

**MINUTES
CITY COUNCIL MEETING
MONDAY, NOVEMBER 19, 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 Tracey Springford, an 11-year-old, sixth-grade-student from Grover Beach Elementary School.

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, Community Development Director Hansen, Police Chief Copsey, Planning Manager Gould-Wells, and Public Works Superintendent Ford were also present.

Also present was City Engineer Garing.

CLOSED SESSION ANNOUNCEMENTS

None at this time.

AGENDA REVIEW

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

PRESENTATIONS

1. Request to Support a Vector Control Program Benefit Assessment.

Referencing a PowerPoint presentation, Kim Catherina of the San Luis Obispo County Health Department provided an overview of a proposed benefit assessment for permanent funding of a vector control program. She gave an overview of the agency's limited focus on mosquito abatement, reviewed public health risk considerations, and listed additional services that could be provided with a comprehensive vector surveillance, prevention, abatement, and public education program. She then requested Council input and support when the Board of Supervisors was scheduled to discuss funding a benefit assessment on November 27, 2007, and responded to questions from the Council.

Brief discussion was held regarding available options for Council Members to individually express support for the funding request, as this was scheduled as a presentation item only and no formal action had been listed on the posted agenda. Options presented by the City Attorney included: individual Council Members sending letters of support, attendance at the Board of Supervisors meeting or a letter of support from the City Manager.

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, praised the proposed vector control program and spoke in support of a vector control assessment district. He then raised concerns regarding a proposed hotel project that could be delayed due to legal issues.

Upon request, City Manager Perrault gave a brief overview of the Coastal Commission's recent review of the proposed commercial condominium/hotel project at 105 West Grand Avenue and its finding of "substantial issue". The next step would be a Coastal Commission "de novo" hearing, which had not yet been scheduled.

- B. Larry Feldt and Erin Lewis from the Economic Opportunity Commission on Homeless Services requested funding for the Maxine Lewis Homeless Shelter in San Luis Obispo.

Mayor Lieberman requested they defer any further comments until the scheduled Public Hearing listed under Agenda Item No. 2 regarding requests for grant funds.

PUBLIC HEARINGS

2. Preliminary Allocation of the 2008 Community Development Block Grant (CDBG) Funding Cycle – 2008 Action Plan Recommendation to the San Luis Obispo County Board of Supervisors.

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. Community Development Director Hansen gave an overview of the Community Development Block Grant (CDBG) program that provided federal funds to eliminate blight and assist low- and moderate-income residents. He reviewed applications received for CDBG funds and the criteria followed to analyze and make recommendations regarding each application. He and City Manager Perrault then responded to Council questions.

Council Member Ashton inquired and received confirmation from staff that he did not have a conflict of interest regarding the proposed public improvement project for a storm drain on South 5th Street, approximately between Manhattan Avenue and Longbranch Avenue, as his residence was located beyond the 500 foot perimeter of the proposed project area.

Brief discussion was held regarding opportunities for the South County People's Kitchen Program to apply for CDBG funds in the future as the October 2007 deadline for all applications to be considered for the 2008 funding cycle was passed.

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

Larry Feldt, Grover Beach, Economic Opportunity Commission (EOC) Homeless Services Case Manager, stated that his organization would submit an application for the next funding cycle. He then introduced two former homeless shelter clients who were successfully assisted by EOC Homeless Services.

Betsy Ehrler, President, South County People's Kitchen, thanked the Council for its support of the People's Kitchen and stated that her organization would also be submitting an application for the next funding cycle. She then requested the Council consider public improvement assistance for the South County People's Kitchen in the event there were any remaining funds that had been allocated under the "public service" category.

Anna Boyd Bucy, Big Brothers Big Sisters, spoke in support of her organization's funding request, thanked the Council for its past support, and gave an overview of children living in the Grover Beach community who were participating in the program.

Jim McNamara, EOC Home Repair Program Director, spoke in support of his organization's funding request, thanked the Council for its past support, and gave an overview of the disabled, elderly, and low-income clients served by the program.

There were no further public comments received.

Brief discussion was held regarding an anticipated regional meeting in the near future with representatives from South County cities and the County on the topic of services to the homeless. Additional discussion was held on raising public awareness of the local services available to Grover Beach residents through the grant-funded programs.

The Council acknowledged and thanked all organization representatives present for going through the application process and attending the meeting.

Action: It was m/s by Council Members Ashton/Bright to adopt Resolution No. 07-107 allocating all 2008 Community Development Block Grant (CDBG) program year funds (estimated at \$125,668) in the requested amounts to: EOC - Minor Home Repair program (\$15,000), Big Brothers Big Sisters Mentoring Program (\$7,000), the South 5th Street CIP 284 Storm Drain Project (\$91,102), and program administration (\$12,566). 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. 07-107: A Resolution of the City Council of the City of Grover Beach, California, Approving the 2008 Community Development Block Grant (CDBG) Program and Recommendations for Preliminary Allocation by the San Luis Obispo County Board of Supervisors.

3. Adoption of 2007 California Building Code, the 2007 California Electrical Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, the 2007 Existing Building Code, and the 2006 International Property Maintenance Code and Related Appendices.

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. City Manager Perrault requested that the Council conduct the Public Hearing, receive testimony if anyone from the public wished to speak on this matter, and continue the Public Hearing to the next regular City Council meeting, to allow staff the opportunity to conduct further research to ensure all recommended changes were compatible with local and State requirements.

Mayor Lieberman invited comments from those in the audience who wished to be heard on this matter. There was no response and he continued the Public Hearing to Monday, December 3, 2007.

Action: The Public Hearing was continued to Monday, December 3, 2007.

CONSENT AGENDA

Upon unanimous consensus, the Council approved Consent Agenda Item No. 4 as recommended.

4. Treasurer's Report for the Period October 30 - November 16, 2007.

Action: Approved as submitted.

REGULAR BUSINESS

Prior to discussion of Agenda Item No. 5, Council Member Nicolls declared a conflict of interest due to residency within the Mar Brissa housing development. He stepped down from the dais and left the room.

Mayor Lieberman declared a conflict of interest due to residency located within 500 feet of the subject housing subdivision. He stepped down from the dais and left the room.

Mayor Pro Tem Shoals presided over the meeting at this time.

5. Request to Accept the Mar Brissa Retention Basin for Maintenance Purposes.

Mayor Pro Tem Shoals 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 request from the Mar Brissa Homeowners Association for the City to assume or share responsibility for a retention basin located on open space property dedicated to the City

by the developer of the property. At the conclusion of the August 6, 2007 Council discussion on this matter, the Council had requested the Homeowners Association supply the City with several items of information prior to the Council making a determination.

City Manager Perrault then reviewed the items requested and provided by the Homeowners Association. He also reviewed several facts that were considered in making the recommendation for the City to accept the basin for maintenance purposes: 1) approximately 40% of the water diverted to the retention basin was public water, therefore, the request was brought to the Council to make a public benefit determination; 2) the retention basin was located on property controlled and maintained by the City; 3) the Homeowners Association completed improvements on the basin to bring it to a point where the City Engineer determined the facility acceptable for City maintenance purposes; and 4) the cost to maintain the facility was estimated at approximately \$800 per year and could be accomplished twice a year when work crews from the California Men's Colony provided maintenance for the open space area. He and City Attorney Koczanowicz then responded to questions from the Council.

Mayor Pro Tem Shoals invited public comments on this matter.

The following persons spoke in *opposition* to the request, stating that it only benefitted residents who resided within the Mar Brissa subdivision:

- Anita Shower, Grover Beach;
- Liz Doukas, Grover Beach; and
- Don Fielding, Grover Beach.

The following persons spoke in *support* of the request:

- Dr. Jan Roberson, Grover Beach, Mar Brissa Homeowners Association Director, who also displayed a map of Phase I and Phase II developments in the subdivision, and a matrix regarding retention basins in the City.

There were no further public comments received.

Further Council discussion was held with City Manager Perrault and City Engineer Garing responding to questions from the Council. City Engineer Garing confirmed the retention basin and lift station were intended to be maintained by the Homeowners Association. City Manager Perrault confirmed that the open space had been dedicated to the City, but that the retention basin had not been dedicated to the City.

Council Member Ashton objected to: 1) the potential for establishing a precedent that the City would accept requests from other homeowner associations to accept maintenance responsibility for drainage facilities that were currently privately maintained; and 2) the potential for escalating future maintenance costs as well as legal costs for assuming liability for the property.

Council Member Bright objected to burdening all Grover Beach residents with the additional expense when the basin was engineered to be part of the Mar Brissa development.

Mayor Shoals stated that the issue was one of fairness and equity regarding the public benefit gained from assuming maintenance responsibility for the retention basin. He also acknowledged the improvements made by the Homeowners Association to bring it to an acceptable level for maintenance purposes as determined by the City Engineer.

Action: It was m/s by Council Members Bright/Ashton to deny acceptance of the Mar Brissa Retention Basin for maintenance purposes. The motion carried on the following roll call vote:

AYES: Council Members Ashton and Bright.
NOES: Mayor Pro Tem Shoals.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.
RECUSED: Council Member Nicolls and Mayor Lieberman (due to conflicts of interest).

At this time, Council Member Nicolls and Mayor Lieberman returned to the dais.

Recess: Upon consensus of the City Council, the meeting recessed at 8:42 p.m.
Reconvene: At 8:49 p.m., the meeting reconvened with all Council Members present.

6. North 12th Street, Atlantic City Avenue to El Camino Real.

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. City Engineer Garing stated that North 12th Street, from Atlantic City Avenue to El Camino Real, had previously been identified for resurfacing with State Transportation Improvement Program (STIP) funds. However, due to state budget constraints, the San Luis Obispo Council of Governments (SLOCOG) retracted the funding and indicated that this type of project was unlikely to be funded in the reasonably foreseeable future.

He stated that, with the passage of Proposition 1B, state funds were now available for local street construction projects and North 12th Street, which was identified as a "collector" street, was being recommended for resurfacing in the spring of 2008. He also stated that North 12th Street was ranked by the Pavement Management System within the category of "failed to very poor". He then responded to questions from the Council. Police Chief Copsey responded to questions regarding traffic enforcement efforts along North 12th Street.

Action: It was m/s by Mayor Pro Tem Shoals/Council Member Ashton to: 1) adopt Resolution No. 07-108 amending the Annual Appropriation Resolution, accepting Proposition 1B funds and amending the Capital Improvement Plan to allocate \$409,583 (Proposition 1B) for the purpose of repaving North 12th Street, from Atlantic City Avenue to El Camino Real; and 3) direct staff to design the project for construction in the spring of 2008. 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. 07-108: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 8th Amendment to the Annual Appropriation Resolution No. 07-67 by Providing Funding in the Amount of \$409,583 for Proposition 1B Revenues and Expenditures.

7. Authorize a Part-time Police Detective Position.

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. Police Chief Copsey gave an overview of the request to authorize a new part-time position in the Police Department. He stated that, due to increasing work loads, the need for a part-time Police Detective position had been identified. The position would augment services on juvenile cases, assist with community service activities at the three local schools, and would be funded with grant funds through the Citizens Option for Public Safety (COPS) program. He then reviewed the list of expenditures previously approved by the Council for this year's allocation of COPS grant funds, and stated that it had been determined there would still be a sufficient amount of grant funds left to staff a part-time Detective position. He then responded to questions from the Council.

The Council requested that it be noted that this position was grant-funded only and that, should grant funds no longer be available, the position would not be funded by the General Fund. City Manager Perrault responded that the position would be identified as a grant-funded position.

Action: It was m/s by Council Members Ashton/Bright to: 1) adopt Resolution No. 07-109 amending the Classification and Compensation Plan to include a part-time Police Detective to be funded by the COPS grant; and 2) adopt Resolution No. 07-110 amending the Personnel Authorization Resolution. 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. 07-109: A Resolution of the City Council of the City of Grover Beach, California, Amending the Classification and Compensation Plan Resolution No. 02-73 to Include the Police Detective Part-time Position and Salary Range.

Resolution No. 07-110: A Resolution of the City Council of the City of Grover Beach, California, Amending the Personnel Authorization Resolution No. 07-68 Amending the Number of Authorized Part-Time Positions in Part 5 of Section 6 for the FY 08 Annual Budget.

COUNCIL COMMITTEE REPORTS

Mayor Pro Tem Shoals stated that he had nothing to report at this time.

Council Member Nicolls reported on efforts by the Housing Trust Fund to seek housing projects, announced that the organization was holding a fundraising event on Wednesday, November 28, 2007, and stated that Housing Trust Fund Executive Director Jerry Rio was back at work on a part-time basis and was doing well.

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

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

Mayor Lieberman thanked staff and the other members of the City Council for attending the recent Tri-Chamber luncheon. He then provided an update on the Reserve Firefighter Program discussed at the Arroyo Grande/Grover Beach Fire Oversight Committee, adding that it would be presented to the City Councils in both jurisdictions for discussion and potential action.

CITY COUNCIL AGENDA

None at this time.

COUNCIL COMMUNICATIONS

- A. Mayor Lieberman stated that Council committee assignments were typically conducted in December or January of each year and noted that the Parks, Recreation & Beautification Commission was the only advisory body that had an appointed Council liaison. He questioned whether that appointment would still be necessary. He then stated that the Traffic and Noise Group (TANG) was not an official advisory body that reported to the City Council and questioned whether it should continue as a City-sponsored committee. Upon unanimous consensus, staff was directed to schedule both issues for Council discussion at the next regular meeting.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault reminded the Council and all those present of the City Hall Open House and Tree Lighting Ceremony scheduled to occur on Friday, November 30, 2007.

CITY ATTORNEY'S REPORTS AND COMMENTS

8. **Potential Amendments to the Grover Beach Municipal Code and Existing Resolution Regarding the Mayor Pro Tem Selection Process and Other Changes Resulting from the Elected Mayor Process.**

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz reviewed the Council's past practice in selecting a Mayor and Mayor Pro Tem, and stated that, pursuant to Measure U-06 which was approved

by a majority of voters in November 2006, the voters would have an opportunity in November 2008 to directly elect a Mayor for a two-year term.

He then reviewed various alternatives for the selection of a Mayor Pro Tem for a one-year or two-year period, and stated that it still needed to be determined whether a Council Member could run for the position of Mayor from a "safe seat". In other words, if a sitting Council Member were to run for Mayor and not prevail, would he or she be required to forfeit his or her Council seat, or be able to continue serving as a Council Member.

Brief discussion was held on the two-term limit previously approved by the voters in 1996. City Attorney Koczanowicz stated that the term limits approved in 1996 applied a two-term limit to overlapping positions of Council Member and directly-elected Mayor; however, that Ordinance was inconsistent with current state law in that the position of Mayor and the position of Council Member were determined to be two separate and distinct offices. Therefore, the two-term limit could be applied to the position of Council Member and separately to the position of a directly-elected Mayor, but could not be applied to both positions when calculating the number of terms served.

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

Don Fielding, Grover Beach, requested and received clarification on the two-term limit and inconsistencies with state law regarding term limits within the Grover Beach Municipal Code.

There were no further public comments received.

Brief discussion was held on various options for selecting a Mayor Pro Tem, the selection process conducted in other jurisdictions, whether to allow a Council Member to run for Mayor from a "safe seat", and a review of the process pursuant to state law to fill a seat vacated by a Council Member who was successfully elected to the position of Mayor. Additional discussion was held regarding scheduling this matter for further Council discussion and considering all available options before making a final determination.

Action: Upon consensus of the City Council, staff was directed to return with two draft Resolutions for Council consideration that included the following options regarding the selection of Mayor Pro Tem for a term of one year: 1) selection by a majority of the City Council, with the Mayor breaking any tie vote; or 2) by appointment by the Mayor.

Staff was further directed to prepare a draft Ordinance for Council consideration regarding amending the Grover Beach Municipal Code to correct legal inconsistencies with state law regarding term limits and to allow a Council Member to run for the position of Mayor from a "safe seat".

CLOSED SESSION

None at this time.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Lieberman adjourned the meeting at 9:50 p.m.

/s/STEPHEN C. LIEBERMAN, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 2/19/08)