

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – AUGUST 27, 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
	Susan Slayton	Administrative Services Director
	Eric Endersby	Harbor Director
	Joe Woods	Recreation & Parks Director
	Rob Livick	Public Services 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 Schultz reported that City Council met in a Special Closed Session on August 27, 2013 on the following item: Conference with City Manager, the City’s Designated Representative, for the purpose of reviewing the City’s position regarding the terms and compensation paid to the following employee organizations and giving instructions to the Designated Representative: Firefighters Association (FFA), Service Employee’s International Union, SEIU Local 620, Management and Confidential Employees.; no reportable action under the Brown Act was taken.

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS & PRESENTATIONS

PUBLIC PRESENTATIONS

SLO Clean Energy

SLO Clean Energy is a 501(c)3 and is made up of citizen volunteers exploring local, clean energy for SLO communities. Mladen Bandov presented their group’s vision for SLO Clean Energy. Community Choice Aggregation (CCA) was signed into State law in 2002 and allowed cities and counties to purchase electrical power for ratepayers in their jurisdictions. This is a community based program that features local accountability; local priorities and reinvestment; and local jobs and economic development. CCA provides CHOICE which begins with competition among energy providers, provides better rates and contract terms and allows for an increased renewable energy portfolio. CCA promises clean, safe, reliable and affordable energy. He hopes that the City will support their venture by providing a Resolution supporting the

Exploration Advisory Committee set up to study the feasibility; he also hopes the City will appoint a community leader to represent Morro Bay on this committee. He hopes they can count on the City's support.

Public Services Director Rob Livick presented an update on the status of the Pavement Management Plan. In the 2013/14 adopted budget, there was \$371,000 allocated from Measure Q. This, combined with other excesses, provides \$757,557 that can go towards streets. A decision was made to allocate \$150,000 to a reserve for day-to-day operations leaving \$607,000. A portion of that will then be used for inspection and contract services which leaves approximately \$550,000 for this year's paving plan. It appears that bids will be advertised in mid-September with the hopes of construction beginning in mid-October. They are looking at 30 street segments, mainly sealing projects; their focus will be in North Morro Bay with some work also being done on King Street and South Bay Blvd from Quintana to Hwy 1.

The Morro Bay Business report was given by Linda Franklin, a long-time employee at the Cotton Ball. The Cotton Ball is a full service fabric store that carries a huge selection of fabrics, quilt sections, sewing machines and other sewing/quilting necessities. They have a very knowledgeable staff. They are open Monday – Saturday from 10am-5pm and Sunday from 11am-4pm. They hope you will come by for a visit.

PUBLIC COMMENT

Don Doubledee spoke on behalf of the upcoming Morro Bay Harbor Festival. Tickets for the event are now available at the Harbor Fest Office as well as Albertsons. This year's event features wineries, breweries, local restaurants, a Kids Cove, the Checkerboard Stage, vendors, and 8 top notch bands. Their 30 non-profits and 200 volunteers invite you all to come celebrate at the water's edge.

Garry Johnson thanked the City for providing kids the opportunity to attend surf camps. Both the Recreation & Parks and Harbor Departments did a wonderful job. He was also very impressed with a local non-profit, Project Surf Camp, for the work they do with disadvantaged and disabled children. And finally he continues to pump up the Warrior project, people can still go to Rabobank and to Bayshore Realty to get packages to send to troops in Afghanistan.

Garry Hixon stated that the City Council is doing a really good job. He also stated that Morro Bay has become a really good place for a lot of people.

Yureal Ramirez spoke on behalf of "Save our Squirrels". He stated that every squirrel in Tidelands and Anchor Park along the waterfront have been poisoned and has been done so in an inhumane way. He was worried that the poison traps were placed near playgrounds, picnic areas and waterfront areas. He feels the best way to curb the squirrel population is through natural means.

Diana Duncan stated that other animals can eat out of these poison traps and can also be killed. She too was concerned with the placement of the traps which are too close to water, playgrounds and picnic areas. As a tax payer, she doesn't want her tax dollars used to poison animals.

Marge Redican has been taking care of the rock squirrels for over 30 years. She read a letter from a visitor who was shocked at the poisoning efforts. She stated that “nature takes care of nature, it isn’t our job to do it.” She urged this not to be allowed to happen again.

Shirley Norcuss was very saddened and angry at how the City was getting rid of our squirrels. The poison is both dangerous to children and animals. She finds our actions inexcusable. She hopes we can come together to do something more humane.

Betty Winholtz suggests that this isn’t a community standard we want to be known for. While she knows that the poisons/pesticides used are legal, she questioned if we wanted to use them. She requested Council agendaize where this action fits into our value system, as well as have this group meet with the Recreation & Parks Department Director to try and help. Openness is very important and hopefully Council can ensure that occurs.

Wayne Vogue is a student at Cuesta College in their Art Department. Cuesta is celebrating their 50th Anniversary and in celebration, the Art Department is hosting 3 Art Exhibits, the first being held on August 30th at 5:30pm. He invited the community to attend.

Dana Gibson hopes that the City of Morro Bay will be on board with the information presented by and about SLO Clean Energy. She is happy to volunteer to help move Morro Bay into joining these efforts.

Susan Stewart announced the Avocado Margarita Festival being held in 2 weeks, September 14th & 15th celebrating our local avocado industry. She also wanted to thank John DiNunzio for his time laying the foundation for our next phase in the Economic Development program that we will be moving forward with. She wanted to publicly state how much we appreciated his expertise, enthusiasm and leadership. She also reminded all who are listening, GET INVOLVED!! There are many opportunities to become aware, be involved, be notified and all groups would love to hear from you. She also thought that the CCA concept sounded like a promising idea.

Mayor Irons closed the public comment period.

Recreation & Parks Department Director Joe Woods spoke on the squirrel issue and is happy to explore the idea of partnering up with the group that spoke this evening. There was an overpopulation of squirrels which became an extreme situation. They chose to bring in a 3rd party who had the certifications for pesticides and they provided a 3 month service with all traps being removed by Friday, August 30th. The squirrel population is now manageable.

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 SPECIAL CLOSED SESSION MEETING HELD ON AUGUST 13, 2013; (CITY ATTORNEY)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF THE CITY COUNCIL MINUTES FOR THE REGULAR COUNCIL MEETING HELD ON AUGUST 13, 2013; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF THE AMENDMENT TO THE SUPPORT SERVICES MANAGER JOB DESCRIPTION; (POLICE)

RECOMMENDATION: Approve the proposed amendment to the Support Services Manager job description as well as the proposed job title change to Support Services Coordinator.

A-4 RESOLUTION 46-13 APPROVING AMENDMENT #2 TO LEASE SITE 65-66/65W-66W, 571 EMBARCADERO (IMANI); (HARBOR)

RECOMMENDATION: Approve Resolution 46-13, executing Amendment #2 to the Lease Agreement for Lease Site 65-66/65W-66W between the City of Morro Bay and Abba Imani.

A-5 APPROVAL OF SETTLEMENT AGREEMENT BETWEEN THE CITY OF MORRO BAY AND PACIFIC WESTERN BANK IN REGARD TO THE AFFORDABLE HOUSING AGREEMENT AT 600 MORRO BAY BLVD.; (CITY ATTORNEY)

RECOMMENDATION: Approve the Settlement Agreement thereby releasing Unit 106 located at 600 Morro Bay Blvd. from the Affordable Housing Agreement Deed Restrictions.

A-6 RESOLUTION 45-13 APPROVING AN APPLICATION TO THE STATE OF CALIFORNIA'S COASTAL CONSERVANCY FOR GRANT FUNDS THROUGH ITS CLIMATE READY PROGRAM; (PUBLIC SERVICES)

RECOMMENDATION: Approve Resolution 45-13 as submitted.

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

Phil Kaspersky, owner of 560 Embarcadero, spoke on Item A-4, approving a lease amendment to lease site 65-66/65W-66W, 571 Embarcadero. Earlier, he had provided pictures of the site and based on them, questioned how this lease site has been able to side-step the rules that all other lease site holders and property owners must comply with on the Embarcadero. There are currently 26 signs in front with additional signs in the back. He also questioned why, to his knowledge, they don't need dedicated parking for what appears to be 7 independent tenant locations. He feels this should be rectified while the lease is being taken care of. In addition, as signs have been added, flood lights have appeared to light the signs which is creating a light nuisance. He is requesting a delay of approval of the amendment until the parking, signage and lighting plans have been brought into compliance.

The public comment period for the Consent Calendar was closed.

Councilmember Christine Johnson pulled Item A-4 and Mayor Irons pulled Item A-5 from the Consent Calendar.

MOTION: Councilmember Nancy Johnson moved the City Council approve Items A-1, A-2, A-3 and A-6 of the Consent Calendar as presented. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

A-4 RESOLUTION 46-13 APPROVING AMENDMENT #2 TO LEASE SITE 65-66/65W-66W, 571 EMBARCADERO (IMANI); (HARBOR)

Councilmember Christine Johnson pulled this item to get answers to the questions raised by Mr. Kaspersky.

City Attorney Rob Schultz stated that in regards to parking, this project was granted a Conditional Use Permit and was heard and approved by the Coastal Commission. The parking issues would have been addressed at that time and those issues are not a part of this lease amendment process. He also stated that the City will look into the flood light issue and ensure that they are in compliance. The amendment addresses the signage issues and they will be taken care of. The upstairs real estate office was grandfathered in back in 2009 or 2010, whereby Council allowed real estate offices, if they provided vacation rentals, be considered commercial visitor serving.

Councilmember Nancy Johnson is willing to move forward with this but only with the understanding that this is a last chance agreement and if any of the deadlines are missed, it would be time to cease this lease. She also wants to ensure that the lighting issue is dealt with. She also feels it's very important to bring a visitor serving business to the 2nd story unit by the February 28, 2014 deadline.

Councilmember Smukler feels that language needs to be added that would ensure the real estate office space located upstairs be transitioned to a visitor service business to try and be consistent. He would be comfortable with that occurring by the February 28, 2014 deadline.

Councilmember Leage stated that second story businesses on the Embarcadero don't work. We need to be more lenient with this site in that regards.

MOTION: Councilmember Nancy Johnson moved to approve Resolution 46-13, approving Amendment #2 to lease site 65-66/65W-66W, 571 Embarcadero with 2 modifications – the flood lights be taken care of concurrently with the signs by October 31, 2013; and, the upstairs use as a real estate office be converted to a visitor serving use by February 28, 2014. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

A-5 APPROVAL OF SETTLEMENT AGREEMENT BETWEEN THE CITY OF MORRO BAY AND PACIFIC WESTERN BANK IN REGARD TO THE AFFORDABLE HOUSING AGREEMENT AT 600 MORRO BAY BLVD.; (CITY ATTORNEY)

Mayor Irons pulled this item to recuse himself from the discussion due to the proximity of his property to the project location.

MOTION: Councilmember Nancy Johnson moved to approve Item A-4 as presented. The motion was seconded by Councilmember Christine Johnson and carried 4-0-1 with Mayor Irons having to recuse himself.

B. PUBLIC HEARINGS - NONE

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS

D-1 DISCUSSION OF THE FORMATION OF A GENERAL PLAN/LOCAL COASTAL PLAN (GP/LCP) UPDATE CITIZEN REVIEW COMMITTEE (CRC); (PUBLIC SERVICES)

Public Services Director Rob Livick presented the staff report.

The public comment period for Item D-1 was opened; seeing none, the public comment period was closed.

Mayor Irons stated it was important to get this started and moved into a timeline when we can start the process. He also sees the importance of some education; he is in favor of convening a sub-committee. He feels the keys to this are structure and composition, identifying roles and responsibilities, look into considering bylaws, having time to implement, and education for the committee on the GP and processes.

Councilmember Leage wondered where the money for this was going to come from. It's going to cost 1.5 million plus or minus to get it done, he doesn't feel we are ready for this yet and feels that making appointments to a committee without a plan is getting a little ahead of ourselves.

Councilmember Christine Johnson thinks it's fine to start early; thinks it's a great idea to develop bylaws; and she would like to get a timeline discussed. She also likes the idea of going to our own Boards and Advisory Councils first as she sees them as our most committed volunteers right now and then expand to the public.

Councilmember Nancy Johnson likes having the opportunity to be able to plan ahead. She wants to look carefully at the sub-committee's structure; she would like to see one member from each advisory board. She also wants to see a good balance of the at-large members. Also thinks it's a good idea to develop the parameters but wait until we have the results of the Strategic Growth Council to actually start the selection process. She also thinks the education component can be a good start after we know those results.

Councilmember Smukler agrees that we ensure we don't burn the members out by bringing them on board too soon. He appreciated the way the members of the WRF Committee were selected. He agrees a balance of membership on the committee is important for this process to succeed and

be bought into by the public. He sees 15 members at the maximum and is willing to work with less based on the interest level received.

Mr. Livick stated that maybe the time frame the City uses to advertise and recruit for their advisory boards could be used for this process as well.

Mayor Irons suggested January being a good time to revisit how to recruit members; he also hoped that in the future we would be discussing in more detail a work program and getting ideas on how a subcommittee would coincide with the start of the work program; he also liked a board made up of 9-15 members; he wanted to see defined roles and responsibilities; he wanted to consider having bylaws; and, he too felt that education was an important factor. He felt that looking to the current Advisory Board as well as past Advisory Board members to apply for this.

Councilmember Nancy Johnson stated that we had great success in getting quality people to be on the last sub-committee and thought we should follow a similar process.

Councilmember Smukler agreed and asked staff to return before the January time-frame to revisit this to get more into the particulars of the formation and function. He would also like to see an update and continued tracking of the progress of the workplan. He also threw out the idea of including a member of San Luis Coastal Unified School District to be on the board.

Mr. Livick reiterated that staff will bring this back in a January time frame; we will look to use our existing advisory body recruitment process; we will look at the getting members from advisory board or past members and the rest of committee would be nominated from the community at large ensuring a good cross section of members. He would also be bringing back a more detailed workplan in November.

D-2 DISCUSSION ABOUT OPTIONS TO REDUCE UNPERMITTED AND ILLEGAL FIREWORKS FOR THE 2014 4TH OF JULY; (POLICE)

Police Chief Amy Christey presented the staff report and timeline.

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

Councilmember Nancy Johnson felt that due to the size of our police force and street miles, the only reasonable choice would be alternative #1. In addition, it would be a good idea to do some kind of advanced education on the use of fireworks.

Councilmember Smukler stated it was important to work to educate the community; he feels we are using illegal fireworks more and we need to address that. He thought it may be good to look into slightly increased staffing the night of the 4th as well as possibly increasing the cost of the fine for the use of illegal fireworks. To be fair, it would be important to notice, through a media campaign and temporary signage, the increased fine costs.

Councilmember Leage doesn't want to see the code changed. He agreed that education to the community on what is allowed and what isn't would be advantageous. He also agreed that

advanced advertisement is important. He added that he doesn't see this as a real problem in Morro Bay.

Councilmember Christine Johnson stated that people either love or hate fireworks. She believes we have seen a small increase in their illegal use. She also feels the majority of the problem may lie in North Morro Bay and at the beach and that if we increased patrol numbers, we could focus in those areas. She supports alternative #1 along with a media campaign, through Tolosa Press.

Mayor Irons appreciated the information in the staff report, it was very educational. He agrees that alternative #1 along with a media campaign is the way to go.

MOTION: Councilmember Nancy Johnson moved to approve Alternative #1, to include a media campaign, as well as to allow the Police Chief to determine her staffing needs. The motion was seconded by Councilmember Leage and carried unanimously, 5-0.

D-3 DISCUSSION AND DIRECTION ON A CONSULTANT SERVICES HIRING POLICY; (CITY ATTORNEY)

City Attorney Rob Schultz presented the staff report stressing that this is a working document. He stipulated that a consultant provides professional services and often times are selected based on their expertise and knowledge; a contractor provides/builds/constructs something and requires competitive bidding and often times sealed bids.

Councilmember Christine Johnson asked what the time frame was before hiring back a previous employee as a consultant. Mr. Schultz proposed the following: "former employees that subsequently work as consultants are prohibited from participating in projects directly or indirectly related to the City of Morro Bay for a period of one year." In addition, "the former employee may not work in the following consultant roles: an individual working as an independent consultant; an individual working for a consultant firm, the firm may bid on a City contract but may not involve the former employee on the project; an individual working for a firm that has been subcontracted by another consulting firm to perform a specific component of the contract; an exception to the prohibition may be granted under extenuating circumstances before the one year period expires, for example if the former employee with specialized skill or experience is required to work on a special project."

Councilmember Smukler wondered if Council notification of this hiring could be a part of the policy; he also thought this would be a good place to put some information about summary and reporting of consultant expenditures and contracts in our budget review and presentation every year.

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

Councilmember Christine Johnson stated that this is a formalization of something that is already going on and appreciates it being written. It also responds to questions from the public. She stated that this draft policy meets a lot of the needs on her list. She would like to add the section

that City Attorney Schultz read, regarding former employees; she also likes 1 year waiting period. She hoped that any exception to this would be based on Council approval.

Councilmember Nancy Johnson hoped that the former employee section would not be added but at least the ability to make exceptions may help with that.

Councilmember Smukler agrees with the changes so far. He also wants reporting regarding consultants being added along with financial expenditures to them be kept up in an ongoing document and provided in a quarterly report to Council as well as to the public.

MOTION: Councilmember Christine Johnson moved to approve the Consultant Hiring Policy with the addendum read into the record by City Attorney Rob Schultz regarding previous City employees to also include “as per Council approval” as well as provide additional reporting of consultant expenses on a quarterly basis. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

D-4 DISCUSSION AND DIRECTION ON LEAGUE OF CALIFORNIA CITIES RESOLUTIONS; (ADMINISTRATION)

City Manager Andrea Lueker presented the staff report.

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

MOTION: Councilmember League moved to authorize Mayor Irons to support both Resolution #1 and Resolution #2 at the League of California Cities Annual Conference. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

D-5 QUARTERLY STATUS OF THE GOALS SET BY THE CITY COUNCIL IN MARCH 2013; (ADMINISTRATION)

City Manager Andrea Lueker presented the staff report.

Councilmember Christine Johnson requested a change made to Goal 2; Key Task b – change the date from 8/27/13 to 9/10/13.

Councilmember Smukler requested a brief update on the boat haul-out status. Harbor Director Eric Endersby stated that there is an ad-hoc committee formed that is currently working on that issue; there should be an update at the next Harbor Advisory Board meeting next week. Mr. Endersby went on to say that this will be contingent on 3 things: funding, location of where an actual haul out would occur and then an actual site for a yard itself.

Councilmember Smukler requested an update on the workplan for the update of the GP/LCP. Public Services Director Rob Livick stated that the focus has been on how to fund the work plan as there are some technical studies that can't be done in-house. He is anticipating bringing forward a budgetary plan, prior to the adoption of the next budget that goes along with the workplan for this in the future.

Mayor Irons stated that it would be worthwhile to review this program as it moves forward. Also requested was a status on the Morro Creek Bridge Project. Mr. Livick stated the target date for completion of the permitting and environmental review is April of next year. Staff has been working with Coastal Commission staff who have been very helpful. Mayor Irons also asked for a review of the progress made on street improvements. Mr. Livick stated this has to do with the modification we are doing with our Pavement Management Plan.

There is no action required for this item.

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Smukler requested a review of the City's Chemical and Poison Application Policy, a review of applicable signage requirements; and a discussion of alternatives; Mayor Irons and Councilmember Christine Johnson concurred.

Councilmember Smukler requested a review and discussion of the SLO Clean Energy Policy Resolution and appointment of a member to the Exploration Committee; all Councilmembers concurred.

Councilmember Smukler requested an update and discussion of the City's Affordable Housing Agreement.

Mayor Irons requested a status on the direction of the Economic Development Program, to review the contract and discuss expectations of the program; Councilmembers Christine Johnson, Nancy Johnson and Smukler concurred.

ADJOURNMENT

The meeting adjourned at 9:36pm.

Recorded by:

Jamie Boucher
City Clerk