

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MARCH 25, 2014  
VETERAN’S MEMORIAL HALL – 6:00P.M.

PRESENT:	Jamie Irons	Mayor
	Christine Johnson	Mayor Pro Tem
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Edward Kreins	Interim City Manager
	Joe Pannone	City Attorney
	Jamie Boucher	City Clerk
	Susan Slayton	Administrative Services Director
	Rob Livick	Public Services Director
	Damaris Hanson	Engineering Technician IV
	Logan Budd	Engineering Intern

As Mayor Jamie Irons was communicating by teleconference from the Phoenix Park Hotel in Washington D.C., Mayor Pro Tem Christine Johnson 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 – there was no Closed Session.

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS &  
PRESENTATIONS

PUBLIC PRESENTATIONS - NONE

PUBLIC COMMENT

Greta Schucker, owner of Hair Naturally, presented the business report. Located at 706 Morro Bay Blvd, Greta purchased the business in May from the previous owner. She promotes healthy and non-toxic products. They are family friendly serving men’s, women’s and children’s hair needs. They are open Tuesday – Saturday from 9am-5pm and walk-ins are welcome. They are your healthier hair and beauty option.

Adrienne Harris, Director of the NEP announced State of the Bay, a program beginning in April, comprised of a suite of activities, workshops, and family friendly learning activities throughout the month. You can get all the up-to-date information from their website: [mbnep.org](http://mbnep.org). She thanked Morro Bay for partnering with them at their Dog Fest event.

Jim Lewan is concerned at the lack of Code Enforcement in Morro Bay. He was thankful that the sidewalk displays of businesses' goods were dealt with. We have a lot of people coming to town with our upcoming events and he asked that we continue in our efforts of keeping our sidewalks clutter-free. One of our problems is that we don't have any code enforcement; he feels a short term solution to that could be getting our volunteer Police Department involved. We are headed into budget talks; maybe you could budget for a part time code enforcement officer. He also found out through Public Services that displaying items outside a business is legal with proper permits and he is fearful this could start all over again.

Keith Taylor and Carla Wixom spoke on behalf of the Friends of Morro Bay Fire Department. On April 12<sup>th</sup>, there will be an Emergency Car Show which promises to be a great event with all kinds of emergency vehicles, new and old. There will be an Open House Fundraiser at the Fire Department on April 26<sup>th</sup> earning money for education as well as encouraging Friends of the Fire Department membership. They will be selling commemorative 50 year challenge coins.

Nancy Castle spoke on the continued success of the community dinners which boasts of 30-40 guests each night. She wanted to publicly thank their supporters – the Circle of Friends, Rock Harbor Fellowship, St. Timothy's, St. Peters, and the Lions Club. She also thanked Susan Slayton for collecting items from City staff and bringing them down. The kitchen opens at 430pm with food served at 5pm. The Eagles are doing an Easter Egg Hunt and BBQ on Saturday, April 19<sup>th</sup>. They will be partnering with the Morro Bay 50<sup>th</sup>, the Historical Society and Chamber of Commerce to provide an Easter Bonnet Parade.

Taylor Newton runs the Guerilla Gardening Club for public service and community based projects. He spoke in support of Item D-1, Review and Discussion of the Draft Urban Forest Management Plan. The steps taken in the plan are above and beyond what he thought they would do; an urban forest management plan is essential to our future and he is looking forward to working in partnership and in support of this plan; it's nice to have some organization to all of this.

The public comment period was closed.

A. CONSENT AGENDA

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

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

A-1 APPROVAL OF MINUTES FOR THE SPECIAL CLOSED SESSION CITY COUNCIL MEETING HELD ON MARCH 11, 2014; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 APPROVAL OF MINUTES FOR THE SPECIAL CITY COUNCIL MEETING HELD ON MARCH 11, 2014; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-3 APPROVAL OF MINUTES FOR THE REGULAR CITY COUNCIL MEETING HELD ON MARCH 11, 2014; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-4 AUTHORIZATION TO FILL ONE RECREATION AND PARKS DEPARTMENT MAINTENANCE WORKER II POSITION – CONSOLIDATED MAINTENANCE; (RECREATION & PARKS)

**RECOMMENDATION: Authorize an internal/external recruitment for a Maintenance Worker II position.**

A-5 REQUEST FOR APPROVAL OF ASSIGNMENT OF LEASE AGREEMENT FOR LEASE SITE 93-95/93W-95W FROM THE HELD FAMILY TRUST AND THE SMITH W AND HANNAH W HELD FAMILY TRUST TO HARBOR CENTER LLC; (HARBOR)

**RECOMMENDATION: Approve the attached Assignment and Assumption of the Lease Agreement for Lease Site 93-95/93W-95W from the Held Family Trust and the Smith W and Hannah W Held Family Trust to the Harbor Center LLC.**

A-6 PROCLAMATION DECLARING THE MONTH OF APRIL “FAIR HOUSING MONTH; (PUBLIC SERVICES)

**RECOMMENDATION: Approve as submitted.**

Mayor Pro Tem Christine Johnson opened up the public comment period for items on the Consent Calendar; seeing none, the public comment period was closed.

MOTION: Councilmember Nancy Johnson moved the City Council approve the Consent Calendar Items as presented. The motion was seconded by Councilmember Smukler and by roll call vote, carried unanimously.

Ayes: Irons, C. Johnson, N. Johnson, Leage, Smukler

No's: None

**B. PUBLIC HEARINGS**

B-1 INTRODUCTION AND FIRST READING OF ORDINANCE 585; AMENDMENT TO TITLE 17 (ZONING TEXT AMENDMENT - #A00-013 AMENDING SECTION 17.48.320 SECONDARY UNIT ORDINANCE); (PUBLIC SERVICES)

There was no staff report presentation as California Coastal Commission staff requested the item be continued for 2 weeks to allow Coastal staff additional time to provide input on the Ordinance.

As the item was noticed, Mayor Pro Tem Christine Johnson opened the public hearing for Item B-1.

Kathy Welles spoke on a previous item, unrelated to Ordinance 585. She thought that the previous speaker should have been allowed additional time to speak.

Barry Brannin is glad to see the granny unit back; he has an issue with only asking for a Conditional Use Permit for everything over 900 square feet. Since we have no architectural review process; and unless you require a Conditional Use Permit or establish some kind of Architectural Review Committee, then it's going to be difficult to do this properly. He feels we need a CUP on all secondary units.

Anne O'Brien has a granny unit that was grandfathered in; she feels her neighbor's tree in their backyard is destroying her granny unit.

The public hearing for Item B-1 was closed.

There was unanimous Council consensus to continue this item for 2 weeks.

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS

D-1 REVIEW AND DISCUSSION OF DRAFT URBAN FOREST MANAGEMENT PLAN;  
(PUBLIC SERVICES)

Public Services Engineering Technician IV Damaris Hanson and Engineering Intern Logan Budd presented the staff report.

The public comment period for Item D-1 was opened.

Ann O'Brien stated that for over a year and a half, they have been trying to get the City to remove a tree as it has been infected with pitch pine canker disease. It was not removed because it was nesting season; since then all of her retaining walls, stairs, driveway and garage walls have sustained damage. She feels that the Urban Forest Plan and the City's attempt to transfer liability to home owners was prepared and presented as a reaction to them coming forward with their tree claim.

Greg Goris thanked staff for putting together a good plan. He made the point of stating that it's important to plant the right tree in the right space. He asked staff/Council to consider that there are some right trees in the wrong space which creates safety issues. He has a concern about the transfer of responsibility as is proposed. Citywide, we have some trees that don't belong in a

dense urban setting. The City has an obligation to replace those trees and there are great opportunities to do this correctly. He hoped that we wouldn't focus on just the downtown but look at the entire City.

Donna Goris is in approval of transferring City trees. However, she has felt the management process has been frustrating and that unfortunate tree plantings should not be transferred to property owners and hoped those trees would be removed before moving the responsibility over to adjoining property owners. She hopes we will have an urban forest that works.

John Headding thanked Councilmember Smukler for bringing up the issue of allergies which is a significant public health issue. Some of the worst offenders are diaceous male trees which include ash box, elder, cottonwood, juniper, mulberry, cedar, elm, pecan and Arizona cypress – a number of which we have a significant amount of. The bottom line is choice of plants from a health standpoint is important.

The public comment period for Item D-1 was closed.

Councilmember Nancy Johnson thanked the public for the valuable information they provided. She doesn't think you can expect a tree that isn't healthy to stay where it is, we need to address this issue more clearly and more effectively. It's great to see this formalized and yet there is still work to be done. The two big issues that she still sees are "right tree in the wrong place" and tree maintenance. It makes sense to plant at differing time intervals so that tree ages vary around the City.

Councilmember Smukler thanked staff for all their hard work. He would like to see us continue the public input process; it's clear that goal #1, defining public trees and the liability component of that, is of significant concern and will take more time and effort to work through. The Urban Forest Management Plan is more of a framework for going forward, not a rubber stamp for implementation. There is still more conversation, for example, about what the public right-of-way means. He feels taking a cautious approach is best. He is also fearful the public won't be able to take proper care of the trees in a healthy way creating a more dangerous situation. He also feels an integrated pest management policy is also important in an effort to reduce the use of herbicides and pesticides and try to manage the forest with fewer chemicals. He is ready to support this tonight.

Councilmember Leage has been called to many properties to look at trees, some look ready to tear houses down. It's time to be aggressive in looking at this situation.

Mayor Irons agrees with many of the comments, especially the "right tree in the right place". This plan would basically guide policy. He wants to make sure that removal of a hazardous tree as needed is being addressed fairly in the plan.

Mayor Pro Tem Christine Johnson stated we will be glad we have an urban management plan so that we can take these items and address them in a more cohesive way. She wanted to make sure that supporting this item will not change anything in the Code, Chapter 12.08.

MOTION: Councilmember Smukler moved to direct staff to incorporate the changes as discussed by the Council in the Urban Forest Management Plan and return with a Resolution for adoption thereupon bringing the plan to the PWAB for discussion and a special focus in the public/private issue. The motion was seconded by Councilmember Leage and by roll call vote, carried unanimously.

Ayes: Irons, C. Johnson, N. Johnson, Leage, Smukler

No's: None

Councilmember Nancy Johnson will vote for this as long as it's a framework that we will continue to refine.

#### D-2 CONSIDERATION OF ESTABLISHING AN AID TO AGENCIES PROCESS; (ADMINISTRATIVE SERVICES)

Administrative Services Director Susan Slayton presented the staff report.

The public comment period for Item D-2 was opened.

Carla Wixom stated that while it's nice to be able to play Santa Claus offering money for worthy causes, Council's first fiduciary responsibility is to the citizens of Morro Bay. She suggested that before considering bringing forward a tax item on the citizens, that we should hold onto the money because we have to take care of our own needs first. We don't really know what kind of shape we are in next year and we should put this on hold until you figure out what the budget will allow.

The public comment period for Item D-2 was closed.

Mayor Irons doesn't feel he could be in support of this at this time.

Councilmember Nancy Johnson thinks that especially in listening to Ms. Slayton, we have to understand where we are financially as we have upcoming expenses. She doesn't feel we can afford to look at this right now. While it might be good to have a policy in place, she doesn't see the point in spending the time to set up a policy we can't fund.

Councilmember Smukler feels it sends the wrong message to the community, employees and infrastructure needs as well as sets up unrealistic expectations that we can be there for them with additional funds.

Councilmember Leage feels this should be postponed but that we also need to give this some serious thought.

Mayor Pro Tem Christine Johnson stated that last year we received funding requests from some 501(c)(3)'s during the budget process that were funded. We also get and grant funding requests through the CDBG grant funding process. Nothing stops an organization from coming forward during the budget time. She is not in support of reviving the aid to agency policy at this time.

MOTION: Councilmember Smukler moved we continue to not fund the Aid to Agency process and program. The motion was seconded by Councilmember Nancy Johnson and by roll call vote, carried unanimously.

Ayes: Irons, C. Johnson, N. Johnson, Leage and Smukler

No's: None

D-3 DISCUSSION OF FUNDING THE REQUEST FROM THE MORRO BAY 4TH, INC.;;  
(ADMINISTRATION)

Interim City Manager Ed Kreins presented the staff report.

The public comment period for Item D-3 was opened.

Dan Podesto, President of Morro Bay 4<sup>th</sup> thanked Council for considering their request. His email request detailed their need as well as the economic impact the event has on the City and community. Their current board is only 6 members strong and none of them have ties to any tourism oriented business, they are doing this out of a duty to serve their community. This year they are unable to perform all of the fundraising tasks and as such, are requesting a waiver of City service fees for this year's event, approval of a donation flyer insert into the City's May and June water bill, and \$15,000 to help offset the financial needs for the July event. They are confident they are able to raise the balance of the funds for the event.

Chris Christianson asked the Council to imagine the disappointment of families and their children of not having the annual Bike Parade and 4<sup>th</sup> of July event; and of the restaurants that would usually be full that eve that now wouldn't. In response to the needs of Morro Bay, the Morro Bay 4<sup>th</sup> decided to have a family friendly, non-alcoholic celebration, the only one in the County. No one gets paid; it's a big event which helps the community raise their TOT as well as helps organizations raise money. Currently they can't raise all the money necessary to put the event on.

John Headding has been a volunteer for the July 4<sup>th</sup> committee. When you talk about community, this event is community; it's an outstanding event. At the same time, in the future you will have to consider funding other agencies like the Chamber or TBID, etc. and with declining revenues, you need to find a way to determine the value "it" brings to the community – what is the return on your investment for the money you put into these kinds of programs. The Chamber is amending their contract, requesting \$15,000 less than is budgeted. He is supportive of this as a community event.

The public comment period for Item D-3 was closed.

Councilmember Smukler stated the City has always been supportive of the Morro Bay 4<sup>th</sup> event. He feels that there is room for Tourism Bureau and department to step up further. It's important for the Morro Bay 50<sup>th</sup> and the Morro Bay 4<sup>th</sup> to join together and come up with a way to coordinate additional support so the City isn't burdened with the entire component. He is inclined to help the 4<sup>th</sup> – but he agrees, it's essential to come up with something more fiscally sustainable than this trend where every year we are scrambling. The City will need to look

closely at the budget cycle as to how we allocate monies for marketing, economic development and the visitor center so we aren't putting ourselves in the position where organizations think we are able to allocate at will. He is comfortable with allocating \$10,000.

Council questioned Mr. Podesto at the podium.

Mayor Irons feels at this time, he can only support funds for the fireworks, not the other elements of the event. The 4<sup>th</sup> of July committee has done a lot of work to continue bringing the event to the City. It's hard to determine the monetary return on investment. From what George said, if we moved the fireworks over to the sandspit, we probably wouldn't have to worry about raising funds. It's important to discuss how we can get this reinvigorated again. With \$13,000 – 15,000 already in the bank including the Tourism Bureau donation, he would support them getting to the \$20,000 so could support \$5,000. He would also like to see how the Chamber members could step up and help out as well.

Councilmember Smukler stated with the deadline at the end of the month and the need for \$10,000 to reserve the fireworks, we need to or the committee needs to come up with \$10,000. He suggested going with the \$10,000 recognizing the changes in the Economic Development program allowed the money to be available. He would also support the waiver of fees as well as the donation letter being placed in the water bill.

Councilmember Nancy Johnson questioned that the Chamber has been the Morro Bay 4<sup>th</sup>'s best support in the past but haven't heard from them this year. She has a problem with giving \$10,000 given our current budget and our recent expenditures. She would be willing to ask the Morro Bay 50<sup>th</sup> to supply some of the money and wondered if the Morro Bay 4<sup>th</sup> could get an extension from the fireworks company.

Councilmember Leage stated that the \$10,000 sounds good and wishes we could do more.

Councilmember Smukler is suggesting \$10,000 but is also happy to hear Councilmember Nancy Johnson talk about going to the Morro Bay 50<sup>th</sup>. He would maybe suggest authorizing the \$10,000 from the Economic Development program allocated now and postpone the decision of event sponsorship to when we can possibly recoup those costs from Morro Bay 50<sup>th</sup> or other organizations.

Mayor Irons stated the City may not be able to do the \$10,000 but the 50<sup>th</sup> can. We should request the 50<sup>th</sup> to fund this and have the Morro Bay 4<sup>th</sup> continue with their fundraising to backfill some of those costs back to the 50<sup>th</sup>.

Mayor Pro Tem Christine Johnson stated this discussion could be held with any of our large event producers. In reality, we are asking volunteers in our community to produce events that we rely on to what we consider being economic development in our community. She would feel better doing this if we had a 5 year Economic Development strategy and until we have that strategy, we are unable to assess what our return on investment of events might be. As a community, we feel we have events that we can't do without but we are barely covering our essential services now with the events we have; if we want to have "heads in beds" and a kickoff

to a season, we need to make a commitment to fireworks. The 4<sup>th</sup> had not been given money prior to last year. She wants to see some of that economic development savings go towards an economic development plan. The Morro Bay 4<sup>th</sup>, unlike other large events, doesn't have a way to reasonably assess fees to their participants which is a disadvantage to them. Every event is valuable and appreciated. The Morro Bay 4<sup>th</sup> has done a good job of listening to businesses on the Embarcadero and they don't have vendors who bring retail items to sell and they have minimal food vendors.

MOTION: Councilmember Smukler moved that we allocate \$10,000 of available Economic Development funds to the Morro 4<sup>th</sup> to include a waiver of City fees as well as include approval of the mailer to go with water bills. The motion was seconded by Mayor Pro Tem Christine Johnson and carried 4-1 with Councilmember Nancy Johnson voting no.

Ayes: Irons, C. Johnson, Leage, Smukler

No's: N. Johnson

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS - NONE

ADJOURNMENT

The meeting adjourned at 9:56pm.

Recorded by:

Jamie Boucher  
City Clerk