

AGENDA NO: A-2

MEETING DATE: 5/14/2013

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 23, 2013
VETERAN’S MEMORIAL HALL – 6:00P.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
	Amy Christey	Police Chief
	Steve Knuckles	Fire Chief
	Eric Endersby	Harbor Director
	Susan Slayton	Administrative Services Director
	Joe Woods	Recreation & Parks Director

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 April 16th and 17th, 2013 on the following items: Government Code Section 54957, Personnel Issues regarding one (1) public employee regarding evaluation, specifically the City Attorney; and, Government Code Section 54957.6, Conference with City Council, the City’s Designated Representative, for the purpose of reviewing the City’s position regarding the terms and compensation paid to the following unrepresented employee: City Attorney. No reportable action under the Brown Act was taken.

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS &
PRESENTATIONS
PUBLIC PRESENTATIONS

PUBLIC COMMENT

Janice King, owner of Vibrant Life, a new artist cooperative located at 315 Morro Bay Blvd., on the corner of Morro Bay Blvd and Main Street. They sell beautiful products, paintings, candles, mosaic mirrors, handmade items for the home, etc... They are looking for other artists to join them in their venture. They will also be holding art classes for middle and high school students. Their hours are Wednesday – Saturday, 10-5pm and Sundays noon-5pm. Their phone number is 541-218-8275.

Ken Vesterfelt publicized the great success of Morro Bay's Emergency Car Show. He also advertised the upcoming 17th Annual Morro Bay Cruisn' Car Show being held on May 2nd – May 5th. Dennis Gage of My Classic Car will be in attendance, taping one of his show's segments.

Stan House spoke on behalf of Friends of the Fire Department congratulating Steve Knuckles on his promotion to Fire Chief. He also said that the fundraising efforts of the Friends of the Fire Department have been very successful. Just recently, Assemblyman Katcho Achadjian donated \$995 for the purchase of a King Vision Video Laryngoscope. He also thanked all those who purchased bricks.

Don Doubledee spoke as a Board Member/Director for the Harbor Festival and Car Show regarding City fees charged for these events. He stated that both events bring thousands of people into town who shop, buy gas, stay in motels; all of which bring additional sales tax to Morro Bay. Both events are volunteer run and both donate money to non-profit community groups. He urged Council to consider rethinking charging fees for these events as they would much rather partner with the City.

Keith Taylor stated that the Emergency Car Show was a huge success and wanted to thank everybody for their support; it was wonderful to see the kids enjoying themselves so much. He also spoke on the Cruisn' Morro Bay Car Show thanking people for "doing what they do" and making visitor's feel so welcome.

Father Ed urged that Council not support the adoption of an official policy on signs in Morro Bay. We need more signage in Morro Bay promoting events, businesses, religious services, etc... He said that during elections they are everywhere and there is no attempt to limit them. Visitors and residents need a greater awareness of the attractions in Morro Bay. Limiting signs is an unnecessary distraction from the more important work of promoting Morro Bay.

Mandy Davis, as a representative of Coast Alliance, presented a short report on what's happening with the seismic testing. She/they have been going to meetings to make sure that those entities intervene with the California State Lands Commission and ensure the process for issuing permits for seismic testing are appropriate. Coast Alliance is drafting a Resolution to put before Morro Bay and she hopes we will be that proactive progressive City to lead the way with Marine Protection. She also applauded the efforts of the Harbor Department staff.

Wally Auerbach requested Council pull Item A-7 from the Consent Calendar and take the procedural steps necessary to reconsider the item in hopes of providing the residents of the beach tract an opportunity to unify behind a single position on the project so that Council can approve the project with appropriate conditions. He is asking that we would postpone rehearing the matter for 2 weeks to give us enough time to unify behind a single position made clear in a document to the City and the State Parks. If after that there is a need to still hear an appeal, at least everyone will have been heard.

Shaun Farmer spoke on behalf of the upcoming Morro Bay Kite Festival. He hopes that everyone will come out and join them in flying a kite this weekend. He thanked all those responsible for helping put this event on.

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 APRIL 9, 2013; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 STATUS REPORT OF A MAJOR MAINTENANCE & REPAIR PLAN (MMRP) FOR THE EXISTING WASTEWATER TREATMENT PLAN; (PUBLIC SERVICES)

RECOMMENDATION: Receive and file this report.

A-3 REVISED RECOMMENDATION FROM THE CITIZENS OVERSIGHT COMMITTEE ON THE REALLOCATION OF STORM DRAIN CARRYOVER FUNDS IN THE DISTRICT TRANSACTION TAX (MEASURE Q) FUND; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Staff recommends accepting the Citizens Oversight Committee's recommendation to reallocate the \$471,000 Measure Q storm drain carryover, with \$385,000 going to street maintenance, and \$86,000 to update the 1987 Storm Drain Master Plan.

A-4 QUARTERLY FINANCIAL STATUS REPORT FOR THE FISCAL YEAR ENDED MARCH 31, 2013; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Accept the reports as presented.

A-5 REAFFIRM COUNCIL ACTION OF APRIL 9, 2013 PERTAINING TO THE SELECTION OF FIVE (5) CITIZEN MEMBERS TO PARTICIPATE ON THE SELECTION COMMITTEE FOR CONSULTATION SERVICES FOR THE WATER RECLAMATION FACILITY; (CITY ATTORNEY)

RECOMMENDATION: Reaffirm and approve its previous decision by selecting Don Boatman, Stephen Shively, Donald Smith, Paul Donnelly and Valerie Levulett to serve as Citizen Members to Participate on the Selection Committee for Consultation Services for the Water Reclamation Facility.

A-6 PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY DECLARING MAY 2013 AS BIKE MONTH; MAY 13 TO MAY 17, 2013 AS BIKE TO WORK WEEK; AND MAY 8, 2013 AS BIKE TO SCHOOL DAY; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

A-7 RESOLUTION 25-13 ADOPTING FINDINGS TO UPHOLD THE APPEAL AND OVERTURN THE PLANNING COMMISSION'S APPROVAL OF COASTAL DEVELOPMENT PERMIT (#CP0-390), MORRO STRAND CAMPGROUND IMPROVEMENTS PROJECT; (PUBLIC SERVICES)

RECOMMENDATION: Approve Resolution No. 25-13 adopting findings to uphold the appeal and overturn the Planning Commission's approval of Coastal Development Permit (#CP0-390).

Mayor Irons opened up the public comment period for items on the Consent Calendar.

Betty Winholtz spoke on Item A-3 feeling all of this money should be put towards streets; on Item A-7 stating there is a need to have findings before anything can happen next so she is in favor of us going ahead with the findings this evening; and Item A-5 stating that the issue isn't just a matter of whether or not expansion was aired but whether or not if people had known that more applicants would be chosen, would they have chosen to apply.

Mayor Irons closed public comment for the Consent Calendar.

Councilmember Smukler pulled Item A-5 and A-7; Councilmember Christine Johnson pulled Item A-1 and recused herself from Item A-7; and Mayor Irons pulled Item A-6 so that a Proclamation can be read.

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

A-1 APPROVAL OF CITY COUNCIL MINUTES FOR THE CITY COUNCIL MEETING OF APRIL 9, 2013; (ADMINISTRATION)

Councilmember Christine Johnson pulled this item to read into the record the amended section of the minutes; she had previously spoken with the City Clerk and it was determined that the change was warranted.

MOTION: Councilmember Christine Johnson moved the City Council approve Item A-1 as amended. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

A-5 REAFFIRM COUNCIL ACTION OF APRIL 9, 2013 PERTAINING TO THE SELECTION OF FIVE (5) CITIZEN MEMBERS TO PARTICIPATE ON THE SELECTION COMMITTEE FOR CONSULTATION SERVICES FOR THE WATER RECLAMATION FACILITY; (CITY ATTORNEY)

Councilmember Smukler pulled this item stating that there was public concern this process didn't follow the Brown Act. City Attorney Rob Schultz stated that when this was brought up by a citizen via an email complaint, it triggered a time period where the City can tell the person that they don't believe there was a Brown Act violation or we can bring it back to cure. Even if there is a difference in opinion as there is in this case, it is the City's position is that we didn't violate the Brown Act, it's always best to bring the item back to cure and give the Council the opportunity reaffirm their original decision. Councilmember Smukler went on to say that he has studied the issue the last couple of weeks and feels the committee members are committed and as such, he trusts that they will have Morro Bay's best interests in mind.

Councilmember Nancy Johnson felt this was a good idea when it came up and still does; Council continually asks for more public input; she feels using 2 panels will be very valuable and would hate to start all over again.

Councilmember Leage states that is important to start moving ahead.

Councilmember Christine Johnson agrees with the sentiments that if we change direction now, it will delay the process which concerns her. While the process was unfortunate, she did speak to all the applicants and was incredibly impressed with their qualifications.

Mayor Irons is in favor of proceeding with this and is very happy with the quality of applicants.

MOTION: Councilmember Leage moved for City Council approval of Item A-5. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

A-6 PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY DECLARING MAY 2013 AS BIKE MONTH; MAY 13 TO MAY 17, 2013 AS BIKE TO WORK WEEK; AND MAY 8, 2013 AS BIKE TO SCHOOL DAY; (ADMINISTRATION)

Mayor Irons read the Bike Month Proclamation

MOTION: Councilmember Nancy Johnson moved for approval of the Bike Month Proclamation. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

A-7 RESOLUTION 25-13 ADOPTING FINDINGS TO UPHOLD THE APPEAL AND OVERTURN THE PLANNING COMMISSION'S APPROVAL OF COASTAL DEVELOPMENT PERMIT (#CP0-390), MORRO STRAND CAMPGROUND IMPROVEMENTS PROJECT; (PUBLIC SERVICES)

Councilmember Christine Johnson had to recuse herself from this item due to a conflict of interest.

Public Services Director Rob Livick presented the staff report.

Mayor Irons spoke with State Parks Sector Chief, Nick Franco who expressed that they are going to the Coastal Commission as we speak and would not be in favor of extending this for 2 weeks. As such, this item is being heard to establish the findings which needed to be delineated as well as continue the City's support of the Morro Strand State Park.

Councilmember Nancy Johnson feels we need to move forward with this and tell our citizens who are still concerned to meet with State Parks, with Nick Franco of State Parks and with the Coastal Commission.

Councilmember Smukler left the last meeting wishing we could have been able to work with State Parks to create a better plan. He didn't feel we went as far as we needed to in order to be clear about what we wanted to address about this project. He wants to address the possibility of not approving this tonight and bringing it back to a Public Hearing giving everybody more time to come up with an agreement that meets everybody's needs. He has concerns that State Parks, when meeting with the Coastal Commission, may be delayed even further without a better support of the City and neighborhood.

Mayor Irons reminded Council that at the last meeting, the applicant didn't want us to approve this and in fact asked for a denial so they can move forward and take it directly to the Coastal Commission. They made no indications that they want to come back in front of Council as it will be an appealed project anyway and they wanted to get to Coastal Commission as soon as possible.

Councilmember Nancy Johnson stated that State Parks is a superior agency; they made their position very clear that they want it denied so that they can move forward. She feels we should move forward emphasizing our support for the Park and neighbors.

Councilmember Smukler stated that we still have the responsibility to push this project to be the best it can be. At a minimum, we should strengthen the Resolution to recognize the concerns of both Council and the neighborhood and we follow through with having a Public Hearing that is timely so we are clear about the issues that are important to the community.

Mayor Irons says we are in support of State Parks being successful as well as being in support of our community and the potential impacts of this project but we do want to move this forward.

Councilmember Smukler is still interested in working with the neighborhood to come up with a Resolution or a clear message to Coastal Commission and State Parks as to what the issues are, making sure the neighborhood had a strong voice in the process.

Councilmember Nancy Johnson stated that the Resolution as written is a very strong statement; State Parks has made it very clear what they want to do and they need this information tonight so they can move forward; and, we are still coming back with a hearing where we can take public input. It's important that we move forward with this tonight.

MOTION: Councilmember Nancy Johnson moved for approval of Resolution 25-13. The motion was seconded by Councilmember Leage and carried 3-1-1 with Councilmember Smukler voting no and Councilmember Christine Johnson having been recused from the item.

B. PUBLIC HEARINGS

B-1 RESOLUTION NO. 24-13 DECLARING THE INTENTION TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2013/14 FISCAL YEAR FOR THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT (MBTBID) AND SCHEDULING A PUBLIC HEARING TO LEVY THE ASSESSMENTS; (ADMINISTRATIVE SERVICES)

Administrative Services Director Susan Slayton presented the staff report.

Mayor Irons opened the public comment period for Item B-1; seeing none, the public comment period was closed.

MOTION: Councilmember Leage moved approval of Resolution 24-13, declaring the intention to continue the program and assessments for the 2013/14 fiscal year for the Morro Bay Tourism Business Improvement District and scheduling a public hearing to levy the assessments. The motion was seconded by Councilmember Nancy Johnson and carried unanimously 5-0.

B-2 APPROVAL OF CONSENT OF LANDOWNER FOR LEASE SITE 82-85/82W-85W (ROSE'S LANDING) TO FILE AN APPLICATION FOR DOCK IMPROVEMENTS AND ALLOW STAFF TO ENTER INTO LEASE NEGOTIATIONS; (HARBOR)

Councilmember Leage had to recuse himself from this item due to a conflict of interest.

Harbor Director Eric Endersby presented the staff report.

Mayor Irons opened the public comment period for Item B-2.

Steve Paglessi, Project Architect, agrees with staff and would also opt for Alternative B. He reminded Council that Mr. Redican is a significant stakeholder in Morro Bay and has already invested upwards of 2 million dollars in Roses Landing. In addition, this project with slips has been vetted with the City already.

Betty Winholtz hopes that Council will address 2 issues: one is the policy change which is significant; the other is the conditions under which you are granting him what he wants. At the Lease Holder Study Session, one of the major concerns is that you are equitable to everybody. She feels this decision represents a larger decision for all the lease holders because Council hasn't made the definitive decision about what the policy is. She feels this decision is premature and she wonders if this is how you will handle the next guy and the next guy, and etc... She feels you need to postpone the decision.

Mayor Irons closed the public comment period for Item B-2.

Councilmember Christine Johnson finds it appealing to see this kind of project at this stage because in 2018, there will be a number of lease sites that will be expiring. Because of the policy, folks are coming forward to start to think about the future of those lease sites. It is in the best interest of the community for us to be able to participate in what the next 40-50 years will look like on the Embarcadero. She recognizes people are making incredible investments in Morro Bay so there needs to be a balance we will want to make.

Councilmember Smukler agrees we wouldn't be tying ourselves into an agreement. He is willing to move forward as it gives us the opportunity to see how much staff time this may take and in fact wants staff to keep track of their time. He feels comfortable as Mr. Redican has historically proven to be a good leaseholder. He does want to be cautious of the view shed and the navigable channel as slips may infringe in those areas. He also wants to include affordability and access of slips into the universal policy when we get to that point.

Mayor Irons wanted to be assured that the current lease management policy is performing properly. He also wanted to be assured we aren't circumventing the concept approval process. He has concerns that slips 6 & 7 may need adjusting to allow proper access to the working dock next to it.

Councilmember Nancy Johnson likes the new possible process; she recognizes that Mr. Redican has made extensive improvements over the years; and he is proposing 6 new slips which will hopefully help our Measure D situation.

Councilmember Christine Johnson wondered if we should set a time line to revisit this new process and wondered if we want to go deeper into any of the lease issues that were brought up at the study session. She suggested revisiting this after the summer.

It was directed by Council consensus to have the Harbor Advisory Board review the Harbor Lease Site Policy before coming to Council.

MOTION: Councilmember Christine Johnson moved to approve Item B-2, Alternative B as presented in the staff report. The motion was seconded by Councilmember Nancy Johnson and carried 4-0-1 with Councilmember Leage being recused from this item.

C. UNFINISHED BUSINESS – NONE

D. NEW BUSINESS

D-1 PRESENTATION BY ECONOMIC DEVELOPMENT PROGRAM

Chamber of Commerce CEO, Craig Schmidt made a presentation. This is the Chamber's first report to the Council regarding the formation and actions of the newly formed Economic Development Program. The goal of this partnership is to ensure that Morro Bay's local economy is vibrant, strong and sustainable over the long term by providing strategies, programs, and policies that will help improve the business climate in Morro Bay. This can be accomplished through Data Collection and Analysis, Business Retention and Expansion (BRE), and Business Attraction. The Chamber is helping to grow new businesses in Morro Bay. As indicated by the high percentage of self-employed, the entrepreneurial spirit is alive and well in Morro Bay. The Chamber has developed and is operating the Morro Bay Incubator in the hopes that these will mature to provide jobs and fill vacant commercial property.

Economic Development Director John DiNunzio made a presentation on the current progress of the Economic Development Program. The presentation covered "What is the Economic Development Program", the roles and responsibilities of the ED Program Coordinator, Upcoming ED Program Initiatives, a run-down of businesses who have received direct assistance from the Chamber for business retention or expansion, contacts made to or were received from businesses, contacts made with prospective businesses in Morro Bay, jobs in Morro Bay, regional job trending, and growing and declining occupations and industries.

D-2 REVIEW AND DISCUSSION OF CO-SPONSORSHIP OF SPECIAL EVENTS TO INCLUDE INITIAL REVIEW OF THE SPONSORSHIP POLICY; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods presented the staff report.

Mayor Irons opened the public comment period for Item B-1; seeing none, the public comment period was closed.

Councilmember Christine Johnson stated that the reason for additional City services tend to be as a result of increased traffic, alcohol and pyrotechnics.

Councilmember Smukler is cautious due to potential financial impacts to the City. He is willing to explore the concept but wants to ensure we are covering ourselves and we have a strong program to not overextend ourselves. Before we talk about criteria, he feels we should wait and hear from the Recreation & Parks Commission and the participants from the event planning meeting with the Chamber that's coming up. If we sponsor, we need to hold the events to a high standard of reporting. He also recommends expanding and requiring a recycling component for these events to include a zero waste initiative.

Mayor Irons shares the concerns of the Council and feels that the results from the events meeting will help in making this decision.

Councilmember Christine Johnson stated that the optimum solution is not to have to choose one organization over another. She remains cautious about funding. She recommended looking to discuss adding an alcohol free policy to co-sponsorship. The question of “who does events in Morro Bay’ needs to be answered.

Councilmember Leage doesn’t feel that the \$18,000 in fees is that big of a hurdle for the City to find for the revenues that the events bring in.

Councilmember Smukler hoped that with the events meeting coming up, it’s more important to focus on a general direction, work the process more and then bring the item back to the Council. He agreed that an alcohol free component could be very effective.

Councilmember Nancy Johnson agrees with much of what has been discussed and also agrees that we need more information. She felt it important to know how much the events bring to the City – what is the financial return? She would also like to see the following added to the co-sponsorship application: The cost of putting the event on; where the money goes at the conclusion of the event; and then to have a requirement that the event organizer(s) bring back a balance sheet.

It was the consensus of Council to bring this item back at a later date (July) following input from the events meeting, look into alcohol free, analyze the financial return and know who is doing events.

D-3 WATER RECLAMATION FACILITY (WRF) PROJECT STATUS AND DISCUSSION; (ADMINISTRATION)

City Manager Andrea Lueker presented the staff report.

Mayor Irons opened up the public comment period for Item D-3; seeing none, the public comment period was closed.

There was no Council discussion on this item.

D-4 CONFIRMATION OF CITY GOALS AND GOAL OUTLINES FOR 2013; (ADMINISTRATION)

City Manager Andrea Lueker presented the staff report.

Mayor Irons opened up public comment for Item D-4; seeing none, the public comment period was closed.

Councilmember Smukler spoke on Goal #3 hoping to add under Key Tasks an e. **Update the Circulation Element to include Complete Streets Initiative**; he also spoke on Goal #6 hoping to add under Key Tasks a g. **Update Way-Finding Signage within the City and on Highway 1**; he also spoke on Goal #7 hoping to add under Key Tasks an i. **Work with Non-profit Group to**

move the Bike Park Project forward; and he spoke on Goal #5 hoping to add under Key Tasks an e. **Evaluate concept of Budget Sub-Committee.**

Councilmember Christine Johnson spoke on Goal #6 hoping to add under Key Tasks an a. ...fund Economic Dev. Program, **Tourism Marketing and the Visitor's Center**

Mayor Irons spoke on Goal #3 hoping to add under Key Tasks an f. **Develop work plan for the update of the General Plan and the Local Coastal Plan.**

MOTION: Councilmember Christine Johnson moved for approval of the City Goals as amended. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

D-5 SELECTION OF REAL ESTATE CONTRACT SERVICES AND AUTHORIZATION TO EXECUTE A RESIDENTIAL LISTING AGREEMENT FOR EXCLUSIVE AUTHORIZATION AND RIGHT TO SELL THE CITY-OWNED PROPERTY ON THE CORNER OF CORAL AVENUE AND SAN JACINTO STREET; (CITY ATTORNEY)

Mayor Irons and Councilmember Nancy Johnson recused themselves as there was a potential for a conflict of interest.

City Attorney Rob Schultz presented the staff report.

Vice-Mayor George Leage opened up public comment for Item D-5; seeing none, the public comment period was closed.

Councilmember Smukler stated that after looking at all the proposals, Ciano Real Estate stood out, especially since they were willing to take a commission of 3.5%

Councilmember Christine Johnson stated that all the agents would be able to sell this property. The money for the sale of this property will go to the Fire Station debt service which then would free up some Measure Q monies. She liked Ciano Real Estate due to the fact they are familiar with the Cloisters as their consultant was very involved with the original sale of Cloisters lots.

Vice Mayor Leage feels that we could be just as successful and make more money if we just tried to sell it ourselves.

MOTION: Councilmember Smukler moved to accept the proposal from Ciano Real Estate to list City owned property on the corner of Coral Avenue and San Jacinto Street. The motion was seconded by Councilmember Christine Johnson and carried 3-0-2 with Mayor Irons and Councilmember Nancy Johnson having been recused from the item.

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Smukler requested a discussion and evaluation of updated Resolution and Communication to Coastal Commission regarding the Atascadero Beach Campground Appeal to clarify the City's and Neighborhood Concerns; all Councilmembers concurred.

Mayor Irons requested developing a work plan for the General Plan and the Local Coastal Plan update; all Councilmembers concurred.

Councilmember Leage requested a discussion of Measure D; Mayor Irons and Councilmember Christine Johnson concurred.

Councilmember Smukler requested an update and review on the status of the Centennial Stairway Project; Mayor Irons and Councilmember Nancy Johnson concurred.

ADJOURNMENT

The meeting adjourned at 10:43pm.

Recorded by:

Jamie Boucher
City Clerk