

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JULY 8, 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:	Edward Kreins	Interim City Manager
	Joe Pannone	City Attorney
	Jamie Boucher	City Clerk
	Susan Slayton	Administrative Services Director
	Rob Livick	Public Services Director
	Amy Christey	Police Chief
	Eric Endersby	Harbor Director
	Joe Woods	Recreation & Parks Director
	Janeen Burlingame	Management Analyst

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT – Interim City Attorney Joe Pannone reported that with regards to the Closed Session Item: Conference with Labor Negotiators regarding Morro Bay Firefighters’ Association; Morro Bay Police Officers’ Association; Service Employee’s International Union, SEIU Local 620; Management Employees; and, Confidential Employees the Council did not take any reportable action pursuant to the Brown Act.

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS & PRESENTATIONS

PUBLIC PRESENTATIONS - None

PUBLIC COMMENT

Beverly Ford-Durrer of Grandma’s Yogurt and Waffle shop presented the Morro Bay Business report. They are located at 307 Morro Bay Blvd, and by citizen requests, are open 9am-7pm on the weekdays and 9am-10pm on the weekends. They have created a courtyard / pocket park for people to gather. The public bathroom has been well received. They are planning a luau for the end of the summer and are looking for a non-profit who would like to benefit from a yogurt and waffle tasting. They are still trying to figure out bike and skate board racks. They are trying to continue to serve sorbet as well as yogurt; they are family oriented; they already have 3 clubs requesting to meet there and hope to have more.

John Barta congratulated Morro Bay as this is their last meeting before turning 50 years old. He spoke on “the state of democracy in Morro Bay” and was impressed that Morro Bay had the 3rd highest voter turnout at the June election in the State of California. The state average was 22.4% and Morro Bay had a 58.1% turnout. Democracy is alive and well in Morro Bay.

Pauline Stansbury spoke on her involvement with the Meals on Wheels program. She joined them as a volunteer, it’s a great organization but they have needs: donations, office help, and drivers. Meals are \$6.95; they could use donations to offset costs of those unable to afford that cost. This program makes a huge difference in people’s lives.

Barry Brannin spoke on an item on the Planning Commission agenda – replacing / upgrading the Nutmeg Water Tanks. He feels the project has morphed dramatically from an existing steel tank to 2 concrete reinforced tanks as well as setting up a concrete mixing facility. He doesn’t believe we should put major public infrastructure on leased land; a project of this magnitude should be located on our own property. Maybe it should be integrated with the WRF project. He feels this project needs more focus by the Council with a report from staff as to how it got there.

Jane Heath spoke on behalf of Morro Bay in Bloom. She requested that anybody who sees the trolley this coming Thursday and/or Friday to wave as very likely they will have judges with the American in Bloom competition on them. Morro Bay in Bloom is a proud participant in American in Bloom for the first time. The organization is in place to beautify public areas in Morro Bay. Morro Bay in Bloom not only concentrates on plants/horticulture but also public art – Surf Art is a contest being sponsored by Morro Bay in Bloom which will benefit Project Surf Camp.

Steve Lindsmeier walks in Morro Bay 3-4 times a week and every 2 days, he is able to fill up a large bag of cigarette butts; he finds them everywhere. He hoped that maybe we could get community service to help enforce the litter laws – this gripes him.

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-1 APPROVAL OF MINUTES FOR THE SPECIAL CLOSED SESSION CITY COUNCIL MEETING HELD ON JUNE 24, 2014; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE CITY COUNCIL MEETING HELD ON JUNE 24, 2014; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF RESOLUTION NO. 47-14 ADOPTING 2014/15 MASTER FEE SCHEDULE; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Approve Resolution No. 47-14, adopting the 2014/15 Master Fee Schedule as presented.

A-4 APPROVE RESOLUTION NO. 46-14 AUTHORIZING THE EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS BY MUNICIPAL AUDITING SERVICES; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Approve Resolution No. 46-14, authorizing the examination of sales or transactions and use tax records by Municipal Auditing Services (“MAS”).

A-5 RESOLUTION 48-14 RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD IN THE CITY OF MORRO BAY ON THE 3RD DAY OF JUNE, 2014; DECLARING THE RESULTS THEREOF, AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW; (ADMINISTRATION)

RECOMMENDATION: Adopt Resolution No. 48-14.

A-6 STATUS REPORT OF A MAJOR MAINTENANCE & REPAIR PLAN (MMRP) FOR THE EXISTING WASTEWATER TREATMENT PLANT; (PUBLIC SERVICES)

RECOMMENDATION: Receive and file the report.

A-7 WATER RECLAMATION FACILITY (WRF) PROJECT STATUS AND DISCUSSION; (PUBLIC SERVICES)

RECOMMENDATION: Receive and file the report.

A-8 APPROVAL OF A NEW LICENSE AGREEMENT WITH MORRO BAY HARBOR FESTIVAL, INC. FOR USE OF HARBOR DEPARTMENT’S STORAGE YARD IN THE FRONT STREET PARKING LOT; (HARBOR)

RECOMMENDATION: Approve a two-year License Agreement with Morro Bay Harbor Festival, Inc., that includes an option to extend for one two-year period.

A-9 APPROVAL OF RESOLUTION 49-14 EXECUTING AMENDMENT #1 TO THE LEASE AGREEMENT FOR LEASE SITE 93-95/93W-95W EXTENDING DEADLINES FOR THE REDEVELOPMENT PROJECT AT 901-915 EMBARCADERO (HELD, HARBOR CENTER); (HARBOR)

RECOMMENDATION: Approve Resolution No. 49-14, executing Amendment #1 to the Lease Agreement for Lease Site 93-95/93W-95W, located at 901-915 Embarcadero, with the Held Family Trust and the Smith W and Hannah W Held Family Trust (“Tenants”), extending the lease’s redevelopment project deadlines.

A-10 RESOLUTION NO. 50-14 ESTABLISHING THE ANNUAL PROPOSITION 4 APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2014/15; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 50-14, establishing the annual Proposition 4 appropriation limits for fiscal year 2014/15.

A-11 DESIGNATION OF VOTING DELEGATE AND ALTERNATE VOTING DELEGATE AT LEAGUE OF CALIFORNIA CITIES 2014 ANNUAL CONFERENCE BUSINESS MEETING; (ADMINISTRATION)

RECOMMENDATION: Appoint Mayor Jamie Irons as the Voting Delegate and City Councilmember Christine Johnson as the Alternate Voting Delegate at the League of California Cities 2014 Annual Conference Business Meeting.

The public comment period was opened for the Consent Calendar; seeing none, the public comment period was closed.

Mayor Irons pulled Item A-2 from the Consent Calendar.

MOTION: Councilmember Christine Johnson moved the City Council approve Items, A-1, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10 and A-11 from 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

Mayor Irons earlier had contacted the City Clerk requesting a typo in the Motion found on page 13 of the minutes be corrected from "... of even numbered **months**" to "... of even numbered **years**." The Clerk confirmed that was accurate.

MOTION: Mayor Irons moved the City Council approved Item A-2 with the correction as stated. The motion was seconded by Councilmember Leage and carried unanimously, 5-0.

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

No's: None

B. PUBLIC HEARINGS

B-1 PUBLIC HEARING FOR AND CONSIDERATION OF MORRO BAY GARBAGE SERVICE BASE-YEAR RATE ADJUSTMENT APPLICATION AND ADOPTION OF RESOLUTION NO. 45-14; (PUBLIC SERVICES)

Management Analyst Janeen Burlingame presented the staff report with a follow-up discussion on how the rates were calculated by Tom Martin, General Manager with Mission Country Disposal. Ms. Burlingame pointed out a typo on the Resolution, there was a date that read October, 2014 which should have read October, 2013.

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

Councilmember Christine Johnson stated that the level of service provided by the garbage company must be very high with only 2 citizens submitting protests. She sees the landfill as an extremely well run facility; and, the garbage company employees are very safety conscience. She also appreciates the fact that the rates are being kept as low as possible.

Councilmember Smukler stated that by nature, garbage is going to be expensive. He suggested that residents struggling with the additional monthly cost, look into other options; ie: composting or recycling which may allow for a smaller trash can resulting in a lower rate. He sees the drivers as safe and professional. He also sees this as a good value for us and is in favor of the increase.

Councilmember Nancy Johnson agrees, there are options to reducing your waste which will decrease your rates. She too is in favor of the increase.

Mayor Irons appreciates the work that was gone through to get to this point. He also likes the efficiencies this gives as we won't have to come back with this item as often. He supports the increase.

MOTION: Mayor Irons moved to approve Resolution 45-14, with the stated correction to the third "Whereas" to read 2013 instead of 2014. The motion was seconded by Councilmember Leage and carried unanimously 5-0.

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

No's: None

C. UNFINISHED BUSINESS

C-1 APPROVAL OF CONSENT OF LANDOWNER AGREEMENT FOR UNITED STATES COAST GUARD TO BEGIN DEVELOPMENT APPLICATION PROCESS FOR CONSTRUCTION OF ADDITIONAL FACILITY BUILDING IN LEASE SITES 138-139 LOCATED AT 1253 AND 1257 EMBARCADERO; (HARBOR)

Harbor Director Eric Endersby presented the staff report.

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

John Barta stated that one thing that hasn't been discussed is what would happen if our harbor weren't dredged. Having a nice new USCG facility would hopefully ensure that we continue receiving those dredging dollars.

Barry Brannin questioned, what if the USCG was able to merge our Harbor office with their facility; they provided us with a new office site and they took over our site; it seems like a better long range purpose.

Bill Meyn with the USCG stated that the relocation costs of moving the Harbor office would be approximately \$400,000 - \$500,000; he went on to say that the current facility is only 1000 square feet, and if you're building a new building, it should probably be larger. The relocation cost of the restroom is approximately \$100,000 - \$200,000; a cost they can manage. While they would rather merge with the Harbor site, they can live with the solution that is being proposed as that fits into the economic reality of the project.

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

Mayor Irons agrees that the USCG is important to us and we want to maintain our relationship with them. There is consensus for us to move forward. The consent of landowner before us gives needed flexibility.

Councilmember Smukler affirmed that the City has worked closely with the USCG and we want to see this happen; while it's not the best scenario, it's one that will work. The project began with a requested site at Coleman Park and this is an elegant response to the public input received. This also adds to the potential viability of a boat haul-out yard. He hopes that we get with the Harbor Advisory Board and the Planning Commission as soon as possible.

Councilmember Nancy Johnson agrees that the USCG is a very important part of our community and wants to see this move forward so we can get them started and decide where they need to go from here.

Councilmember Christine Johnson suggested that if the public has any innovative ideas, now is the time to bring them forward as currently we have some flexibility. She likes the fact that we have a document that allows us to move forward but also allows for flexibility.

MOTION: Councilmember Christine Johnson moved approval of item C-1, Consent of Landowner enabling the USCG to beginning the planning and permitting processes for their proposed building. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

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

D. NEW BUSINESS

D-1 ADOPTION OF RESOLUTIONS NECESSARY FOR SPECIAL ELECTION TO BE HELD ON NOVEMBER 4, 2014, TO CONSIDER MEASURE TO CHANGE THE TIME AND MANNER OF ELECTING CITY OFFICIALS; (CITY ATTORNEY)

City Attorney Joe Pannone presented the staff report.

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

Jeff Cox had a question; if you select option A, would you select 1 or 2 people to write a pro and 1 or 2 people to write a con? Mayor Irons responded that was correct.

Bob Keller urged Council, as representatives of Morro Bay, and to unite the City, to adopt this 5-0. The two election process is too costly and doesn't make sense. He isn't aware of any other cities in the county that have 2 elections.

John Barta read the policy of the City of Morro Bay: that the citizens shall have the greatest possible opportunity to elect their elected officials by a majority vote and to have the largest possible field of qualified candidates. He questioned who would be against a majority vote election and having a large field of candidates. A single election policy goes against this; the candidate receiving the highest number of votes may be elected without a majority vote. The current policy guarantees you get into office with a majority vote. This was a citizen's initiative; he would like to see what's going on here be a citizen's initiative but it's not, it's coming from Council. The idea of cost savings is nonsense; it only costs \$.50 a year per vote. To be transparent and clear, those of you behind this request should write the arguments for and those of you against the measure should be writing the arguments against.

Barry Brannin feels the reason we had the highest voter turnout in the state is the reflection of the dissatisfaction with the method of how the voting system is working. The higher voting turnout reflected that this is the only way to take back control of the vested interests as a result of this unique voting system. He totally disagrees with some prior statements and urges Council to continue on the path that you have set.

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

Mayor Irons stated that this is not his vote; it's everybody's vote. The election process will be decided by the voters. He feels a responsibility to act in a majority and have something put on the ballot. Having something passed on the ballot some time ago doesn't mean we can't make a correction. He doesn't feel any of the actions are manipulative or are taking votes away. He is in favor of moving this forward and having the voters rethink the way we do it.

There was discussion regarding Resolution 51-14; Calling and giving notice of holding of a special municipal election on Tuesday, November 4, 2014 for the submission to the voters of the City a proposed measure changing the time of the City's general municipal election and in accordance therewith requesting the County of San Luis Obispo to consolidate the City's special election with the special and general municipal elections held within San Luis Obispo County on that date.

Councilmember Nancy Johnson feels that if we were going to be honest with the citizens of Morro Bay, then we should write what the original resolution was and then redline the changes; that will let the citizen's know what they are voting for or against and what is changing.

Councilmember Smukler is in favor of putting this on the ballot. He feels the language is a fairly simple question. His only question is, should the language say, "replace the dual election system with a single election system?"

Councilmember Leage likes the election system the way it is. It gives the chance for the people to vote for the top 2 people and allows for a majority winner.

Councilmember Christine Johnson will be supporting Resolution 51-14. Prior to 2012, the community wasn't experiencing intense campaigning from February to November. In 2012, there was a paradigm shift and there were unanimous selections in June. There is the potential for full campaign mode early on. Moving forward, are we going to consistently have intense early campaigning where people will be elected in June but not seated until December. Is this the way to do business; do we need such a long campaign season; will we exhaust the citizens; will we get less people to run; and if successful, you will be recognized as a winner but not seated until December. She has no issue with the language of the Measure.

Mayor Irons felt that, while we could word-smith the language, it is clear, concise and simple. He is in favor of it the way it reads.

Councilmember Nancy Johnson doesn't feel this is very democratic. She ran prior to 2012; and there were years and years that people were elected by 5, 6 or 7 votes; that is in no way a majority. The current election system is a more democratic way to encourage citizens to run. She hopes the primary is kept as it would include more people in the democratic process and with just one election, unless you put something in there stating, unless someone is elected by a majority, you'll go back to the old days.

Councilmember Smukler stated that the trend he is seeing is less people running because of the amount of effort and intensity of the election process. He has heard from enough citizens that want to have the opportunity to vote on this. He wants to allow the citizens to decide. He is in agreement not to word-smith the measure.

MOTION: Mayor Irons moved to approve Resolution 51-14 with a spelling correction to "exhibit A" on Ordinance 588 to read "...in **its** entirety..." as brought forward. The motion was seconded by Councilmember Smukler and carried 3-2 with Councilmembers Nancy Johnson and Leage voting no.

Ayes: Irons, C. Johnson, Smukler

No's: N. Johnson, Leage

There was a discussion regarding Resolution 52-14; Directing the City Attorney to prepare an impartial analysis, setting priorities for filing written arguments regarding the Morro Bay General Municipal Election Date Measure.

Mayor Irons is in favor of getting citizen input, but considering the timeline we need to get it on the ballot; he is leaning towards Alternative A; he doesn't feel one person only should be designated as the one bringing it forward. He would like to be a part of the process.

Councilmember Nancy Johnson proposed herself and Councilmember Leage to work together on an argument against and would like Council approval of that.

Councilmember Smukler, in an effort to provide clarity and keep it moving forward, says it makes sense to have Councilmembers prepare the arguments; this will also lessen additional burden to the City Clerk.

Councilmember Leage thinks the Council should take this on and not lay it off on anyone else. He agrees to keep in with the Council.

Councilmember Christine Johnson feels the public will be well represented on both sides and also feels that it makes sense to burden the Council with it. She would be willing to work on the argument for and the rebuttal with Mayor Irons.

MOTION: Mayor Irons moved to adopt Resolution 52-14, appointing Mayor Irons and Councilmember Christine Johnson as members to write arguments in favor of the measure with up to 3 members of the public to assist and Councilmembers Nancy Johnson and Leage to write arguments against the measure with up to 3 members assist and eliminate Alternative B and C in the resolution. The motion was seconded by Councilmember Christine Johnson 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 review and consider the fee structure for illegal fireworks (MBMC 4.08.090). All Councilmembers concurred with this request.

Councilmember Smukler requested a status report and review of trash management and receptacles at Morro Rock parking lot. Mayor Irons and Councilmember Christine Johnson concurred.

ADJOURNMENT

The meeting adjourned at 9:23p.m.

Recorded by:

Jamie Boucher
City Clerk