

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – MARCH 22, 2011
CITY HALL CONFERENCE ROOM - 5:00 P.M.

Vice-Mayor Smukler called the meeting to order at 5:00 p.m.

PRESENT:	Noah Smukler	Vice-Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
ABSENT:	William Yates	Mayor
STAFF:	Robert Schultz	City Attorney
	Susan Slayton	Administrative Services Director
	Jamie Boucher	Human Resources Analyst

CLOSED SESSION

MOTION: Councilmember Borchard moved the meeting be adjourned to Closed Session. The motion was seconded by Councilmember Johnson and unanimously carried. (4-0)

Vice-Mayor Smukler read the Closed Session Statement.

CS-1 GOVERNMENT CODE SECTION 54957.6; CONFERENCE WITH LABOR NEGOTIATOR. Conference with City Manager, the City's Designated Representative, for the purpose of reviewing the City's position regarding the terms and compensation paid to the City Employees and giving instructions to the Designated Representative.

The meeting adjourned to Closed Session at 5:00 p.m. and returned to regular session at 5:27 p.m.

MOTION: Councilmember Smukler moved the meeting be adjourned. The motion was seconded by Councilmember Borchard and unanimously carried. (4-0)

The meeting adjourned at 5:27 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2011
VETERANS MEMORIAL HALL - 6:00 P.M.

Vice-Mayor Smukler called the meeting to order at 6:00 p.m.

PRESENT:	Noah Smukler	Vice-Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
ABSENT:	William Yates	Mayor
STAFF:	Robert Schultz	City Attorney
	Bridgett Kessling	City Clerk
	Eric Endersby	Harbor Operations Manager
	Susan Lichtenbaum	Harbor Business Manager
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Kathleen Wold	Planning Manager
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &
PRESENTATIONS

CLOSED SESSION REPORT - City Attorney Robert Schultz reported the City Council met in Closed Session, and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

John Weiss and Craig Schmidt of the Chamber of Commerce presented Chris Christianson of Morro Bay 4th with a check for \$1,500 to go towards this year's 4th of July fireworks and festivities. Mr. Christianson expressed appreciation to the Chamber and the City for their encouragement to make this event a success.

Bill Shewcheck presented Suite 1 Gallery and some local artists that showcase artwork at the gallery located at Marina Square on the Embarcadero.

Betty Winholtz stated Morro Bay was on the front page of the *Tribune* last Friday regarding the Coastal Commission's review of the City's permit application for the Wastewater Treatment Plant upgrade project. She said the Commission found the proposed project to be deficient in issues such as alternative technology and site location, and water reclamation.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2011

Ms. Winholtz stated the City has spent over \$300,000 of tax payer's money to put forward a document that was not successful, and is now requesting to spend \$100,000 on a lobbyist in order to try to be successful at the Coastal Commission level. She said these funds could have been used on the infrastructure of the Wastewater Treatment Plant, and requested Council stop gambling with the taxpayer's money.

David Weisman, Alliance for Nuclear Responsibility, expressed concern with the devastation taking place in Japan, and the same affects that could take place with Diablo Canyon Nuclear Power Plant if an earthquake hit this area. He requested the City Council agendaize the consideration of sending a letter to the Nuclear Regulatory Commission and California Utilities Commission regarding the PG&E relicensing process and seismic hazards analysis/study.

Joan Solu, Del Mar PTA President, announced the Del Mar Elementary School Art Auction and Fundraiser will be held on April 10th.

Haley Revalee, Del Mar Elementary School student, invited the community to the Art Auction and Fundraiser and noted donations are still being accepted. She said all proceeds will go towards classroom technology and field trips.

Gay Skivalasquez, San Luis Obispo Council of Governments, announced the Coastal Trail Community Workshop will be held on March 30th to kick-off the Master Plan process for the coastal trail through the Northern San Luis Obispo Coastal region.

Mark Shaeffer, CEO for FunRide, reviewed the local car sharing service. He said the cost for car sharing is \$240 per year and there is a one-time fee of \$30 per driver. Mr. Shaeffer stated the service is available 24 hours per day, 7 days per week; and cars can be reserved by the hour.

Barry Brannin read his statement regarding the Coastal Commission's review of the Wastewater Treatment Plant upgrade project that took place on March 11th in Santa Cruz.

Virginia Hiramatsu encouraged participation at the Relay for Life Morro Bay Kickoff meeting which will be held on March 24th at the Embarcadero Grill.

Susan Stewart, Chair of the Community Promotions Committee, stated at the last City Council meeting and as a result to the vote on the Advertising Agency there seemed to be a disconnect between the Council, the Advisory Boards and the business community. She said the Community Promotions Committee will be making an effort to reaching out to the Council and business community for better consensus on goals and objectives.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2011

Ms. Stewart listed the following goals: 1) to improve communication, she will report at Council meetings once a month, hold regular joint meetings with the Tourism Business Improvement District Advisory Board, and will work with the Business Forum regarding Community Promotions activities; 2) there is a need to move forward effectively with a City-wide workshop to get the community, businesses, boards and Council working together with regards to City promotions, image and advertising; 3) coordinate and approach advertising broadly and openly; 4) TJA Advertising has provided a clear advertising plan focused on a variety of demographics around California with monthly budget outlines where advertising dollars are spent in print and on-line venue; with the new advertising agency, the Committee will continue to review the approach and solicit community input; and 5) TJA is preparing for the transition to the new agency in hopes that there is no lag time in City promotion efforts or website availability; internet and print ads will continue to run as scheduled and new ideas will continue to be explored.

John Barta addressed Item D-1 (Review and Discussion of Morro Bay Municipal Code 17.48.320 Regarding Secondary Dwelling Units) stating using existing resources without expanding City boundaries, including granny units or secondary dwelling units, can assist in the State fair share housing requirement.

Richard Margesten stated he hopes the City does not fight the Coastal Commission's requirements regarding the Wastewater Treatment Plant upgrade project. He said his concern is the costs of contractors' bids are below engineers estimates.

Garry Johnson thanked the City for their efforts through the tsunami warnings. He also noted the reason there have been so many costs for the Wastewater Treatment Plant upgrade project are due to the appeals that have been filed against it.

Vice-Mayor Smukler closed the hearing for public comment.

A. CONSENT CALENDAR

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

A-1 APPROVAL OF CITY COUNCIL MINUTES FOR REGULAR MEETINGS OF FEBRUARY 22, 2011 AND MARCH 8, 2011, AND THE SPECIAL MEETING OF MARCH 15, 2011; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2011

A-2 RESOLUTION NO. 23-11 AUTHORIZING HINDERLITER, DE LLAMAS & ASSOCIATES (HDL COMPANIES) TO RETAIN COUNSEL TO INTERVENE IN THE CASES OF *CITY OF BRISBANE, ET AL, V. CALIFORNIA STATE BOARD OF EQUALIZATION (BOE) AND DOES 1-500*, AND TO REPRESENT THE CITY OF MORRO BAY’S INTERESTS IN THESE CASES; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 23-11, and direct the City Manager to complete HdL Companies’ form *Authorization – Motion to Intervene*.

A-3 AUTHORIZATION TO PURSUE CALTRANS TRANSPORTATION PLANNING GRANT FOR A COMPLETE STREETS/GREEN STREET PROGRAM; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution 22-11 authorizing the Public Services Director to pursue the application for a Transportation Planning Grant and to act as the City’s representative in administration of the Grant if the application is successful.

A-4 PROCLAMATION DECLARING APRIL 2011 AS "MONTH OF THE CHILD" AND “CHILD ABUSE PREVENTION MONTH” AND APRIL 9, 2011 AS “DAY OF THE CHILD”; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

A-5 PROCLAMATION DECLARING APRIL 2011 AS “FAIR HOUSING MONTH”; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Proclamation.

MOTION: Councilmember Johnson moved the City Council approve the Consent Calendar. The motion was seconded by Councilmember Borchard and carried unanimously. (4-0)

B. PUBLIC HEARINGS, REPORTS & APPEARANCES – NONE.

C. UNFINISHED BUSINESS – NONE.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2011

D. NEW BUSINESS

D-1 REVIEW AND DISCUSSION OF MORRO BAY MUNICIPAL CODE
17.48.320 REGARDING SECONDARY DWELLING UNITS; (CITY
ATTORNEY)

City Attorney Robert Schultz stated on February 14, 2005 the City Council enacted a moratorium on secondary dwelling units in order to bring the City zoning into compliance with Government Code §65852.2. This law, also known as AB 1866, required cities to develop a process by which at least some secondary dwelling units may be permitted through a ministerial process. On February 21, 2005 the Planning Commission held a public hearing to familiarize the Planning Commission and community with the current State and local regulatory framework, and take public testimony on the topic of secondary dwelling units. On March 7, 2005 Staff sought direction from the Planning Commission on how to best achieve compliance with State law. The Planning Commission provided feedback as to what the proposed ordinance should entail. Staff then drafted an ordinance that met State laws and balanced local land use needs and objectives. On April 25, 2005, May 9, 2005 and May 23, 2005 the City Council considered and adopted revisions to Morro Bay Municipal Code Section 17.48.320 regarding Secondary Units. The revisions adopted by the City Council established a process whereby one could build a small, affordable secondary unit (900 sq. ft.) with minimal city or neighborhood involvement by obtaining a ministerial permit. At the same time, if one desired to build a larger secondary dwelling unit they could continue to do so under Conditional Use Permit standards and processing requirements. Mr. Schultz recommended the City Council review the adopted Summary of Ordinance Amendments, and direct staff on whether to draft changes to the current Secondary Dwelling Unit Ordinance.

Councilmember Johnson stated granny units are a way to meet State regulations and provide low-income housing. She referred to Summary of Ordinance Amendment #3 in the staff report, and stated it is very limited and should be eliminated, which would be the easiest and most effective way to approach second dwelling units.

Councilmember Borchard stated she supports Councilmember Johnson's suggestion to eliminate Amendment #3; this will help with the City's housing requirements and infrastructure needs. Councilmember Borchard referred to Morro Bay Municipal Code Section 17.48.320(E) – Architectural Compatibility, noting she would like to strike-out "type of windows, and trim details" and replace it with "reasonably compatible."

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2011

Councilmember Leage stated he agrees with Councilmember Johnson's comments. He said this makes it more versatile for homeowners especially with the expense of housing. Councilmember Leage stated this is a great way to meet the City's housing requirements.

Councilmember Smukler stated he does not support making extreme changes to the code.

MOTION: Councilmember Borchard moved the City Council direct the City Attorney to return with the following amendments to Morro Bay Municipal Code Section 17.48.320:

- C. Minimum and Maximum Floor Area. The floor area of a second unit shall not exceed the maximum allowable amount of 1,200 square feet as per State guidelines.
- E. Architectural Compatibility. The architectural design, exterior materials and colors, roof pitch and style, ~~type of windows, and trim details~~ **reasonably compatible** of the second unit
- F. Parking. The parking space can be open and uncovered; however neither may be in tandem with required parking ~~of the principal dwelling unit or secondary unit, and cannot be located in the front or street side setback area.~~
- I. Conditional Use Permit. **(Remove entire regulation.)**

Councilmember Smukler stated he does not support removing (I) in its entirety.

The motion was seconded by Councilmember Johnson and carried with Councilmember Smukler voting no. (3-1)

DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Smukler requested to agendize the approval to send a letter to the Nuclear Regulatory Commission and California Utilities Commission regarding PG&E relicensing process and seismic hazards analysis/study - Councilmember Smukler will supply the letter; Council consensus.

ADJOURNMENT - The meeting adjourned at 7:45 p.m.

Recorded by:

Bridgett Kessling
City Clerk