

AGENDA
GROVER BEACH CITY COUNCIL
GROVER BEACH CITY HALL - COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
MONDAY, NOVEMBER 2, 2009, 6:30 PM

Next Resolution No. 09-78
Next Ordinance No. 09-05

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, October 19, 2009 after meeting in Closed Session regarding:

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

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. **Drawing to Select Monthly Winners of the Local Economic Stimulus Program Shop Local, Shop Loyal Campaign - "Shop & Dine Grover Beach"** - Administrative Services Director Chapman.

2. Proclamation Declaring November 2009 as "National Hospice Month".

PRESENTATION

3. Presentation from the San Luis Obispo Botanical Garden.

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

- 4. Adoption of the City of Grover Beach Housing Element - Interim Community Development Director Beck.** The City Council will conduct a public hearing and consider the Planning Commission's recommendations regarding the 2009 update to the City's Housing Element of the General Plan and the associated Negative Declaration prepared for the project.

Recommended Action: 1) Adopt the Resolution adopting the Negative Declaration for the Housing Element Update, and 2) adopt the Resolution adopting the 2009 Housing Element Update and directing staff to submit the document to the Department of Housing and Community Development requesting certification of the 2009 Housing Element Update.
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.

- 5. Treasurer's Report for the Period October 14-28, 2009.**

(Recommended Action: Approve as submitted.)
VOICE VOTE

- 6. Minutes of the Special City Council Meeting of Monday, June 22, 2009.**

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

- 7. Clarification of Resolution No. 09-71, Creating Four Utility Undergrounding Districts -**

City Engineer Garing. On October 19, 2009, the City Council conducted a Public Hearing and adopted Resolution No. 09-71 to establish four utility undergrounding districts. The City was subsequently informed by the utility companies that individual Resolutions are necessary in order to form the districts. **(Recommended Actions:** Adopt the following Resolutions creating four Underground Utility Districts:

- 1) Resolution No. 09-ww - South County Transit Hub District;
- 2) Resolution No. 09-xx - West Grand Avenue, Gateway to the Pacific District;
- 3) Resolution No. 09-yy - City Hall and Longbranch Demonstration Project District; and
- 4) Resolution No. 09-zz -16th Street Park District.)

ROLL CALL VOTE

- 8. Consideration of a Master Plan for Future Utility Undergrounding Purposes -**
City Engineer. In response to previous Council direction, staff has prepared a proposed Master Plan to guide future efforts regarding relocating overhead utilities lines underground. (**Recommended Action:** Adopt the City of Grover Beach Undergrounding Master Plan as presented.)
ROLL CALL VOTE

REGULAR BUSINESS

- 9. Request for Direction Regarding Vacation Home Rentals, Use and Permit Requirements -** City Manager Perrault. The City Council will receive a report prepared by staff regarding residential units being used as vacation homes and permitting requirements.

Recommended Action: Refer the issue of regulating vacation home rentals to the Planning Commission with direction that the Commission review the use and make a determination as to the level of regulation needed.

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)
International Council for Local Environmental Initiatives (ICLEI)	Karen Bright (Alt: N/A)
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

CITY ATTORNEY'S REPORTS AND COMMENTS

CLOSED SESSION

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

1. **Conference with Legal Counsel - Anticipated Litigation**
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One (1) potential case

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 4/5th 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
JOINT CITY COUNCIL/ IMPROVEMENT AGENCY
GROVER BEACH CITY HALL - COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET, GROVER BEACH, CALIFORNIA
MONDAY, NOVEMBER 2, 2009

*(Meeting begins immediately following the
Regular City Council Meeting scheduled at 6:30 p.m. on this date.)*

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CALL TO ORDER

ROLL CALL Council/Board Members Bright, Mires, Peterson, Mayor Pro Tem/Vice Chair Nicolls, and Mayor/Chair Shoals.

PUBLIC COMMUNICATIONS

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

IMPROVEMENT AGENCY - CONSENT AGENDA

- IA-1. Proposed Clarification and Modification of the Home Repair Program in Support of the Grover Beach Local Stimulus Initiative and Approval of Agreement with Community Action Partnership** - Interim Community Development Director/Deputy Director Beck and Cassandra Mesa, Project Planner. The City Council/Agency will consider proposed amendments to the agreement with Community Action Partnership (CAP) (formerly known as the Economic Opportunity Commission), which was approved by the Council/Agency on Tuesday, September 8, 2009. (**Recommended Action:** Direct staff to incorporate changes as reflected in the staff report, authorize the agreement with the Community Action Partnership, and authorize the Executive Director to sign the Agreement, subject to any Agency recommended conditions.)
ROLL CALL VOTE

JOINT COUNCIL / IMPROVEMENT AGENCY - CONSENT AGENDA

- CC/IA-1. Minutes of the Special Joint City Council / Improvement Agency Meeting of Monday, June 22, 2009.**
(**Recommended Action:** Approve as submitted or revised.)
VOICE VOTE

JOINT COUNCIL / IMPROVEMENT AGENCY - BUSINESS

- CC/IA-2. Technology Master Plan Status Report** - City Manager/Executive Director Perrault and Economic Development Specialist Buckingham. The City Council/Improvement Agency will receive a status report from representatives of Digital West Networks regarding the technical options for a municipal broadband network and phasing for deployment of the Technology Master Plan.

Recommended Action:

- 1) Direct staff to pursue negotiations with Pacific Crossing, as the preferred connection option, and the other telecommunication companies with a presence in Grover Beach;
 - 2) Direct staff and the consultant to complete the Technology Master Plan with deployment of infrastructure in a phased approach with the first phase to serve the industrial area south of Farroll Road. The second phase would emphasize the West Grand Avenue corridor; and
 - 3) Direct staff and the consultant to layout specific phases of deployment in the Technology Master Plan that the City can pursue with or without the award of the broadband grant.
- VOICE VOTE

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)