

**MINUTES
CITY COUNCIL MEETING
MONDAY, OCTOBER 15, 2007**

CALL TO ORDER Mayor Lieberman called the meeting to order at 6:31 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 Lauren Barger, a 11-year-old, 6th grade student at Fairgrove 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, Administrative Services Director Chapman, Community Development Director Hansen, Police Chief Copsey, Fire Chief Hubert, Battalion Chief Heath, Public Works Superintendent Ford, Police Sergeant Miller, Communications/Records Technician Hart, Fire Captain Pearson, and Administrative Secretary Pearson were also present.

Also present was City Engineer Garing.

CLOSED SESSION ANNOUNCEMENTS: Mayor Lieberman read the following announcement:

On Monday, October 1, 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, Police Lieutenant, and Police Chief.
Represented Employee Group: Grover Beach Police Officers' Association (GBPOA)

the City Council reconvened into open session, and announced the following reportable action: the Council approved the terms of an agreement in principle (4-0-1, Mayor Lieberman absent).

AGENDA REVIEW

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

CEREMONIAL CALENDAR

1. Introduction of New Fire Department Employee - Battalion Chief Riki Heath.

Fire Chief Hubert introduced Battalion Chief Riki Heath to the City Council and members of the audience. Battalion Chief Heath was hired by the City of Arroyo Grande and, under the Joint Management Agreement, he would also be providing fire management services to the City of Grover Beach. Battalion Chief Heath then introduced his family who were seated in the audience, wife Rene and son Russell.

2. Introduction of New Police Department Employee - Communication/Records Technician Hana Hart and Recently Promoted Sergeant Tim Miller.

Police Chief Copsey introduced Records and Communications Technician Hana Hart to the Council and members of the audience. Her fiancé, Corbin, participated in the badge pinning ceremony.

Police Chief Copsey administered the Oath of Allegiance and introduced Sergeant Tim Miller to the Council and members of the audience. Sergeant Miller's new bride, Jaylene, participated in the badge pinning ceremony.

3. Proclamation Declaring the Week of October 23 - 31, 2007 as "Red Ribbon Week".

Mayor Lieberman read and presented the Proclamation to Police Chief Copsey.

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. Jesse Arnold, Cambria, spoke against growing and selling genetically engineered corn within the County and distributed information from a recent survey on this issue.
- B. Cherie Aispuro, Paso Robles, Legislative Assistant to San Luis Obispo County Supervisor Bruce Gibson, invited the Council and members of the public to attend the 2007 San Luis Obispo County Library Summit to be held in Atascadero on November 3, 2007. She stated that this free event would focus on library programs and services, and the development of a vision to attract public and private partnerships to promote public library services.

PUBLIC HEARINGS

4. Solid Waste Collection Service Rate Adjustment.

Mayor Lieberman read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Manager Perrault gave an overview of the solid waste collection, disposal, and recycling services provided by South County Sanitary Services, owned by Waste Connections, Inc., under a 10-year franchise agreement with the City. He briefly reviewed the service provider's request for a rate increase, the process followed to review rates, and the service provider's additional request for a 15-year extension of the franchise. He then introduced Bill Statler, Finance Director for the City of San Luis Obispo, who had been retained to conduct the rate review by the cities of Grover Beach, Arroyo Grande, and Pismo Beach, as well as the Oceano Community Services District.

Referencing a PowerPoint presentation, Mr. Statler presented an overview of his report which included information on the rate setting process, costs, and whether those costs were reasonable. He concluded that the costs were deemed reasonable and the rates met the terms of the agreement. Mr. Statler, City Manager Perrault, and City Attorney Koczanowicz then responded to questions from the Council.

Brief discussion was held on extending the franchise for only one year to allow further study of costs and coordination of efforts with other South County agencies to negotiate a long-term agreement that was consistent between all agencies. The Council acknowledged and thanked Tom Martin, General Manager of South County Sanitary Services, for attending the meeting to respond to questions.

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 discussion was held on the rate being set by the service provider rather than the City, and the Council being required to either approve or deny the request.

Action: It was m/s by Council Members Ashton/Mayor Pro Tem Shoals to: 1) adopt Resolution No. 07-94 authorizing rates to be increased by up to three percent (3%) effective November 1, 2007 and amending the City's Master Fee Schedule; and 2) adopt Resolution No. 07-95 authorizing an extension to the franchise agreement for one year. 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. 07-94: A Resolution of the City Council of the City of Grover Beach, California, Amending the Master Fee Schedule for Rate Increase for Collection of Trash and Recycling Materials by South County Sanitary Service.

Resolution No. 07-95: A Resolution of the City Council of the City of Grover Beach, California, Authorizing an Amendment to the Franchise Agreement Between the City of Grover Beach and South County Sanitary Service.

5. **Consideration of Request to Vacate a Portion of Right-of-Way on the Southern Side of Ramona Avenue between North 7th and North 8th Streets.**

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 request to vacate a portion of the right-of-way on a proposed six-unit residential condominium development located at 192 North 7th Street. He stated that the Council had approved the project pursuant to successful street vacation of a portion of the unused right-of-way on Ramona Avenue. The additional land would provide the applicant with redesign opportunities to lower the project's proposed building heights.

He further stated that, excluding the area being considered for vacation, there was adequate right-of-way for vehicular and pedestrian traffic, as well as parking. It had also been determined that the underlying property belonged to the adjacent property owner, therefore a vacation of right-of-way would automatically revert ownership back to the original property owner. For safety purposes and to maintain continuity between neighborhood blocks, staff recommended vacating a six-foot right-of-way along the entire south side of Ramona Avenue, between North 7th Street and North 8th Street, and retaining a six-foot public utility easement. 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.

John Mack, project architect, spoke in support of the request.

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

Further discussion was held regarding suggested changes to the format of the draft resolution regarding "findings". Upon question, City Attorney Koczanowicz confirmed that the draft resolution was legally sufficient for the proposed action being considered, and that the Council could direct staff to schedule discussion on the standard format of draft resolutions at a separate meeting.

Action: It was m/s by Council Members Ashton/Bright to adopt Resolution No. 07-96 approving the requested vacation of the portion of right-of-way on the southern side of Ramona Avenue, between South 7th Street and South 8th Street and directing the preparation of the necessary legal documents for processing and recordation. 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. 07-96: A Resolution of the City Council of the City of Grover Beach, California, Vacating a Portion of the Southern Right-of-Way of Ramona Avenue Between North 7th and North 8th Streets in the City of Grover Beach, Pursuant to California Streets and Highway Code Sections 8320 et seq.

Upon consensus of the Council, direction was given to schedule the matter of "format of all draft resolutions" on a future Council agenda.

6. Adoption of 2007 California Fire Code.

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 a brief background on a proposed Ordinance to repeal the existing chapter of the Municipal Code that adopted and amended the 2001 California Fire Code and the 2000 Uniform Fire Code, and to adopt the 2007 California Fire Code, the 2006 International Fire Code, and the 2006 International Property Maintenance code with minor changes to the retained amendments. He stated that the 2007 California Fire Code would become effective statewide on January 1, 2008. Fire Chief Hubert then responded to questions from the Council regarding code enforcement issues.

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.

Fire Chief Hubert thanked Fire Captain Pearson, Administrative Secretary Pearson, and City of Arroyo Grande Building Official Hurst, who were seated in the audience, for their collaborative assistance in drafting the proposed Ordinance.

Action: It was m/s by Council Member Ashton/Mayor Pro Tem Shoals to introduce Ordinance No. 07-09, by title only, and schedule second reading and adoption at the next regular City Council meeting. 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.

Ordinance No. 07-09: An Ordinance of the City Council of the City of Grover Beach Repealing and Reenacting Chapter 1 of Article VI of the Grover Beach Municipal Code which adopts and amends the 2007 California Fire Code, the 2006 International Fire Code, and the 2006 International Property Maintenance Code.
(First Reading only.)

CONSENT AGENDA

It was m/s by Council Members Ashton/Bright to approve Consent Agenda Items 7, 8, 9, 10 and 11, 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.

7. Treasurer's Report for the Period September 27 - October 10, 2007.

Action: Approved as submitted.

8. Minutes of the Following City Council Meetings:

- Regular Meeting of Monday, August 6, 2007;
- Joint City Council / Improvement Agency Meeting of Monday, August 6, 2007; and
- Special City Council Meeting of Tuesday, August 7, 2007.

Action: Approved as submitted.

9. Records Destruction Authorization.

Action: Adopted Resolution No. 07-97 authorizing the destruction of certain Police Department records pursuant to the City's adopted records destruction program.

Resolution No. 07-97: A Resolution of the City Council of the City of Grover Beach, California, Accepting the Police Department's Staff Report and Recommendations for Records Destruction.

10. Receipt of Funds from the Sale of the 1987 Van Pelt Fire Engine.

Action: Adopted Resolution No. 07-98 amending the Annual Appropriation Resolution by adding \$23,500 to the General Fund General Contingency for funds received from the sale of the surplus 1987 Van Pelt Fire Engine.

Resolution No. 07-98: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 5th Amendment to the Annual Appropriation Resolution No. 07-67 to Allocate Proceeds from the Sale of the 1987 Van Pelt Fire Engine.

11. Authorization to Amend the Existing Agreement Between the Northern Cities and Todd Engineers to Complete a Monitoring and Analysis Program.

Action: 1) Adopted Resolution No. 07-99 authorizing an amendment to the agreement with Todd Engineers for the purpose of initiating a Monitoring and Analysis Program (MAP) to analyze water supply for the groundwater basin; and 2) authorizing the City Manager to sign the amendment on behalf of the City.

Resolution No. 07-99: Resolution of the City Council of the City of Grover Beach, California, Amending an Agreement with Todd Engineers to Provide an Analysis and Monitoring Program to the Completed Safe Yield Analysis of the Arroyo Grande Groundwater Basin.

REGULAR BUSINESS

12. Acceptance of Draft Sewer System Management Plan.

Mayor Lieberman read the title to the foregoing item and deferred to staff for a report. For the information of those present, Public Works Superintendent Ford stated that the State Water Control Board had adopted regulations in May 2006 for controlling sanitary sewer overflows, placing certain requirements on cities. He stated that the City was already regulated under requirements from the Regional Water Quality Control Board; however, it was determined that the State regulation superseded that of the regional board. Therefore, staff had submitted documentation to enroll under the statewide system, initiated a continuous process of electronic monthly reporting, and prepared a draft Sewer System Management Plan in accordance with state regulations. He then reviewed the implementation schedule for the draft plan and responded to questions from the Council.

Action: Upon unanimous consensus, the Council received the information and approved the continued development and implementation of a Sewer System Management Plan (SSMP) in accordance with the State Water Resources Control Board Statewide General Waste Discharge Requirements (WDR) Order No. 2006-003-DWQ.

CITY COUNCIL AGENDA

None at this time.

COUNCIL COMMITTEE REPORTS

Council Member Ashton stated that he had nothing to report.

Council Member Bright stated that she had nothing to report.

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

Mayor Lieberman announced that the next meeting of the Arroyo Grande/Grover Beach Fire and Emergency Services Oversight Committee was scheduled for October 26, 2007.

Mayor Pro Tem Shoals stated that the next meetings of the San Luis Obispo Council of Governments and San Luis Obispo Regional Transit Authority (SLOCOG/SLORTA) were scheduled for October 17, 2007.

COUNCIL COMMUNICATIONS

- A. Council Member Ashton praised Police Chief Copsey for his presentation at a recent Neighborhood Watch meeting held at the Ramona Garden Park Center.
- B. Mayor Pro Tem Shoals reported on issues discussed at the Channel Counties Division quarterly meeting held in Ventura on October 12, 2007. He stated that he, along with Council Member Bright and City Manager Perrault, had attended the meeting.

He then requested and received a status report on the process to update the City's Land Use Element; distributed copies of the Planned Development (PD) Overlay District from the City of San Luis Obispo, stating it was a simple and straightforward sample format that the City could follow; and requested that the Traffic Committee schedule consideration of: 1) installation of a four-way stop sign at the intersection of South 9th Street and Manhattan Avenue, and 2) installation of traffic calming measures on Margarita Avenue.

- C. Mayor Lieberman reminded all those present that the Carved Pumpkin and Halloween Festival was scheduled for Friday, October 26, 2007 and that Council Members were encouraged to attend in costume. He then spoke about a statewide petition being circulated on the issue of eminent domain and distributed information from the League of California Cities received at the recent Mayors Luncheon. He then stated that, in response to a concerned resident, he had recently met with City staff regarding the issue of the South County People's Kitchen program. He stated that the City had not yet received an application for a Conditional Use Permit from the church that hosted the program. He requested Council consensus to schedule discussion of the South County People's Kitchen on a future agenda and to additionally consider hosting a regional meeting on the matter.

City Manager Perrault stated that he would be speaking with the organization and church representatives to facilitate a solution, which could include relocation.

Action: Upon consensus of the Council, staff was directed to agendize discussion of the South County People's Kitchen.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault stated that the next Council agenda would include discussion of: 1) proposed changes to residential development standards, and 2) a draft underground utilities Ordinance.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

None at this time.

ADJOURNMENT There being no further business to come before the City Council, Mayor Lieberman adjourned the meeting at 8:00 p.m.

/s/STEPHEN C. LIEBERMAN, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 1/22/08)