

AGENDA
GROVER BEACH CITY COUNCIL
GROVER BEACH CITY HALL - COUNCIL CHAMBER
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
MONDAY, MARCH 28, 2022, 6:00 PM

*Next Resolution No. 22-10
Next Ordinance No. 22-03*

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 (805-473-4567) at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting.

Meetings can be viewed on Channel 20 and are live streamed on the City's website via www.slo-span.org. Members of the public who cannot attend the meeting in person 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. 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 Anna Miller, Robert Robert, Daniel Rushing, Mayor Pro Tem Karen Bright, and Mayor Jeff Lee

CLOSED SESSION ANNOUNCEMENTS

None

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 for Month of the Child

PRESENTATIONS

None

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.

2. **Treasurer's Report for the Period February 1, through February 28, 2022.**
(Recommended Action: Approve the Treasurer's Report as submitted.)
VOICE VOTE
3. **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 February 1, through February 28, 2022.**
(Recommended Action: Approve the Treasurer's Report as submitted.)
VOICE VOTE
4. **Minutes of the City Council Meeting on Monday, March 14, 2022.**
(Recommended Action: Approve the minutes as submitted or revised.)
VOICE VOTE
5. **First Reading and Introduction of an Ordinance to Repeal and Replace Chapters 1, 2, and 4 of Article I, Repeal Sections 3102.5 and 3103 of Chapter 1 (Disorderly Conduct and Nuisances) of Article III (Public Welfare, Morals, and Conduct) and Sections 1309 through 1325 of Chapter 3 (Rules of Construction) of Article I, and Amend Section 1500 of Chapter 5 (Abatement of Nuisances) of Article I of the Grover Beach Municipal Code – City Attorney Hale and Community Development Director Buckingham**
(Recommended Action: 1) Conduct first reading, by title only, and introduce an Ordinance to repeal and replace Chapters 1, 2, and 4 of Article I, repeal sections 3102.5 and 3103 of Chapter 1 of Article III, and Sections 1309 through 1325 of Chapter 3 of Article I and amend Section 1500 of Chapter 5 of Article I of the Grover Beach Municipal Code; and 2) Schedule second reading and adoption of the Ordinance at the next regularly scheduled City Council meeting.)
ROLL CALL VOTE
6. **Agreement with Hinderliter, de Llamas and Associates (HdL) for Cannabis Consultant Services – Police Chief Peters**
(Recommended Action: Adopt the Resolution authorizing the City Manager to enter a one-year agreement with Hinderliter, de Llamas and Associates (HdL) for Cannabis Consultant Services.)
ROLL CALL VOTE

7. **2021 Annual Report of the Status and Progress in Implementation of the General Plan** – Community Development Director Buckingham and Associate Planner Reese
(Recommended Action: Receive and file the General Plan Annual Progress Report and direct staff to submit it to the State in accordance with statutory requirements.)
ROLL CALL VOTE
8. **COVID-19 Response Update** – City Manager Bronson
(Recommended Action: Receive an update on the countywide and City response to the COVID-19 pandemic.)
VOICE VOTE

PUBLIC HEARING

9. **Second Reading and Adoption of an Ordinance to Add a New Chapter 3.2 to Article II (Administration) of the Grover Beach Municipal Code to Define Boundaries for District-Based City Council Elections** – Deputy City Manager Eriksson
(Recommended Action: Conduct a public hearing and second reading to adopt an Ordinance to add Chapter 3.2 to Article II (Administration) of the Grover Beach Municipal Code to define boundaries for district-based City Council elections.)
ROLL CALL VOTE

REGULAR BUSINESS

10. **License Agreement with Radiate Holdco, LLC for Use of Communications Conduit for Citywide Fiber Optic Broadband Expansion** – Deputy City Manager Eriksson and City Attorney Hale
(Recommended Action: Approve an agreement with Radiate Holdco, LLC on behalf of itself and its affiliates and Astound Business Solutions, LLC and Digital West Networks, Inc., for an initial ten-year term for the City to provide a non-exclusive license to use shared conduit in common with the City and an exclusive license for Astound single-user conduit for citywide fiber optic broadband in exchange for payment of annual license fees to the City.)
ROLL CALL VOTE
11. **FY 2023-27 Capital Improvement Program Overview and Direction** – Public Works Director/City Engineer Ray and CIP Manager Wiggin
(Recommended Action: Receive information on the draft Fiscal Year 2023-27 Capital Improvement Program (CIP) and provide direction to staff to finalize the CIP in conjunction with the FY 2022-23 budget.)
ROLL CALL VOTE

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
South SLO County Sanitation District (SSLOCSA)

Jeff Lee (Alt: Daniel Rushing)
Jeff Lee (Alt: Karen Bright)

Air Pollution Control District (APCD)	Karen Bright (Alt: Anna Miller)
SLO Council of Governments / SLO Regional Transit Authority (SLOCOG / SLORTA)	Karen Bright (Alt: Anna Miller)
South County Transit Committee	Karen Bright (Alt: Anna Miller)
Homeless Services Oversight Council (HSOC)	Anna Miller (Alt: Jeff Lee)
REACH SLO Advisory Commission	Anna Miller (Alt: Robert Robert)
Integrated Waste Management Authority (IWMA)	Robert Robert (Alt: Karen Bright)
SLO County Water Resources Advisory Committee (WRAC)	Robert Robert (Alt: Staff)
South County Chambers of Commerce	Daniel Rushing (Alt: Karen Bright)
Visit SLO CAL Advisory Committee	Daniel Rushing (Alt: Anna Miller)
Zone Three Advisory Committee	Daniel Rushing (Alt: Karen Bright)

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

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

- A. **Public Employee Performance Evaluation** - Consistent with Government Code Section 54957 (b)(1) Title: (City Manager)

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.