

AGENDA
GROVER BEACH CITY COUNCIL
GROVER BEACH CITY HALL - COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
TUESDAY, FEBRUARY 17, 2009, 6:30 PM

Next Resolution No. **09-10**
Next Ordinance No. **09-01**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting, please contact the City Clerk's Office (473-4567) at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting.

PLEASE SUBMIT ALL CORRESPONDENCE FOR CITY COUNCIL *PRIOR*
TO THE MEETING WITH A COPY TO THE CITY CLERK

*This meeting will be broadcast live on Charter Cable Television's Government Access Channel 20.
Re-broadcasts are daily at 1:00 a.m., 9:00 a.m., and 6:00 p.m. the week of the meeting,
and Thursdays and Sundays at 1:00 a.m., 9:00 a.m., and 6:00 p.m. the week following the meeting.*

CALL TO ORDER

MOMENT OF SILENCE

FLAG SALUTE

ROLL CALL Council Members Bright, Mires, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals.

CLOSED SESSION ANNOUNCEMENTS On Monday, February 2, 2009 after meeting in Closed Session regarding:

1. Conference with Real Property Negotiators
Pursuant to Government Code Section 54956.8
Property: APN 060-205-017
Agency negotiator: City Manager and City Attorney
Negotiating party: Donald H. Marek, Mohr Partners, Inc.
Under negotiation: Acquisition
Property: APN: 060-228-005 & 011
Agency negotiator: City Manager and City Attorney
Negotiating party: Robert E. Hullette
Under negotiation: Acquisition
2. Conference with Legal Counsel - Pending Litigation
Pursuant to Government Code Section 54956.9(a)
Sorrell v. City of Grover Beach USDC CV 09 00137 JSL

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

AGENDA REVIEW

At this time the City Council will review the order of business to be conducted and receive requests for, or make announcements regarding, any change(s) in the order of the day. The Council should by motion adopt the agenda as presented or as revised.

CEREMONIAL CALENDAR

1. **Proclamation Declaring Tuesday, February 24, 2009 as "Spay Day USA".**

PUBLIC COMMUNICATIONS

Any member of the public may address the Council for a period not to exceed three minutes total on any item of interest within the jurisdiction of this Council. The Council will listen to all communications; however, in compliance with the Brown Act, the Council cannot act on items not on the agenda.

PUBLIC HEARINGS

2. **Amendment to Grover Beach Municipal Code Section 9137.9 Relating to Curb, Gutter and Sidewalk** - City Engineer Garing. The City Council will consider amendments to the Grover Beach Municipal Code, including certain qualifying projects provide pavement reconstruction and conformance to the existing centerline of the street if the street condition fronting the project falls below a 60 rating in the Pavement Management System. (*Continued Public Hearing from Monday, January 26, 2009.*)

Recommended Action: Conduct the first reading of the Ordinance amending City Code Section 9137.9 incorporating requirements that certain qualifying projects provide pavement reconstruction and conformance to the existing centerline of the street if the street condition fronting the project falls below a 60 rating in the Pavement Management System as verified by the City Engineer and an additional requirement to replace existing unsatisfactory improvements to City Standards as directed by the City Engineer.

ROLL CALL VOTE

CONSENT AGENDA

The following routine items listed below are scheduled for consideration as a group. The recommendations for each item are noted in parentheses. Members of the audience may speak on any item(s) listed on the Consent Agenda. Any Council Member, the City Attorney, or the City Manager may request that an item be withdrawn from the Consent Agenda to allow for full discussion. Items withdrawn from the Consent Agenda will be placed and heard at the end of the items previously scheduled on the Regular Business schedule.

3. **Treasurer's Report for the Period of January 28 – February 11, 2009.**

(Recommended Action: Approve as submitted.)

VOICE VOTE

4. **Minutes of the Following Meetings:**

- **Joint City Council/Improvement Agency Meeting of June 16, 2008;**

- **City Council Meeting of July 21, 2008;**

- **City Council Meeting of August 4, 2008; and**

- **Joint City Council/Improvement Agency Meeting of August 4, 2008.**

(Recommended Action: Approve the minutes as submitted or revised.)

VOICE VOTE

5. **Records Destruction Authorization** - Police Chief Copsey. The City Council will consider authorizing the destruction of certain records in accordance with the City-wide records retention schedule and the department records destruction program.
(Recommended Action: Adopt the Resolution authorizing the destruction of certain Police Department records.)
ROLL CALL VOTE
6. **Letter of Support Regarding the California Space Authority (CSA)** -
(Recommended Action: Authorize the Mayor to execute the letter on behalf of the City as presented or amended.)
VOICE VOTE

REGULAR BUSINESS

7. **Request to Join the International Council for Local Environmental Initiatives (ICLEI) - Local Governments for Sustainability in Order to Conduct Emissions Inventory for the City of Grover Beach** - Interim Community Development Director Beck. The City Council will consider joining an international membership association of local governments dedicated to addressing environmental issues through local action in order to conduct emissions inventory for the City of Grover Beach.

Recommended Action: 1) Adopt the Resolution to join ICLEI (the International Council for Local Environmental Initiatives - Local Governments for Sustainability); 2) authorize staff to use the ICLEI program to conduct a greenhouse gas emissions inventory for the City; and 3) identify a Council Member to act as the "elected official liaison" to ICLEI who will receive e-mail updates on the ICLEI initiatives. No meetings are contemplated at this time.
ROLL CALL VOTE
8. **Consider Authorizing the City Manager to Submit Comments to the Regional Water Quality Control Board Regarding the Draft Storm Water Management Plan** - City Manager Perrault. The City Council will review comments on the draft Storm Water Management Plan regarding: a) the City's current policy requiring the retention of water on site for nearly all newly developed property or significantly redeveloped property; b) costs necessary to implement Best Management Practices contained in the draft Storm Water Management Plan; and c) potential impacts of implementing a State-mandated program without reimbursement.

Recommended Action: Authorize staff to submit a letter to Regional Water Quality Control Board that would include the following points: 1) the storm water management requirements associated with development should reflect the current or modified policies of the City; 2) the majority of the Best Management Practices contained in years one and two of the Plan should be deferred to years three and four; and 3) the City will implement the Plan only to the extent it is reimbursed for its costs by the State.
VOICE VOTE

PULLED CONSENT AGENDA ITEMS

Items withdrawn from the Consent portion of the agenda for discussion will be heard at this point in the meeting.

COUNCIL COMMITTEE REPORTS

This item gives the Mayor and Council Members the opportunity to present reports to the other members regarding committees, commissions, boards, or special projects on which they may be participating.

Air Pollution Control District (APCD)	Karen Bright (Alt: N/A)
Audit Committee	Karen Bright (Alt: Debbie Peterson)
SLO County Economic Vitality Corporation (EVC)	Karen Bright (Alt: Debbie Peterson)
Integrated Waste Management Authority (IWMA)	Robert Mires (Alt: Bill Nicolls)
SLO County Water Resources Advisory Board (WRAC)	Robert Mires (Alt: Debbie Peterson)
Zone Three Advisory Committee	Robert Mires (Alt: Debbie Peterson)
South SLO County Sanitation District	Bill Nicolls (Alt: Robert Mires)
SLO Countywide 10-Year Plan to End Chronic Homelessness	Bill Nicolls
Housing Trust Fund	Debbie Peterson (Alt: N/A)
SLO County Visitors & Conference Bureau (VCB)	Debbie Peterson
SLO Council of Governments & SLO Regional Transit Authority (SLOCOG / SLORTA)	John Shoals (Alt: Bill Nicolls)
South County Area Transit (SCAT)	John Shoals (Alt: Bill Nicolls)
Fire and Emergency Services Oversight Committee	John Shoals (Alt: Bill Nicolls)

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

CITY MANAGER'S REPORTS AND COMMENTS

9. **Report Regarding Smoking Near Entrances to Public Facilities and Enforcement** - City Manager Perrault. The City Manager will provide information regarding California laws banning smoking in and around public facilities and review local enforcement practices.

Recommended Action: No formal action required. Receive and file.

10. **Informational Update Regarding the Following Projects:**
- Longbranch Avenue Demonstration Project;
 - West Grand Avenue Streetscape Project; and
 - Paving on North 4th Street.

Recommended Action: No formal action required. Receive and file.

CITY ATTORNEY'S REPORTS AND COMMENTS

11. **Potential Revisions to Grover Beach Municipal Code Article IX, Chapter 4, Sign Regulations** - City Attorney Koczanowicz. The City Council will review an issue raised during the November 2008 General Municipal Election regarding an interpretation of the City's political sign regulations.

Recommended Action: Receive and consider the Staff Report and direct staff to proceed in a manner consistent with the direction provided by a majority of the Council.

CLOSED SESSION

It is the intention of the City Council to meet in Closed Session concerning the following item(s):

1. **Public Employee Performance Evaluation**
Pursuant to Government Code Section 54957
Employee: City Manager

Closed Session announcement(s): Please note, announcement(s) of any reportable action(s) taken in Closed Session will be made in open session, and repeated at the beginning of the next Regular City Council meeting as this portion of the meeting is not recorded or videotaped.

ADJOURNMENT

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Per Resolution No. 03-53, the public portion of City Council meetings will be scheduled to start at 6:30 p.m. and conclude no later than 11:00 p.m. Any open session items remaining on the agenda at 11:00 p.m. that have not been discussed or considered by the City Council will be continued to an adjourned meeting of the City Council (scheduled before the next regular meeting). However, the City Council may choose to continue the meeting past 11:00 p.m. upon a proper motion and a 4/5^{ths} vote in favor of such an action.

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Staff reports or other written materials relating to each item of business referred to on this agenda are available from the City website www.grover.org and on file in the City Clerk's Office. A public counter copy is available for public inspection and reproduction during normal business hours at City Hall, 154 South 8th Street, Grover Beach, CA. Related materials submitted after distribution of the agenda packet are available in the City Clerk's Office during normal business hours. If you have questions regarding any agenda item, please contact the appropriate City Department.

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Note: This agenda was prepared and posted pursuant to Government Code Section 54954.2. This agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the agenda posted at City Hall for any revisions or call the City Clerk's Office at (805) 473-4567 for more information.

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The agenda and staff reports are also available on the City's website: www.grover.org

AGENDA
GROVER BEACH IMPROVEMENT AGENCY
GROVER BEACH CITY HALL - COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
TUESDAY, FEBRUARY 17, 2009

*(Meeting begins immediately following the
Regular City Council Meeting scheduled at 6:30 p.m. on this date
only if there are any scheduled items for the Agency's consideration.)*

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CALL TO ORDER

ROLL CALL Board Members Bright, Mires, Peterson, Vice Chair Nicolls, and Chair Shoals.

PUBLIC COMMUNICATIONS

Any member of the public may address the Improvement Agency for a period not to exceed three minutes total on any item of interest within the jurisdiction of this Agency. The Improvement Agency will listen to all communications; however, in compliance with the Brown Act, the Agency cannot act on items not on the agenda.

IMPROVEMENT AGENCY BUSINESS

None at this time.

ADJOURNMENT

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CITY OF GROVER BEACH POLICIES AND PROCEDURES FOR CONDUCT AND DECORUM AT COUNCIL MEETINGS

(Pursuant to Resolution No. 07-44, adopted 04-16-07)

1.0 DECORUM AND ORDER – COUNCIL MEMBERS

Council Members shall accord the utmost courtesy to each other, to administrative staff and to the public appearing before the City Council and shall refrain at all times from rude, abusive, and/or derogatory remarks or those that reflect upon a person's integrity, motives or personality.

2.0 DECORUM AND ORDER – STAFF

2.1 City Manager Responsibilities

The City Manager is responsible for ensuring that members of the administrative staff observe the rules of decorum and order set forth in this Policy.

2.2 Addressing the City Council

Any administrative staff member desiring to address the City Council or members of the public shall first be recognized by the Mayor/Presiding Officer. All remarks shall be addressed to the Mayor/Presiding Officer and not to any individual Council Member or member of the public. Administrative staff members shall accord the utmost courtesy to the City Council, other administrative staff members and the public.

3.0 DECORUM AND ORDER – MEMBERS OF THE PUBLIC

3.1 Addressing the City Council

Any member of the public desiring to address the City Council or members of the public shall first be recognized by the Mayor/Presiding Officer at the appropriate place on the agenda. All remarks shall be addressed to the Mayor/Presiding Officer and not to any individual Council Member, member of the administrative staff or member of the public.

3.2 Time limitation for addressing the City Council

Public comment when addressing the City Council shall be generally limited to three (3) minutes per speaker. Depending on the extent of the agenda and the number of persons desiring to speak on an issue, the Mayor/Presiding Officer may, at the beginning of the hearing, set a different time limit for each speaker. Any person may speak for a longer period of time upon approval from the Mayor/Presiding Officer, when deemed necessary, for instance when a person is speaking on behalf of a group, or has a graphic or slide presentation requiring more time.

3.3 Removal

Any member of the public making personal, impertinent, and slanderous or profane remarks or who becomes boisterous while addressing the City Council, staff or general public or while attending the City Council meeting and refuses to come to order at the direction of the Mayor/Presiding Officer, shall be removed from the Council Chambers by the sergeant-at-arms and may be barred from further attendance before the Council during that meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Mayor/Presiding Officer. The Mayor/Presiding Officer may direct the sergeant-at-arms to remove such offenders from the room.¹

3.4 Prosecution

Aggravated cases shall be prosecuted on appropriate complaint signed by the Mayor/Presiding Officer.

4.0 ENFORCEMENT OF DECORUM

In extreme cases, such as when a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals as provided for in this Policy, the Mayor/Presiding Officer may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this Section. Nothing in this Section shall prohibit the City Council from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

¹ Govt. Code § 36813, 54957.9 (Council may establish rules of conduct; removal of disorderly persons from public meetings)