

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – OCTOBER 27, 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
	John Rickenbach	WRF Deputy Program Manager
	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 6:04p.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

<https://youtu.be/t9oNcQMvIDo?t=2m22s>

PUBLIC PRESENTATIONS

Chamber of Commerce Quarterly Update

<https://youtu.be/t9oNcQMvIDo?t=13m40s>

Jennifer Redman, President of the Chamber of Commerce, provided the quarterly update for the Chamber of Commerce as well as month-to-date information on the new Visitor Center which opened at 695 Harbor Street October 1, 2015.

Tourism Bureau Quarterly Update

<https://youtu.be/t9oNcQMvIDo?t=25m45s>

Brent Haugen, Executive Director for Morro Bay Tourism Bureau, provided the quarterly report for July - September, 2015.

#### PUBLIC COMMENT

<https://youtu.be/t9oNcQMvIDo?t=44m44s>

Ben Greenhaw, spokesman for the Morro Bay Salvation Army, provided the business spot. The Salvation Army has been located in Morro Bay for over 20 years serving the Morro Bay, Cayucos and Los Osos communities. They have recently remodeled their office at 540 Quintana Avenue and invite the community to stop by and see the improvements. The Salvation Army is looking for assistance in the following areas: financial support, non-perishable food items, and volunteers to assist with office hours and the Christmas kettle event. For more information, please call 772-7062.

Robert Davis, speaking on behalf of the Chamber of Commerce, announced nomination forms for the Morro Bay Citizen of the Year and Living Treasure are available at City Hall, Recreation Services, Chamber of Commerce and the Morro Bay Library. Information will also be in the Bay News and at local Chamber businesses. Awards will be presented at the installation dinner on January 8, 2016.

Marla Jo Bruton-Sadowski, Morro Bay, took issue with the opinion of the City that proper public notification was given prior to the Fugro CSLOGPP permitting for geophysical surveys and plans to follow up at the State level.

Linda Fidell, Morro Bay, co-coordinator of food group and community dinners spoke to honor Greg Miller who died last week. Every Monday evening, Greg assisted with set up and take-down for community dinners and, like many others, was an unsung hero. To date 4,341 guests have been served at community dinners; it would have been extremely difficult to do this without Greg's assistance.

Jon Elliott, Morro Bay, reminded the community about the Downtown Trick-or-Treat event on Saturday, October 31<sup>st</sup> from 2-5pm. Maps will be available at 1:45 at Grandma's Frozen Yogurt.

Lynda Merrill, Morro Bay, suggested everyone visit the new marina walk that skirts the estuary to see the amazing amount of birds that have arrived from the north. She also announced online registration is available for the Morro Bay Winter Bird Festival.

Taylor Newton, Morro Bay resident, business owner and supervisor for the Gorilla Garden Club, announced a Soupabration to be held on Sunday, November 1<sup>st</sup> to benefit Pacific Wildlife. Tickets are available at [soupabration.org](http://soupabration.org). Regarding Item A-3, he reminded staff a good functioning Tree Committee is a free resource with expertise related to not just street trees, but all public plantings. Also, he is proud of Morro Bay's tourism industry for supporting the LGBTQIA community.

Nancy Castle, Morro Bay, announced the Thanksgiving Community Dinner to be held on Thanksgiving Day, November 27<sup>th</sup> from 1-3pm at the Morro Bay Community Center. They are

looking for volunteers to assist with publicity, food, entertainment, decorations and serving. If you'd like to help or need a meal delivered, please call Morro Bay Senior Center at 772-4421.

The public comment period was closed.

Council and staff responded to issues raised during public comment.

A. CONSENT AGENDA  
<https://youtu.be/t9oNcQMvIDo?t=1h6m50s>

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 OCTOBER 13, 2015; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 APPROVAL OF MINUTES FOR THE CITY COUNCIL MEETING HELD ON OCTOBER 13, 2015; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-3 APPROVAL OF CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW) DRAFT STREAMBED ALTERATION AGREEMENT; (PUBLIC WORKS)

**RECOMMENDATION: Approve as submitted.**

A-4 RESOLUTION NO. 68-15 DELEGATING AUTHORITY TO EXECUTE DOCUMENTS FOR CALTRANS AND FHWA GRANT FUNDED PROJECT 05-5391R, STATE ROUTE 1/STATE ROUTE 41 INTERCHANGE IMPROVEMENTS; (PUBLIC WORKS)

**RECOMMENDATION: Adopt Resolution No. 68-15 Authorizing the Public Works Director to Execute the California Department of Transportation (Caltrans) Certifications and Agreements Related to the Subject State and Federal Funded Project.**

A-5 RESOLUTION NO. 69-15 AUTHORIZING THE COMMUNITY DEVELOPMENT MANAGER TO EXECUTE DOCUMENTS FOR CALTRANS SUSTAINABLE TRANSPORTATION PLANNING GRANT APPLICATION; (COMMUNITY DEVELOPMENT)

**RECOMMENDATION: Adopt Resolution No. 69-15 Authorizing Staff to Submit a Grant Application to the California Department of Transportation (Caltrans) for a Sustainable Communities Grant (FY 16-17) in the Amount of \$50,000 for the Update of the City's 2012 Bicycle and Pedestrian Master Plan.**

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

Mayor Irons pulled Item A-3.

Councilmember Johnson pulled Item A-2.

MOTION: Councilmember Heading moved the Council approve Items A-1, A-4 and A-5 of the Consent Agenda. The motion was seconded by Councilmember Smukler and carried unanimously, 4-0.

A-2 APPROVAL OF MINUTES FOR THE CITY COUNCIL MEETING HELD ON OCTOBER 13, 2015; (ADMINISTRATION)  
<https://youtu.be/t9oNcQMvIDo?t=1h7m14s>

Councilmember Johnson pulled this item request the following correction on page 8 under Item D-2: “Councilmember Johnson disclosed ex parte communications. She met once with Alla Weinstein ~~individually and also with Alla~~ and Erik Markell before bringing the item to the City Council.”

MOTION: Councilmember Johnson moved the Council approve Item A-2, as amended. The motion was seconded by Councilmember Heading and carried unanimously, 4-0.

Mayor Irons asked for Council consensus to discuss Item A-3 at the end of the meeting; Council concurred.

B. PUBLIC HEARINGS - NONE

C. UNFINISHED BUSINESS / SECOND READING AND ADOPTION OF ORDINANCES

C-1 DISCUSSION OF UNWARRANTED TRAFFIC CONTROL DEVICES, RESCISSION OF RESOLUTION NO. 38-15 REGARDING PLACEMENT OF STOP SIGN AT THE INTERSECTION OF PACIFIC AND MAIN STREETS AND CONSIDERATION OF ALTERNATIVE TRAFFIC CALMING MEASURES; (PUBLIC WORKS)  
<https://youtu.be/t9oNcQMvIDo?t=1h8m23s>

Public Works Director Livick 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.

Councilmember Smukler noted he previously voted for the stop sign based on strength of citizen petition. He is thankful there’s an alternative that would protect the City, supported rescinding the previous resolution, and would like to see alternatives implemented as soon as possible, not only in this location but other areas of the city as well.

Councilmember Heading wanted to see speeds reduced as much reduction as possible, and but doesn't support a stop sign.

Councilmember Johnson was disappointed not to have the latitude to add stop signs based on compelling resident input, but was not willing to put city at more risk when we've received expert advice otherwise. She supported low cost traffic calming solutions to raise awareness, in this location and other areas, such as San Jacinto corridor and Easter Street.

Mayor Irons noted he did not support the installation of a stop sign at that location; he lives in the area and didn't perceive there was a need. He supported staff recommendation for painted bulb-outs, supports high visibility crosswalks, and asked for feedback on radar signs.

MOTION: Councilmember Smukler moved the Council rescind Resolution No. 38-15 and direct staff to install high visibility crosswalk and painted bulb-outs at the intersection of Main and Pacific Streets, and continue to work toward other traffic calming measures identified in the City's adopted goals and objectives. The motion was seconded by Councilmember Heading and carried unanimously, 4-0.

MOTION: Councilmember Smukler moved the Council adopt Resolution No. 67-15. The motion was seconded by Councilmember Heading and carried unanimously, 4-0.

C-2 ADOPTION OF ORDINANCE NO. 597 AMENDING SUBSECTION 5.08.220 C. OF THE MORRO MUNICIPAL CODE RELATING TO THE \$4,000 EXCEPTION; (ADMINISTRATIVE SERVICES)  
<https://youtu.be/t9oNcQMvIDo?t=1h43m39s>

Administrative Services Director Slayton presented the staff report and responded to Council inquiries.

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

MOTION: Mayor Irons moved for adoption of Ordinance No. 597 by number and title only, waiving further reading. The motion was seconded by Councilmember Johnson and carried unanimously, 4-0.

C-3 DISCUSSION AND DIRECTION ON EXPIRING LEASE AT LEASE SITE 62/62W (KRUEGER/KAYAK HORIZONS) LOCATED AT 551 EMBARCADERO; (HARBOR)  
<https://youtu.be/t9oNcQMvIDo?t=1h47m9s>

Harbor Director Endersby presented the staff report, introduced a new and recommended alternative for the City assume the lease site upon current lease expiration and use the site to develop a public restroom while continuing to operate a kayak rental service.

City Manager Buckingham provided another option for Council consideration was to go out for RFP and see what projects others might propose while the City develops a proposal for retaining the site as a City facility.

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

Todd Baston, leaseholder at Gray's Inn located 561 Embarcadero, stated they had tried without success to work with the current leaseholder at 551 Embarcadero and move a project forward. He sees a unique opportunity to retain the historical integrity and add two small hotel rooms to compliment his business next door. The plans he prepared included enlarging the water dock to retain water sport activity at Kayak Horizons and a bathroom for staff and customers.

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

There was Council concurrence to explore all options, including going out for RFP to see what proposals are received. Councilmember Heading suggested the following RFP criteria: return on investment, improved viewshed, improved facade, improved overall tourism draw, minimal or no impact on the environment, and enhanced safety in the area. Councilmember Johnson encouraged further consideration of improving public restroom facilities in the area.

**MOTION:** Councilmember Smukler moved the Council direct staff to conduct an RFP process for the site as soon as feasible and concurrently perform an analysis to consider alternatives and bring back to Council for decision. The motion was seconded by Councilmember Johnson.

**AMENDED MOTION:** Councilmember Heading requested Councilmember Smukler consider amending the motion to include his suggested RFP criteria. Councilmember Smukler accepted the amendment, if modified to include "restore and enhance the environment". The amended motion carried unanimously, 4-0.

A brief recess was called at 8:15 and the meeting reconvened at 8:25pm.

Mayor Irons asked to hear Item D-4 next; the Council concurred.

**D. NEW BUSINESS**

**D-4 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 596 ADDING CHAPTER 14.42 TO THE MORRO BAY MUNICIPAL CODE, PROVIDING A STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; (COMMUNITY DEVELOPMENT)**  
<https://youtu.be/PbAqEETXbDo?t=14s>

Community Development Graham 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 moved for introduction and first reading of Ordinance 596 by number and title only, waiving further reading and finding the amendment exempt from CEQA. The motion was seconded by Councilmember Headding and carried unanimously, 4-0.

D-1 STATUS UPDATE OF THE MEMORANDUM OF UNDERSTANDING FOR POTENTIAL PURCHASE OF THE RANCHO COLINA PROPERTY AS THE CITY'S PREFERRED WATER RECLAMATION FACILITY SITE; (ADMINISTRATION)  
<https://youtu.be/PbAqEETXbDo?t=5m16s>

City Manager Buckingham presented the staff report and along with WRF Deputy Program Manager, John Rickenbach, responded to Council inquiries.

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

Councilmember Johnson reminded everyone it is challenging to hold property negotiations in a public process. Rancho Colina has been a preferred site, partly because of the willing seller. Her intention moving forward is for the City to continue good faith negotiations with the MacElvaine family.

Councilmember Headding reinforced it must be an absolute priority to determine if this is the site and not spend more than necessary on alternative sites. In the interest of the community, the City must be transparent with regard to costs and come back with an answer as quickly as possible. If a reprioritization of other priorities is needed, bring that to Council.

Councilmember Smukler looks forward to making final decisions on location and having an MOU the City can depend on. He pointed out that throughout the process there were strong shared interests and benefits to this location and encouraged staff to move forward as quickly as possible.

Mayor Irons hoped to reach consensus that will bring a strong MOU with clear parameters that addresses City Council goals and is fair to both sides. He trusts staff and the MacElvaine family will work expeditiously and diligently.

No formal action was taken by the City Council.

D-2 CONSIDERATION OF A FEE REFUND REQUEST, IN THE AMOUNT OF \$3,298.00, FOR A RESIDENTIAL REMODEL/ADDITION LOCATED AT 938 ANCHOR (SHERROD); (COMMUNITY DEVELOPMENT)  
<https://youtu.be/PbAqEETXbDo?t=44m9s>

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

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

Mike Sherrod, Morro Bay, provided a timeline of events in support of his refund request. He presented the project at a pre-application meeting where the Planning Director represented the project would be approved. All project costs were based on the outcome of that meeting. If they had been advised the project was non-conforming, they would have modified the project. City planners reviewed plans three times and all three times were told they met requirements. In 2013, after clearing the recession, he obtained financing, lined up builder, returned to City with the same project and was told the rear yard setback was non-conforming, requiring a variance and CUP. The Planning Director and staff in 2008-2010 interpreted rear yard setback to be a range. In 2013, Planning staff interpreted rear yard setback as a fixed number of 10'. Staff found the rear yard setback language to be difficult and reached out to local planners and found different interpretations. The Planning Commission also ruled the rear set back language was ambiguous and directed staff to provide a memo clarifying the language. The only option that preserved the investment and allowed them to develop property was to move forward with the variance. Given the unique set of facts in this case, he believes it's fair and reasonable to request reimbursement of fees paid.

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

Mayor Irons clarified there wasn't an inconsistent interpretation, it was incorrect for this project. Staff agreed this was the only project they can find that was interpreted this way. He supported the staff recommendation

Councilmember Johnson disclosed her ex parte communications with the applicant onsite approximately 1 - 1 ½ years ago. She noted that within the life of the permit for original project, staff was consistent in the interpretation with that project. Eventually, the project was approved and she would be uncomfortable making the determination to refund a project that received a variance and conditional use permit.

Councilmembers Headding and Smukler supported the staff recommendation.

MOTION: Councilmember Headding moved the Council support staff recommendation to deny the refund request. The motion as seconded by Councilmember Smukler and carried unanimously, 4-0.

D-3 AUTHORIZATION TO CONSENT TO THE BANKRUPTCY ESTATE IN THE MATTER OF CHARLOTTE ELLEN SALWASSER OR GEORGE SALWASSER TO SELL PROPERTY LOCATED AT 781 MARKET AVENUE (INCLUDING THE PARKING LOT) TO THE CITY OF MORRO BAY AND TO PARTICIPATE IN THE BIDDING PROCESS AS AUTHORIZED BY COUNCIL (APNs NO. 066-321-027 AND 066-112-007); (ADMINISTRATION)  
<https://youtu.be/PbAqEETXbDo?t=1h32m54s>

City Manager Buckingham presented the staff report and, along with City Attorney Pannone, responded to Council inquiries.

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

MOTION: Mayor Irons moved the Council authorize staff to consent to the Bankruptcy Estate of either George or Charlotte Salwasser for moving forward with the motion to sell the 781 Market Ave. and adjacent parking lot to the City, and for staff to participate in the sale and bidding process as authorized by Council for APNs No. 066-321-027 and 066-112-007. The motion was seconded by Councilmember Johnson and carried unanimously, 4-0.

A-3 APPROVAL OF CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW) DRAFT STREAMBED ALTERATION AGREEMENT; (PUBLIC WORKS)  
<https://youtu.be/PbAqEETXbDo?t=1h51m34s>

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

Mayor Irons reinforced the importance of good relationships with other regulating agencies.

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

MOTION: Mayor Irons moved to approve the draft streambed alteration agreement with the California Department of Fish and Wildlife (CDFW). The motion was seconded by Councilmember Smukler and carried unanimously, 4-0.

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS  
<https://youtu.be/PbAqEETXbDo?t=2h7m40s>

Councilmember Smukler requested an update and review of the volunteer senior transportation project. A draft agreement will be presented to Senior Citizens, Inc. in November and he requests the item be agendaized for Council on December 8<sup>th</sup>, if possible. Mayor Irons and Councilmembers Johnson and Heading supported the item coming to Council, when appropriate.

#### ADJOURNMENT

The meeting adjourned at 10:43pm to a regular City Council meeting to be held on **Tuesday, November 10, 2015** at 6:00 p.m. at the Veteran's Memorial Hall, 209 Surf Street, Morro Bay, California.

Recorded by:

Dana Swanson  
City Clerk