

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 14, 2015
VETERAN’S MEMORIAL HALL – 6:00P.M.

PRESENT:	Jamie Irons	Mayor
	Noah Smukler	Councilmember
	John Headding	Councilmember
	Christine Johnson	Councilmember
	Matt Makowetski	Councilmember

STAFF:	David Buckingham	City Manager
	John Fox	Assistant City Attorney
	Dana Swanson	City Clerk
	Rob Livick	Public Works Director
	Scot Graham	Community Development Manager
	Joe Woods	Recreation Director
	Eric Endersby	Harbor Director
	Amy Christey	Police Chief
	Steve Knuckles	Fire Chief

ESTABLISH QUORUM AND CALL TO ORDER

The meeting was called to order at 6:06pm

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

Mayor Irons reported that with regards to the Closed Session Items, the Council did not take any reportable action pursuant to the Brown Act.

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS & PRESENTATIONS

City Manager Buckingham provided a public service announcement regarding the intended Water and Sewer Rate increase and Proposition 218 vote.

<https://youtu.be/1s-b5Im3a5g?t=6m10s>

PUBLIC PRESENTATIONS - NONE

PUBLIC COMMENT

<https://youtu.be/1s-b5Im3a5g?t=11m12s>

The business spot was provided by Betty Forsythe of Fabulous Finds. Fabulous Finds is a non-profit ministry of St. Timothy’s Church to help people find fabulous items for themselves and families and help our “super people”—seniors and students. All items are donated, workers are

volunteers, and all money earned goes to our “S-Group” -- seniors and students. Fabulous Finds is located at 480 Morro Bay Blvd. near the Bay Theater. A soft opening for their new store “Fabulous Finds Furniture” located at 739 Napa is planned on April 17-18. Store hours are Monday, Wednesday, Thursday, Friday and Saturday from 11am – 5pm. Volunteers are always needed; please call (805) 459-5704 for more information.

Father Ed, Morro Bay, supports Fabulous Finds and thanks those who attended the Blessing of the Fleet yesterday.

Ken Vesterfelt, Morro Bay, announced two upcoming events. The Emergency Vehicle Car Show will be held this weekend and is sponsored by Morro Bay Police, Fire and Harbor Departments. The Cruisin’ Morro Bay Car Show will be held April 30 – May 3. Both are family-friendly, alcohol-free events. He opposes the building moratorium as it will dramatically drive up the cost to live here.

Robert Davis, Morro Bay, shared the Morro Bay Citizens Bike Committee and San Luis Obispo Bicycle Club are teaming up Saturday from 9:00-3:00 at the Emergency Vehicle Show to promote bike safety. Bike maps, safety tips and bicycle confidence courses will be available and everyone who signs a bike safety pledge will receive a free water bottle.

Roger Ewing, Morro Bay, spoke regarding Item D-1, asking the Council to issue a building moratorium due to the severe drought and lack of a long term sustainable water source. He also supports to Alex Beattie in his attempt to end hunting in the back bay.

Ted De’Mont, Morro Bay, spoke in support of the Bayside Café asking the Council to do everything it can to keep the current owner.

Dawn Beattie, Morro Bay, attended the 10-year Forecast Budget Study Session and was saddened to hear the City’s fee revenue recovers only 30% of Public Services costs. She hates to see these fees go up in one chunk like the water fees, but 30% recovery is not acceptable.

The public comment period was closed.

A. CONSENT AGENDA

<https://youtu.be/1s-b5Im3a5g?t=26m16s>

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 JOINT CITY COUNCIL AND PLANNING COMMISSION MEETING HELD ON MARCH 24, 2015; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE CITY COUNCIL MEETING HELD ON MARCH 24, 2015; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF MINUTES FOR THE SPECIAL CITY COUNCIL MEETING HELD ON MARCH 31, 2015; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-4 APPROVAL OF PROCLAMATION DECLARING APRIL 2015 AS “SEXUAL ASSAULT AWARENESS MONTH”; (ADMINISTRATION)

RECOMMENDATION: Approve and file.

A-5 STATUS REPORT OF A MAJOR MAINTENANCE & REPAIR PLAN (MMRP) FOR THE EXISTING WASTEWATER TREATMENT PLANT; (PUBLIC WORKS)

RECOMMENDATION: Receive and file.

A-6 WATER RECLAMATION FACILITY (WRF) PROJECT UPDATE; (PUBLIC WORKS)

RECOMMENDATION: Receive and file.

A-7 APPROVAL OF RESOLUTION NO. 13-15 EXECUTING AMENDMENT #5 TO THE LEASE AGREEMENT FOR LEASE SITE 124-128/124W-128W & 113W LOCATED AT 1215 EMBARCADERO, TO RESTRUCTURE LEASE REDEVELOPMENT PROCESS AND REQUIREMENTS AS THEY RELATE TO LEASE TERMS AND CONDITIONS; (HARBOR)

RECOMMENDATION: Adopt Resolution No. 13-15 executing Amendment #5 to the Lease Agreement.

A-8 AWARD OF CONTRACT TO ELLISON ENVIRONMENTAL, INCORPORATED DBA FLUID RESOURCE MANAGEMENT OF GROVER BEACH, CA FOR THE PROJECT NO. MB2015-WW05: DIGESTER #1 REPAIRS & COATING PROJECT; (PUBLIC WORKS)

RECOMMENDATION: Award the contract as recommended.

A-9 ESTABLISHMENT OF A TWELVE (12) MEMBER GENERAL PLAN/LOCAL COASTAL PROGRAM ADVISORY COMMITTEE (GPAC); (COMMUNITY DEVELOPMENT)

RECOMMENDATION: Adopt Resolution No. 16-15 establishing the General Plan/Local Coastal Program Advisory Committee (GPAC).

The public comment period for the Consent Calendar was opened.

Susan Stewart, Morro Bay, spoke regarding Item A-9. She is interested in committee make-up, is curious why TBID members were not included and would like to hear some discussion. She hopes to see members of the business community included, particularly small and longer established businesses. She also suggests including those who have lived here all their lives and bring that history to the process, possibly former elected officials.

The public comment period for the Consent Calendar was closed.

Mayor Irons pulled Items A-4 and A-9.

MOTION: Councilmember Johnson moved to approve Items A-1, A-2, A-3, A-5, A-6, A-7 and A-8. The motion was seconded by Councilmember Heading and carried unanimously, 5-0.

A-4 APPROVAL OF PROCLAMATION DECLARING APRIL 2015 AS “SEXUAL ASSAULT AWARENESS MONTH”; (ADMINISTRATION)
<https://youtu.be/1s-b5Im3a5g?t=29m44s>

Mayor Irons presented the proclamation to Donna Clipperton, RISE Board Member and Krista Stafford, Outreach Coordinator for RISE.

MOTION: Councilmember Makowetski moved the Council approve Item A-4. The motion was seconded by Councilmember Heading and carried unanimously, 5-0.

A-9 ESTABLISHMENT OF A TWELVE (12) MEMBER GENERAL PLAN/LOCAL COASTAL PROGRAM ADVISORY COMMITTEE (GPAC); (COMMUNITY DEVELOPMENT)
<https://youtu.be/1s-b5Im3a5g?t=36m23s>

City Manager Buckingham provided additional analysis and recommendation regarding the formation of the GPAC, in particular the number of members and also whether Council should participate in the committee.

The public comment period for Item A-9 was opened.

Susan Stewart, Morro Bay, noted having a student on the committee is an interesting idea; however, given there is a three year commitment you need to expect some changeover.

The public comment period for Item A-9 was closed.

Council discussed and agreed on the following: the committee should consist of an odd number of at-large positions, to ensure continuity it is important to clearly articulate the expectation of a 3-year commitment, there is a desire to have a youth liaison (high school or college student) who

lives in Morro Bay, and the final number of committee members will be determined after interviews are held.

MOTION: Mayor Irons moved the Council form a General Plan/Local Coastal Plan Citizens Advisory Committee, advertise to recruit members of that committee, and select and form that committee in May. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

B. PUBLIC HEARINGS

B-1 RESOLUTION NO. 14-15 INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR THE CLOISTERS PARK AND OPEN SPACE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (PUBLIC WORKS)
<https://youtu.be/1s-b5Im3a5g?t=1h7m>

Public Works Director Livick presented the staff report.

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

Dawn Beattie, Morro Bay, shared that she and her fellow Cloisters home owners are delighted to have Rob Livick join and lead the Cloisters maintenance team. The next quarterly meeting is currently being scheduled.

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

MOTION: Councilmember Headding moved to approve Resolution No. 14-15, as amended by staff. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

B-2 RESOLUTION NO. 15-15 INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR THE NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (PUBLIC WORKS)
<https://youtu.be/1s-b5Im3a5g?t=1h13m10s>

Public Works Director Livick presented the staff report.

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

MOTION: Councilmember Johnson moved the Council approve Resolution No. 15-15, as amended by staff. The motion was seconded by Councilmember Headding and carried unanimously, 5-0.

C. UNFINISHED BUSINESS / SECOND READING AND ADOPTION OF ORDINANCES - NONE

D. NEW BUSINESS

D-1 COUNCIL CONSIDERATION OF CITIZEN REQUEST FOR A 45 DAY BUILDING MORATORIUM AND COUNCIL CONSIDERATION OF OTHER ACTIONS RELATED TO NEIGHBORHOOD COMPATIBILITY; (CITY COUNCIL)
<https://youtu.be/1s-b5Im3a5g?t=1h17m>

Mayor Irons presented the report and responded to Council inquiries.

Community Development Manager Graham shared the Planning Commission has completed its review of the Neighborhood Compatibility Guidelines. Staff will merge those two documents and provide an opportunity for public review and input. Staff will bring that document and changes proposed by the community back to Planning Commission on May 5. It is currently anticipated the guidelines will be brought to Council at the June 9 meeting.

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

Kirk Najarian, Morro Bay, supports the denial of any moratorium. He agrees that updates to the General Plan and policies are needed, and that design guidelines and neighborhood compatibility are important. You must take into consideration we have different areas and neighborhoods and lot sizes, so each situation is unique. Private views seem to be the hot topic; that has never been a protected right.

Barbara Doerr, Morro Bay, supports a building moratorium, noting the Council needs to take every measure possible to protect Morro Bay's identity—the atmosphere of a fishing port and isolation from a faster pace of life. She also suggests a change to the City Council Policies and Procedures to allow any elected official to place an item on the agenda.

Nancy Bast, Morro Bay, understands the Council is dealing with many other very pressing issues; but, like water and sewer, neighborhood compatibility goes to the quality of life here. Quoting language from an Interim Urgency Ordinance passed on September 24, 2007, she notes we have been waiting seven years for new standards and a review process for single-family dwellings; three more years seems like pie in the sky.

Laurie Stamper, Morro Bay, respectfully opposes the Mayor's request to deny the moratorium. Morro Bay is one of the last quaint and funky beach towns. The Council should pass the moratorium and make neighborhood compatibility a primary concern.

Ted De'Mont, Morro Bay, presented Council with ordinance presented to City of Monrovia as a template for an interim urgency ordinance. A building permit for 845 Ridgeway is in front of the Planning Commission now—here's the tool and the reason.

Joe Anderton, Morro Bay, spoke in opposition to the moratorium. He purchased a small house in north Morro Bay and would like to build on that someday. A modest home with a good design should be allowed. He attended the NECCO meeting and some of the information being

provided is not accurate. He asked the Council to take into consideration the financial impact a building moratorium would have on those who make a living in construction.

Norm Williams, Morro Bay, shared that we are not talking about a building moratorium but a permit moratorium. The fees to file the appeal are costly and while Council and Planning Commission are deliberating and trying to come up with a solution, a moratorium will solve the problem.

A Morro Bay citizen spoke to support denial of a moratorium. Lots are small at the coast and if you want a house of any practicality you need a 2-story house, which is going to block someone's view. This moratorium is not about view, but about taking away property rights.

Marla Jo Bruton-Sadowski, Morro Bay, spoke regarding the legal requirement for conditions of a moratorium—public health, welfare and safety. She questions the availability of water to service residents and tourist industry. Good clean water is needed for public health and safety.

Kenny Blackwell, Morro Bay, supports a building moratorium. Without reliable safe water supply we cannot continue to build more and larger homes. Neighborhood compatibility guidelines are currently being updated and it makes no sense to continue to allow homes to be built under current guidelines.

Grant Kraut, Morro Bay, supports a building moratorium. He suggests larger signs on property noticing the development for 45 or 60 days, not just 10 days. Also, the applicant should have to handwrite 100 post cards explaining the project so they consider the impact. This is about view sharing, not view protection.

Greg Riley, Morro Bay, spoke in favor of a moratorium until neighborhood guidelines are complete. Homes permitted in 45 days last for 50 years.

Bob Keller, Morro Bay, supports the recommendation to deny moratorium and recommends adopting the resolution to work on the General Plan/Local Coastal Plan to move forward. Moratoriums should only be used as last resort and emergency and we're not there

Paul Nagy, Morro Bay, doesn't believe an emergency exists and there is no good reason for a moratorium. Existing documents have been created from years of political give and take and are similar to the county and neighboring cities. Changes made to requirements and ordinances must be carefully deliberated on and fair so we don't take away full use of property.

Betty Winholtz, Morro Bay, asks the Council take seriously the arguments from 2007 and address community welfare. Whether you do an emergency ordinance or some other ordinance, it's not something that can be put off for three years. She wants clean guidelines so people know what to expect when they walk up to the counter.

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

Mayor Irons stated that a lot of thought went into his report and he appreciates the input. He is concerned the staff time involved in implementing a 45 day moratorium that may delay neighborhood guidelines. He is committed to getting the GP/LCP done in three years and doesn't think moratorium will help get that done.

Councilmember Johnson is 100% committed to neighborhood guidelines/standards with input from the public, Planning Commission, Planning staff and members of the Council. Following the 1000 Ridgeway appeal, which the Council upheld and denied the project, Council asked staff to provide clean guidelines, and good progress is being made. She supports the Mayor's direction to put more time on neighborhood guidelines so people know what they can build and won't be surprised by a project that won't fit in their neighborhood. She also likes the idea of a larger sign for posting new construction projects.

Councilmember Makowetski doesn't think various sides are too far apart, and suggests a slow down until we get the rules in place benefits all and provides a level playing field for neighbors and builders. He supports a moratorium of sorts, or a "slow down", while neighborhood guidelines are being developed.

Councilmember Heading thanked the NECCO group; grass roots advocacy is one of the best ways to change things in the city. He is looking for common ground to bring us to a point where we can agree. Neighborhood compatibility is a primary goal with a timeline that may be before the Council on June 9. He does not support moratorium, does not believe it's the answer. Need accountability to move this forward extremely quickly and a comprehensive GP/LCP developed in three years.

Councilmember Smukler appreciates how much agreement there is on getting the neighborhood guidelines done. There is an appeals process in place and this Council has upheld those appeals-builders should take note of that and do their due diligence. He likes improved signage suggestion as a short-term solution and would also consider increasing noticing radius to 500'. He is not in support of a moratorium. In response to water concerns, remodels or new construction generally have much stronger storm water management techniques and water efficiencies in place.

Councilmember Makowetski stated the moratorium is connected to the General Plan update. He understands that may have design guidelines in place in 8 weeks but folks feel we've been down this road before. He is totally in support of the resolution completing the general plan update.

MOTION: Mayor Irons moved the Council deny the request for a moratorium and adopt Resolution No. 18-15 committing to completing the General Plan/Local Coastal Program Update in three years. The motion was seconded by Councilmember Smukler and carried 4-1 with Councilmember Makowetski voting no.

MOTION: Councilmember Smukler moved the Council affirm neighborhood guidelines be a priority for the Planning Commission. The motion was seconded by Councilmember Heading and carried unanimously, 5-0.

Council discussed the citizen request for improved signage and better noticing for building projects. Mayor Irons suggests the Planning Commission review this item and make recommendations as part of the Neighborhood Design Guideline discussion; Council concurred.

Councilmember Johnson requested the Council consider the vote on Resolution No. 18-15 as Councilmember Makowetski was clear in his support of the Resolution.

MOTION: Mayor Irons moved the Council reapprove and readopt Resolution No. 18-15. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

D-2 DISCUSSION AND DIRECTION TO STAFF REGARDING FEE SUBSIDIES AND COST RECOVERY; (ADMINISTRATION)
<https://youtu.be/1s-b5Im3a5g?t=3h26m3s>

City Manager Buckingham presented the staff report and responded to Council inquiries.

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

Betty Winholtz, Morro Bay, shared that she was on Council at the time of the previous consultant study which recommended 50% fee recovery and the Council, at that time, did not have the willpower to make those changes because of the political ramifications. She doesn't think you can be as systematic as you would like to be.

Jeremiah O'Brien, Morro Bay, representing the commercial fishing industry, recommends the Council support staff recommendation to bring this discussion to the Harbor Advisory Board, with Mr. Buckingham present. Commercial fishermen do not consider themselves to be subsidized, nor do they compare themselves to private yacht owners. The commercial fishing industry shouldn't be charged by what you can get out of it, but a reasonable fee.

Marla Jo Bruton-Sadowski, Morro Bay, watched the March 31 City Council meeting and encourages people to watch the video. The 10-year budget forecast was based on building continued in Morro Bay; she thought that our building department had been losing money for years.

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

Council discussed the importance of fiscal responsibility and a fee subsidy policy, and request this item come back as a public hearing to allow for further input and discussion, in particular for subsidy of Recreation programs and other quality of life issues.

MOTION: Mayor Irons moved the Council approve staff recommendation and return to Council with a fee subsidy policy in June. The motion was seconded by councilmember Makowetski and carried unanimously, 5-0.

D-3 CONSIDERATION AND DIRECTION ON FUTURE OF LEASE SITE 102/102W, LOCATED AT 1001 FRONT STREET (CENTRAL COAST SEAFOOD/GIOVANNI'S FISH MARKET, MICHAEL AND ORIETTA DEGARIMORE, THE "LEASEHOLDER"); (HARBOR)
<https://youtu.be/1s-b5Im3a5g?t=4h36m24s>

Harbor Director Endersby presented the staff report and responded to Council inquiries.

MOTION: Mayor Irons moved the Council continue the meeting past 11:00pm. The motion was seconded by Councilmember Heading and carried unanimously 5-0.

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

Cathy Novak of Novak Consulting spoke on behalf of the DeGarimores, current leaseholders of Lease Site 102/102W. The DeGarimores have done significant improvements, provided many public benefits, as well as repair and maintenance work over the past several years to this lease site. They support the staff recommendation for Alternative A which is to begin lease negotiations with them.

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

MOTION: Councilmember Johnson moved the Council approve Alternative A as recommended by staff. The motion was seconded by Councilmember Heading and carried unanimously, 5-0.

D-4 CONSIDERATION OF ADOPTION OF RESOLUTION NO. 17-15 RESCINDING RESOLUTION NO. 31-08 RELATED TO INTERSECTION CONTROL AT SAN JACINTO & MAIN STREETS AND PROVIDE UPDATE OF CITY/CALTRANS ACTIVITY REGARDING THIS INTERSECTION; (PUBLIC WORKS)
<https://youtu.be/1s-b5Im3a5g?t=4h52m38s>

Public Works Director Livick presented the staff report and responded to Council inquiries.

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

MOTION: Mayor Irons move the Council adopt Resolution No. 17-15 rescinding Resolution No. 31-08. The motion was seconded by Councilmember Smukler. Councilmember Smukler notes the City has other potential partners, including the school district, Morro Bay Bike Committee and SLOCOG, and encourages staff to also work with those organizations as well as PWAB to develop next steps, a budget and realistic solutions. The motion carried unanimously, 5-0.

D-5 DISCUSS ADVISORY BOARD JOINT MEETINGS AND RECOGNITION EVENT FOR ADVISORY BOARD MEMBERS; (CITY COUNCIL)
<https://youtu.be/1s-b5Im3a5g?t=4h57m43s>

MOTION: Mayor Irons moved the Council continue Item D-5 to a future meeting. The motion was seconded by Councilmember Heading and carried unanimously, 5-0.

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS
<https://youtu.be/1s-b5Im3a5g?t=4h58m24s>

Mayor Irons requested the Public Works Advisory Board have a discussion regarding water conservation awareness measures and provide recommendations to the City Council; Council concurred.

Councilmember Johnson asked to discuss appointing two councilmembers to assist with planning the Morro Bay 4th of July event this year; Council concurred.

ADJOURNMENT

The meeting adjourned at 11:14p.m.

Recorded by:

Dana Swanson
City Clerk