

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – APRIL 28, 2015  
VETERAN’S MEMORIAL HALL – 6:00P.M.

PRESENT:	Jamie Irons	Mayor
	Noah Smukler	Councilmember
	John Heading	Councilmember
	Christine Johnson	Councilmember
	Matt Makowetski	Councilmember
STAFF:	David Buckingham	City Manager
	Joe Pannone	City Attorney
	Dana Swanson	City Clerk
	Rob Livick	Public Works Director
	Scot Graham	Community Development Manager
	Cindy Jacinth	Associate Planner
	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 6:03pm

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS &  
PRESENTATIONS

PUBLIC PRESENTATIONS

<https://youtu.be/vyzSrODmkdU?t=27m23s>

Chamber of Commerce Quarterly Presentation

Jennifer Redman, President of the Morro Bay Chamber of Commerce, provided the quarterly update for January – March 2015. The Chamber provides the city and local businesses with event support, incubator office support, business retention and expansion support. Plans for next quarter include preparations for the October 2015 business walk, assisting with the sign ordinance update, launching the new website, social media outreach, a Bike to Work rally, and marketing and economic roundtable breakfast.

Morro Bay Police Department App Presentation

Commander Millard provided information on the new Morro Bay Police Department smartphone application which is intended to expand lines of communication between the department and the community. The free download is available for Apple, Android and Windows devices.

Presentation of Letter Carriers' Food Drive Day Proclamation

Mayor Irons presented a Proclamation to Joe Gibson of the National Association of Letter Carriers, declaring May 9, 2015 as Letter Carriers' Food Drive Day.

Presentation of Morro Bay in Bloom Proclamation

Mayor Irons presented a Proclamation to Walter Heath of Morro Bay in Bloom thanking Morro Bay in Bloom for their work and welcoming America in Bloom to the City of Morro Bay on July 13-14, 2015.

PUBLIC COMMENT

<https://youtu.be/vyzSrODmkdU?t=55m16s>

George Leage of Great American Fish Co. (GAFCO) provided the business spot. GAFCO opened in 1980, 35 years ago, on the 4<sup>th</sup> of July. They recently they added steak to their menu and it's the best steak around. Prime rib is served on Friday nights.

KC Caldwell, Morro Bay, thanked the Council for their commitment to neighborhood compatibility. A community meeting will be held April 29 to review the draft document that is going to the Planning Commission on May 5. She asks that future meetings be held on Saturdays to get a larger turn-out, possibly 9am to noon.

Robert Davis, Morro Bay, shared the Morro Bay Citizens Bike Committee and San Luis Obispo Bike Club set up a table at the Emergency Vehicle Show and gave away 80 water bottles, mostly to children who signed a bike safety pledge. They will set up a table at the Eco-Rotary Fair on May 31 at St. Timothy's. The following activities are planned for bike month: a Twilight Bike Ride on May 6 beginning at 7:15 at the parklet; free breakfast for bike commuters on May 15 at City Park; and a bike tour to Baywood on May 23 starting at 9am at the elementary school. The SLO County Bike Coalition is kicking off a "Light up San Luis Obispo County" program in San Luis Obispo.

Trina Dougherty, Morro Bay, reminded everyone to email event information to AGP Video at [agp@agpvideo.com](mailto:agp@agpvideo.com) so it can be posted on Channel 20; the Morro Bay Friends of the Library book sale will be held on Sat., May 16 at the Morro Bay Community Center; and Eco-Rotary invites you to the 3<sup>rd</sup> Eco-Fair at St. Timothy's Church on May 31 from 12-5. Please call 801-4826 for more information.

Betty Winholtz, Morro Bay, shared concerns about the idea of smart meters for water and asked if the City will offer an opt-out program, noting the PUC has told PG&E they can no longer charge customers who opt-out. Regarding Item A-4, she believes this refers to a round-about and objects to the staff report in that it's not direct and does not include the history about this item. This should not be a consent item as it needs more deliberation.

The public comment period was closed.

A. CONSENT AGENDA  
<https://youtu.be/vyzSrODmkdU?t=1h13m>

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 APRIL 14, 2015; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 APPROVAL OF MINUTES FOR THE CITY COUNCIL MEETING HELD ON APRIL 14, 2015; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-3 ANNUAL REPORTING ON THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT AND SCHEDULING OF A PUBLIC HEARING; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Receive report and set the public hearing for May 12, 2015.**

A-4 RESOLUTION NO. 19-15 APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) AND THE CITY OF MORRO BAY FOR IMPROVEMENTS TO THE STATE HIGHWAY SYSTEM AT THE INTERSECTION OF STATE ROUTE 1/ MAIN STREET AND STATE ROUTE 41; (PUBLIC WORKS)

**RECOMMENDATION: Approve Resolution No. 19-15.**

A-5 AGREE TO COUNCIL MEMBERS JOHNSON AND SMUKLER ACTING AS LIAISONS TO CITY STAFF REGARDING THE PLANNING PROCESS FOR THE 2015 4<sup>TH</sup> OF JULY EVENT; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

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

Mayor Irons pulled Item A-4 and A-5.

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

- A-4 RESOLUTION NO. 19-15 APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) AND THE CITY OF MORRO BAY FOR IMPROVEMENTS TO THE STATE HIGHWAY SYSTEM AT THE INTERSECTION OF STATE ROUTE 1/ MAIN STREET AND STATE ROUTE 41; (PUBLIC WORKS)  
<https://youtu.be/vyzSrODmkdU?t=1h14m4s>

Public Works Director Livick provided additional information regarding the proposed agreement. The City is at the very beginning of the process and this agreement allows us to access Caltrans funds. A round-about was considered at one time and is still considered now, as is signalization. Any project will go through full permitting and environmental review, the school district will have an opportunity to provide input, and pedestrian concerns will be addressed. No construction dollars are available at this time; we are positioning ourselves to be able to receive those construction dollars when they become available.

MOTION: Councilmember Johnson moved the Council approve Resolution No. 19-15. The motion was seconded by Councilmember Makowetski and carried unanimously, 5-0.

- A-5 AGREE TO COUNCIL MEMBERS JOHNSON AND SMUKLER ACTING AS LIAISONS TO CITY STAFF REGARDING THE PLANNING PROCESS FOR THE 2015 4<sup>TH</sup> OF JULY EVENT; (ADMINISTRATION)  
<https://youtu.be/vyzSrODmkdU?t=1h21m16s>

Councilmember Johnson agendaized this item in order to have a brief discussion regarding the desire to have Council provide support for staff and the community to ensure the 4<sup>th</sup> of July event is a success this year during the transition.

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

## B. PUBLIC HEARINGS

- B-1 COASTAL DEVELOPMENT AND CONDITIONAL USE PERMITS APPROVAL (CP0-442 & UP0-381) FOR A BMX BIKE PARK ON VACANT CITY-OWNED PROPERTY AT 301 LITTLE MORRO CREEK ROAD, APPROX. 400 FEET NORTH OF THE INTERSECTION OF LITTLE MORRO CREEK, RADCLIFF AND MAIN STREETS; (COMMUNITY DEVELOPMENT)  
<https://youtu.be/vyzSrODmkdU?t=1h24m36s>

Assistant Planner Jacinth presented the staff report and responded to Council inquiries.

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

Melinda Rice, Morro Bay, spoke in opposition to the bike park, noting concerns regarding city liability and traffic safety.

Pam Sines, Morro Bay, spoke in opposition to the proposed location for the bike park, noting traffic and safety concerns, asking the Council to deny the bike park at this location only.

Robert Davis, spoke on behalf of the Morro Bay Bike Committee, who along with the San Luis Obispo Bike Club wholeheartedly support this bike park.

Bob Keller, Morro Bay, expressed support for a bike park for kids to keep them active, but we need to keep it safe. He recommends good signage and crosswalks, possibly by Lemos, or near the PG&E exit.

Rick Sauerwein, neighbor of Morro Bay, asked for clarification about the type of fencing being proposed. Orange construction fencing is an eyesore and a terrible problem to maintain.

Charlene Nungaray, Morro Bay, agrees we should have a bike park at a different location due to safety concerns and traffic issues exiting Hwy 1.

James Constanzo, Morro Bay, expressed concern about infrastructure on that roadway to support the increased traffic.

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

Councilmember Smukler noted the City has a responsibility to improve safety in this area with or without a bike park. Director Livick shared the Caltrans' solution to improve safety would be to make Radcliffe to Main right-turn only. The City will be making improvements in this area as time and resources allow.

Councilmember Headding is in favor of the project if we mitigate the issues of providing a bathroom facility and water. He is not concerned about dust control, after-dark use, or shade. He is mostly concerned with safety for south-bound Main Street bicyclists and, lastly, need to think about aesthetics. The siting allows for visibility; we should keep it as natural as possible.

Councilmember Makowetski understands the concerns of nearby residents, but given the itinerant aspect of the project he is satisfied with revisiting every six months. He likes the maps and diagrams, and the kids are really looking forward to it.

Councilmember Johnson understands neighbor concerns and appreciates they support a bike park and kids activities. The Council has been discussing this for some time and looked at other potential spots and there simply is no other location. She wants to clarify the bike park will come back to the Planning Commission six months after operation with bike circulation and vehicle traffic concerns reviewed at that time.

Mayor Irons agrees with the six month review after opening, with safety, trash and bathroom needs being addressed at that time. He is hopeful we can find more sturdy materials for fencing.

City Attorney Pannone suggests adding condition #12 on page six of Resolution No. 20-15 to state, "the project will be reviewed by the Planning Commission within six months after the park

is opened for public use and that review could result in additional conditions regarding restrooms, trash receptacles, including screening, and other safety related issues,” and revising condition #5 to clarify the Planning Commission review will occur six months after operation.

Bonnie Johnson, Morro Bay Bike Park, stated she is comfortable coming back six months after operation to review any additional requirements.

MOTION: Mayor Irons moved the Council adopt Resolution No. 20-15 making the necessary findings for approval of Coastal Development and Conditional Use Permits CP0-442 and UP0-381 with the additional requirement #12 and amending condition #5 as suggested by staff. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

C. UNFINISHED BUSINESS / SECOND READING AND ADOPTION OF ORDINANCES

C-1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 592 OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA, AMENDING SUBSECTION 14.08.090 O. OF THE MORRO BAY MUNICIPAL CODE RELATING TO *SALE AND USE OF FIREWORKS*; (POLICE)  
<https://youtu.be/vyzSrODmkdU?t=2h59m25s>

Chief Christey presented the staff report and responded to Council inquiries.

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

MOTION: Councilmember Johnson moved for introduction and first reading of Ordinance No. 592, version A by number and title only, and waives further reading. The motion was seconded by Councilmember Heading and carried unanimously, 5-0.

C-2 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 593 OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA, ADDING CHAPTER 9.34 TO THE MORRO BAY MUNICIPAL CODE (MBMC) BANNING THE POSSESSION OF CERTAIN INTOXICATING COMPOUNDS KNOWN AS SYNTHETIC DRUGS; (POLICE)  
<https://youtu.be/vyzSrODmkdU?t=3h6m42s>

Chief Christey presented the staff report and introduced Ordinance 593 by number and title.

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

MOTION: Councilmember Headding moved for introduction and first reading of Ordinance 593 by number and title only, as read by staff, waiving further reading. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

C-3 DISCUSSION AND DIRECTION REGARDING AGENDA FOR APRIL 30, 2015 JOINT MEETING WITH CAYUCOS SANITARY DISTRICT; (ADMINISTRATION/PUBLIC WORKS)  
<https://youtu.be/vyzSrODmkdU?t=3h10m21s>

City Manager Buckingham presented the staff report.

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

Barry Brannin, Morro Bay, shared the importance of relationships—there's a lot of give and take, good times, thin times. Throughout 55 years we always had trust. He is afraid that in our hurry to get the plant built, we have lost the trust of our partner. We need to solve the trust problem.

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

Councilmember Headding agrees the absolute foundation of any relationship in their lives is based on a foundation of trust. He also recognizes there are limitations that inhibit one's ability to have casual conversations that might provide insight into direction; members of both communities have expressed those frustrations. He wants this to be a regional collaborative partnership based on the foundation of trust and at a cost-sharing arrangement.

Councilmember Smukler stated the City has worked hard to get to an excellent sight through a very strong public engagement and serious study and analysis. He is confident we can get to the point we have a plant, and we don't have a choice about how quickly we need to get there. He is committed to working together with Cayucos and supports the suggested motion.

Councilmember Johnson asked the staff presentation be posted on the City website as it provides the basics of where we are now and where we are going.

MOTION: Mayor Irons moves the Council reaffirm our shared intention to work cooperatively with the Cayucos Sanitary District to construct a new Wastewater Treatment Plant / Water Reclamation Facility at the preferred Rancho Colina site, to reach initial operational capacity for the WWTP in 5 years, and pledge to continue to work in good faith to keep the project moving forward on the previously presented 5-year schedule. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

D. NEW BUSINESS

D-1 DISCUSSION AND DIRECTION TO STAFF REGARDING LEASE SITE 69-70/69W-70W LOCATED AT 595 EMBARCADERO (MORRO BAY AQUARIUM); (ADMINISTRATION)  
<https://youtu.be/SrUdjOOwjuM?t=1s>

City Manager Buckingham presented the staff report.

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

Councilmember Headding became involved as a result of a LEAP initiative to see an educational facility / attraction for economic improvement and development. CCA is an extremely willing partner that has demonstrated success and is rising to the occasion. They are able to do significant fund-raising and have a good relationship established with Cal Poly—above and beyond what was initially imagined. This item fits in goals to draw visitors and improve the economy. He supports the proposed motion.

Councilmember Smukler is glad to see we've worked with CCA and Cal Poly and believes this will be one of the most exciting projects on the Embarcadero, if not the entire town.

Councilmember Makowetski sees this as a great opportunity. Looking at everything we've been doing on the Embarcadero, the harborwalk, creating this unification, working with our community partners such as Cal Poly and PG&E, the concept of wave technology, the whole idea of scientific outreach; it's good to see this go forward.

Councilmember Johnson agrees this is a unique opportunity and it's important to note that even though CCA didn't respond to RFP, they continued to reach out to the City. CCA is a very strong organization with a committed board, not only to the governance of the organization, but also to fund-raising. Cal Poly is an exceptional partner that would benefit Morro Bay directly, and Dean Wendt is also active in our fishing community.

Mayor Irons wants to recognize the vision of the Tyler's; CCA had similar vision and started with a very small aquarium, then grew to the CCA we see today. CCA reached out to Morro Bay very early on and have been very respectful of the Tylers. The partnership with Cal Poly is a great opportunity.

**MOTION:** Councilmember Headding moved the Council direct staff to work directly with CCA board of directors to develop a proposal for a public/private partnership for the operation and future revitalization of the Morro Bay Aquarium lease site, a proposal that must come back to City Council for review and approval before any binding agreement is considered. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

D-2 DISCUSSION AND DIRECTION ON PRIORITIZATION OF PLANNING DIVISION OBJECTIVES; (COMMUNITY DEVELOPMENT)

<https://youtu.be/SrUdjOOwjuM?t=25m31s>

Community Development Manager Graham presented the staff report. City Manager Buckingham suggested that based on the adopted goals and objectives, Council consider the following six items be the top priorities: Residential Design Guidelines, Beach Street Parking Amendment, Sign Ordinance, Parking Management Plan, Secondary Unit Ordinance and Downtown Specific Plan.

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

Councilmember Smukler trusts Mr. Graham's judgment and prefers the Council affirm rough set of upper priorities and allow staff to strategically approach details as they see fit.

Councilmember Johnson generally agrees with those six priorities, moving around as needed, and asks staff to keep a list of items that aren't related to goals for the future. Also important to respond to Planning Commission's request to look at commercial design guidelines.

Councilmember Headding would like to see the sign ordinance completed and it is imperative to get residential design guidelines done. He would like to see the waterfront master plan in the next budget period, along with commercial design guidelines.

Mayor Irons asked staff to consider creating a waterfront master plan fund during budget process and also wants to consider Planning Commission's request for commercial design guidelines.

**MOTION:** Councilmember Smukler moved the Council prioritize items as suggested by staff: 1) Residential Design Guidelines, 2) Beach Street Parking Amendment, 3) Sign Ordinance, 4) Parking Management, 5) Secondary Units, and 6) Downtown Specific Plan. Retain all items on work list prioritized by time, regulatory sensitivities, city goals, budget, and staff time, and provide staff the flexibility to strategically pursue opportunities to advance other items, as feasible. The motion was seconded by Mayor Irons.

Councilmember Headding requested the Motion be amended to include consideration of return on investment. Councilmember Smukler accepted the amendment. The amended motion was seconded by Mayor Irons and carried unanimously, 5-0.

**MOTION:** Councilmember Smukler moved the Council direct staff to bring updates on individual items, as necessary, and schedule an annual review of the work program. Staff noted they will bring individual items to the Council as guidance is required. The motion died for lack of a second.

D-3 REVIEW AND DISCUSSION OF STOP SIGN REQUEST FOR THE INTERSECTION OF MAIN AND PACIFIC STREETS); (PUBLIC WORKS)  
<https://youtu.be/SrUdjOOwjuM?t=1h8m33s>

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

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

Councilmembers Smukler and Johnson support additional traffic calming at this intersection including stop signs and crosswalks. Councilmember Makowetski agrees traffic calming or slowing is needed, though not necessarily a stop sign.

Mayor Irons supports the staff recommendation and would consider crosswalks. He understands neighbor concerns and believes those concerns apply to several other intersections in town.

MOTION: Councilmember Smukler moves the Council order staff to return with a resolution that causes the installation of a traffic control device on Main Street at Pacific Street. The motion was seconded by Councilmember Johnson. The motion carried 3-2, with Irons and Heading opposed.

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

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS - None  
<https://youtu.be/SrUdjOOwjuM?t=1h18m49s>

ADJOURNMENT

The meeting adjourned at 11:02p.m.

Recorded by:

Dana Swanson  
City Clerk