

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – NOVEMBER 8, 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

Mayor Yates adjourned the meeting to Closed Session and read the Closed Session Statement.

Mayor Yates read the Closed Session Statement.

CS-1 **GOVERNMENT CODE SECTION 54957; PERSONNEL ISSUES**
Discussions regarding Personnel Issues including one (1) public employee regarding evaluation, specifically the City Attorney.

The meeting adjourned at 5:50 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – NOVEMBER 8, 2011
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
	Bridgett Kessling	City Clerk
	Eric Endersby	Harbor Operations Manager
	Rob Livick	Public Services Director
	Bryan Millard	Police Commander
	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

Susan MacDonell, General Manager for MV Transportation announced the trolley will provide rides to and from the 14th Annual Thanksgiving Dinner from 12:30 p.m. – 4:00 p.m. She also reviewed the new Morro Bay Transit bus stops, routes and times.

Garry Johnson stated Santa Claus will be available for photographs at the Morro Bay Merchant's Fair on November 27th; funds collected from the photographs will go towards the San Luis Obispo County Women's Shelter. He also announced the Morro Bay Photo Expo is scheduled for March 29, 2012 and on-line registration is available.

Craig Schmidt, Executive Director of the Morro Bay Chamber of Commerce, announced the Lady Washington Tall Ship will be in the Morro Bay harbor November 17th-20th.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – NOVEMBER 8, 2011

He also announced the Morro Bay Expo and Mixer in conjunction with the San Luis Obispo Food Bank will be held on November 17th, and requested donations be made to help families in need over the holidays. Mr. Schmidt thanked those who helped with the Downtown Lighting Project.

Kevin Rice referred to the Air Pollution Control Board Dust Study stating it is not valid or correct. He noted there are serious issues with dust problems with a 20,000 acre area and the study focuses on 1,200 acres.

John Barta read a letter from Richard S. Otto to the Secretary of Commerce in Washington D.C. regarding obtaining a permit to build an incline railway and resort at Morro Rock in 1924. He also suggested people go out to the annual celebration at the Point San Luis Lighthouse on December 10th.

Mayor Yates 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 MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF OCTOBER 25, 2011; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 AUTHORIZATION TO SUBMIT APPLICATIONS FOR CALRECYCLE GRANTS FOR RUBBERIZED PAVING; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 71-11 authorizing the Public Services Director to pursue the submittal of applications to CalRecycle for all grants for which the City of Morro Bay is eligible.

A-3 APPROVE THE ADOPTION OF ORDINANCE NO. 574 AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF MORRO BAY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (GOVERNMENT CODE SECTION 20475 - DIFFERENT LEVEL OF BENEFITS), SECTION 21353 (2% @ 60 FORMULA), AND SECTION 20037 (THREE YEAR FINAL COMPENSATION) FOR LOCAL MISCELLANEOUS MEMBERS ONLY; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Ordinance No. 574.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – NOVEMBER 8, 2011

A-4 APPROVAL OF THE LEGAL ASSISTANT/DEPUTY CITY CLERK AND ACCOUNTING TECHNICIAN JOB DESCRIPTIONS AND AUTHORIZATION TO HIRE AN ACCOUNT CLERK I/II; (ADMINISTRATION)

RECOMMENDATION: Approve two new job descriptions, the Legal Assistant/Deputy City Clerk and the Accounting Technician; and, authorize the hiring of an Account Clerk I/II position at ¾ time.

Councilmember Smukler pulled Item A-4 from the Consent Calendar.

MOTION: Councilmember Smukler moved the City Council approve the Consent Calendar with the exception of Item A-4. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

Councilmember Leage stepped out of the meeting.

A-4 APPROVAL OF THE LEGAL ASSISTANT/DEPUTY CITY CLERK AND ACCOUNTING TECHNICIAN JOB DESCRIPTIONS AND AUTHORIZATION TO HIRE AN ACCOUNT CLERK I/II; (ADMINISTRATION)

Councilmember Smukler pulled this item in order for the City Manager to review the internal reorganization of the City's Administrative Services Department, and describe the job description changes for public information.

MOTION: Councilmember Smukler moved the City Council approve Item A-4 of the Consent Calendar. The motion was seconded by Councilmember Johnson and the motion carried with Councilmember Leage absent. (4-0-1)

Councilmember Leage returned to his seat.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 APPEAL OF THE PLANNING COMMISSION'S DECISION TO CONDITIONALLY APPROVE CONDITIONAL USE PERMIT UP0-233 AND COASTAL DEVELOPMENT PERMIT CP0-285 WHICH ALLOWED THE CONSTRUCTION OF A NEW 2-STORY, SPLIT LEVEL, 3,256-SQUARE FOOT RESIDENTIAL STRUCTURE INCLUDING AN ATTACHED 2-CAR 920-SQUARE FOOT GARAGE, 745-SQUARE FEET OF DECKING DECKS, AND A 711-SQUARE FOOT SECONDARY LIVING UNIT; (PUBLIC SERVICES)

MOTION: Councilmember Borchard moved the City Council continue this public hearing to the December 13, 2011 City Council meeting. The motion was seconded by Councilmember Johnson and carried unanimously. (5-0)

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – NOVEMBER 8, 2011

B-2 ORDINANCE NO. 575 AMENDING MORRO BAY MUNICIPAL CODE SECTION 5.04.330 REGARDING THE PROCEDURE FOR SUBMITTING CERTAIN BUSINESS LICENSE APPLICATIONS TO THE CHIEF OF POLICE AND CITY COUNCIL - INTRODUCTION AND FIRST READING; (CITY ATTORNEY)

City Attorney Robert Schultz stated Morro Bay Municipal Code (MBMC) Section 5.04.330 regulates and requires a separate City Council public hearing prior to the issuance of a business license for the following businesses: arcade, carnival, circus, money lending, pawnbroker, massage parlor, tent show and private patrol service. MBMC Section 5.04.330 also requires these businesses to annually undergo a public hearing before the City Council to obtain renewal of their business license. Ordinance 575 would eliminate the annual public hearing before the City Council for these businesses. The proposed amendments to MBMC 5.04.330 only relate to obtaining a business license. These businesses will still have to comply with the requirements of approvals granted under the City's zoning code in regard to use permits. Mr. Schultz recommended the City Council approve the introduction and first reading of Ordinance No. 575, by number and title only, amending Morro Bay Municipal Code Section 5.04.330.

Councilmember Smukler stated he voted in opposition to this item at the last City Council meeting due to concern with the public comment process; however, he has found there will be time for public comment during the permit process.

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

MOTION: Councilmember Johnson moved the City Council approve the introduction and first reading of Ordinance No. 575, by number and title only, amending Morro Bay Municipal Code Section 5.04.330 regarding the procedure for submitting certain business license applications to the Chief of Police and City Council. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

City Manager Andrea Lueker read Ordinance No. 575 by number and title only.

C. UNFINISHED BUSINESS – NONE.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – NOVEMBER 8, 2011

D. NEW BUSINESS

D-1 DISCUSSION OF IMPROVEMENTS FOR PEDESTRIAN ACCESS FROM THE
“ROCK” PARKING AREA TO THE BEACH; (PUBLIC SERVICES)

Public Services Director Rob Livick stated at the August 23, 2011 meeting of the City Council, Councilmember Smukler requested that the subject of beach access from the Rock parking lot down to the beach area near the “wet sand” be ajenized and brought back to Council for discussion. Improvements recommended in the approved Waterfront Master Plan include a stair access from the parking lot to the beach level. Development of stairs for the able bodied without accommodations for the disabled are problematic and could expose the City to potential legal action under the American with Disabilities Act (ADA). In order to comply with ADA, in addition to the stair way a ramp would need to be constructed to accommodate both users. Development of a beach access ramp from the Rock parking lot to the beach will need to meet the Federal Access Board requirements for beach access. Additionally, the landing will need to be able to withstand the wave action during the winter storm season. The area proposed for the development of the access is within the Coastal Commission’s original jurisdiction and will require a Coastal Permit issued by the California Coastal Commission along with the required local permitting. Additionally, the project will require a specialized foundation design by an engineer with specialty in coastal engineering due to the impact of wave action. Mr. Livick recommended the City Council discuss the potential project and provide direction to staff to schedule this item for review at the Recreation and Parks Commission and the Public Works Advisory Board and return to City Council with recommendations.

Councilmember Smukler shared photographs taken by a citizen at the Morro Rock beach, and discussed different options on how to provide the public with an access to the beach.

Councilmember Leage announced architects Bill and Toni Woody who drew plans for improvements of the overall Morro Rock area. Mr. Woody reviewed the plans for Council and the public’s information. He said the design is proposed to be done in stages.

Councilmember Borchard stated it is a good conceptual plan. She referred to the Waterfront Master Plan prepared by RRM Designs, and asked how this plan would work with the Waterfront Master Plan.

Councilmember Johnson stated she supports both of these issues moving forward to the City’s Recreation & Parks Commission, Harbor Advisory Board and Public Works Advisory Board as separate items. She said the proposed ramp should not be contingent on the conceptual plan prepared by Mr. and Mrs. Woody. Councilmember Johnson stated the conceptual plan should be considered as a contingency to the Coleman Park project.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – NOVEMBER 8, 2011

Councilmember Borchard stated she agrees that the ramp should be considered separately; it is an issue of accessibility to the beach. The proposed concept plan is more of aesthetics and should be considered with the other plans that have been prepared.

Mayor Yates stated both plans should move forward as separate items.

MOTION: Councilmember Smukler moved the City Council: 1) submit the ramp concept to the Recreation & Parks Commission, Public Works Advisory Board and Harbor Advisory Board for their comments and feedback; 2) staff begin initial dialog with local engineers regarding the best placement of the ramp; and 3) separately submit to the Recreation & Parks Commission, Public Works Advisory Board, and Harbor Advisory Board the review of the Morro Rock development in conjunction with the Target Rock and Coleman Park Concept and Master Plans. The motion was seconded by Councilmember Johnson and carried unanimously. (5-0)

E. DECLARATION OF FUTURE AGENDA ITEMS – None.

ADJOURNMENT

The meeting adjourned at 7:17 p.m.

Recorded by:

Bridgett Kessling
City Clerk