

**MINUTES
CITY COUNCIL MEETING
MONDAY, JULY 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 Fire Chief Hubert.

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, Human Resources Coordinator Barrett, and Recreation Coordinator Manuele were also present.

Also present was Labor Negotiator Katen.

CLOSED SESSION ANNOUNCEMENTS: Mayor Lieberman read the following announcement:

On Monday, June 18, 2007 after meeting in Closed Session regarding:

1. Conference with Labor Negotiators
Agency Negotiator: City Manager, James K. Katen, Administrative Services Director, Assistant Administrative Services Director, Human Resources Coordinator, and Police Chief.
Represented Employee Group: Grover Beach Police Officers' Association (GBPOA)
2. Conference with Labor Negotiators
Agency Negotiator: City Manager, James K. Katen, Administrative Services Director, Assistant Administrative Services Director, Human Resources Coordinator, and Fire Chief.
Represented Employee Group: Int'l. Assoc. of Fire Fighters (IAFF), Local 4403
3. Conference with Legal Counsel - Pending Litigation
Mireya Jaimes-Freyre v. City of Grover Beach CV 070478
4. Conference with Legal Counsel – Pending Litigation
Diamond v. City of Grover Beach - U.S. District Court, Central District, Southern Division, Case No. SACV 04-558 CJC (MANx)
5. Public Employee Performance Evaluation
Employee: City Attorney

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

AGENDA REVIEW

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

CEREMONIAL CALENDAR

1. **Proclamation Designating July 2007 as "National Recreation and Parks Month".**

Mayor Lieberman read and presented the Proclamation to Recreation Coordinator Manuele.

PRESENTATIONS

2. **Concept Presentation Regarding a Development for Residential Housing to be Located at Farroll Road and South 16th Street in Grover Beach.**

Referencing a PowerPoint presentation, John Mack, Accurate Architecture and Construction, presented a conceptual overview of a proposed multi-dwelling residential development to be located near the intersection of Farroll Road and South 16th Street. He cited similarly designed multi-storied planned unit developments that were well-received in nearby communities. In preparation for a formal project proposal, he requested Council comments on the City's preferences regarding building height, density, and mixed-uses for future developments in Grover Beach.

Brief Council discussion was held regarding future workshops to be scheduled for discussion of existing as well as potential changes to residential development standards in multi-dwelling zoning districts, updating the Housing Element, and updating the Land Use Element. Additional discussion was held regarding the potential for neighborhood conflicts primarily regarding noise, parking, and building heights in high density zoning districts. The Council recommended that Mr. Mack review the City's Visioning Project Final Report regarding preferred locations for multi-story buildings.

Action: No formal action was taken.

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. Tom Murray, Arroyo Grande, SLO Green Build Board Member, announced that an information kiosk on environmentally-friendly building techniques and materials had recently been installed in the Community Development Department reception area at City Hall. He then thanked members of the City Council, Planning Commission, and staff for attending the recent workshop on energy conservation and environmentally sustainable building methods.
- B. Michelle Knapp, Parks, Recreation & Beautification Commissioner, announced the next scheduled concert in the Summer Concert Series at Ramona Garden Park.
- C. Don Fielding, Grover Beach, expressed concerns that the Citizen Oversight Committee on the half cent sales tax had not yet been formed.

City Manager Perrault reminded all those present that, pursuant to previous Council direction, once the FY 08 budget process was finalized, discussion would be scheduled on formation of the committee.

- D. John Wysong, Grover Beach, expressed concerns regarding the high volume of traffic at Oak Park Boulevard and Brighton Avenue, and commercial trucks traveling on residential streets.

PUBLIC HEARINGS

Prior to discussion of the Public Hearing Items, Council Member Bright declared a conflict of interest on Items No. 3 and 4, stating that she had previously deliberated on both of these projects as a former member of the Planning Commission. She then stepped down from the dais and left the room.

- 3. **Appeal of Planning Commission Resolution No. 07-036 Adopted to Correct the "Non-appeal ability" Designation in the Coastal Development Permit for the Hilton Garden Inn Project as Non-appealable.**
Applicant: American Properties Management Company.
Appellant: Unite Here.
Project Location: 950 El Camino Real (APN 060-011-036), Coastal Planned Commercial (C-P-C) Zoning District.
Development Permit: Application No. 06-034

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 appeal was not on the entire hotel project, but rather only of the Coastal Development Permit designation that the project was "non-appealable". He stated that there had been a miscommunication between City staff and Coastal Commission staff regarding: 1) the location of Meadow Creek and the nearby wetlands, and 2) the existence of an

“appealable area” due to the wetlands. The Coastal Development Permit was therefore brought back to the Planning Commission to change the designation from “non-appealable” to “portions of the project were appealable”. He confirmed that the Planning Commission action did not change any physical aspect of the project and responded to Council questions.

Andy Lee, representing the Appellant, stated that, since the determination that the project’s proximity to Meadow Creek and the wetlands had changed from 300 feet to 100 feet, this information warranted further environmental review. He also stated that a mitigated negative declaration had not yet been certified and a “static project description” was not available.

Gary White, Applicant and representative for American Property Management Corporation, stated that he and his partners intended to proceed with obtaining a grading permit to grade that portion of the site that was designated as “non-appealable”.

There were no further public comments received, and the Mayor closed the Public Hearing.

Further Council discussion was held on Coastal Commission concerns regarding construction near wetlands; the public notification process which included on-site workshops and news articles regarding the proposed project; the reputable consulting firm that had prepared the environmental document; and a current labor dispute between Unite Here, a Los Angeles-based hotel workers union, and the Hilton Hotel Corporation.

City Attorney Koczanowicz again confirmed that the hotel project was not being revised in any manner and that the Planning Commission’s action was only to make a correction to the designation in the Coastal Development Permit as requested by the Coastal Commission.

Action: It was m/s by Council Members Nicolls/Ashton to deny the appeal and uphold the Planning Commission's decision.

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

NOES: Council Members - None.

ABSENT: Council Members - None.

ABSTAIN: Council Members - None.

RECUSED: Council Member Bright (due to a conflict of interest)

4. Proposed Commercial Condominium Hotel/Retail Development at the Northwest Corner of Highway 1 and West Grand Avenue.

Applicant: IGIT, Inc. (Ron Perkins)

Project Location: 105 W. Grand Ave. (northwest corner of Hwy 1 and W. Grand Ave.) (APN 060-201-009), Coastal Planned Commercial (C-P-C) Zoning District.

Development Permit: Application No. 05-025

Mayor Lieberman read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Manager Perrault recommended receiving public comments as this was a noticed Public Hearing, and suggested deferring Council discussion for two weeks as requested by the applicant’s architect, George Garcia, to the next Regular City Council meeting of July 16, 2007.

Mayor Lieberman invited public comments at this time. No public comments were received.

Action: Upon consensus (Council Member Bright recused due to a conflict of interest), the Public Hearing was continued to the Regular City Council meeting of Monday, July 16, 2007.

At this time, Council Member Bright returned to the dais.

5. 2007 Weed Abatement Program Cost Protest Hearing.

Mayor Lieberman read the title to the foregoing item, opened the Public Hearing, and deferred to staff for a report. For the information of those present, Fire Chief Hubert gave an overview of weed abatement program costs and the administrative fees to reduce fiscal impacts for the City and provide an incentive for property owners to maintain their own properties.

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 Bright to adopt Resolution No. 07-70 authorizing the City Clerk to attach weed abatement costs to properties in the amounts listed on Exhibit "A" to the Resolution for assessment on County Tax Rolls. 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. 07-70: A Resolution of the City Council of the City of Grover Beach, California, Confirming the Report of City Staff Regarding the Weed and Rubbish Abatement Procedure and Making Assessments.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item No. 9 was pulled to receive public comments only, as requested by a representative of the Grover Beach Firefighters Association. City Attorney Koczanowicz noted that a corrected copy of the City Attorney agreement (Agenda Item No. 8) had been distributed to the Council just prior to the meeting. Mayor Lieberman stated that he would abstain from voting on the Minutes of the Regular City Council Meeting of May 7, 2007 (Agenda Item No. 7), as he had left that meeting early due to an out-of-town work commitment the next day.

It was m/s by Council Members Ashton/Nicolls to approve Consent Agenda Item Nos. 6, 7, 8, and 9, as recommended. The motion carried on the following roll call vote:

AYES: Council Members Ashton, Bright, Nicolls, Mayor Pro Tem Shoals, and Mayor Lieberman (except for Agenda Item No. 7).
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Mayor Lieberman (for Agenda Item No. 7 only).

6. Treasurer's Report for the Period June 13 - June 27, 2007.

Action: Approved as submitted.

7. Minutes of the Regular City Council Meeting of May 7, 2007.

Action: Approved the minutes as submitted (except for Mayor Lieberman).

8. Amendment to Agreement for City Attorney Services.

Action: Approved the amended Agreement for City Attorney services with the firm of Koczanowicz and Donaldson and authorized its execution by the Mayor.

9. Proposed Successor Memorandum of Understanding with Professional Firefighters, Local 4403 (IAFF). A four-year Memorandum of Understanding (MOU) with career firefighters for the period January 1, 2007 through June 30, 2011.

Action: 1) Adopted Resolution No. 07-71 approving the MOU with IAFF, Local 4403; 2) adopted Resolution No. 07-72 amending the Classification and Compensation Plan for job classes represented by the IAFF; and 3) adopted Resolution No. 07-73 amending the Annual Appropriation Resolution by \$39,000.

Resolution No. 07-71: A Resolution of the City Council of the City of Grover Beach, California, Approving a Memorandum of Understanding with Professional Firefighters, Local 4403 (IAFF), from July 1, 2007 Through June 30, 2011.

Resolution No. 07-72: A Resolution of the City Council of the City of Grover Beach, California, Amending Resolution No. 02-73 to Adjust Salary Ranges Consistent with the City's Agreement with IAFF, Local 4403, for Fiscal Years 2008 Through 2011.

Resolution No. 07-73: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 1st Amendment to the FY 08 Annual Appropriation Resolution No. 07-67 by Appropriating \$39,000 for the Additional Costs Related to the Grover Beach Firefighter's, Local 4403, Memorandum of Understanding..

REGULAR BUSINESS

10. Authorization to Expend Funds for the Construction of the Harold Hatley Memorial and to Proceed with the Project.

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. City Manager Perrault stated that this would be the final action necessary in order to proceed with the project. The project architect, David Foote of *firma*, had estimated costs at \$6,500. To date, the City had received \$3,800 in donations and several local service organizations had expressed interest in participating in the project. He stated that Council authorization for up to \$2,700 in General Fund monies should therefore be sufficient to cover any shortfall in donations. City Manager Perrault then responded to questions from the Council.

Mayor Lieberman invited public comments on this matter.

Cheo Serrano, Arroyo Grande, thanked the City for all its efforts to honor his father-in-law, Harold Hatley.

There were no further public comments received.

The Council commented on the delay in proceeding with the memorial project until the Lucia Mar Unified School District had made a determination on the City's request to rename Grover Heights Park after Mr. Hatley.

Action: It was m/s by Council Members Ashton/Bright to adopt Resolution No. 07-74 amending the Annual Appropriation Resolution to incorporate the expenditure of funds for the memorial. 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. 07-74: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 2nd Amendment to the FY 08 Annual Appropriation Resolution No. 07-67 by Appropriating \$2,700 for the Additional Cost Above the \$3,800 Donated for the Construction of the Harold Hatley Memorial for Grover Heights Park.

PULLED CONSENT AGENDA ITEMS

Mayor Lieberman called for public comments on Consent Agenda Item No. 9 as previously requested.

9. Proposed Successor Memorandum of Understanding with Professional Firefighters Local 4403 (IAFF).

Mark Searby, Fire Engineer and Grover Beach resident, stated that, on behalf of the firefighters and their families, he extended their thanks to the City Council for its continued support of the Fire Department.

The Council thanked and praised the members of the Fire Department and their families for their commitment to the community.

COUNCIL COMMITTEE REPORTS

Council Member Ashton reported on the meeting of the Parks, Recreation & Beautification Commission.

Council Member Bright reported on the meeting of the Water Resources Advisory Committee and deferred to Mayor Pro Tem Shoals to give a report on the Economic Vitality Corporation meeting.

Council Member Nicolls reported that Housing Trust Fund Executive Director Jerry Rioux was recovering from a recent stroke and had been moved to a rehabilitation facility.

Mayor Lieberman stated that he had nothing to report.

Mayor Pro Tem Shoals gave reports on the recent Economic Vitality Corporation's Board of Directors retreat to identify goals for FY 08; the meeting of the South San Luis Obispo County Sanitation District; and meetings of the San Luis Obispo Regional Transit Authority (SLORTA) and South County Area Transit (SCAT) regarding proposed bus route changes to enhance transit service from San Luis Obispo to Santa Maria.

CITY COUNCIL AGENDA

None.

COUNCIL COMMUNICATIONS

- A. Council Member Ashton announced that the next Neighborhood Watch meeting at the Ramona Garden Park Center would be held on Tuesday, July 10, 2007. The topic of discussion would be domestic violence.
- B. Mayor Pro Tem Shoals thanked City Manager Perrault for providing clarification earlier in the meeting regarding the time frame for formation of the Citizen Oversight Committee.

CITY MANAGER'S REPORTS AND COMMENTS

11. Schedule of Upcoming Workshops.

City Manager Perrault reviewed a list of topics the Council had previously identified for future discussion, as well as other scheduled meeting dates, and requested Council input on prioritizing the schedule of workshops:

- long-term financing for local street rehabilitation;
- residential building height requirements;
- Joint City Council / Planning Commission workshop;
- Joint City Council / Parks, Recreation & Beautification Commission workshop;
- Chamber of Commerce/City breakfast meeting on Thursday, July 12, 2007; and
- Economic development stakeholders meeting on Thursday, July 19, 2007.

He also suggested cancelling the Regular City Council Meeting of Tuesday, September 4, 2007 since City Hall would be closed on Monday, September 3, 2007 in observance of the Labor Day holiday and a majority of the Council Members were scheduled to attend the Annual League of California Cities Conference in Sacramento from Wednesday, September 5 - Saturday, September 8, 2007.

Brief discussion was held on prioritizing a schedule for each workshop topic, public participation levels at previous workshops, and holding two separate workshops on the issue of street rehabilitation with one specifically focused on financing street improvements.

Upon question, City Manager Perrault clarified that the issue of forming the Citizen Oversight Committee on the one-half percent sales tax augmentation would be scheduled for discussion at a regular City Council meeting to further consider roles and responsibilities of the Committee and the selection process.

Action: Upon consensus, the Council prioritized scheduling the workshop topics in the following order: 1) long-term financing for street rehabilitation and then a separate workshop on how to proceed with available funding; 2) residential building height

requirements, primarily focused on R-3 zoning districts; 3) Joint City Council / Planning Commission meeting; and 4) Joint City Council / Parks, Recreation & Beautification Commission meeting.

City Manager Perrault stated that he would provide a list of potential workshop/meeting dates at the next City Council meeting.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

Recess: Upon consensus of the City Council, the meeting recessed at 8:10 p.m. to conduct the Joint City Council/Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 8:27 p.m. the meeting reconvened with all Council Members present.

CLOSED SESSION

At 8:27 p.m., the Council met in Closed Session regarding the following items:

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, Police Lieutenant, and Police Chief.
Represented Employee Group: Grover Beach Police Officers' Association (GBPOA)
2. **Conference with Labor Negotiators**
Pursuant to Government Code Section 54957.6.
Agency Negotiator: City Manager, James K. Katen, and Administrative Services Director
Unrepresented Employee Groups: Management & Confidential Employees
3. **Conference with Labor Negotiators**
Pursuant to Government Code Section 54957.6.
Agency Negotiator: City Manager and James K. Katen
Unrepresented Employee Groups: Executive Management
4. **Public Employee Performance Evaluation**
Pursuant to Government Code Section 54957
Employee: City Manager

Closed Session Announcements: At 9:16 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 9:16 p.m.

/s/STEPHEN C. LIEBERMAN, MAYOR

Attest:
/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 9/17/07)