

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 22, 2015  
VETERAN’S MEMORIAL HALL – 6:00 P.M.

|          |                   |                                  |
|----------|-------------------|----------------------------------|
| PRESENT: | Jamie Irons       | Mayor                            |
|          | Noah Smukler      | Councilmember                    |
|          | John Headding     | Councilmember                    |
|          | Christine Johnson | Councilmember                    |
| ABSENT:  | Matt Makowetski   | Councilmember                    |
| STAFF:   | Dave Buckingham   | City Manager                     |
|          | Joe Pannone       | City Attorney                    |
|          | Dana Swanson      | City Clerk                       |
|          | Sam Taylor        | Deputy City Manager              |
|          | Susan Slayton     | Administrative Services Director |
|          | Rob Livick        | Public Works Director            |
|          | Scot Graham       | Community Development Manager    |
|          | 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 6:35 p.m.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT – City Attorney Pannone reported that with regard to the Closed Session Items, the Council did not take any reportable action pursuant to the Brown Act.

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS & PRESENTATIONS

PUBLIC PRESENTATIONS - None

PUBLIC COMMENT

<https://youtu.be/2YxJTLshRRs?t=2m50s>

Richard Rowe owner of Rowe Clayworks provided the business spot. His business is located at 387 B Quintana Road near the Couch Potato. He makes pottery that is affordable, functional, and oven, microwave and dishwasher safe. They are open Monday - Saturday from 10am - 5pm. For more information, please call 235-9721 or visit their website at [www.roweclayworks.com](http://www.roweclayworks.com).

Rosalie Valvo, Morro Bay, expressed concern about the wind energy project being proposed in Morro Bay due to potential collisions of birds with the turbines. She urged the City Council to carefully consider this project.

Rigmore, Morro Bay, was pleased to be able to order fish directly from the fisherman by sending an email to [fish@southbaywild.com](mailto:fish@southbaywild.com). She restated her positions on automated water meters and neighborhood design guidelines, stated support of a marine sanctuary, and opposition to boat haul-out.

Doug Claassen, manager and owner of Morro Dunes RV, expressed concern about homeless problems, and would like to see the creek cleared as has been done in the past. Trespassing signs and no overnight camping signs do not seem to help.

Melody DeMeritt, Morro Bay, participated in ECOSLO's Coastal Clean Up where they removed over 300 lbs. of trash from the creek bed. She suggested metal trash barrels locked to trees to prevent trash from being washed into the ocean.

Butch Powers, stated Mayor Irons will not be re-elected.

Emily Miggins, Los Osos, recommended the Council and staff explore community based strategies that use baseline reporting metrics and other reporting standards to deal with issues such as recycling infrastructure, volunteer cleanups, and determine whether marine sanctuaries are appropriate.

Trina Dougherty, ECO Rotary Club of Morro Bay, announced a free presentation, "Can I recycle this?" by Mike de Milo of IWMA, to be held on Thursday, Sept 24<sup>th</sup> from 5:30 - 7pm at the Morro Bay Community Center.

Robert Davis, Morro Bay, representing the San Luis Obispo Bicycle Club, announced the 44<sup>th</sup> Lighthouse Bicycle Ride on Saturday, September 26 beginning at 7am at Morro Bay High School. For more information, please call 543-5973.

Jon Elliott, Morro Bay business owner, announced the Morro Bay trick-or-treat event to be held on Saturday, October 31<sup>st</sup> from 2-5pm. All local businesses are invited to participate and can e-mail Jon at [morrobaybarbershop@gmail.com](mailto:morrobaybarbershop@gmail.com) for more information.

Betty Winholtz, Morro Bay, expressed concern about a recent case where the Grillis have been sued by a neighbor and now criminal charges have been filed by City Attorney. She reminded the Council they set policy for the types of cases the City spends money on. She also recommended the municipal code section related to the duties of the City Attorney be updated.

Fred Collins, Northern Chumash Tribal Council, thanked the Council for direction they've taken with the new wastewater treatment plant project as he believes they picked a location that will avoid cultural resources.

Rob Livick, announced "Cavalleria Rusticana" and "Pagliacci" will be presented on Saturday, October 10 at 7pm and Sunday, October 11 at 2pm at the Cal Poly Performing Arts Center. Tickets are available at [pacslo.org](http://pacslo.org).

The public comment period was closed.

Council and staff responded to issues raised during public comment.

- A. CONSENT AGENDA  
<https://youtu.be/2YxJTLshRRs?t=39m38s>

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 SEPTEMBER 8, 2015; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

- A-2 APPROVAL OF MINUTES FOR THE CITY COUNCIL MEETING HELD ON SEPTEMBER 8, 2015; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

- A-3 RESOLUTION 62-15 RESTATING REQUIREMENT FOR PARAMEDIC LICENSES, ALLOWING FIRE CHIEF DISCRETION TO CONDITIONALLY POSTPONE REQUIREMENT, AND RESCINDING RESOLUTIONS 19-91 AND 29-01; (FIRE)

**RECOMMENDATION: Adopt Resolution 62-15 as submitted.**

- A-4 TEMPORARY APPOINTMENT OF COUNCIL MEMBER JOHN HEADDING AS LIAISON TO THE HARBOR ADVISORY BOARD; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

- A-5 APPROVAL OF TWO NEW LICENSE AGREEMENTS BETWEEN THE CITY OF MORRO BAY AND GAFCO, INC. (GEORGE LEAGE, GREAT AMERICAN FISH COMPANY) FOR LEASE SITE 110W-112W & 111.5W, AND THMT, INC. (TROY LEAGE, HARBOR HUT) FOR LEASE SITE 122-123/122W-123W FOR USE OF PUBLIC PROPERTY IN THE FRONT STREET PARKING LOT AREA FOR TRASH ENCLOSURES; (HARBOR)

**RECOMMENDATION: Approve the two License Agreements for use of public property for trash enclosures at 1196 Front Street, as proposed.**

Mayor Irons pulled Item A-5.

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

**MOTION:** Mayor Irons moved the Council approve Items A-1 through A-4 of the Consent Agenda. The motion was seconded by Councilmember Headding and carried unanimously, 4-0.

- A-5 APPROVAL OF TWO NEW LICENSE AGREEMENTS BETWEEN THE CITY OF MORRO BAY AND GAFCO, INC. (GEORGE LEAGE, GREAT AMERICAN FISH COMPANY) FOR LEASE SITE 110W-112W & 111.5W, AND THMT, INC. (TROY LEAGE, HARBOR HUT) FOR LEASE SITE 122-123/122W-123W FOR USE OF PUBLIC PROPERTY IN THE FRONT STREET PARKING LOT AREA FOR TRASH ENCLOSURES; (HARBOR)  
<https://youtu.be/2YxJTLshRRs?t=40m18s>

Mayor Irons suggested this item be continued as the properties have not been cleaned up as required by the License Agreement.

MOTION: Mayor Irons moved to continue Item A-5 until the site is cleaned up. The motion was seconded by Councilmember Johnson and carried unanimously, 4-0.

B. PUBLIC HEARINGS - NONE

There was Council consensus to move Item D-3 to the front of the agenda.

D. NEW BUSINESS

- D-3 CONSIDERATION OF HARBOR ADVISORY BOARD RECOMMENDATION ON CHUMASH HERITAGE NATIONAL MARINE SANCTUARY NOMINATION, AND POSSIBLE CITY COUNCIL POSITION; (HARBOR)  
<https://youtu.be/2YxJTLshRRs?t=42m15s>

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

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

David Georgie, Shell Beach, spoke in support of the National Marine Sanctuary, noting the oil drilling moratorium ends in 2017. He provided a list of over 600 individuals, businesses, and elected officials who support marine sanctuaries.

Carol Georgie, Pismo Beach/Shell Beach, spoke representing the San Luis Obispo Chapter of the Surfrider Foundation in support of a National Marine Sanctuary. The Surfrider Foundation worked with other local groups to ensure the proposed sanctuary will not include harbors, nor will it include additional fishing restrictions.

Liz Gilson, Morro Bay Chamber of Commerce Director of Operations, asked the Council to consider how their vote will affect local businesses and continue its opposition to National Marine Sanctuary designation.

Lori French, Morro Bay, spoke in opposition to National Marine Sanctuary and provided recent weather reports by NOAA stating the temperature in Morro Bay -328 degrees. She doesn't trust NOAA to be on-task and up to speed and feels local control is better.

Steve Rebuck, San Luis Obispo, spoke in opposition of the National Marine Sanctuary. He provided an excerpt from Measure A from the San Luis Obispo County LCP, and maps showing the current marine protected areas from Monterey to Point Conception.

Richard Scangarello, Shell Beach, shared the Council was getting ready to vote on something it doesn't have all the information about.

Brad Snook, co-chair of San Luis Obispo County Surfrider Foundation, spoke in support of National Marine Sanctuary. Significant ground has been covered since 2012 and any issues of concern can be resolved.

Doug Tait, representing the Morro Coast Audobon Society, spoke in favor of the National Marine Sanctuary, noting the potential economic benefit of a central coast marine sanctuary.

Harvey Cajon, representing the San Luis Obispo Surfrider Foundation, spoke in support of National Marine Sanctuary and shared a 2-minute video showing the positive effects of a marine sanctuary.

Sandra Rakestraw, Atascadero, retired forensic toxicologist and scuba diver, spoke in support of the National Marine Sanctuary, noting open waters within marine sanctuaries provide the cleanest areas for diving.

Janet Megans, Morro Bay, shared her support for National Marine Sanctuary.

Robert Davis, Morro Bay, spoke in opposition of the marine sanctuary, questioning information provided in the supporting documents authored by Dr. Scorse and Dr. Kildow.

Ric Deschler, Morro Bay, spoke in support of a marine sanctuary as the only way to protect the Morro Bay coast. Local control will not stop oil development once the State approves it.

Andrew Christie, Director of Sierra Club, spoke in support of National Marine Sanctuary, noting the potential financial benefit to the central coast and Morro Bay.

Jim Haussener, Executive Director for the California Marine Affairs and Navigation Conference (C-MANC) and former Assistant Harbormaster at Pillar Point Harbor, did not take a position for or against the sanctuary but noted the Federal rule-making process does not happen in an open forum. Also, Oregon recently passed on a national marine sanctuary program and he would be interested to find out why.

Shoosh Crotzer, Morro Bay, voiced her support for having our coastline protected as a National Marine Sanctuary as it is the only way to stop oil drilling. This vote does not create sanctuary, all it does is continue the process so Morro Bay can be at the table.

Jesse Barrios, commercial fisherman, was offended they would call it a Chumash Heritage Sanctuary when controlled by the Federal government. The entire concept of local government is compromised when we give it to NOAA for control. He understands the environmental and economic intentions are honorable, but there are unintended consequences.

Brad Wilcox, commercial fisherman, spoke in opposition to a marine sanctuary, noted the protections already in place are working.

Tom Hafer, commercial fisherman, spoke in opposition to the marine sanctuary, noting there are 209 miles of reserves and a lot of research going on right now by Cal Poly, Sea Grant and others. A sanctuary isn't going to bring more fish, more whales, more tourists or more money.

Butch Powers, President of Port San Luis Fisherman Association, spoke in opposition to the National Marine Sanctuary and shared some misconceptions about the potential impact on commercial fishing industry.

P.J. Webb, volunteer advocate for this region and attorney on marine policy, spoke in support of marine sanctuary designation. There would be no charge for a permit for anything you would need a permit for, including dredging. The worst thing for the fishing industry is an oil spill and Measure A will not stop off shore oil drilling.

Colby Crotzer, Morro Bay resident and former Councilmember, spoke in support of National Marine Sanctuary and protecting the water.

Debbie Highfill, Morro Bay, spoke in support of marine sanctuary to protect the community from oil drilling and spills.

Kelsey, Morro Bay, spoke representing a northern Chumash tribe, not affiliated with Fred Collins or the Northern Chumash Tribal Council, and has not been involved in planning process or proposal put together by Fred Collins and his group. She supported the idea of a marine sanctuary for many of the reasons stated and urged the Council to do its due diligence.

Emily Miggins, Los Osos, executive committee member of local Sierra Club, believes the Council needs more research and information before making a decision.

Bill Ward, Arroyo Grande, has been a commercial fisherman since 1968 and was appointed to the Central Coast Joint Cable/Fisheries Committee in 2003 shared history about Global Photon and stalled cable installation and that platform was later used for aquarium research.

Andrea Lueker, Los Osos resident, urged the Council to not support the Chumash National Marine Sanctuary. She provided a letter to John Armor, NOAA from Our Protected Coast Coalition for the record and reminded the Council the Harbor Advisory Board voted 7-0 recommending continued opposition to a marine sanctuary.

Janice Peters, Morro Bay, noted that given what is going on at the national level, oil drilling may become the next big thing. With regard to dredging, where will you put the spoils if it becomes more expensive and more difficult to get the funds? In the early 90s, a marine interest group was formed to research marine issues and that group could not come to agreement on marine sanctuary because we would lose local control.

Fred Collins, Northern Chumash Tribal Council, spoke in support of the marine sanctuary as a community-wide opportunity to stop offshore oil drilling, and seismic testing.

Debbie Wood, Morro Bay Landing, spoke in opposition to a marine sanctuary, noting there are 17 governing bodies that help make sure we have a clean ocean, we don't need another one. The sanctuary may not include the bay and harbor but it would have a lasting effect on the bay and the harbor and the ability to do business.

Wayne Moody, commercial fisherman for 40 years, was on board of the Pacific Coast Federation of Fisherman's Associations when the Monterey Bay Sanctuary was in its initial stages and urged the Council to continue its opposition to the National Marine Sanctuary.

Trudy O'Brien, Morro Bay resident and former commercial fisherman, asked the Council support the Harbor Advisory Board's 7-0 vote in opposition to the National Marine Sanctuary, noting the biggest issue is loss of local control.

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

A brief recess was called at 9:28 p.m. and the meeting reconvened at 9:45 p.m.

Mayor Irons disclosed ex parte communications with Fred Collins, P.J. Webb, Jeremiah O'Brien, Mark Tognazzini, Port San Luis Harbor District staff, Monterey Harbor staff, Glen Boledovich - NOAA, Senator McGuire's staff, Senator Monning's staff, Jim Haussener - Executive Director for C-MANC, and Bill Luffee.

Councilmember Headding disclosed ex parte communications with Port San Luis Harbor staff, Monterey Harbor staff, Bill Luffee, several representatives from the fishing industry and Mr. Haas from Lois Capps' office.

Councilmember Smukler disclosed ex parte communications with Jeremiah O'Brien, Andrew Christie, Fred Collins, Kelsey from Chumash Tribe, Bill Luffee, Neal Maloney, Bill Douros - NOAA, and Dave Kirk - Port San Luis Harbor District.

Councilmember Johnson disclosed ex parte communications with Mark Tognazzini, Jeremiah O'Brien, Bill Douros - NOAA, and Dave Kirk - Port San Luis Harbor District.

Councilmember Smukler has concerns about the potential impacts to local fishery and marine environments but notes this proposal is much different than expansion of Monterey and we need to be at the table regardless of our stance. He suggests asking NOAA to host a forum to address concerns.

Councilmember Headding doesn't feel this has been significantly vetted to get to the truth. Economically, he hears the concerns about oil spills and rigs, however there is also a possibility of wind-generated energy and to potentially lock ourselves out of that is very concerning.

Mayor Irons is supportive of protecting our oceans but not in support of proposed Chumash marine sanctuary being discussed tonight and would like to see several issues be addressed to

regain the trust of commercial fishermen and multiple users. He suggested reestablishing the marine interest group of regional significance, to lobby our legislators to make those changes. Senate Bill 788 (SB 788) prohibiting off-shore drilling failed, but it is not done. That bill will be re-authored and if approved next year, that would prohibit offshore oil drilling.

Councilmember Johnson is unable to support the 2012 resolution or Chumash Marine Sanctuary and needs more information before making a decision, including an analysis of how our current municipal code prohibits oil drilling.

MOTION: Councilmember Heading moved the Council let the existing document stand and invite representatives from NOAA to a public forum with community at large as well as City Council, after which time a resolution could be considered. The motion was seconded by Mayor Irons.

Councilmember Smukler was uncomfortable with some of the language contained in the 2012 resolution and would vote no on the motion as it stands.

The motion carried 3-1 with Councilmember Smukler voting no.

MOTION: Mayor Irons moved the meeting go past 11:00. The motion was seconded by Councilmember Heading and carried unanimously, 4-0.

C. UNFINISHED BUSINESS / SECOND READING AND ADOPTION OF ORDINANCES

C-1 WATER RECLAMATION FACILITY (WRF) PROPOSED OUTREACH PROGRAM;  
(PUBLIC WORKS)  
<https://youtu.be/zAwO6upcjgg?t=1h2m33s>

Mike Nunley, WRF Program Manager, provided 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.

There was Council consensus for the proposed outreach program. No formal action was taken by the City Council.

C-2 RESOLUTION NO. 63-15 ESTABLISHING A FEE SUBSIDY AND COST RECOVERY POLICY; (RECREATION/HARBOR)

This item was continued to a future meeting.

D. NEW BUSINESS

D-1 DISCUSSION OF NEXT STEPS FOR AUTOMATED WATER METER READING AND CONSOLIDATED BILLING; (ADMINISTRATION)

<https://youtu.be/zAwO6upcjgg?t=1h24m26s>

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

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

Ric Deschler, Morro Bay, urged the Council to remove automated water meter concept from the goals list and focus on more important issues.

Nancy Bast, Morro Bay, opposed automated meter reading as it would mean a loss of local control and local jobs. She suggested speeding up the process to replace existing meters.

Betty Winholtz, Morro Bay, noted the goal was not to adopt smart meters but to explore feasibility and that has been accomplished. Consolidation isn't always the most cost-effective and this project comes across as more costly.

Debbie Highfill, Morro Bay, expressed concern about the cost and potential health effects of smart meters.

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

There was Council discussion and consensus to bring this item back to Council for decision. Council asked staff to provide a comparison and detailed cost analysis for updating water meter reading and billing, whether it's replacing analog meters over time, new smart meters, or a hybrid, and to show how each of those options affect rates. Councilmember Heading asked that the scientific issue and health concerns also be addressed.

**MOTION:** Councilmember Johnson moved the Council direct staff to bring the current Fathom proposal to Council for consideration and decision and that the report include the requested cost comparisons and analysis. The motion was seconded by Mayor Irons and passed unanimously, 4-0.

**D-2 COMMUNITY ENHANCEMENT (CODE ENFORCEMENT) PROGRAM UPDATE;  
(COMMUNITY DEVELOPMENT)**  
<https://youtu.be/zAwO6upcjgg?t=2h10s>

Community Development Graham presented the staff report and responded to Council inquiries.

The public comment period for Item D-2 was opened

Betty Winholtz, Morro Bay, hoped there will be staff training on how to approach the public, suggested keeping the term code enforcement, and going after serious topics not cosmetic items.

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

There was Council consensus for the proposed plan. No formal action was taken.

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

<https://youtu.be/zAwO6upcjgg?t=2h23m45s>

None

ADJOURNMENT

The meeting adjourned at 12:09am to a Special Joint City Council meeting to be held on **Tuesday, September 29, 2015** at 4:30 pm at the Veteran's Memorial Hall, 209 Surf Street, Morro Bay, California.

The next regular City Council meeting will be held on **Tuesday, October 13, 2015** at 6:00 p.m. at the Veteran's Memorial Hall, 209 Surf Street, Morro Bay, California.

Recorded by:

Dana Swanson  
City Clerk