

NOTICE OF SPECIAL MEETING OF THE GROVER BEACH CITY COUNCIL

A Special Meeting of the City Council of the City of Grover Beach is hereby called for **Monday August 24, 2020 at 6:00 p.m.** to consider the matters set forth in the attached Special Meeting Agenda.

/s/
JEFF LEE, MAYOR

SPECIAL MEETING AGENDA GROVER BEACH CITY COUNCIL MONDAY, AUGUST 24, 2020, 6:00 PM

Next Resolution No. 20-37
Next Ordinance No. 20-08

In compliance with the State and County Shelter at Home Orders, and as allowed by the Governor's Executive Order N-29-20, which allows for a deviation of teleconference rules required by the Ralph M. Brown Act, City Council meetings will be held by teleconference only until further notice.

Meetings can be viewed on Channel 20 and are live streamed on the City's website and on www.slo-span.org. Members of the public may provide public comment during the meeting by calling (805) 321-6639 to provide public comment via phone (the phone line will open just prior to the start of the meeting at 6:00 PM) or written public comments can be submitted via email to gbadmin@groverbeach.org prior to the Council meeting start time of 6:00 PM. If submitting written comments in advance of the meeting, please note the agenda item. Written comments will be read out loud during the City Council meeting on the appropriate agenda item subject to the customary 3-minute time limit.

CALL TO ORDER

MOMENT OF SILENCE

FLAG SALUTE

ROLL CALL Council Members Desi Lance, Mariam Shah, Mayor Pro Tem Karen Bright, and Mayor Jeff Lee

CLOSED SESSION ANNOUNCEMENTS

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

PRESENTATIONS

PUBLIC COMMUNICATIONS

During this time, the Council will allow up to 15 minutes for Public Communication with additional communication, if necessary, allowed after the Regular Business Items. 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.

CONSENT AGENDA

The following routine items listed below are scheduled for consideration as a group. 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 heard after the rest of the Consent Agenda is approved.

1. **Treasurer's Report for the Period July 1, through July 31, 2020.**
(Recommended Action: Approve the Treasurer's Report as submitted.)
VOICE VOTE
2. **Treasurer's Report for the 2017 Streets Bond Account - \$15,000,000 (Measure K14: Grover Beach Street Rehabilitation; Safety Improvement Bond Measure) for the Period July 1, through July 31, 2020.**
(Recommended Action: Approve the Treasurer's Report as submitted.)
VOICE VOTE
3. **Minutes of the City Council Special Meeting on Monday, July 20, 2020 at 5:30 p.m., City Council Meeting at 6:00 p.m., City Council Special Meeting on Monday, July 27, 2020 at 5:00 p.m. and City Council and Planning Commission workshop Monday, July 27, 2020 at 6:00 p.m.**
(Recommended Action: Approve the minutes as submitted or revised.)
VOICE VOTE
4. **Authorization to Proceed with Utility Rate Study – Administrative Services Director Purcell**
(Recommended Action: Enter into a Professional Services Agreement with Willdan Financial Services for a multi-year year utility rate study and authorize the Mayor to execute the agreement on behalf of the City.)
ROLL CALL VOTE
5. **COVID-19 Response Update and Approval of Continuation of Emergency Declaration - City Manager Bronson**
(Recommended Action: Receive information on the updated response to the COVID-19 pandemic and approve the continuation of the City's local emergency declaration.)
VOICE VOTE
6. **Selection of Voting Delegate and Alternate(s) for the 2020 League of California Cities Annual Conference – City Manager Bronson**
(Recommended Action: Affirm selection of Mayor Lee to serve as delegate and Council Member Shah to serve as alternate for the upcoming annual business meeting to be held at the League of California Cities Annual Conference.)
ROLL CALL VOTE

7. **Award of Construction Contract, Safe Routes to School Sidewalk Infill (CIP 2273)** – Public Works Director/City Engineer Ray and Capital Projects Manager Wiggin
(Recommended Action: Award the contract for construction of the Safe Routes to School Sidewalk Infill Project (CIP 2273) in the amount of \$217,317.93; authorize the City Manager to sign and affirm construction change orders up to an aggregate of \$43,000.00; and authorize the Mayor to execute the contract on behalf of the City.)
ROLL CALL VOTE
8. **Award of Construction Management Contract for CIP 2295-11 Measure K-14 Street Rehabilitation and Repair Projects** – Public Works Director/City Engineer Ray and Capital Projects Manager Wiggin
(Recommended Action: Enter into a Professional Services Agreement with MNS Engineers, Inc., for construction management, inspection, and materials testing associated with the CIP 2295-11 Measure K-14 Street Rehabilitation and Repair Projects; and authorize the Mayor to execute the agreement on behalf of the City.)
ROLL CALL VOTE
9. **Acceptance of the Street Rehabilitation and Repair Project, CIP 2295-6** – Public Works Director/City Engineer Ray and Capital Projects Manager Wiggin
(Recommended Action: Accept the improvements constructed by JJ Fisher Construction, Inc. and authorize staff to send the Notice of Completion to JJ Fisher Construction, Inc. for the Street Rehabilitation and Repair Project, CIP 2295-6.)
ROLL CALL VOTE
10. **Acceptance of the Street Rehabilitation and Repair Project, CIP 2295-8** – Public Works Director/City Engineer Ray and Capital Projects Manager Wiggin
(Recommended Action: Accept the improvements constructed by Souza Construction, Inc. and authorize staff to send the Notice of Completion to Souza Construction, Inc. for the Street Rehabilitation and Repair Project, CIP 2295-8.)
ROLL CALL VOTE
11. **Acceptance of Final Senior Center Feasibility Study** – Community Development Director Buckingham and Associate Planner Reese
(Recommended Action: Receive and accept the final version of the Senior Center Feasibility Study.)
ROLL CALL VOTE
12. **FY 2019-20 Council Goals Implementation Report** – City Manager Bronson
(Recommended Action: Receive information on the year-end implementation status of the Council Goals in FY 2019-20.)
VOICE VOTE

PUBLIC HEARING

13. **Development Application 18-06 – Certification of Mitigated Negative Declaration 2019-02 and Approval of the Mitigation Monitoring Checklist; Introduction and First Reading of an Ordinance to adopt a Planned Development Overlay (PD-5); Approval of a Vesting Tentative Parcel Map, Use Permit, and Development Permit; and Approval of a Financial Assistance Agreement and Development Impact Fee Deferral Agreement to construct two hotels and seven residences for the project at**

1598 El Camino Real (Applicant: Ram Krupa Real Estate, LLC) – Community Development Director Buckingham and Senior Planner Castillo

(Recommended Action:

1. Planning Commission recommends that the City Council certify Mitigated Negative Declaration 2019-02 (SCH #2019069067) for Development Application 18-06;
2. Planning Commission recommends that the City Council introduce and conduct a first reading of an ordinance establishing Planned Development Overlay Zone No. 5 (PD-5) for Development Application 18-06;
3. Planning Commission recommends that the City Council adopt a resolution approving Development Application 18-06 for a Vesting Tentative Parcel Map (Tract 3122), Use Permit, and a Development Permit; and
4. Staff recommends approval of a financial assistance agreement and a development impact fee deferral package consistent with the Council policy for catalyst economic development projects.)

REGULAR BUSINESS

- 14. Fiber Optic Cable Easement Agreement with RTI Infrastructure, Inc.–** Community Development Director Buckingham, Public Works Director/City Engineer Ray, and City Attorney Hale

(Recommended Action: Approve a Fiber Optic Cable Easement Agreement with RTI Infrastructure, Inc. for installation of telecommunications cables in the City's rights-of-way, authorize the City Manager and City Attorney to negotiate any final and additional terms and conditions of the agreement necessary to achieve the business terms defined herein, and authorize the Mayor to execute the agreement on behalf of the City.)

- 15. Child Care Initiative Policy Direction –** City Manager Bronson and Parks and Recreation Director Petker

(Recommended Action: Receive information on child care needs and provide direction on specific activities including allocation of funding to local child care providers to provide need-based scholarships to Grover Beach families and establishment of free WiFi accessibility in City parks for school-age children.)

- 16. Eviction Moratorium Policy Direction –** City Manager Bronson

(Recommended Action: Receive information about expiration of the eviction moratoriums and provide policy direction to staff on a potential City position on efforts to extend a moratorium at either the state or local level.)

- 17. Offshore Oil Production and Trucking Proposal Position –** City Manager Bronson

(Recommended Action: Receive information about a proposal to restart offshore oil production off the Santa Barbara County coast and initiate interim trucking of limited crude oil production to locations in Santa Maria and Kern County and consider taking action to express the City's position such as adoption of a resolution or drafting a position letter.)

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.

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.

Five Cities Fire Joint Powers Authority	Jeff Lee (Alt: Karen Bright)
Monterey Bay Community Power Policy Board	Jeff Lee
South SLO County Sanitation District (SSLOCSD)	Jeff Lee (Alt: Karen Bright)
Economic Vitality Corporation (EVC)	Karen Bright (Alt: _____)
Integrated Waste Management Authority (IWMA)	Karen Bright (Alt: Mariam Shah)
SLO Council of Governments / SLO Regional Transit Authority (SLOCOG / SLORTA)	Karen Bright (Alt: Jeff Lee)
Zone Three Advisory Committee	Karen Bright (Alt: Mariam Shah)
SLO County Water Resources Advisory Committee (WRAC)	Desi Lance (Alt: _____)
South County Chambers of Commerce	Desi Lance (Alt: Jeff Lee)
South County Transit (SCT)	Desi Lance (Alt: _____)
Visit SLO CAL	Desi Lance (Alt: Karen Bright)
Air Pollution Control District (APCD)	Mariam Shah (Alt: _____)
Homeless Services Oversight Council (HSOC)	Mariam Shah (Alt: _____)

League of California Cities - Policy Committee Reports and Other League Matters

Channel Counties Division	Mariam Shah
Transportation, Communication & Public Works Policy Committee	Jeff Lee
Governance, Transparency & Labor Relations Policy Committee	Matthew Bronson

COUNCIL COMMUNICATIONS

This item gives individual Council Members the opportunity to seek consensus for scheduling a specific item on a future agenda, authorizing staff time to provide background information and prepare a staff report for a future agenda, or to comment on Council business, City operations, projects or other items of community interest.

CITY MANAGER'S REPORTS AND COMMENTS

CITY ATTORNEY'S REPORTS AND COMMENTS

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Pursuant to (Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Ronald Austin v. City of Grover Beach, 20CV-024

B. Conference with Real Property Negotiators for the sale or lease of City Property: APN's 060-242-44 and 060-242-45; Agency negotiators: Matthew Bronson, City Manager, David Hale, City Attorney, and Bruce Buckingham, Director of Community Development.

Negotiating parties: Veterans of Foreign Wars National Home for Children

Under negotiation: (Staff's requested direction from Council will be concerning price and

terms of payment.)

This item is pursuant to Government Code section 54956.8

ADJOURNMENT

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Per Resolution No. 17-21, the public portion of City Council meetings will be scheduled to start at 6:00 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 4/5ths 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.groverbeach.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. Any writings or documents regarding any item on this agenda, not exempt from public disclosure, provided to a majority of the City Council and distributed subsequent to distribution of the agenda packet will be made available for public inspection in the City Clerk's Office during normal business hours.

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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.groverbeach.org



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

(Pursuant to Resolution No. 07-44, adopted 04-16-07, revised 02-18-2020)

The City Council and staff welcomes and encourages civic participation and debate on issues. The Council values the public's opinion and in every Council meeting invite and encourages the public to address the Council on any matter of interest. The Council adopted these policies and procedures for appropriate conduct and decorum at Council meetings and establish guidance for public participation during Council meetings. These policies will foster and provide greater clarity to preserve the intent of open government and maintain a positive environment for public input and City Council decision-making.

1.0 DECORUM AND ORDER – IN GENERAL

- 1.1 The presiding officer is responsible for the maintenance of order and decorum at all times.
- 1.2 The presiding officer shall determine all points of order subject to the right of any Council member to appeal to the City Council by majority vote. If any appeal is taken, the question shall be "Shall the decision of the presiding officer be sustained" in which event a majority vote of the Council shall govern and conclusively determine such question of order.
- 1.3 All Council members, staff members and members of the public should speak respectfully and avoid the use of profanity, vulgarity and slanderous comments. Recognizing that the First Amendment precludes the City Council from prohibiting speakers from speaking based upon the content of their speech, the presiding officer shall use their best efforts, short of enforcement action, to remind and encourage all participating in the meeting to keep their speech respectful towards others and within bounds appropriate for children and persons of sensitivity toward course language as a courtesy to others present or otherwise viewing Council meetings.

2.0 DECORUM AND ORDER – COUNCIL MEMBERS

- 2.1 Manner of Speaking.
Any Council member desiring to speak shall first address the presiding officer. Upon recognition by the presiding officer, the Council member shall speak only to the question under debate.

2.1(a) Questioning Staff.

A Council member desiring to question the staff should address his question to the City Manager, or, in appropriate cases, the City Clerk or City Attorney, who shall be entitled either to answer the inquiry or to designate some staff member for that purpose. Such a designation may be made at the time of any staff presentation or on the agenda listing for the item.

2.1(b) Interruptions.

Once recognized, a Council member shall not be interrupted while speaking unless called to order by the presiding officer; unless a point of order is raised by another Council member, or unless the speaker chooses to yield to questions from another Council member.

3.0 DECORUM AND ORDER – STAFF

- 3.1 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.
- 3.2 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 presiding officer. All remarks shall be addressed to the 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.

4.0 DECORUM AND ORDER – MEMBERS OF THE PUBLIC

- 4.1 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 presiding officer at the appropriate place on the agenda. All remarks shall be addressed to the presiding officer and not to any individual Council Member, City Manager, City Attorney or member of the administrative staff or member of the public.

- 4.2 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 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 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.
- 4.3 Failure to Yield, Disruptions
Any person who refuses to relinquish the floor after their allotted time or while attending the City Council meeting engages in conduct or speech which disrupts the business of the meeting shall be brought to order and/or removed from the room if the sergeant-at-arms is so directed by the presiding officer. Disruptive remarks from the audience, stamping of feet, clapping, whistles, yells and similar demonstrations shall not be permitted by the presiding officer who may direct the sergeant-at-arms to remove such offenders from the room.
- 4.4 Prosecution
Aggravated cases shall be prosecuted on appropriate complaint signed by the presiding officer.

5.0 ENFORCEMENT OF DECORUM

- 5.1 The Chief of Police or his designee shall be the ex-officio sergeant-at-arms of the City Council. The sergeant-at-arms shall carry out all legal and valid orders and instructions given by the presiding officer for the purpose of maintaining order and decorum in the Council Chamber. Upon instructions from the presiding officer, it shall be the duty of the sergeant-at-arms to remove any disorderly person from the Council Chambers or place the disorderly person under arrest or both.
- 5.2 As set forth in Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or group of persons so as to render the orderly conduct of such meeting unfeasible or impedes the ability of the Council to hold the meeting, and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the 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.