commissioner Krum to the City Council and members of the audience.

**10. Report and Recommendation Regarding the Implementation of an Interim In-Lieu Fee Program for Underground Utilities.**

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. For the information of those present, City Manager Perrault stated that the proposed interim in-lieu fee program would provide an additional option for those developers with approved projects to comply with the City's existing requirements to underground utilities until a permanent in-lieu fee program could be established.

Brief discussion was held regarding development impact fees, in-lieu fees, and time frames as to when the fees would be due.

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

The following persons spoke in support of the proposed interim in-lieu fee program and 1) commented on misunderstandings of the existing requirements; 2) suggested requiring everyone to participate on a block-by-block basis, regardless of whether utility lines were located directly in front of a particular property or across the street; and 3) requested additional consideration/leniency be provided to those applicants with projects already in the review process:

- Ric Paul, San Luis Obispo;
- Thor Ourston, Grover Beach;
- Scott Pimental, Arroyo Grande;
- Paul Bischoff, Grover Beach;
- Marilyn Sullivan, Arroyo Grande; and
- Gabriel Ramirez, Grover Beach.

There were no further public comments received, and the Mayor closed the public comment period for this portion of the meeting.

Council discussion was held on allowing those development projects already in the review process to have the option to participate in the interim in-lieu fee program, just as the Council had adjusted the deadline for applicants in the midst of the review process previously when the fire sprinkler ordinance had been adopted; and amending the draft

Resolution as follows:

- in the sixth paragraph to specify, "Whereas, a need to adopt an alternative to the undergrounding requirement for individual projects continues to increase due to the infill nature of development projects in the City" (added text denoted by a double underline);
- amending wording in various sections of the attached Exhibit for the proposed interim in-lieu fee policy to specify in the fourth paragraph a project "being deemed complete for processing purposes" rather than the phrase "~~approved projects~~"; and
- adding an additional paragraph: "13. Establishing a mechanism once a permanent in-lieu fee program was adopted for the City to either: 1) collect additional fees as necessary, or 2) refund fees paid in excess of the interim in-lieu fee of three hundred dollars (\$300) per lineal foot."

**Action:** It was m/s by Mayor Pro Tem Shoals/Council Member to adopt Resolution No. 07-62, as amended, initiating an Interim Undergrounding Policy. The motion carried on the following roll call vote:

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

**Resolution No. 07-62: A Resolution of the City Council of the City of Grover Beach Adopting an Interim Undergrounding Policy as an Option to the Requirement for Undergrounding of Off-site Utility Lines.**

Recess: Upon consensus of the City Council, the meeting recessed at 8:56 p.m.  
Reconvene: At 9:05 p.m., the meeting reconvened with all Council Members present

Further Council discussion was held on providing staff with direction on a permanent in-lieu fee program and preparing an amendment to the existing Ordinance on the underground utility requirements.

**Action:** Upon consensus, staff was directed to prepare a draft Ordinance for future Council consideration that: 1) required underground utilities on a block-by-block or district-by-district basis; 2) exempted single-family homes, secondary dwelling units, and minor remodel projects from the underground utility requirement; and 3) required duplexes or other multiple unit developments to underground utilities.

Recess: Upon consensus of the City Council, the meeting recessed at 9:13 p.m. to convene the Joint City Council/Improvement Agency meeting, which was also scheduled for this same evening.  
Reconvene: At 9:44 p.m., the meeting reconvened with all Council Members present.

## 11. General Discussion of Residential Development Standards.

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. For the information of those present, Community Development Director Hansen gave an overview of current residential development standards regarding lot coverage and building height changes, development standards for residential common areas, and the methods used to calculate allowable densities in residential areas. He then responded to questions from the Council.

Brief discussion was held on scheduling a workshop to discuss this issue in detail and to primarily focus the discussion on development standards in R-3 zoning districts in response to the increasing number of citizen concerns regarding multi-story building developments.

**Action:** Upon consensus, the report was received and filed and staff was directed to schedule a future workshop to specifically discuss development standards in R-3 zoning districts and consider: 1) amending development standards to allow increased density while reducing the negative impacts to surrounding neighborhoods; 2) allowing additional lot coverage; 3) lowering building heights; and 4) creating a larger foot print for developments.

## **COUNCIL COMMITTEE REPORTS**

Council Member Ashton reported on the meeting of the Parks, Recreation & Beautification Commission. He also announced that the next Neighborhood Watch meeting would include a guest speaker from the Public Health Department speaking on the issue of obesity.

Council Member Bright stated that she had nothing to report at this time.

Council Member Nicolls stated he had no committee reports but commented on the high attendance at the Spring Garden Tour and Summer Concert series.

Mayor Lieberman stated that the Arroyo Grande/Grover Beach Fire and Emergency Services Oversight Committee meeting had been rescheduled to June 15, 2007.

Mayor Pro Tem Shoals stated that, in response to citizen concerns over proposed changes to bus Route 10, he had invited David Lilly from South County Area Transit (SCAT) to provide an overview of the proposed transportation changes and the anticipated increase in public transportation efficiency and expanded services. He then reported on progress of the Beachfront Lodge and Conference Center Ad Hoc Committee.

## **CITY COUNCIL AGENDA**

None.

## **COUNCIL COMMUNICATIONS**

- A. Mayor Lieberman commented on the high number of participants at the Spring Garden Tour and how impressed he was with the hospitality of the showcased garden hosts. He also announced and thanked Grover Beach resident Joyce Ward for providing the Council with a book she had put together entitled *Let's Put the Beach in Grover*.
- B. Mayor Pro Tem Shoals commented on the FY 08 Budget and the importance of the community's approval of the sales tax measure. He encouraged residents to shop locally.

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

### 12. Proposed Council-Manager Workshop.

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. City Manager Perrault gave an overview of the invitation for the City to participate in a local Council-Manager training session facilitated through the Channel Counties Division of the League of California Cities. The City of San Luis Obispo was the lead agency in organizing the proposed two-day workshop to be held Wednesday through Thursday, November 28-29, 2007, at the Casa de Maria Retreat in Montecito. Participation would be limited primarily to City Councils and Managers within the counties of San Luis Obispo, Santa Barbara, and Ventura, at a cost of \$3,500 per city.

Brief discussion was held on the benefits of the workshop format, cost, financial constraints of the City, and timing of the workshop right before the holidays. It was also noted that the City would be scheduling joint meetings between the Council and each of the City Advisory Bodies, and a collective retreat could be considered in the future. City Manager Perrault stated that at an upcoming Council meeting, he would schedule a discussion proposing dates for the joint workshops.

**Action:** Upon consensus, the City of Grover Beach declined to participate in the proposed Council-Manager workshop offered through the Channel Counties Division of the League.

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

None at this time.

#### **CLOSED SESSION**

At 10:23 p.m., the Council met in Closed Session regarding the following item:

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

**Closed Session Announcements:** At 10:55 p.m., Mayor Lieberman reconvened the meeting in open session with all Council Members present, and announced there were no reportable actions taken during the Closed Session.

#### **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Lieberman adjourned the meeting at 10:55 p.m.

/s/STEPHEN C. LIEBERMAN, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 8/6/07)