

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 22, 2014
VETERAN’S MEMORIAL HALL – 6:00P.M.

PRESENT:	Jamie Irons	Mayor
	Christine Johnson	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Susan Slayton	Acting City Manager
	Joe Pannone	City Attorney
	Jamie Boucher	City Clerk
	Rob Livick	Public Services Director
	Amy Christey	Police Chief
	Steve Knuckles	Fire Chief
	Cindy Jacinth	Associate Planner
	Janeen Burlingame	Management Analyst

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

Mayor Irons presented Proclamations to Raechelle Bowlay-Sutton for Month of the Child and Child Abuse Prevention Month; to Amy Burton and Robert Davis for Bike Month; and, Mark Machala for Autism Awareness Month.

PUBLIC COMMENT

Troy Wathan presented the Morro Bay Business Spot. Troy, along with his wife Summer, are founders of MindGym and provide tutoring services in the San Luis Obispo County area. They approach tutoring a bit differently and include physical activity as well as mental exercise. They help students with their studies as well as SAT preparation, college coaching, and resume building for applications to college. Their mission is to help children succeed. They are currently one of the incubator businesses at the Chamber of Commerce. Any student needing that little extra – they are here for them. You can contact them at (805) 286-6841 or at <http://www.classical-tutors.com>.

Anne O'Brien read excerpts from a Bay News article dated April 17, 2014 edition titled "Trouble with the Trees." Ms. O'Brien is the resident who is experiencing trouble with a tree.

Robert Davis invited the public to the upcoming Friends of the Library Book Sale this Saturday, April 26th at the Morro Bay Community Center from 10am-2pm. All funds will go to support the library remodel. This is the last book sale this year as they will begin construction of the remodel this summer.

Cindy Betonte spoke on behalf of the Morro Bay Neighborhood Watch program. This is a non-profit program that has been active in Morro Bay since 1982. They have many members with over 20 years' experience. Their focus is to promote neighborhood safety and crime prevention through community unity and partnership with the Morro Bay Police Department. They are attempting to reinvigorate themselves and encourage those interested to attend their meetings which are held on the 2nd Tuesday of every month at 1130am at Dorns. You can visit their website at www.mbneighbors.com or email them at info@mbneighbors.com.

Trina Dougherty spoke on behalf of Eco Rotary, stressing that 44 years ago, Earth Day was founded as an environmental teach-in and now is a global environmental event celebrated by more than a billion people around the world. She encouraged all event planners to make sure that all materials used are recyclable and if possible compostable. Eco Rotary, with enough advanced notice, can provide zero-waste services at any event. The Guerrilla Gardening Club can provide this service for larger events. Eco Rotary is hosting their 2nd Annual Green Light ECO Fair on Sunday, June 1st from noon-5pm at St. Timothy's. This is a benefit for Unite to Light solar reading lights whose goal is to send 150 lights to PACE Universal, a school for girls in India. Lights will also be donated to Hands in Nepal for schools and libraries in remote villages without electricity. Admission is free and there is a great line-up of eco-focused organizations, business, services, food and products.

Keith Taylor announced the Morro Bay Fire Department's Open House being held on Saturday, April 26th from 2-5pm. There will be activities for kids and adults. They are also holding a Friends of the Fire Department membership drive.

Cathy Novak spoke on behalf of Virg's Fishing. She gave a brief history stating that back on May 14, 2013, an RFP was distributed for 3 vacant lease sites on the Embarcadero. Virg's submitted their proposal for leases 107W and 108W before the August 15th deadline; they were the only ones to submit. Since that time, Virg's has been to the HAB once and the City Council twice, most recently on February 25th. Virg's has invested a significant amount of time and money into this proposal in hopes of bringing their business back to the Embarcadero. They are very frustrated with the process and the delays. Virg's would like the Council to consider an alternative while the entire lease site is being reviewed. They would like to propose they be granted consent of landowner to submit for a dock project only. This dock project could be installed in an east to west configuration adjacent to the T-Pier rather than the north to south as previously presented. They are also willing to accept a condition of approval that would remove the dock in the event that space is needed for a boat haul-out facility. They are asking this item be placed on the Council's agenda as soon as possible.

Joan Solu spoke representing the Morro Bay 50th. Their committee is partnering with several groups for ongoing City events. There will be a Bike Park Tour on May 10th and they are continuing to plan for the Morro Bay Founders Day Picnic on July 17th. She also spoke on Item C1, North Coast Transit Survey Project Recommendations for the 2014 Trolley Season regarding the North Route and Fares. The Morro Bay Community Foundation partners with the City to sell Trolley advertising. If the trolley goes up and down Highway 1, that would limit trolley visibility and detract from their ability to sell advertising space. She hopes Council will change the trolley route up and back on Main Street so they can sell on both sides of the trolley, not just one.

Dawn Beattie stated that City representatives met with the Cloisters residents last night. She thanked the Council as they are now receiving financial information. She also stated that it shows they have a debt of \$66,000. She requests the Engineer's Report zero out the paper debt as they were unaware of the financial decisions being made without their knowledge.

Carla Wixom stated the Budget Workshop is not being planned until June 5th which is after the election. In past years, it's always been held earlier and included a lot of public participation. She questioned why we are holding the Budget Workshops after the election and not before, "what don't you want us to know."

Paul Nagy spoke on item D-2, asking that if Council passed the Resolution changing the permit process regarding water retrofits and fees, that it would be unfair to include applicants already in the permit process. The Planning Department has been short-handed and it's taken longer than usual to go through the process. Please don't make it retroactive as it would be punitive to those already in process.

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.

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 MINUTES FOR THE CITY COUNCIL MEETING HELD ON APRIL 8, 2014; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 PROCLAMATION DECLARING APRIL 2014 AS "MONTH OF THE CHILD" AND "CHILD ABUSE PREVENTION MONTH"; (ADMINISTRATION)

RECOMMENDATION: Present and approve as submitted.

A-3 PROCLAMATION DECLARING APRIL 2014 AS “AUTISM AWARENESS MONTH”; (ADMINISTRATION)

RECOMMENDATION: Present and approve as submitted

A-4 PROCLAMATION DECLARING MAY 2014 AS “BIKE MONTH;” MAY 16, 2014 AS “BIKE TO WORK DAY;” AND MAY 7, 2014 AS “BIKE TO SCHOOL DAY”; (ADMINISTRATION)

RECOMMENDATION: Present and approve as submitted.

A-5 PROCLAMATION DECLARING APRIL 2014 AS CALIFORNIA “SAFE DIGGING MONTH”; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-6 ANNUAL REPORTING ON THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT AND SCHEDULING OF A PUBLIC HEARING; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Acknowledge receipt of the annual report, and set the public hearing date for May 13, 2014, in order to declare the intent to continue the MBTBID activities and assessments.

A-7 APPROVAL OF THE FINAL MAP FOR TRACT 2870, SEASHELL ESTATES, 1305 TERESA DRIVE (ROBERT ZINNGRABE); (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 25-14, approving the Final Map for Tract 2870.

A-8 RESOLUTION 26-14 DELEGATING AUTHORITY TO THE CITY ENGINEER TO EXECUTE DOCUMENTS FOR CALTRANS AND FHWA GRANT FUNDED PROJECTS; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 26-14, authorizing the City Engineer to execute Caltrans certifications and agreements related to State and Federal funded projects.

A-9 APPROVAL OF WEBCAM LICENSE AGREEMENT BETWEEN CITY OF MORRO BAY AND SURFLINE/WAVETRAK, INC.; (HARBOR)

RECOMMENDATION: Approval and execution of the webcam license agreement between the City of Morro Bay and Surfline/Wavetrak, Inc. (“Surfline”).

A-10 APPOINTMENT OF THE VACANT PLANNING COMMISSION SEAT; (ADMINISTRATION)

RECOMMENDATION: Fill the vacant position on the Planning Commission that was created with the resignation of Rick Grantham; this term will expire on January 31, 2015.

Mayor Irons opened up the public comment period for items on the Consent Calendar. Kurt Herrmann, Director of Camera Operations and Strategy for Surfline/Wavetrak, Inc., introduced himself and stated they had a proposal for a webcam on the restroom by the rock. He is here to address any concerns you may have on their proposal.

Roger Ewing spoke on Item A-7, Approval of Final Map for Tract 2870, Seashell Estates, 1305 Teresa Drive. He drove that road this morning which brought up a number of issues. All the curbs were painted red; he felt the street is less than 20 feet wide which wouldn't allow for 2 cars to pass each other; a few lots have a steep drop down to what looks like an ESHA; and where will guests park? When the project was approved, there were also plans to develop a 24 unit work-force housing complex which hasn't been done – why? The developer was also to have paid his fair share of the lift station – has he done that? He feels the 10 unit subdivision is ignoring the City's General Plan. He requests Council continue this item to do more research.

The public comment period for the Consent Calendar was closed.

Mayor Irons pulled Item A-7 and Councilmember Nancy Johnson pulled Item A-10.

MOTION: Councilmember Christine Johnson moved the City Council approve Items A-1, A-2, A-3, A-4, A-5, A-6, A-8, and A-9 of the Consent Calendar as presented. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

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

No's: None

A-7 APPROVAL OF THE FINAL MAP FOR TRACT 2870, SEASHELL ESTATES, 1305 TERESA DRIVE (ROBERT ZINNGRABE); (PUBLIC SERVICES)

Mayor Irons pulled this item in order to that Public Services Director Rob Livick could address some of the concerns brought up in public comment.

Mr. Livick stated this was approval of final map, the last stage in a subdivision; at this point the developer has met all conditions of the subdivision and is filing their map with the City Engineer. Regarding the issues brought up during public comment; the work force housing, they are two separate projects and not tied together. The street was approved to be a narrow street and is 20 feet wide which meets the City's minimum private street standards and parking for guests must be provided in the building envelopes. With regards to the sewer fees, they have been paid. There is a drainage thru the property and those building envelopes on that side of the habitat area are set back from the habitat area; it isn't designated as ESH on their maps. There has been a mitigation plan prepared and approved for the disturbance of the site.

MOTION: Councilmember Nancy Johnson moved to approve Item A-7 as presented. The motion was seconded by Councilmember Leage and carried unanimously, 5-0.

Ayes: Irons, C. Johnson, N. Johnson, Leage, Smukler
No's: None

A-10 APPOINTMENT OF THE VACANT PLANNING COMMISSION SEAT;
(ADMINISTRATION)

Councilmember Nancy Johnson suggested re-advertising for the position again. Councilmember Leage agreed with Councilmember Nancy Johnson as this same situation, only one applicant has occurred in the past and they re-advertised.

Councilmember Smukler thinks we should be consistent with previous actions with only one candidate applying, and recognizing the importance of this position, he feels we should re-notice and work to get applicants we can interview and appoint.

Councilmember Christine Johnson feels we should pass this on Consent tonight because it is such a short term, only through January 31, 2015, and feels we need to make a final decision and move on.

Mayor Irons agrees with Councilmember Christine Johnson, considering the time left to serve and having gone through this 3 times already.

MOTION: Councilmember Christine Johnson moved to approve A-10, appointment of the vacant Planning Commission seat. The motion was seconded by Mayor Irons and carried 3-2 with Councilmembers Nancy Johnson and Leage voting no.

Ayes: Irons, C. Johnson, Smukler
No's: N. Johnson and Leage

Councilmember Smukler, in listening to the conversation, the point about the short term nature of the appointment, is a good one. It can be considered a handicap for the Commission to have a short number of seats. It makes sense not avoid another round of applications and process and allow the Commission to become whole.

Councilmember Nancy Johnson voiced concerns about Mr. Sadowski's criticisms about how the City works, how the Planning Department works and how our JPA works and she worries about having him on the Planning Commission.

Councilmember Leage agreed, this is a very important position and putting somebody on that's going to rock the boat isn't a good idea.

Mayor Irons appreciated those comments; the appointment is to be a reflection of this Council.

Councilmember Smukler stated that in terms of behavior and actions of Planning Commissioners, those guidelines are clearly lined out. If any Planning Commissioners are identified as not carrying out the integrity and review/respect the applicants and process deserves, we would need to address that then. Let's move forward and see how it works.

B. PUBLIC HEARINGS

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

Associate Planner Cindy Jacinth presented the staff report. There were slight revisions made due to Coastal Commission correspondence received earlier that day.

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

Councilmember Smukler is glad we took the time to work with the Coastal Commission to ensure we will be successful in the process. The intent of the General Plan is to protect AG space and it's good to know we have enough space outside of the Ag areas to accommodate the units we need to within the City limits. He is in support of moving forward with adjusting as the Coastal Commission has requested and the Planning Commission has reviewed and approved.

Councilmember Christine Johnson thanked staff and the Planning Commissioners for creating a process we can move forward with and is also in support of accepting Coastal's recommendation.

Mayor Irons appreciates the visuals available as quickly as possible given the conversation occurred today. Having the dialogue with Coastal as we move forward sets us up for a good collaborative relationship between the Coastal Commission and the City. The changes made are thoughtful and ensure our residential neighborhoods maintain their residential feel and is in favor of moving forward.

MOTION: Councilmember Christine Johnson moved for the introduction and first reading of Ordinance 585 as modified which thereby would approve Zoning Text Amendment A00-013 with direction to staff to forward the LCP amendment to the CCC. The motion was seconded by Mayor Irons and carried unanimously, 5-0.

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

No's: None

C. UNFINISHED BUSINESS

C-1 CONSIDERATION OF NORTH COAST TRANSIT SURVEY PROJECT RECOMMENDATIONS FOR THE 2014 TROLLEY SEASON REGARDING THE NORTH ROUTE AND FARES; (PUBLIC SERVICES)

Management Analyst Janeen Burlingame presented the staff report.

MV Transportation Manager Susan MacDonell answered questions posed by Council.

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

John Headding stated that the Chamber was in the process of trying to determine if the North businesses feel there will be an impact on them based on this route variation. He thinks it will take 30 days to determine and plans on bringing this back to Council. He asked Council to postpone a decision on this until the Chamber intervenes and brings the business information back to you.

Dawn Beattie rides the trolley and picks it up at San Jacinto and Highway 1 and is not in favor of the southbound route on Main Street because then she wouldn't be able to catch it.

Carla Wixom echoed Mr. Headding's comments. She hoped Council would be mindful of the North businesses. There are 6 restaurants and one grocery store out there that are dependent on the services provided by the City. If you are trying to promote business, they should be considered as part of the service providing these opportunities. She also felt that \$1 fare was a good way to go.

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

Councilmember Smukler can understand where the intent to reduce the headway provides value for riders and the system, but removing the North Main route without some outreach and discussion to businesses and residents isn't going to be received well and would be disrespectful. He is glad to hear the Chamber is pursuing some outreach and feels it's important for Council to let that process take place. It's essential to reach out to businesses on this proposed route change and include information that we've expanded to Saturday service for Morro Bay transit.

Councilmember Nancy Johnson agrees we need more information yet we also have a good head's up on this from our advertising sellers for the Community Foundation. They have found that the businesses on North Main aren't willing to advertise on the trolley; very likely due to there not being a stop up there. It really bothers her that we are pushing a major food chain and ignoring our local North Morro Bay businesses; it has to be more than a timing issue. She likes the flat \$1 fee. She questioned the safety of driving the trolley on Highway 1 and would like to see that addressed in a more formal way.

Councilmember Leage doesn't want to see the trolley on the freeway either. If we dropped to the \$1 fare, we may get less people because you'll now be paying more for children. He would like to see the age limit of under 12 ride free.

Councilmember Christine Johnson supports the \$1 flat fare with a little more discussion on the age limits for children riding free. She shares the sentiment of Council regarding supporting North Morro Bay businesses; as well as all Morro Bay businesses. Part of what North Morro Bay lacks is a strolling area; however, when you're on the trolley going north, you are able to see the businesses as a drive by. As such, she feels there is great value to a North Morro Bay route and supports not removing the north trolley route. She wondered if this was a rush item or can we go through the summer and have the Chamber and other businesses alert people about what's going on in an effort to increase ridership. She suggested using the existing service for now and then we'd have better data at the end of the summer season; that way, we don't have to rush this to come back by the next meeting.

Mayor Irons is supportive for business outreach in North Morro Bay. He was also concerned with the time frame of bringing back an item so quickly.

Councilmember Nancy Johnson stated that she still had concerns with safety of the trolley on Highway 1 and that needs to be answered; she is agreement with the fare charge and hopes discussions can occur regarding the age of children riding free. In order to honor and support the businesses on North Main Street, we need to run both north and south on Main Street at least for the summer; if it doesn't work or they're not using it, then that will make a difference. She hopes that there will also be a stop at Spencers.

Councilmember Smukler stated we need to take time to take advantage of the transit program working with the Chamber to work with the businesses in that district and identify how we can create a better relationship and hopefully increase their participation, awareness and the ridership. What we need to do to get there, is worth our effort.

Mayor Irons would like to go with the recommended fares as addressed in the staff report with the ability to evaluate the age component next year. These recommendations are driven by fare box ratios and ridership; it's about higher efficiency and increasing fare box ratio. We want to be sure we are servicing our businesses well too. He recommends getting help from SLOCOG/RTA next year to be able to help with this evaluation.

Councilmember Leage is more concerned with the slowness of the trolley on the highway.

MOTION: Councilmember Christine Johnson moved to approve the staff recommended fare change for the 2014 trolley season. The motion was seconded by Councilmember Smukler and carried 3-2 with Councilmembers **Smukler** and Leage voting no.

Ayes: Irons, C. Johnson, N. Johnson

No's: Leage, Smukler

MOTION: Councilmember Smukler moved to retain the current route schedule and participate with an evaluation of improvement options for next season with a focus on the North Main route and the businesses within that route. The motion was seconded by Councilmember Leage and carried unanimously, 5-0.

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

No's: None

Councilmember Nancy Johnson hoped that this report would come back to Council in January/February so that there is enough time for discussion and revision.

D. NEW BUSINESS

D-1 REVIEW THE COUNTY DECLARATION OF LOCAL EMERGENCY DUE TO DROUGHT; DISCUSS OUR WATER PROJECTIONS AND RESOURCES INCLUDING THE DESALINIZATION PLANT; AND DISCUSS AND CONSIDER DECLARING A LOCAL EMERGENCY FOR MORRO BAY; (PUBLIC SERVICES)

Public Services Director Rob Livick presented the staff report.

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

There were many questions given to and answered by Mr. Livick a synopsis of which follows: regarding the City dropping the ball on the desal plant; Mr. Livick stated that at that time, the Coastal Commission gave us specific conditions if we wanted to make the plant permanent in the mid-90's; that was the same time state water was coming on board and at that point in time, state water was probably viewed as an infinite source of water. Regarding rain fall totals; Mr. Livick stated that we are probably in a drought that doesn't occur very often in history, given that, there have been longer lasting droughts, some lasting many years which necessitates us having resiliency in our water supply – we need a variety of sources of water. What is our water enforcement; City relies on complaints on sprinklers and/or water running down the street – the goal isn't fining – it's conserving water; the City can also allow for some flexibility in the schedule if contacted and arrangements made. Mr. Livick is involved in many local agency committees in an effort to keep up on water priority projects and planning for county and state wide grant and funding efforts. Conversation regarding what a unit of water was; the average person uses an average of 90 gallons/water per day in Morro Bay; equating to an average of 195 gallons per household per day or 7+ units per month. The state water delivery went from 0% delivery to a 5% delivery which is good for Morro Bay as it guarantees we can use the stored water in San Luis Reservoir. The state water allocation trend has gone down every year; we are living off of the bank in the San Luis Reservoir so our conservation is meaningful. In order to draw from the bank, we need an allocation which ensures flow. Declaring an emergency allows relief from CEQA, you still have to perform analysis but there are some accelerated time lines. There is also an inter-tie possibility where the County is trying, in an effort to use Nacimientto water - which needs treating – where the 2 pipelines are close to coming together there happens to be a surface water treatment plant at CMC; the County is working to gain access and operate that water treatment plant, tie the Nacimientto project into the water treatment plant, in an effort to supply water to the Chorro Valley pipeline which will serve Morro Bay and others regionally. There will be costs associated with being able to use that water.

MOTION: Mayor Irons moved to approve staff recommendation to bring back a Resolution reaffirming the City's 2009 Emergency Declaration of a water shortage. The motion was seconded by Councilmember Smukler and carried 4-1 with Councilmember Leage voting no.

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

No's: Leage

D-2 DISCUSSION OF RETROFIT POTENTIAL REQUIREMENTS AND REVIEW OF THE PUBLIC WORKS ADVISORY BOARD (PWAB) SPECIAL MEETING REGARDING WATER ALLOCATIONS; (PUBLIC SERVICES)

Public Services Director Rob Livick presented the staff report.

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

Councilmember Nancy Johnson suggested that instead of imposing in-lieu fees you develop a portfolio of options providing incentives to reduce water use or improve the run off such as: points for putting in artificial lawn, for putting in impermeable surfaces, for tankless or on-demand water heaters, or for gray water systems.

Councilmember Smukler stated that it's exciting to update this program and is in favor of it because it's important that new projects pay their fair share. This will ultimately provide more stability for all of us in this shared system. The options represent a flexible program to allow a project to make sure it works for them. He wants to ensure we keep up the public review component.

Councilmember Christine Johnson stated that by extending this out, we've heard the voices of the construction community, the real estate community and they feel they have buy-in and have been heard. She is pleased to see how the community has worked together as a team crafting a policy that works.

Mayor Irons also stated we've had good input from the community of builders who provided great information. PWAB also did a great job.

MOTION: Councilmember Christine Johnson moved to approve staff recommendation for agenda Item D-2 as presented. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

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

No's: None

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Smukler requested an item to discuss Virg's request to evaluate consent of landowner to submit for a dock project only to include their kiosk proposal; there was unanimous consensus for this item.

ADJOURNMENT

The meeting adjourned at 10:16pm.

Recorded by:

Jamie Boucher
City Clerk