

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – APRIL 12, 2011
CITY HALL CONFERENCE ROOM - 5:00 P.M.

Mayor Yates called the meeting to order at 5:00 p.m.

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember

STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney

CLOSED SESSION

MOTION: Councilmember Borchard moved the meeting be adjourned to Closed Session. The motion was seconded by Councilmember Johnson and unanimously carried. (5-0)

Mayor Yates read the Closed Session Statement.

CS-1 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY

TRANSACTIONS. Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to one (1) parcel.

- Property: 5-acre vacant lot at end of Chorro Creek Road
Negotiating Parties: Wakefield and City of Morro Bay.
Negotiations: Lease Terms and Conditions.

The meeting adjourned to Closed Session at 5:00 p.m. and returned to regular session at 5:45 p.m.

MOTION: Councilmember Borchard moved the meeting be adjourned. The motion was seconded by Councilmember Leage and unanimously carried. (5-0)

The meeting adjourned at 5:45 p.m.

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VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Yates called the meeting to order at 6:00 p.m.

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Jamie Boucher	Deputy City Clerk
	Eric Endersby	Harbor Operations Manager
	Susan Lichtenbaum	Harbor Business Manager
	Rob Livick	Public Services Director
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	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

Christine Johnson, President of Morro Bay Friends of the Library announced this is “National Library Week.” She also announced the library’s book sale will be held on May 14th at 9:00 a.m. and will be held at the Community Center, as well as Friends of the Library members-only event on May 13th at the Morro Bay Wine Cellar. Ms. Johnson introduced Jackie Kinsey, the library’s branch manager.

Jackie Kinsey, Morro Bay Library Branch Manager stated she was appointed as the branch manager in September 2010. She reviewed present and upcoming programs at the library.

Adriane Harris, Director of the Morro Bay National Estuary Program, announced a public hearing on the National Estuary Program Management Plan update will be held April 14th at 6:00 p.m. at the Community Center.

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D’Onna Kennedy thanked the business community and residents for their participation in the City-wide Yard Sale. She announced the Central Coast Veterans Group meets every third Tuesday of each month at 6:00 p.m. at the Eagles Lodge, which provides information regarding services available to veterans.

The following people addressed Item D-3 (Discussion of Policies and Procedures Regarding Absences from Planning Commission) and expressed support for Planning Commissioner John Diodati maintaining his seat on the Planning Commission: Gisele Pulg, Walter Heath, Evan Barbas, David Nelson, Ani Lyne, Richard Harrison, Dana Putnam, Barry Brannon, Zach Snyder, John Zigler, Marcus Jackson, Karen Croley, Roger Ewing, Susan Mullen, Lee Johnson, Richard Margesten, Laura Lathrop, Josh Beckett, Erin Hadley, John Diodati and Chris Christianson.

Bill Shewcheck read a letter from Stan Trapp (owner of Marina Square) expressing support for Item D-4 (Discussion of Reallocation of Harbor Funds for the Embarcadero Banner Project). Mr. Shewcheck also expressed his support stating this is a good investment in the business community of Morro Bay.

David Nelson expressed concern with the removal of the tank farm stating there was a contractual obligation through the lease for the removal of these tanks.

Barry Brannon referred to the MB/CSD JPA meeting scheduled for April 14th stating it is important that citizens get involved and attend this meeting.

John Barta expressed support for Item D-2 (Resolution to Approve Amendment #6 to the Lease Agreement for Lease Site 87-88/87W-88W, The Outrigger Restaurant, Located at 833 Embarcadero). He also referred to Item D-3 stating those who come before the Planning Commission deserves to be heard by the entire Commission. Mr. Barta also noted the Planning Commission serves at the pleasure of the City Council.

Bryan Millard, Morro Bay Police Commander, stated the Tip-a-Cop dinner held on April 8th raised \$5,400 for Special Olympics. He said the Emergency Vehicle Show will be held on April 16th and the proceeds will be benefitting Neighborhood Watch and the Morro Bay Community Foundation.

Brian Stacy requested the City Council consider placing the unfunded salmon disaster on their agenda. He thanked the Mayor for his assistance with the SBA.

Tracy Neil Shewcheck announced Virg’s Landing has moved to 1169 Market Street and they are running salmon trips and rock cod trips will open in May.

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Garry Johnson thanked the Police Department for their efforts during the tsunami warnings. He also stated there are a lot of issues coming before the Planning Commission which will require the full Commission's attention. Mr. Johnson stated the removal of the tank farm has become an environmental issue.

Lynn Meissen, Harbor Advisory Board Member, expressed opposition to Item D-4 stating these funds should be used for safety and maintenance repairs to the infrastructure of the harbor.

Mayor Yates closed the hearing for public comment.

Mayor Yates called for a break at 7:00 p.m.; the meeting resumed at 7:10 p.m.

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 MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF MARCH 22, 2011; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF RESOLUTION AUTHORIZING THE CITY OF MORRO BAY TO ENTER INTO VESSEL PUMPOUT INSTALLATION GRANT CONTRACT WITH THE DEPARTMENT OF BOATING AND WATERWAYS; (HARBOR)

RECOMMENDATION: Adopt Resolution 24-11 authorizing execution of grant contract agreement.

A-3 PROCLAMATION DECLARING APRIL 10-16, 2011 AS "CHILDHOOD CANCER AWARENESS WEEK"

RECOMMENDATION: Adopt Proclamation.

A-4 ADOPTION OF RESOLUTION NO. 26-11 APPROVING A ONE-YEAR LICENSE AGREEMENT WITH LIMO AND COURTNEY LONG, DOING BUSINESS AS SOUTH BAY HOOKERS; (HARBOR)

RECOMMENDATION: Adopt Resolution 26-11 approving one-year lease agreement.

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A-5 ANNUAL REPORTING ON THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT AND SCHEDULING OF A PUBLIC HEARING; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Council to acknowledge receipt of the annual report and budgets, and set the date for the public hearing for the renewal of the MBTBID on April 26, 2011, and the adoption of Resolution No. 25-11.

A-6 APPROVAL OF VEHICLE TRANSFER FROM THE POLICE DEPARTMENT TO THE PUBLIC SERVICES DEPARTMENT AND ASSOCIATED FUND TRANSFER; (POLICE)

RECOMMENDATION: Approve vehicle transfer between the Police Department and the Public Services Department.

Mayor Yates pulled Item A-5 from the Consent Calendar.

MOTION: Councilmember Borchard moved the City Council approve the Consent Calendar with the exception of Item A-5. The motion was seconded by Councilmember Johnson and carried unanimously. (5-0)

A-5 ANNUAL REPORTING ON THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT AND SCHEDULING OF A PUBLIC HEARING; (ADMINISTRATIVE SERVICES)

Mayor Yates recommended scheduling a public hearing for the annual reporting on the Morro Bay Tourism Business Improvement District for the May 10, 2011 City Council meeting.

MOTION: Councilmember Borchard moved the City Council approve Item A-5 of the Consent Calendar. The motion was seconded by Councilmember Johnson and carried unanimously. (5-0)

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 APPEAL OF PLANNING COMMISSION'S DECISION ON MARCH 2, 2011 TO DENY THE APPEAL OF THE REMOVAL AND REPLACEMENT OF 8 TREES LOCATED IN THE CITY RIGHT OF WAY; (PUBLIC SERVICES)

Councilmember Johnson stepped down from discussion on this item due to a conflict of interest.

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Public Services Director Rob Livick stated PG&E owns, operates, and maintains the high voltage electric distribution lines within the City of Morro Bay's Right-of-Way under a franchise easement. On September 22, 2010, a City tree caused a power outage where approximately 6,000 PG&E customers lost power for approximately five hours. State law requires minimum clearances of 10-feet between vegetation and high voltage lines at all times for public safety and system reliability. PG&E currently has a program, "Right Tree Right Place" for removing problem trees which require repeated pruning to comply with this requirement and replacing the tree with a tree suitable for planting near power lines due to power outages. City staff met with PG&E's Vegetation Management Forester, Greg Saenz, on October 12, 2010 to discuss trees which would qualify for this program. Nine trees in the public right-of-way were identified as successful candidates for removal and replacement. Mr. Livick recommended the City Council deny the appeal of the Planning Commission's approval for the removal of eight trees (205 Surf, 214 & 225 Beach, 1129, 1149, 1169 Market and two trees at 1320 Main) within the City right-of-way.

Robin Cole, appellant, stated her initial concern centered on the removal of a Monterey Cypress adjacent to her property, and said PG&E stated this tree interfered with its power lines. She said she was surprised to view a notice for removal nailed to the tree and was encouraged to appeal this removal. Ms. Cole stated the addendum to her appeal includes the eight trees posted for removal that are before the City Council this evening. She reviewed costs of removal and replacement of these trees, and asked why the City wants to remove these healthy, established trees that provide shade, beauty and bird habitats.

Patricia Wilmore, PG&E representative, requested the City Council support staff's recommendation to uphold the Planning Commission's approval for the removal of the eight trees within the City right-of-way.

Mayor Yates opened the hearing for public comment.

David Nelson stated there are many trees in the City that fall under utility lines, and asked if they are also going to be removed. He expressed concern with the use of galvanized nails to post notices in the trees that are being removed by PG&E. Mr. Nelson stated some of these trees can be saved by trimming the limbs away from the utility lines.

Debbie Highfill stated there is no compelling reason to comply with PG&E's request to remove all eight trees, because their rules state that trees are removed when they pose a hazard to their workers. She asked that the City not make a blanket policy of removing all trees and that each tree is inspected individually. Ms. Heifel read a letter from Monique Nelson who expressed opposition to the removal of all of these trees, and that each tree is inspected individually by an independent arborist for the health and safety of each tree.

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Betty Winholtz shared pictures of trees in Morro Bay that touch utility lines. She expressed support of this appeal filed against the Planning Commission's approval for the removal of the eight trees within the City right-of-way. She said it is important for a plan to be in place for the management of these trees.

Roger Ewing expressed his support of this appeal. He said a tree is a living ecosystem that benefits the environment and ecology that allows the City to post the "Tree City" signs. Mr. Ewing stated his concern is to destroy all of the trees that will leave a vacant view shed that will be a shock to the ecosystem. He suggested the removal of one tree at a time, and put a plan in place to manage the removal of the trees that are a problem to PG&E.

Mayor Yates closed the hearing for public comment.

Mayor Yates expressed support of the Planning Commission's approval for the removal of the eight trees within the City right-of-way; Councilmember Borchard and Councilmember Leage concurred.

Councilmember Smukler stated the City should not start this process without having an Urban Forest Management Plan in place. He expressed concern with the removal of trees that are in a cluster that maintain a canopy, and will leave barren sections of the City if removed all at once.

MOTION: Mayor Yates moved the City Council deny the appeal of the Planning Commission's approval for the removal of eight trees (205 Surf, 214 & 225 Beach, 1129, 1149, 1169 Market and two trees at 1320 Main) within the City right-of-way. Council further directed staff to develop an Urban Forest Management Plan prior to the approval of any further tree removals in the next year. The motion was seconded by Councilmember Borchard and carried with Councilmember Smukler voting no. (3-1-1)

B-2 RESOLUTION NO. 28-11 INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR THE CLOISTERS PARK AND OPEN SPACE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods stated Resolution No. 28-11 initiates the proceedings to levy the annual assessment, and ordering the preparation of an Engineer's Report detailing the expenses projected for Fiscal Year 2011-12 for the maintenance of the Cloisters Park and Open Space. In conformance with Proposition 218 the Right to Vote on Taxes Act, passed in 1996 by the voters in the State of California; the Cloisters Landscaping and Lighting Maintenance Assessment District was approved by one hundred percent (100%) of the owners for which the assessment is to be levied.

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All property owners were fully apprised of the costs and benefits associated with the district, prior to its approval by them. Resolution No. 28-11 serves as the initiation of the annual assessment proceedings and orders an Engineer's Report detailing the proposed costs for the maintenance of the Cloisters Park and Open Space for the purpose of assessing private property owners of Tract Map No. 1996 (excluding the City's property). The Resolution also gives notice that a public hearing on the intent to levy the assessment, review and acceptance of the Engineer's Report, will be held on May 10, 2011. Mr. Woods recommended the City Council adopt Resolution No. 28-11, ordering the preparation of an Engineer's Report for the Cloisters Park and Open Space Landscaping and Lighting Maintenance Assessment District.

Mayor Yates opened the hearing for public comment; there were no comments, and the hearing for public comment was closed.

MOTION: Councilmember Johnson moved the City Council adopt Resolution No. 28-11 initiating proceedings to levy the annual assessment for the Cloisters Park and Open Space Landscaping and Lighting Maintenance Assessment District. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

B-3 RESOLUTION NO. 29-11 INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR THE NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods stated Resolution No. 29-11 initiates the proceedings to levy the annual assessment, and ordering the preparation of an Engineer's Report detailing the expenses projected for Fiscal Year 2011-12 for the maintenance of the North Point Natural Area. In conformance with Proposition 218, "The Right to Vote on Taxes Act", passed in 1996 by the voters in the State of California, the North Point Natural Area Landscaping and Lighting Maintenance Assessment District was approved by one hundred percent (100%) of the owners for which the assessment is to be levied. All property owners were fully apprised of the costs and benefits associated with the district, prior to its approval by them. Resolution No. 29-11 serves as the initiation to the annual assessment proceedings and orders an Engineer's Report detailing the proposed costs for the maintenance of the North Point Natural Area for the purpose of assessing private property owners of Tract Map No. 2110 (excluding the City's property). The Resolution also gives notice that a public hearing on the intent to levy the assessment, review and accept the Engineer's Report will be held on May 10, 2011. Mr. Woods recommended the City Council adopt Resolution No. 29-11, ordering the preparation of an Engineer's Report for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District.

Mayor Yates opened the hearing for public comment; there were no comments, and the hearing for public comment was closed.

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MOTION: Councilmember Borchard moved the City Council adopt Resolution No. 29-11 initiating proceedings to levy the annual assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

B-4 REQUEST FOR A USE PERMIT TO ALLOW INSTALLATION OF A DOCK SYSTEM AND ASSOCIATED FACILITIES AT LEASE SITES 105.1W/105.2W LOCATED AT 1001 FRONT STREET; (PUBLIC SERVICES)

Councilmember Leage stepped down from discussion on this item due to a conflict of interest.

Assistant Planner Sierra Davis stated this project is located on Lease Sites 105.1W and 105.2W adjacent to 1001 Front Street, and is zoned Harbor and governed by the Waterfront Master Plan. The upland portion of the project site is located within the Waterfront/Planned Development Zoning District, with an S.4 overlay, and is governed by the Waterfront Master Plan. The existing building includes Giovanni's Fish Market and take out window, a restaurant, and a clothing store. No improvements to the existing building are proposed with this project. Since the project is located in the Planned Development overlay area, the Municipal Code requires a Concept Plan for all projects over an acre in size or for projects on public land; as such the use permit under consideration is for a Concept Plan (MBMC 17.40.030). This Concept Plan was heard by the Planning Commission on March 16, 2011. The Concept Plan shall be approved by the City Council prior to the applicant applying to the California Coastal Commission for a Coastal Development Permit. Should the Coastal Commission grant a Coastal Development Permit, then the applicant will return with the Precise Plan. The proposed project consists of the installation of a new head float, the addition of four finger docks, landing and gangway and the installation of an awning system over the public outdoor dining area. Ms. Davis recommended the City Council support the Planning Commission's approval of Conditional Use Permit #UP0-284 and the adoption of the Mitigated Negative Declaration for the construction of a new dock, gangway, landing, awning and parking lot at 1001 Front Street with findings and conditions as amended by the Planning Commission.

Cathy Novak, representing the applicant, stated this project has three components, the awning, the floating docks and the parking lot. The awning as proposed will be a benefit to the public seating area because it will offer more protection from the elements during inclement weather. The floating docks will have an addition of approximately 74 linear feet to the main head float and the installation of four finger style slips and a new gangway since access to the dock is limited to the ladder from the wharf. A configuration change from the existing side tie method to the individual slips will provide a better tie up system and protection for the boats.

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The last component of this project is the parking lot. With staff help, a new parking configuration has been developed that answer's the City's concerns and is also acceptable to the applicant.

Ms. Novak stated there are three project conditions that are of concern and they are:

1. Planning Condition # 8: the ADA space;
2. Planning Condition # 9: the Street frontage; and
3. Engineering Condition # 1: the public improvements.

Ms. Novak suggested the following modifications to these conditions:

1. Planning Condition #8 which is the ADA parking space would change to “meet the State and Federal ADA standards”.
2. Planning Condition #9, the street frontage landscaping, would be deleted.
3. Planning Condition #11 is the landscape plan and if the Council does not require the landscaping then this condition should be eliminated.
4. Engineering Condition #1, the deferment of the public improvements would be modified so that the public improvements will be completed when a major or comprehensive re-development on the site is done.
5. That Council grants the additional historical parking credits for the side tie use of the previous floating dock to offset this dock project.

Mayor Yates opened the hearing for public comment; there were no comments, and Mayor Yates closed the public comment hearing.

Mayor Yates stated he will be supporting the removal of Planning Condition #4 - Liveboards, and Planning Condition #6 - Parking Space Labels, stating these conditions are too restrictive.

Councilmember Smukler stated he is supportive of the Planning Commission's conditions with some consideration to the landscape plan that would be compatible with the parking area. He would like to move in the direction of 8-foot sidewalks connecting the north and south-ends of the Embarcadero.

Councilmember Borchard stated she is not supportive of removing Planning Condition #4 regarding liveboards because it would change the dynamics of the parking and she does not want to make exceptions to the rules. She said she supports on-site improvements to the existing landscape area as well as comprehensive redevelopment site improvements such as the extension of the sidewalks. Councilmember Borchard stated she supports the changes to Planning Condition #8, #9 and #11. She referred to Planning Condition #6 and recommended the following amendment: “... At no time shall equipment, delivery trucks, or marine storage tanks, nor the like be **permanently** placed in the parking spaces.”

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Councilmember Johnson stated she agrees the 8-foot sidewalk should be considered at another time. She suggested placing wood in front of the chain link fence. Councilmember Johnson stated the Waterfront Master Plan will be considered with major new development.

Mayor Yates called for a break at 9:40 p.m.; the meeting resumed at 9:50 p.m.

MOTION: Mayor Yates moved the City Council support the Planning Commission's approval of Conditional Use Permit #UP0-284 and the adoption of the Mitigated Negative Declaration for the construction of a new dock, gangway, landing, awning and parking lot at 1001 Front Street, with the following amendments: 1) Planning Condition #6 – Parking Space Labels: ~~The parking spaces reserved for the docks shall be labeled and open and available for people using the docks.~~ At no time shall equipment, delivery trucks, or marine storage tanks, nor the like be **permanently** placed in the parking spaces; 2) Planning Condition #8 – Accessible Parking Space: The van accessible parking space shall **meet State and Federal standards**; 3) Planning Condition #9: Street Frontage – (remove entirely); 4) Planning Condition #11: Landscape Plan - (remove entirely); 5) Engineering Condition #1 – to include language “at which time there is a comprehensive redevelopment of the site”; and 6) grant a total of five historic parking credits to the property. The motion was seconded by Councilmember Johnson and carried with Councilmember Smukler voting no. (3-1-1)

B-5 RECOMMENDATION ON THE FUTURE OF THE VISITORS CENTER, INCLUDING DISCUSSION ON A MARKETING SPECIALIST, AND THE COMBINING OF THE COMMUNITY PROMOTIONS COMMITTEE (CPC) AND THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); (ADMINISTRATION)

Mayor Yates recommended this item be continued to the April 26, 2011 or May 10, 2011 City Council meeting; Council concurred.

There was no further action taken on this item.

C. UNFINISHED BUSINESS

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D. NEW BUSINESS

D-1 APPROVAL OF THE SERVICE RETIREMENT INCENTIVE PROGRAM FOR FISCAL YEAR 2011/12 BUDGET; (ADMINISTRATION)

City Manager Andrea Lueker stated in recent years, a number of cities have structured retirement incentives as a means of short-term and long-term savings. Staff considered and evaluated various retirement incentive options and programs, and is presenting a one-time, lump-sum service retirement incentive program. Ms. Lueker recommended the City Council consider the options presented by staff, and approve the Service Retirement Incentive Program for fiscal year 2011/12.

MOTION: Councilmember Borchard moved the City Council approve the Service Retirement Incentive Program for fiscal year 2011/12. The motion was seconded by Councilmember Johnson and carried unanimously. (5-0)

D-2 RESOLUTION TO APPROVE AMENDMENT #6 TO THE LEASE AGREEMENT TOR LEASE SITE 87-88/87W-88W, THE OUTRIGGER RESTAURANT, LOCATED AT 833 EMBARCADERO; (HARBOR)

Councilmember Leage stepped down from discussion on this item due to a conflict of interest.

Harbor Business Manager Sue Lichtenbaum stated the proposed amendment extends the term of the lease agreement for Lease Site 87-88/87W-88W from December 31, 2011 to March 31, 2018, makes a change to the notification process, adds a 10% penalty for past due rent payment, reduces the percentage of gross sales on bar/cocktail lounge sales from 10% to 5%, and includes a schedule of required repairs/improvements to the site. Ms. Lichtenbaum recommended the City Council adopt Resolution No. 27-11 to approve Amendment #6 to the lease agreement for Lease Site 87-88/87W-88W, the Outrigger Restaurant, located at 833 Embarcadero.

MOTION: Councilmember Borchard moved the City Council adopt Resolution No. 27-11 to approve Amendment #6 to the lease agreement for Lease Site 87-88/87W-88W, the Outrigger Restaurant, located at 833 Embarcadero. The motion was seconded by Councilmember Smukler and carried unanimously. (4-0-1)

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D-3 DISCUSSION OF POLICIES AND PROCEDURES REGARDING ABSENCES
FROM PLANNING COMMISSION; (CITY COUNCIL)

Councilmember Borchard stated the Planning Commission allows for members to formally request permission to be absent from three regular meetings per year pursuant to Morro Bay Municipal Code Section 2.28.100. Similarly City Council Resolution 10-06 addresses attendance requirements for boards, stating absence of four meetings in a consecutive 12-month period will constitute the voluntary resignation of the absent member. At the March 16th Planning Commission meeting, a request was made and granted to Planning Commissioner Diodati to be excused (or be late) for the next five Planning Commission meetings. The concern regarding the issue is twofold. First, this action would set a precedent in allowing a Board or Commission to override the set policies of the City on absenteeism as outlined in Resolution 10-06. Second, in regard to “doing the business of the City”, the Planning Commission plays a vital role in land use decisions. It is important, when possible, that the applicant appearing before the Commission have a full board, hearing their project request. Councilmember Borchard recommended the City Council require the Planning Commissioner to adhere to the policies for advisory bodies and meet the attendance requirement or declare the position vacant.

Mayor Yates stated everyone respects John Diodati as a valuable citizen, and no one questions his integrity. He said the City’s municipal code states the Planning Commission serves at the discretion of the City Council.

Councilmember Borchard stated she did vote for John Diodati’s appointment to the Planning Commission two years ago, and she did not support his removal from the Planning Commission last December when there were two remaining Commissioners. Councilmember Borchard stated this issue is about the attendance requirement, and providing due process to the community and applicants with a full Planning Commission. She referred to Morro Bay Municipal Code Section 2.28.100 that states: “Absence of a member from three regular meetings during the calendar year without formal consent of the planning commission noted in its official minutes constitutes the voluntary resignation of such absent member and the position shall be declared vacant.” Councilmember Borchard stated Commissioner Diodati’s request to arrive late to Planning Commission meetings would not provide him the information from public comment or discussions that the other Commissioners would have received prior to his arrival that they would be voting on.

Councilmember Johnson stated this has nothing to do with Commissioner Diodati’s character or ability to perform his duties as a Planning Commissioner. She said applicants that come before a Planning Commission deserves the attention of a full Commission. Councilmember Johnson stated by accepting a commitment to be a member of a City commission or board, especially the Planning Commission, you must be available to attend the meetings.

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Councilmember Leage stated this issue is not about integrity, but about taking responsibility to the commitment of being on the Planning Commission.

Councilmember Smukler stated the City Council created a conflict by changing the meeting dates of the Planning Commission without consulting them, and the Council should reconsider this issue as a one-time event.

MOTION: Councilmember Borchard moved the City Council request the Planning Commissioners attend the required Planning Commission meetings when the meeting is called to order, with no more than three (3) absences per year; if not, declare the position vacant. The motion was seconded by Councilmember Johnson and carried with Councilmember Smukler voting no. (4-1)

**D-4 DISCUSSION OF REALLOCATION OF HARBOR FUNDS FOR THE
EMBARCADERO BANNER PROJECT; (CITY COUNCIL)**

Mayor Yates stated for the past several months the City as well as other local groups have focused on repair, maintenance and beautification efforts on streets, sidewalks, parks and planters to make the City more attractive to both residents and visitors. Within the next few weeks, PG&E will be repainting the street lights along the Embarcadero. The next proposed step for beautification is installing colorful banners along the Embarcadero on these poles. The goal of the banner committee is to secure the banners, hardware, and installation at the lowest possible price while keeping quality (longevity) in mind. Should the City Council agree to this expenditure, it will be scheduled to occur prior to Memorial Day 2011. Mayor Yates recommended the City Council approve up to \$25,000 of funds from the Harbor Budget for the purchase of four sets of decorative banners for the Embarcadero street light poles.

MOTION: Mayor Yates moved the City Council approve up to \$25,000 of funds from the Harbor Budget for the purchase of four sets of decorative banners for the Embarcadero street light poles, brackets and installation. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

E. DECLARATION OF FUTURE AGENDA ITEMS

Mayor Yates requested the regulations on A-Frame Signs be scheduled for the April 26, 2011 City Council meeting.

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ADJOURNMENT

The meeting adjourned at 10:45 p.m.

Recorded by:

Jamie Boucher
Deputy City Clerk