

**MINUTES
CITY COUNCIL MEETING
MONDAY, JUNE 18, 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 Council Member Nicolls.

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, Public Works Superintendent Ford, Human Resource Coordinator Barrett, and Recreation Coordinator Manuele were also present.

Also present were City Engineer Garing and Labor Negotiator Jim Katen.

CLOSED SESSION ANNOUNCEMENTS Mayor Lieberman read the following announcement:

On Monday, June 4, 2007, after meeting in Closed Session regarding:

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

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. Certificates of Appreciation to 2007 Annual Spring Garden Tour & Plant Exchange Participants.

Mayor Lieberman and Recreation Coordinator Manuele presented Certificates of Appreciation and thanked the following participants for opening their respective gardens for another successful and well-attended garden tour event:

- Caroline Blewitt, 1190 Rose Court;
- Herb and Billy Delo, 1174 Rose Court
- Sean and Debbie Lee, 342 N. 10th Street;
- Kelvin Nakamura, 1135 Bodega Court;
- Diane and Doug Smith, 1007 Saratoga Avenue; and
- Dee Santos, 850 Atlantic City Avenue.

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. Ralph Wright, Grover Beach, commented about a recent meeting with City staff regarding proposed amendments to the City's Graffiti Abatement Program and praised Police Chief Copsey for his support and assistance.
- B. Marsha Bolyanatz, Grover Beach, spoke against the proposal to reduce the number of

Commissioners appointed to the Parks, Recreation & Beautification Commission from seven members down to five.

PUBLIC HEARINGS

2. Proposed Amendment to the Grover Beach Municipal Code Regarding Sight Triangle.

Mayor Lieberman read the title to the foregoing item, declared the Public Hearing open and deferred to staff for a report. City Engineer Garing gave an overview of the City's current sight triangle requirements which applied to "uncontrolled" intersections, meaning those intersections without stop signs or traffic signals; reviewed national sight triangle standards as recommended by the American Association of State Highway and Transportation Officials (AASHTO); and reviewed proposed amendments to the City's regulations that would be applicable to "controlled" intersections. He and City Attorney Koczanowicz then responded to questions from the Council.

Discussion was held regarding the City's ability to abate landscaping or other vegetation along intersections that obstructed sight distances for public safety purposes; whether to add different requirements for those intersections without curb gutter and sidewalk improvements; and whether to designate the specific points at which the sight distance measurements were taken.

City Attorney Koczanowicz recommended the following clerical corrections to the proposed Ordinance text (deleted text denoted with ~~strike-out~~ and added text denoted with double underline):

(A) Applicability: The Sight Distance Triangle requirements are applicable to ~~every~~ intersections of two or more public streets..."

(C) Approval Procedures: To ensure visibility, red curbing ~~shall~~ may be used to establish required no parking zones related to the AASHTO guidelines...Exact sight triangle requirements for ~~each~~ an intersection shall be established by the City Engineer,..."

City Attorney Koczanowicz confirmed that the proposed Ordinance did not mandate that every intersection be evaluated, but rather provided objective industry standards to evaluate sight distances at street intersections.

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.

Further discussions were held on amending the proposed Ordinance to keep the City's existing standard and designate it specifically for "uncontrolled intersections" and adding the proposed text designated for "controlled intersections".

Action: It was m/s by Mayor Pro Tem Shoals/Council Member Ashton to modify the proposed Ordinance as follows: 1) retain the existing sight triangle standard and specifically designate that it applied only to "uncontrolled intersections"; 2) designate that the 30 foot sight distance clearance was measured from the property line; 3) include both diagrams as depicted in the proposed Ordinance labeled as Exhibit A - Figure 1a and Figure 1b, for "controlled intersections"; and 4) continue the Public Hearing to Monday July 16, 2007 to consider introduction and first reading of the revised Ordinance. 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.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Council Member Ashton pulled Consent Agenda Item No 5 for a separate vote without any further discussion. It was m/s by Council Member

Ashton/Bright to approve Consent Agenda Item Nos. 3, 4, and 6 as recommended. The motion carried on the following roll call vote:

AYES: Council Members Ashton, Bright (*except* for Item No. 6), Nicolls, Mayor Pro Tem Shoals, and Mayor Lieberman.
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.
RECUSED: Council Member Bright (*only* for Item No. 6, consistent with her prior position due to a conflict of interest).

3. Treasurer's Report for the Period May 30 - June 13, 2007.

Action: Approved as submitted.

4. Minutes of the Following Meetings -

**- Special City Council Meeting of April 16, 2007; and
- Regular Meeting of April 16, 2007.**

Action: Approved as submitted.

6. Resolutions Formalizing Partial Waivers of Undergrounding Utility Requirements by the City Council -

formalizing actions taken at the May 21, 2007 City Council meeting granting two partial waivers of the City's underground utility requirement based upon the affordable housing component of each separate development project: 1) located at 385 South 8th Street (APN 060-281-008), Applicant: Marilyn Sullivan, Saint Joseph Properties, LLC; and 2) located at 717 Manhattan Avenue (APN 060-277-015 and 016), Applicant: Ric Paul, Cornerstone Development.

Action: 1) Adopted Resolution No. 07-63 to formalize and document the waiver that the City Council granted to Marilyn Sullivan, Saint Joseph Properties, LLC; and 2) adopted Resolution No. 07-64 to formalize and document the partial waiver that the City Council granted to Ric Paul of Cornerstone Development.

Resolution No. 07-63: A Resolution of the City Council of the City of Grover Beach, California, Granting a Partial Waiver to the Underground Utility Requirements to St. Joseph Properties for the Project Located at 385 South 8TH Street.

Resolution No. 07-64: A Resolution of the City Council of the City of Grover Beach, California, Granting a Partial Waiver to the Underground Utility Requirements to Cornerstone Development for the Project Located at 717 Manhattan Avenue.

Mayor Lieberman read the title to the following item which was pulled only for a separate vote. There was no discussion held and no questions of staff.

5. Second Reading and Adoption of Ordinance Identifying the City's Property

Acquisition Program in the Redevelopment Areas - describing the existing plan for acquisition of real property through eminent domain in compliance with California Health and Safety Code Section 33342.7.

Action: It was m/s by Council Members Nicholls/Mayor Pro Tem Shoals to conduct second reading, by title only, and adopt Ordinance No. 07-04. The motion carried on the following roll call vote:

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.

REGULAR BUSINESS

7. Water Shortage Contingency Plan.

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. City Engineer Garing gave an overview of current and past rainfall totals, which was calculated for the current year at being 44%, far less than the 65% of normal. He stated that the last comparable year with similar low rainfall totals was back in 1924. He reviewed rainfall collection sites and water supply conditions at Lopez Lake and the groundwater basin.

City Engineer Garing explained that the Urban Water Management Plan included a Water Shortage Contingency Plan to pro-actively manage water supplies and take certain action steps in the event of extended drought conditions or significantly diminished water supplies. He then outlined the voluntary water consumption reduction methods if the Council were to declare a Stage 1 Water Shortage. He and City Manager Perrault then responded to questions from the Council.

Discussion was held on the various stages of action in the Water Shortage Contingency Plan, mandatory water conservation requirements in the event of severe drought conditions, and potential impacts to future building development in the City under such circumstances.

Mayor Lieberman invited public comments on this matter. There was no response and he closed the public comment period on this item.

Action: It was m/s by Council Members Nicolls/Bright to adopt Resolution No. 07-65 declaring a Stage 1 Level of Action. 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. 07-65: A Resolution of the City Council of the City of Grover Beach, California, Declaring a Stage 1 Water Shortage in Compliance with the Water Shortage Contingency Plan.

8. Grease Control Program Interagency Agreement with the South San Luis Obispo County Sanitation District.

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. Public Works Superintendent Ford introduced Melissa Mudgett, Project Analyst from the Wallace Group, the firm contracted to serve as District Engineer for the South San Luis Obispo County Sanitation District. Ms. Mudgett gave an overview of the regional mandate for agencies to reduce fats, oils and grease discharged into the sewer system through a "source control program" by July 1, 2007. She cited public health concerns caused by overflows and the significant fiscal impacts to agencies from fines, maintenance, and clean up. She then gave an overview of the proposed program that, during Phase 1, would work with local restaurants and other food preparation sites to annually inspect and monitor facilities and equipment; and public outreach and education of residents that would be conducted during Phase 2. She then responded to questions.

Discussion was held regarding staff's recommendation to pro-actively determine discharge conditions locally by initially conducting a higher number of facility inspections, and the likelihood that the number of inspections in subsequent years would be reduced. Further discussion was held regarding estimated program costs, proposed fees, enforcement, and the proposed permit process.

City Attorney Koczanowicz suggested amending the proposed agreement as follows:

- Paragraph 4: attach a copy of the waste discharge compliance requirements designated as "Exhibit A";
- Paragraph 6: attach the pro rata cost information for each agency as "Exhibit B"; and

- Paragraph 7: addition of a new paragraph stating "This agreement is for a term of one year, renewable subject to mutual agreement and cost revisions based on the costs actually incurred by the District."

Further discussion was held with the District representative regarding the proposed amendments.

Action: It was m/s by Council Members Nicolls/Mayor Pro Tem Shoals to amend the proposed interagency agreement and authorize the Mayor to execute the Grease Control Program agreement, as amended. 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.

COUNCIL COMMITTEE REPORTS

Council Member Ashton stated he had nothing to report at this time.

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

Council Member Nicolls reported on the meeting of the Housing Trust Fund.

Mayor Lieberman reported on the meeting of the Fire and Emergency Services Oversight Committee and the status of the Battalion Chief recruitment.

In reference to the presentation by Regional Transit Manager David Lilley at the last Council meeting on proposed changes to bus Route 10, Mayor Pro Tem Shoals stated that he had received several citizen complaints on this matter and that the issue would be discussed at the next South County Area Transit meeting. He invited residents to contact him through the City Manager's Office at City Hall if there were additional concerns. In reference to the workshop held on Thursday, June 7, 2007 at the Arroyo Grande Regional Center with presentations from representatives of SLO Green Build, he stated that the City would soon be receiving a kiosk with sample materials and information on green building methods.

CITY COUNCIL AGENDA

None.

COUNCIL COMMUNICATIONS

- A. Council Member Nicolls suggested contacting the Chair of the Ad Hoc Parking Committee to determine when a final report on the Committee's findings and recommendations would be presented to the Council.

Action: Upon consensus, City Manager Perrault would contact the Chair of the Ad Hoc Parking Committee to request a final report by July 2007.

- B. Mayor Lieberman reported on a meeting earlier in the day with City Manager Perrault, Community Development Director Hansen and Caltrans representatives regarding improved signage along Highway 101 to identify Grover Beach, the location of the Train Station and Amtrak bus/rail service, and the off-highway vehicle facility. He then gave an update on the Request for Proposal process for the Beachfront Lodge and Conference Center Project.
- C. Council Member Bright spoke in support of the request to Caltrans for improved signage along Highway 101. She then commended Grover Beach resident Joyce Ward for the book of beach-themed ideas and suggestions recently submitted to the City Council.

CITY MANAGER'S REPORTS AND COMMENTS

None at this time.

CITY ATTORNEY'S AGENDA

None at this time.

Recess: Upon consensus of the City Council, the meeting recessed at 8:29 p.m. to the Joint City Council/Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 8:47 p.m., the meeting reconvened with all Council Members present.

CLOSED SESSION

At the request of City Manager Perrault, Closed Session Item No. 6 was withdrawn.

At 8:47 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, Administrative Services Director, Assistant Administrative Services Director, Human Resources Coordinator, and Fire Chief.
Represented Employee Group: International Association of Fire Fighters (IAFF), Local 4403
3. **Conference with Legal Counsel - Pending Litigation**
Pursuant to Government Code Section 54956.9(a)
Mireya Jaimes-Freyre v. City of Grover Beach CV 070478
4. **Conference with Legal Counsel – Pending Litigation**
Pursuant to Government Code Section 54956.9 (a)
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**
Pursuant to Government Code Section 54957
Employee: City Attorney
6. **Public Employee Performance Evaluation**
Pursuant to Government Code Section 54957
Employee: City Manager

Closed Session Announcements: At 9:35 p.m., Mayor Lieberman reconvened the meeting in open session with all Council Members present, and announced that 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 9:35 p.m.

/s/ STEPHEN C. LIEBERMAN, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 8/20/07)