

AGENDA NO: A-1

MEETING DATE: 4/9/2013

MINUTES – MORRO BAY CITY COUNCIL
SPECIAL MEETING – MARCH 26, 2013
VETERAN’S MEMORIAL HALL – 5:00PM

Mayor Irons called the meeting to order at 5:00pm.

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
	Steve Knuckles	Fire Chief
	Eric Endersby	Harbor Director
	Susan Slayton	Administrative Services Director
	Joe Woods	Recreation & Parks Director

Mayor Irons opened up the public comment period; seeing none, public comment was closed.

ITEM: 2013 GOAL SETTING WORKSHOP MAJOR CITY GOAL RESULT OUTLINES

GOAL #1 - DEVELOP A NEW WATER RECLAMATION FACILITY (WRF)

Discussion was held by Council: -under “Brief Discussion”, add to c. ...timeline, **community support/buy-in**; add f. **Opportunities: Community support and communication, diversify the City’s water supply**; under “Key Tasks” add a g. **Engage public in all possible phases**; add an h. **Provide quarterly status report**.

GOAL #2 - IMPROVE STREETS

Discussion was held by Council: -under “Action Plan, Key Tasks” add to a. ...**and revise to include day to day maintenance activities**; add a d. **Continue to maintain and improve streets – thru 2014**; add an e. **Complete a Street Summit Report/Meeting Annually (Jan)**

GOAL #3 - UPDATE PLANS FOR CURRENT AND FUTURE LAND USE NEEDS

Discussion was held by Council: -under “Action Plan, Key Tasks” b. add to the end ... planning) **or contract for project**; d. add to the end ...update, **strategies and review options**.

MOTION: Councilmember Nancy Johnson moved to continue this meeting to after the conclusion of the regular meeting. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 26, 2013
VETERAN’S MEMORIAL HALL – 6:00P.M.

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

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE
PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT – City Attorney Robert Shultz reported that City Council met in Closed Session on the following items: 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 315 Main Street, Meisterlin and City of Morro Bay; and, Conference with Legal Counsel regarding pending litigations, Government Code Section 54956.9(a), Meisterlin v City of Morro Bay. No reportable action under the Brown Act was taken.

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS &
PRESENTATIONS
PUBLIC PRESENTATIONS

PUBLIC COMMENT

Elena Ramos presented the Morro Bay business report. The John Ramos Gallery has opened up at 407 Morro Bay Blvd. They are open Tuesdays – Sundays from 11-5pm. They wanted to thank everybody for the warm welcome they have received since their opening. She also announced that on April 18th they will be holding the Del Mar PTA Chamber Mixer from 530-730pm.

Brian Stacy stated that there continues to be no public outreach from the Nature Conservancy and the Fishing Community Quota to make sure everybody is notified of events. This speaks to public corruption and the need to self-police ourselves to ensure there is opportunity for all.

Ken Vesterfelt announced the 3rd Annual Emergency Vehicle Car Show being held on Saturday, April 20th, as well as the Morro Bay Car Show being held on May 3rd, 4th and 5th. Dennis Gage, the host of “My Classic Car with Dennis Gage” will be in Morro Bay the weekend of the car show which is a big boom for the event and the City. He also urged those attending the Annual Yard Sale to drive safely.

Hank Roth spoke advertising the Annual Yard Sale being held April 6th and 7th. The last day to sign up in order to be placed on the map is March 27th. You can contact the Chamber at 772-4467 with any questions. Morro Bay Beautiful will be hosting their own yard sale fundraiser at 2360 Main Street. He cautioned drivers and yard sellers to be extra cautious as there will be lots of people in town over the weekend.

Sy Tenenberg thanked Morro Bay businesses and residents who have helped him in his efforts to get care packages to the troops overseas. Morro Bay has been a part of sending over 300 boxes to the troops and he himself has been responsible for sending over 9500 boxes overseas. He especially thanks the Dollar Store for their efforts.

Wanda Durrick announced the Annual Yard Sale stating that the deadline to register is March 27, 2013. The cost to register is \$10 and by doing so, your sale will be placed on the map with your address clearly marked, you will also receive an official sign.

Garry Johnson attended the Harbor Lease Site Study Session. He was dismayed when the topic of the aquarium came up, he feels that the Tylers have given so much to this community; they should be allowed to stay.

Haley Revlee and Maya Burton, student representatives from Del Mar Elementary School, thanked the many businesses for so generously helping and sponsoring their 2013 Jog-a-thon.

Sandy Tannler spoke on the lack of signage for the new Visitor's Center. She asked when it would be coming and when it would be put up.

Keith Taylor spoke on the upcoming Morro Bay Car Show. This year you can purchase/sponsor a trophy for the show's entrants for a very nominal fee. The money raised goes to the Morro Bay Police Explorers Post #43.

Sid Symington, the new Rector of St. Peters Episcopal Church introduced himself. He is glad to be here. He holds services on Sundays at 8am and 1030am.

Betty Winholtz announced that the Methodist Church will be holding a mini car show on Saturday, April 13th. They will be serving homemade soups and sandwiches. Their address is 3000 Hemlock and the event will take place in the morning.

Joan Solu thanked all those who attended the Dixon's Spaghetti Feed. She also thanked Joe Woods and his staff for all their hard work. They presented a special award to Marlene Peters who has been involved with the Community Foundation for many, many years.

Brad Snook of the local Surfrider Foundation announced a benefit concert being held on April 13th in Shell Beach. They will be showing 5 films, there will be a raffle, live music, food and drink. Admission is \$15 at the door; the event goes from 6-9pm.

Bill Martoney thanked Council and staff for holding the Harbor Lease Site workshop. It was extremely well attended, the discussion was great and staff made a good presentation. He was disappointed that AGP didn't film it. He also questioned the closed session item regarding activities going on at 315 Main Street.

Mayor Irons closed the public comment period.

A. CONSENT AGENDA

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 THE CITY COUNCIL MEETING OF MARCH 12, 2013; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 QUARTERLY PROJECT STATUS REPORT; (ADMINISTRATION)

RECOMMENDATION: Informational item only.

A-3 STATUS REPORT OF A MAJOR MAINTENANCE & REPAIR PLAN (MMRP) FOR THE EXISTING WASTEWATER TREATMENT PLANT (PUBLIC SERVICES)

RECOMMENDATION: Staff recommends that this report be received and filed.

A-4 APPROVAL OF A BUDGET ALLOCATION FOR GANGWAY REPAIR AT THE SOUTH LAUNCH RAMP (TIDELANDS PARK) COMMERCIAL BOAT SLIPS; (HARBOR)

RECOMMENDATION: Approve a Harbor Department budget amendment to allow repairs to the slip gangway approach walkway to the City slips on the south side of the public launch ramp at Tidelands Park.

A-5 A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY DECLARING MARCH 31 – APRIL 6, 2013 AS “CHILDHOOD CANCER AWARENESS WEEK”; (ADMINISTRATION)

RECOMMENDATION: Approve Proclamation.

Mayor Irons opened up the public comment period for items on the Consent Calendar; seeing none, public comment was closed.

Mayor Irons pulled Items A-2 and A-4 from the Consent Calendar.

MOTION: Councilmember Nancy Johnson moved the City Council approve Items A-1, A-3, and A-5 of the Consent Calendar as presented. The motion was seconded by Councilmember Christine Johnson and carried unanimously 5-0.

A-2 A-2 QUARTERLY PROJECT STATUS REPORT; (ADMINISTRATION)

Mayor Irons pulled this item to ask staff questions.

MOTION: Mayor Irons moved for approval of Item A-2, Quarterly Project Status Report. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

A-4 APPROVAL OF A BUDGET ALLOCATION FOR GANGWAY REPAIR AT THE SOUTH LAUNCH RAMP (TIDELANDS PARK) COMMERCIAL BOAT SLIPS; (HARBOR)

Mayor Irons pulled Item A-4 so that Harbor Director Eric Endersby had a chance to provide an oral presentation for informational purposes.

MOTION: Mayor Irons moved for approval of Item A-4, Approval of Budget Allocation for Gangway Repair at the South Launch Ramp Commercial Boat Slips. The motion was seconded by Councilmember Christine Johnson and carried unanimously 5-0.

B. PUBLIC HEARINGS - NONE

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS

D-1 REQUEST FOR A FEE WAIVER FOR BOAT SLIP FEES – BRIAN STACY; (HARBOR)

Harbor Director Eric Endersby presented the staff report.

Applicant Brian Stacy presented his case.

Mayor Irons opened up the public comment period for Item D-1.

Betty Winholtz spoke on behalf of Brian Stacy stating that he has put in an incredible amount of work representing the Morro Bay and Avila fishermen on the seismic testing issue. She doesn't know about waiving the total fees but maybe a percentage; hopefully the City can look at the months that he was so involved in the work on the seismic testing and make some adjustments.

Brad Snook agreed with Ms. Winholtz's comments in support of Brian. Brian was instrumental in providing information for articles appearing in the SLO Coast Journal.

Mayor Irons closed the public comment period for Item D-1.

Mayor Irons reopened the public comment period for Item D-1.

Brian Stacy stated that a break down occurs when information is given to City staff first; it doesn't get passed onto all fishermen, just a select few.

Bill Martoney wondered if there is a discrimination of this nature, it couldn't hurt to dig a little deeper to find out if this is or isn't so.

Mayor Irons closed the public comment period for Item D-1.

Mayor Irons wondered if staff had the leeway to waive the late fees; Mr. Endersby stated that the department has worked well with other slip holders with payment plans in addition to waiving late fees. Mayor Irons then spoke on the concept of waiving fees stating that would need to be done in the form of a claim against the City, otherwise the fees have to be the responsibility of the slip holder.

Councilmember Leage stated that this is a difficult topic as we try to help fishermen anytime we can. He feels it's best to try and work out a payment plan in order to get it caught up; he is also in favor of waiving the penalties. He went on to say that if we did this, it would set a precedent which would run us into a hard time.

Councilmember Christine Johnson stated that she has no doubts that Mr. Stacy is a passionate caretaker of our ocean and wants to commend the work he does on all our behalf. That being said, she could support waiving the penalties and setting up a flexible and reasonable payment plan.

Councilmember Nancy Johnson agrees with waiving the late fees, requiring him to begin making his current monthly slip payments and then setting up a payment plan to start catching up on the past due.

Councilmember Smukler agrees with his colleagues and hopes that Mr. Stacy will follow up with the Harbor Department in an effort to get him back in the water.

MOTION: Mayor Irons moved to direct staff to waive the late fees for Mr. Stacy and set up a payment plan to even up his slip fee tab. The motion was seconded by Councilmember Christine Johnson and carried unanimously 5-0.

D-2 DISCUSSION ON THE STATUS OF THE PLANNING COMMITTEE'S PROGRESS FOR THE CITY'S 50TH ANNIVERSARY; (ADMINISTRATION)

Joan Solu and Susan Stewart, representing a local citizen's group, presented a concept plan for the City's 50th Anniversary Celebration to see if there was City interest. The City's 50th Anniversary is July 17, 2014. This group is laying groundwork for a possible launch in 100 days with up to 18 months filled with special activities and events spotlighting Morro Bay's unique qualities.

Councilmember Nancy Johnson brought this forward as a Council item. She would like to see a Proclamation/Resolution supporting this event. She loves all the ideas brought forth; she also loves the outreach to the community. She supports this wholeheartedly and would like to volunteer to be a Council liaison to the committee.

Mayor Irons opened up the public comment period for Item D-2; seeing none, the public comment period was closed.

Councilmember Christine Johnson is absolutely in support of the efforts and enthusiasm to date. She likes the idea of partnering with our current events.

Councilmember Smukler feels that 50 is significant, that the ideas are positive, he likes the incorporation of a theme into the year's events, he is also supportive of a Resolution as soon as possible. He does have some caution regarding City funding at this time.

Mayor Irons thought it would be good to provide some kind of kick-off notice letting the public know how they can help. He feels that coming back to Council in 30 days with a kickoff notice, an idea of what they plan on doing as well as a request for funding support would be appropriate.

Councilmember Nancy Johnson feels that waiting 30 days will work out as we are headed into our budget process. The most important thing is the recognition that this is a celebration of the incorporation of our City and it needs City support.

Councilmember Christine Johnson realizes that meeting places are often difficult to come by; the City could offer support by allowing meeting space free of charge.

By Council consensus, Councilmember Nancy Johnson and Leage were designated as City liaisons to the City's 50th Anniversary Celebration Committee.

MOTION: Mayor Irons moved staff bring back a Resolution in support of this event to include providing City facilities for meetings at no cost. The motion was seconded by Councilmember Nancy Johnson and carried unanimously 5-0.

D-3 APPROVAL OF THE SERVICE RETIREMENT INCENTIVE (SRI) PROGRAM; (ADMINISTRATIVE SERVICES)

Administrative Services Director presented the staff report

Mayor Irons opened up the public comment period for Item D-3.

Barry Brannin feels that this is a wonderful program but is not in favor of having the program continue in perpetuity. He feels it necessary to come back to Council every year.

Mayor Irons closed the public comment period for Item D-3.

Councilmember Smukler was also concerned about this program continuing in perpetuity. He wondered how we can ensure the cost savings are being tracked.

Councilmember Nancy Johnson stated that as long as they were getting an annual report, she is comfortable in the program as presented.

Councilmember Christine Johnson would be comfortable in putting a 2 year limit, she is uncomfortable with "in perpetuity".

Mayor Irons is struggling with the idea of incentivizing employees to retire.

Councilmember Smukler struggled with this program when it was first brought forward but he also realizes that the PERS rates at the higher percentages are more than we can sustain. He supports this program but not in perpetuity.

Mayor Irons would like to approve this annually as well as have staff come back with an annual detailed financial fiscal impact report.

MOTION: Councilmember Christine Johnson moved approval of the Service Retirement Incentive Program with an annual reporting requirement every July to include proper financial fiscal data. The motion was seconded by Councilmember Smukler and carried 3-2 with Councilmembers Nancy Johnson and Leage voting no.

D-4 CONSIDERATION OF THE ADDITION OF TWO MEMBERS FROM THE GENERAL PUBLIC FOR THE SELECTION OF A CONSULTANT FOR THE DEVELOPMENT OF A NEW WATER RECLAMATION FACILITY (WRF); (PUBLIC SERVICES)

Mayor Irons requested that Public Services Director Rob Livick present the staff report.

Mayor Irons opened up public comment for Item D-4.

Brad Snook stated that the Surfrider Foundation has been involved with this issue since before the appeal. Surfrider would like to continue being a part of the process and would encourage the City Council to have a seat available to a Surfrider member.

Mayor Irons closed public comment period for Item D-4.

Councilmember Nancy Johnson has serious concerns about the way this process has been set up. The turnaround time is too quick. She also feels that as a member of the Council who wasn't considered for the Selection Committee, she has concerns about how these committee members will be selected. She feels it could be a very one sided situation.

Councilmember Smukler stated that these appointments will be made by Council as a whole at a public meeting. The basic foundation in selecting this position is to get public buy-in as well as get as diverse a background and experience level as possible.

Mayor Irons reinforced that the selection process will be in a public forum and hopes this can be supported so that we can move forward. He was perplexed by Councilmember Nancy Johnson's assertions that she was excluded from the selection process.

Councilmember Nancy Johnson firmly believes in the public process. She also restated her concern about the turnaround time, April 2nd is only one week away; if we want to do this at the April 9th meeting, we should at least allow people to apply through the end of next week. She is also concerned that the 3-2 Council will select those that follow their agenda.

Councilmember Leage also feels that these people have already been selected.

Councilmember Christine Johnson feels there are mixed messages. Initially there was an impetus to “go, go, go” and now there is a request to slow down.

Councilmember Smukler gets the feeling that there is an assumption that this Council is pursuing the project like the last Council pursued the prior project – with a single focus. In going forward, it’s important to balance out the efforts. He recalls there was no specific sign of interest from either Councilmember Nancy Johnson or Leage to participate in the committee. If we can give more time to those hoping to apply, that would be fine but he feels we need to ensure the selection is made at the April 9th Council meeting. He is approaching this as trying to provide the best and most beneficial project possible for the City.

Mayor Irons brought this forward to provide additional public input. He views this as a 5 person Council and hopes to hear input from everybody, he welcomes everybody’s thoughts.

MOTION: Mayor Irons moved approval of Item D-4 with the idea of the selection committee to include 2 citizens; the application due date set at April 4, 2013 at 5:00pm, and is noticed on the website; and also asks Council to solicit applications from the public. The motion was seconded by Councilmember Smukler and passed 4-1 with Councilmember Nancy Johnson voting no.

D-5 DISCUSSION OF THE PUBLIC WORKS ADVISORY BOARD’S (PWAB) MEMO FROM THE STREETS SUMMIT MEETING; (PUBLIC SERVICES)

Public Services Director Rob Livick presented the staff report.

Mayor Irons opened the public comment period for Item D-5; seeing none, the public comment period was closed.

Councilmember Smukler was very impressed with the Street Summit itself. Many of the ideas are worthwhile and he would like to see them looked into. This problem is so large that he is also open to allowing the voters the opportunity to vote on a sales tax initiative, or at least explore those options. He also sees the need to update the Pavement Master Plan (PMP) as the day to day maintenance needs to be addressed. He would also like to see an Annual State of the Streets.

Councilmember Nancy Johnson understands the PMP needs to be updated/modified. She would like to leave the development and update to staff.

Councilmember Leage feels we need to get aggressive with the streets; it seems to be the cry of the public. A sales tax initiative may be what we need to do.

Councilmember Christine Johnson totally agrees that the community probably sees this as the #1 challenge and is the City’s #2 Overall Goal. She is appreciative of the work put into the Public Works Advisory Board’s memo, much of which we are already doing. If we tried to go to the community for a general purpose tax, approximately ½ of the monies generated would come from tourists. She is ready to make a motion to have staff look at a dedicated sales tax ballot measure.

Mayor Irons isn't comfortable with blanketly dedicating excess monies to streets as each year could bring different situations, priorities and needs. He likes the idea of an Annual State of the Streets report or even an Annual Street Summit. He also feels we can update the PMP in-house.

Councilmember Nancy Johnson has concerns with a sales tax initiative. The part that bothers her the most is assuming that tourists spending money in town will cover the sales tax which is directly in contrast with our shop local project that all of our merchants have been doing.

Councilmember Smukler feels this speaks to the importance of having a committee of citizens working towards helping to increase the awareness of this being the best option of getting the streets done.

Councilmember Christine Johnson sees this as a good example of being able to see where our tax dollars are being spent.

Mayor Irons is in agreement that while we don't want to see any more taxes; he is surprised to hear the public at the Street Summit state they are willing to pay a bit more to have their streets fixed.

MOTION: Councilmember Christine Johnson moved to direct staff to begin the process to, and develop a timeline for, a dedicated sales tax ballot measure to repair streets infrastructure. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

MOTION: Councilmember Nancy Johnson moved to direct staff to flush out the Public Works Advisory Board's memo from the Street Summit as they develop a revised Pavement Management Plan. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

D-6 DISCUSSION OF POTENTIAL WATER AND SEWER RATE INCREASE; (PUBLIC SERVICES)

Public Services Director Rob Livick presented the staff report.

Mayor Irons opened the public comment period for Item D-6.

Betty Winholtz stated that this item was much too important to be hearing at 10:00pm. She also stated that there was no data other than oral presentation that would support this. With regards to the sewer, there have been incremental rate increases over time and doesn't feel this is also warranted, especially in light of looking at doing another sales tax increase. This is too aggressive and isn't fair. This isn't a decision that should be made tonight; it should be brought back with additional information.

Mayor Irons closed the public comment period.

Councilmember Smukler also feels there needs to be clear information, where the costs lie and why this would be necessary or not. The community needs to feel assured that monies have been managed properly. He feels Council needs a very clear detail of expenses.

Councilmember Nancy Johnson would like to see this postponed until the next meeting. It's too late in the evening to deal with this. She too would like to see more information. She would also like to see the City seriously consider separating the water and sewer bills.

Councilmember Leage agrees that it is too late to be discussing something this important. The public should be provided more information.

Councilmember Christine Johnson needed clarification on why we haven't raised water rates for almost 20 years. She also wanted to reaffirm that Council didn't authorize a sales tax increase; they authorized staff to consider it because it's been asked of Council to consider it.

Mayor Irons reiterated that we haven't done anything – we just want to do is to explore options. He would like to see a history of what took us here without adjusting our water rates. He would also like to see policy should be in place to at least have Council look at this more frequently instead of avoiding it.

This item was continued to a future meeting. When it is heard, there should be more information, historical information, rate comparisons with other cities, as well a more detailed breakdown of our costs and expenses, and how our water and sewer rates tie together.

D-7 WATER RECLAMATION FACILITY (WRF) PROJECT STATUS UPDATE AND DISCUSSION; (CITY COUNCIL)

Mayor Irons stated that this item continues to be agendized for status, discussion and possible direction to staff.

Public Services Director provided a short update.

Mayor Irons opened up the public comment period for Item D-7; seeing none, the public comment period was closed.

City Attorney Rob Schultz stated that the appraisal of the Righetti property is ongoing. The appraisers will be at the property Thursday, March 28th at 11am. Hopefully we will receive that appraisal by the end of April.

City Manager Andrea Lueker stated that staff was sending out an email to verify Council's availability for the Water Reclamation Facility Study Session.

Councilmember Christine Johnson requested information about reaching out to Chevron and the possible use of their site. It was in the top 3 sites that were initially looked at.

Councilmember Smukler stated it was important to gather information on other possible sites for the facility to include CMC and Chevron. He also made it clear to staff that should they have

any ideas or if they feel Council is missing something, please bring them forward; there is no need to wait.

Councilmember Nancy Johnson stated that at an EVC Committee meeting she attended, Chevron made a presentation about their beginning a process of developing the property they own on both sides of Tank Farm Road so they may be very busy. She also sits on the Citizen's Advisory Committee at CMC; at their last meeting the Chair mentioned that he understands that Morro Bay may be looking at working with them with their wastewater treatment plant. The Warden responded that no way, no how will they get involved with our wastewater treatment plant. CMC has had too many horrible problems with theirs. They are also having problems with working with Camp San Luis regarding their West Facility.

There was no action taken on this item.

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Smukler requested the Master Fee Schedule be visited as it relates to Use Permit Fees; Mayor Irons and Councilmember Christine Johnson concurred.

Councilmember Smukler requested the City provide a presentation on the Landmark Tree Nominations as submitted by the Volunteer Tree Committee and approved by the Public Works Advisory Board. Councilmember Nancy Johnson would like to somehow include the Morro Bay Historical Society in the selection of a Landmark Tree; there was unanimous Council consensus for this item.

MOTION: Councilmember Christine Johnson moved to continue the Goals Outline Review to the April 9, 2013 City Council Meeting. The motion was seconded by Mayor Irons and carried unanimously.

ADJOURNMENT

The meeting adjourned at 10:43pm.

Recorded by:

Jamie Boucher
City Clerk