

AGENDA NO: A-1a

MEETING DATE: 1/8/2013

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – DECEMBER 11, 2012
VETERAN’S MEMORIAL HALL – 6:00P.M.

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

PRESENT:	Jamie Irons	Mayor
	Christine Johnson	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Jamie Boucher	City Clerk
	Rob Livick	Public Services Director
	Amy Christey	Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Eric Endersby	Harbor Director
	Joe Woods	Recreation & Parks Director
	Kathleen Wold	Planning Manager

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 Shultz reported that City Council met in Closed Session and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

Gary Hixson wished those listening, a Merry Christmas. He is back in town now and hopes to be more active.

Linda Fidel spoke commending the street maintenance staff for fixing a majority of her street in the Atascadero Beach tract.

Nancy Bast spoke on the waterfront lease sites which are public property that the State Lands Commission has jurisdiction over and grants the City the granted administration over them for the public good. She feels the public has been kept in the dark about the conditions found in the leases as they are negotiated for behind closed doors and usually only appear on the Consent Calendar. She feels it’s important to have diversity of interests on the Embarcadero. She is also concerned about the physical condition of the revetments under the docks; she is fearful that they pose a safety concern.

Girl Scouts Lillian Caneville, Amanda Leary, Cassie Orzak, Hope Whelan, Mikela Avila, Kylie Applebee, and Elena Whitmore all introduced themselves and announced how old they were, what grade they were in and how many years they had been a part of Girl Scouts.

Belinda Reyna, the Leader of Girl Scout Troop 40021, thanked Council for the honor of performing the meeting's Opening Flag Ceremony. The Morro Bay Girl Scouts have been involved in many community events over the years. They can always use adult volunteers.

Heather Vesterfelt, the Girl Scout Board Chairperson for the California Central Coast spoke on the attributes of being a girl scout. It takes courage, confidence and character to both, step up and lead, as well as be a part of such a wonderful organization.

John DiNunzio, Morro Bay's Economic Development Program Coordinator spoke highlighting/clarifying/defining what Economic Development really is. He was also here to plug a new initiative - the need to prepare our businesses for a potential disaster – the Chamber is putting together packets of useful information. He extended an invitation to each individual member of the Council to meet with him and individual business owner(s) once a month for the next 6 months.

Alex Beattie spoke on the WWTP issue. He feels that any site that doesn't encompass 100% reclamation is not a good site. It is both the socially and environmentally right thing to do. He also feels our consultant has grossly overstated the costs. He asked Council to assign staff to find out where the high salinity of the water is coming from.

Penny Harrington announced a new organization, Wellness Community Morro Bay. The formation of this organization establishes Morro Bay as a destination for people to come for wellness services. They meet Monday's at 10:30am at the Green Lotus Healing Center. On January 19th, there will be an all-day tour of Morro Bay wellness facilities and encouraged people's attendance.

Nancy Castle talked about having fun in Morro Bay. To that end, St. Peters by the Sea is holding Supper and Singing at the church the 3rd Friday of every month and encouraged all interested to attend. She is also in the planning stages of a Sock Hop event to be held during the Annual Morro Bay Car Show.

John Diodati spoke on the WWTP issue. He feels the newly seated Councilmembers victory was attributed to their position on the WWTP project. He wants the truth as well as the best decision for the community to be made. He stressed the need to know real costs, to look for additional financing methods, and didn't feel that the Water Quality Regional Control Board will be fining us as is being asserted.

Betty Winholtz concurs with Mr. Diodati's comments. She also spoke on Item A-1, Annual Report on Unfunded Liabilities in Vacation and Sick Leave Accruals. She doesn't feel that the staff report addresses the issue as the Grand Jury Report states that the City is not following their own policies. She also acknowledged Ms. Bast's comments about the lease sites feeling the lease site negotiations need to be done more publicly. She also spoke on the lease sites being approved tonight, there is language that the City was able to have the Coastal Commission

approve which alters the language of Measure D. She feels this is an issue the Council, at some point, will need to address.

Jane Von Keohe spoke of a tragic event that occurred at the Dog Park. She appealed to the public to help find the dog that attacked her dog back on November 17th. She pledged to do everything possible to prevent this from ever happening again.

Steve Eckis, Member of the Morro Bay Pups Board is heartbroken over Jane's loss. The Morro Bay Pups has pledged to do everything possible to prevent this from ever happening again. He also still believes the dog park is a wonderful asset to the community and a safe place for your dogs.

Mayor Irons closed the public comment period.

A. CONSENT CALENDAR

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

A-1 ANNUAL REPORT ON UNFUNDED LIABILITIES IN VACATION AND SICK LEAVE ACCRUALS; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Informational item only.

A-2 DELAYED PROJECT STATUS REPORT; (ADMINISTRATION)

RECOMMENDATION: Informational item only.

A-3 RESOLUTION NO. 58-12 ESTABLISHING TRANSACTION OFFICERS FOR DOING BUSINESS WITH RABOBANK; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 58-12.

A-4 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA AMENDING THE COUNCIL POLICIES AND PROCEDURES MANUAL REGARDING ELECTRONIC MAIL (EMAIL), THE PUBLIC RECORDS ACT AND THE BROWN ACT; (CITY ATTORNEY)

RECOMMENDATION: Adopt Resolution 64-12.

A-5 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA APPROVING AMENDMENT #4 TO THE LEASE AGREEMENT FOR LEASE SITES 124-128/124W-128W AND 113W LOCATED AT 1215 EMBARCADERO; (CITY ATTORNEY)

RECOMMENDATION: Adopt Resolution 60-12.

A-6 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA APPROVING AMENDMENT #3 TO THE LEASE AGREEMENT FOR LEASE SITES 110W-112W AND 20' OF THE EASTERLY PORTION OF LEASE SITE 111.5W LOCATED AT 1185 EMBARCADERO; (CITY ATTORNEY)

RECOMMENDATION: Adopt Resolution 61-12.

A-7 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY CALIFORNIA APPROVING AMENDMENT #3 TO THE LEASE AGREEMENT FOR LEASE SITES 122-123/122W-123W LOCATED AT 1205 EMBARCADERO; (CITY ATTORNEY)

RECOMMENDATION: Adopt Resolution 62-12.

A-8 APPROVAL OF ASSIGNMENT OF THE LEASE AGREEMENT FOR LEASE SITE 129W-131W FROM THE MORRO BAY FISH COMPANY TO CENTRAL COAST SEAFOOD; (HARBOR)

RECOMMENDATION: Adopt Resolution 63-12 Approving the Assignment of the Lease Agreement.

A-9 A PROCLAMATION DECLARING DECEMBER 20TH "HOMELESS PERSONS' MEMORIAL DAY"; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

Councilmember Smukler pulled Item A-1 from the Consent Calendar.

Mayor Irons pulled Items A-5, A-6 and A-7.

MOTION: Councilmember Smukler moved the City Council approve Items A-2, A-3, A-4, A-8 and A-9 of the Consent Calendar as presented. The motion was seconded by Councilmember Nancy Johnson and carried unanimously 5-0.

A-1 ANNUAL REPORT ON UNFUNDED LIABILITIES IN VACATION AND SICK LEAVE ACCRUALS; (ADMINISTRATIVE SERVICES)

Councilmember Smukler pulled this item for explanation from staff. Both Administrative Services Director Susan Slayton and City Manager Andrea Lueker clarified the issue by outlining the various employee group's accrual caps, went over City policy which has been followed throughout as well as stating that the Grand Jury's report had inaccuracies in it. Councilmember Christine Johnson encouraged employees to take vacations as she feels they are important for a person's well-being.

MOTION: Councilmember Smukler moved for approval of Item A-1 as presented. The motion was seconded by Councilmember Christine Johnson and carried unanimously 5-0.

A-5 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA APPROVING AMENDMENT #4 TO THE LEASE AGREEMENT FOR LEASE SITES 124-128/124W-128W AND 113W LOCATED AT 1215 EMBARCADERO; (CITY ATTORNEY)

A-6 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA APPROVING AMENDMENT #3 TO THE LEASE AGREEMENT FOR LEASE SITES 110W-112W AND 20' OF THE EASTERLY PORTION OF LEASE SITE 111.5W LOCATED AT 1185 EMBARCADERO; (CITY ATTORNEY)

A-7 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY CALIFORNIA APPROVING AMENDMENT #3 TO THE LEASE AGREEMENT FOR LEASE SITES 122-123/122W-123W LOCATED AT 1205 EMBARCADERO; (CITY ATTORNEY)

Mayor Irons asked for clarification from City Attorney Rob Schultz. Mr. Schultz stated that these amendments only reflect clean-up amendment language for the lease sites. These amendments have been approved by the Coastal Commission and per the Coastal Commission requirements; the City must now include these conditions as part of the lease agreement.

Councilmember Leage stepped down from the dais as he has a conflict of interest in these items.

MOTION: Councilmember Nancy Johnson moved for approval of Items A-5, A-6 and A-7 as presented. The motion was seconded by Councilmember Christine Johnson and carried 4-0 with Councilmember Leage not voting.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 PUBLIC HEARING PURSUANT TO RESOLUTION 57-12 REGARDING CITY'S INTENTION TO SELL THE CITY-OWNED PROPERTY AT 1320 MAIN STREET JUST SOUTH OF HIGHWAY ONE IN MORRO BAY, CALIFORNIA; (CITY ATTORNEY)

City Attorney Rob Schultz presented the staff report.

Mayor Irons opened the hearing for public comment; seeing none, the public hearing was closed.

MOTION: Councilmember Smukler moved to Approve Resolution 65-12. The motion was seconded by Councilmember Leage and carried 5-0.

B-2 UP0-342; 901-915 EMBARCADERO; A REQUEST FOR A CONDITIONAL USE PERMIT FOR A CONCEPT PLAN TO MAKE VARIOUS IMPROVEMENTS TO AN EXISTING FACILITY, ADD DOCKAGE; TO APPROVE AND CERTIFY A MITIGATED NEGATIVE DECLARATION ON THE PROJECT; (PUBLIC SERVICES)

Planning Manager Kathleen Wold presented her staff report.

Cathy Novak, representative for the applicant, Smith Held, made her presentation.

Mayor Irons opened the hearing for public comment.

Betty Winholtz responded to some of the comments made. She feels there are 4 specific issues to deliberate on. First, getting extended use into the water that other applicants haven't had, avoid hurting the eel grass and the wisdom of pile driving; secondly is an aesthetic one as she doesn't feel the building is attractive; the third issue is parking; and, finally the project needs to be held to the lighting standard.

Mayor Irons closed public comment.

Councilmember Christine Johnson stated that the Harborfront Master Plan encourages opportunities for more boating, better view corridors, and coastal access. She isn't bothered by seeing the equipment on the roof of the building and would rather see the awning shorter if it means a better view of the rock.

Councilmember Nancy Johnson emphasized that this is a concept plan, and a well thought out concept plan at that. She feels the need to move this onto the Coastal Commission as the project will increase retail space as well as number of boat slips.

Councilmember Smukler stated that overall it is a nice project as increased boating opportunities and renovation of existing structures is always a good idea. He too wants to keep the rock views and not increase the height limit of the building/awning. He is also sensitive to the extension into the bay and would like to also see, as a condition of approval, approvals by the City, the State Lands Commission and the Army Corp of Engineers. He would also like to strengthen the monitoring program of the eel grass as much as possible.

Mayor Irons feels a good compromise would be to keep the first front 1/3rd of the awning as is and then drop to 14 feet the remaining awning out to the water so as not to take away the view of the rock.

Councilmember Christine Johnson stated that she doesn't feel this project presents a parking problem.

MOTION: Mayor Irons moved to approve UPO-342, 901-915 Embarcadero with amended conditions to include approval of the Harbor Department and the Army Corp of Engineers of the Navigation Channel concept and have the Harbor Street side of the awning remain at 15.2 feet for the first 1/3rd and then drop down to 14 feet height limitation for the remaining distance to the water; approve and certify the Mitigated Negative Declaration as amended by the Planning Commission at their November 7, 2012 meeting; approve the attached monitoring program; and, approve the Conditional Use Permit for the Concept Plan, including the Findings and Conditions in Exhibits A and B as stated by staff. The motion was seconded by Councilmember Christine Johnson and carried unanimously 5-0.

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS - NONE

E. DECLARATION OF FUTURE AGENDA ITEMS -

Mayor Irons requested staff bring back the Management Partners Assessment from 2008 for discussion and possible updating for 2013; there was consensus from Councilmembers Smukler and Christine Johnson.

Mayor Irons requested a Special JPA Meeting to be held on January 2nd or 3rd for informational purposes of the new Councilmembers as well as to provide an update, to visit the contracts for the consultants and to discuss direction from the current Councilmembers; there was consensus from Councilmembers Smukler and Christine Johnson.

Mayor Irons requested a Public Goal Setting Workshop as well as a Council Goal Setting Workshop be scheduled; there was consensus from Councilmembers Smukler and Christine Johnson.

Mayor Irons requested a Resolution changing the title of the Delayed Project Status Report to the Project Status Report; there was consensus from Councilmembers Smukler and Christine Johnson.

Councilmember Nancy Johnson requested an agenda item for the formation of a committee to begin planning the City's 50th Anniversary Celebration; there was consensus from Mayor Irons and Councilmembers Smukler and Christine Johnson.

Councilmember Smukler requested a review of the last 2 Resolutions on the reduction of impact fees to either update or adjust; there was consensus from Mayor Irons and Councilmember Christine Johnson.

Councilmember Smukler requested bringing back an agenda item for a Pilot Neighborhood Traffic Management Plan for the Island Streets area; there was consensus from Mayor Irons and Councilmember Christine Johnson.

ADJOURNMENT

The meeting adjourned at 8:23 p.m.

Recorded by:

Jamie Boucher
City Clerk