

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – FEBRUARY 23, 2016
VETERAN’S MEMORIAL HALL – 6:00 P.M.

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| PRESENT: | Jamie Irons | Mayor |
| | Matt Makowetski | Councilmember |
| | John Headding | Councilmember |
| | Christine Johnson | Councilmember |
| | Noah Smukler | Councilmember |
| STAFF: | Dave Buckingham | City Manager |
| | Joe Pannone | City Attorney |
| | Dana Swanson | City Clerk |
| | Sam Taylor | Deputy City Manager |
| | Rob Livick | Public Works Director |
| | Janeen Burlingame | Management Analyst |
| | 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 6:01 p.m.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT - No Closed Session Meeting was held.

STAFF PRESENTATION

https://youtu.be/U_uI_kthwXE?t=2m14s

City Manager Buckingham presented certificates of appreciation to Harbor and Fire Department personnel for their extraordinary rescue and lifesaving actions on February 14, 2016, as they responded to a capsized vessel in Morro Bay. Those employees included Scott Mather, Marcos Green, Michael Talmadge, Travis Hasch, and Jeremiah Jacobs.

Mayor Irons and the City Council presented certificates of appreciation to Chief Nilles and members of the Coast Guard Morro Bay for their expert utilization of motor lifeboats and rescue support during the February 14, 2016, response to a capsized vessel in Morro Bay.

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS &
PRESENTATIONS

https://youtu.be/U_uI_kthwXE?t=9m37s

Mayor Irons reported out from his participation on the City Selection Committee for various County-wide boards. Ed Waage from Pismo Beach was appointed to the Local Agency Formation Commission (“LAFCO”).

PUBLIC PRESENTATIONS – Morro Bay Tourism Bureau Quarterly Report

https://youtu.be/U_uI_kthwXE?t=17m18s

Brent Haugen, Morro Bay Tourism Bureau Director, provided the quarterly report for October – December, 2015. A link to the PowerPoint presentation is available here:

<http://www.morro-bay.ca.us/DocumentCenter/View/9376>

PUBLIC COMMENT

https://youtu.be/U_uI_kthwXE?t=28m17s

Caroline Duell of Elemental Herbs provided the business spot. The business recently moved its headquarters to the Sun Bulletin building in Morro Bay which allowed them to bring warehousing and shipping functions in-house. The product line extends to all organic body care products including lip products, sunscreen, and healing salves. One percent of all revenues is dedicated to fighting for social and environmental justice around the world. For more information, please visit their website: www.Allgoodproducts.com.

Rigmore, Morro Bay, opposed City funding for warming shelters and free use of public facilities. She suggested a thorough review of City codes and rules.

Trina Dougherty, Morro Bay, spoke on behalf of AGP Video, thanking the entire community for stepping up with recent Coastal Commission meeting. She also announced the Eco Rotary Club meets the second and fourth Thursday of each month. This week, Randy Ponder will share about his recent trip to Ethiopia. Also, the Morro Bay Friends of the Library will hold its first book sale of the year on Saturday, March 5, from 10am - 5pm at the Library.

Marla Jo Bruton-Sadowski, Morro Bay, announced a free event to be held at the Coalesce Bookstore on Saturday, February 27 at 7pm. Cathy de Moll, author of “Think South”, will lead a conversation about extreme adventure and global politics.

Linda Stedjee, Morro Bay, stated the City failed to protect beach access route in north Morro Bay. An alternate path was offered which she considers unsafe and unusable for seniors, disabled and families with small children.

Dawn Beattie, Morro Bay, urged the Council to review the municipal code before issuing citations.

Chuck Stoll, Morro Bay, thanked the Council for declaring a shelter crisis and the willingness to explore other plans. He believes there are plans in place throughout the County that can be adapted to work in Morro Bay.

Susan Craig, Morro Bay resident, business owner, and former 4th of July committee member, spoke regarding C-5 and supported a day-time 4th of July event.

Larry Landis, Morro Bay, spoke in support of pickleball.

The comment period was closed.

- A. CONSENT AGENDA
https://youtu.be/U_uI_kthwXE?t=50m17s

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

- A-1 RESOLUTION NO. 07-16 AUTHORIZING SUBMISSION OF RURAL TRANSIT FUND GRANT APPLICATION; (PUBLIC WORKS)

RECOMMENDATION: Adopt Resolution No. 07-16.

- A-2 RESOLUTION NO. 08-16 AUTHORIZING APPLICATION SUBMITTAL FOR THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY'S BEVERAGE CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAM; (PUBLIC WORKS)

RECOMMENDATION: Adopt Resolution No. 08-16.

- A-3 ADOPTION OF RESOLUTION NO. 10-16 UPDATING THE CITY'S CONFLICT OF INTEREST CODE; (ADMINISTRATION)

RECOMMENDATION: Adopt Resolution No. 10-16.

- A-4 ADOPTION OF 2016-17 CITY GOALS AND PROGRAM OBJECTIVES; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

- A-5 PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY DECLARING TUESDAY, FEBRUARY 23, 2016 AS "WORLD SPAY DAY"; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

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

Councilmember Johnson pulled Item A-2.

MOTION: Councilmember Smukler moved for approval of Items A-1 and A-3 through A-5 on the Consent Agenda. The motion was seconded by Councilmember Heading and carried unanimously, 5-0.

- A-2 RESOLUTION NO. 08-16 AUTHORIZING APPLICATION SUBMITTAL FOR THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY'S BEVERAGE CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAM; (PUBLIC WORKS)
https://youtu.be/U_uI_kthwXE?t=51m24s

Councilmember Johnson pulled the item to provide an opportunity to explain recent closure of recycling facilities in the City. Staff clarified those closures were not associated with the issue before the Council and the City has no control over recycling centers. Information regarding recycling centers can be found at www.calrecycle.ca.gov.

MOTION: Councilmember Johnson moved for approval of Item A-2. The motion was seconded by Councilmember Heading and carried unanimously, 5-0.

B. PUBLIC HEARINGS

- B-1 CONCEPT PLAN APPROVAL FOR CONDITIONAL USE PERMIT (UP0-359) FOR THE CONSTRUCTION OF A GANGWAY, DOCK, SEVEN (7) BOAT SLIPS, SECOND STORY DINING DECK EXPANSION, AND COASTAL ACCESS IMPROVEMENTS AT 725 EMBARCADERO, ROSE'S LANDING; (COMMUNITY DEVELOPMENT)
https://youtu.be/U_uI_kthwXE?t=59m36s

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

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

Steve Publisi, Project Architect, spoke on behalf of the applicant and introduced the project team including his client, Doug Redican; Michael Dammeyer, Project Manager; and Scott Kimura of Tenera Environmental. Responding to Council inquiries, he explained they cannot at this point in the project incorporate a green roof. They have worked to create an aesthetically pleasing project and eliminated restaurant activities that would impede public coastal access. If requested, the tables removed from the lower level could be placed on upper level view deck for public use.

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

The Council supported the project and discussed adding the following conditions: Councilmember Smukler suggested language to encourage stormwater management components to improve storm water runoff beyond those related to the construction phase of the project; Councilmember Heading requested a minimum of two benches be provided on the second floor public observation deck; and Mayor Irons requested the trash receptacles located on the south side of the building be redesigned with a cover in order to be screened from public view. There was Council consensus to support each of these requests and the applicant was favorable to including the conditions as part of project approval.

MOTION: Councilmember Smukler moved the Council adopt the Mitigated Negative Declaration and adopt Resolution No. 09-16, making the necessary findings for approval of Conditional Use Permit (#UP0-359) for the construction of a gangway, dock, seven boat slips, second story dining deck expansion, and coastal access improvements at 725 Embarcadero, Rose's Landing, with additional language regarding stormwater best management practices, seating on upper level public dock, and trash enclosure improvements. The motion was seconded by Councilmember Heading and carried unanimously, 5-0.

C. BUSINESS ITEMS

C-1 RECREATION PROGRAMS UPDATE; (ADMINISTRATION)
https://youtu.be/U_uI_kthwXE?t=1h51m52s

Deputy City Manager Taylor 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.

The Council expressed appreciation for the renewed energy and improved marketing of the City's recreation programs and complimented the work done by the Recreation and Parks Commission and staff.

No formal action was taken by the City Council.

A brief recess was taken at 8:15pm; the meeting reconvened at 8:22pm.

C-2 CONSIDERATION OF CONVERSION OF THE DEL MAR PARK HOCKEY RINK INTO PERMANENT PICKLEBALL COURTS; (ADMINISTRATION)
<https://youtu.be/HRV7RjBab9k?t=20s>

Mr. Taylor presented the staff report and responded to Council inquiries.

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

Trish Domega, Cambria Pickleball by the Sea, was involved with the construction of new courts in Cambria and encouraged the Council to promote pickleball in the community.

Elliott Gong, Morro Bay, encouraged the development of permanent courts to make pickleball available to people of all ages.

Julie Jensen-Chow, Los Osos resident and member of Central Coast Roller Derby, spoke in support of roller derby and maintaining a multi-use facility.

Ruth Stewart, San Luis Obispo County resident, urged the Council to maintain the multi-use space so the entire community can continue to grow.

Kathy Ponting, chairperson for the steering committee for permanent pickleball courts, provided a review of recent tournaments, clinics and events. She also suggested there may be a way to continue sharing court space with other uses.

John Wallace, Nipomo, shared they had a similar situation in Nipomo and worked with County Parks to raise money to resurface one of the courts. He supported multi-use, if feasible, and hoped there's a way to have full courts and host sanctioned tournaments.

Sharon Bruce, Los Osos resident and member of Central Coast Roller Derby, was excited to hear about what pickle ball is doing in Morro Bay but heartbroken that roller derby is being squeezed out of every facility. She urged the Council to take care of the whole community.

Jeff Napier spoke in support of pickleball and investing in facility improvements, noting the facility could be easily converted to another use should that need arise.

Jane Von Koehe, Morro Bay, spoke in support of maintaining a multi-use facility and encouraged surface improvements.

Greg Whitfield, Cambria, spoke in support of permanent pickleball and noted the current surface is not suitable for either skating or pickleball.

Victoria Betts, San Luis Obispo, spoke in support of roller derby and maintaining a multi-use facility.

Jenny Rarig spoke in support of permanent pickleball courts without restricted hours so families can enjoy the sport.

Karen Shwarzman-Rosa, Morro Bay, recently moved to Morro Bay and has developed strong social ties through pickleball, which is important to leading a healthy life.

Barbara, Paso Robles resident and President of the Paso Robles Pickleball Club, shared they installed permanent courts two years ago and have grown from 25 to 85 paying members with 150 on their mailing list.

Susan Craig, Morro Bay resident and business owner, spoke in support of permanent pickleball courts so the sport is available to all ages.

Steve Sidwell, USAPA District Ambassador for pickleball, shared his experience from the development of permanent pickleball courts in Paso Robles and urged the Council to support the sport.

Jan Smith, San Luis Obispo, spoke in support of permanent pickleball courts and stated regardless of the decision, the surface will need to be redone as it is unsafe for either hockey or pickelball.

Kathy Thomas, Morro Bay, provided the Council with a comparison of pickleball to roller derby. She noted pickleball is one of the few sports where wheelchair rules are in effect that enable wheelchair-bound athletes to play with able-bodied players.

Robert Thomas, Morro Bay, suggested the Council has the choice to install dedicated pickleball courts at Del Mar Park or double stripe courts at Monte Young for shared use.

Bonnie Sidwell, Paso Robles, spoke in support of permanent pickleball courts.

Kelly, Atascadero, spoke in support of permanent pickleball courts.

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

Mayor Irons thanked Robert & Kathy Thomas for their hard work and acknowledged the group's fundraising efforts. He was supportive of permanent courts but wanted to explore the idea of continued shared use.

Councilmember Headding supported the conversion to permanent pickleball courts based on positive impact for community health and potential revenue production through tourism. He was concerned about maintenance costs and suggested charging a membership fee that would be dedicated to the maintenance fund.

Councilmembers Makowetski and Johnson noted the entire park is a multi-use space and supported making pickleball available for all ages. Councilmember Johnson offered to help connect the roller derby group with Supervisor Gibson to find facilities on the coast and expand that program.

Mayor Irons invited Kathy Ponting to provide more information on the possibility of sharing the resurfaced courts with other uses. She noted it is not the best-case scenario as they would have to rely on the will of others to obey signage and prevent damage to court surfaces. She stated the pickleball group was willing to use current funds for maintenance costs and implement a membership fee.

Robert Thomas, Morro Bay, suggested you could create a "splash zone" that would accommodate other activities, but it would be dangerous to mix two different surfaces.

Joseph Hilden, Cambria, shared the courts in Cambria had to be locked at night to prevent damage.

The Council appreciated the discussion regarding potential multi-use; however, it wasn't likely that would be successful.

MOTION: Councilmember Headding moved the Council direct staff to move forward and permanently convert Del Mar park hockey rink to permanent pickleball courts, incorporate a use fee to help pay for court maintenance on an ongoing basis, and those courts should be locked at night to preserve court integrity. The motion was seconded by Councilmember Makowetski and carried unanimously, 5-0.

C-3 CITY OF MORRO BAY PARTICIPATION IN THE CALIFORNIA HERO PROGRAM; (PUBLIC WORKS)
<https://youtu.be/HRV7RjBab9k?t=1h36m5s>

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

Dustin Reilich, Director of Municipal Development for the California HERO Program, clarified PACE is the legislation that make these types of programs available to residents. HERO is a brand of PACE and offers a voluntary program that provides long-term financing to enable homeowners to improve their properties.

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

Adam Roberts, Regional Manager for Ygrene Energy Fund, shared that Ygrene, like HERO, provides a PACE financing option. He encouraged the Council to consider approval of the Ygrene program at a future meeting.

Bob Crizer, General Contractor and approved PACE contractor, stated these programs provide relatively easy funding to property and business owners for energy improvements. He encouraged the Council to support several PACE programs.

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

Mayor Irons disclosed ex parte communications with Bob Crizer and appreciated him reaching out to share information about the other available PACE programs.

The Council agreed residents should have a choice of programs and directed staff to bring back agreements with other PACE providers as a consent item at a future meeting.

MOTION: Mayor Irons moved the Council adopt Resolution No. 12-16 authorizing the City's participation in the California HERO Program, which will enable property owners to finance permanently fixed renewable energy, energy and water efficiency improvements, and electrical vehicle charging infrastructure on their properties. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

C-4 COMMUNITY DEVELOPMENT DEPARTMENT UPDATE; (COMMUNITY DEVELOPMENT)
<https://youtu.be/HRV7RjBab9k?t=1h52m44s>

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

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

The Council expressed its appreciation for the tremendous amount of progress in the past year. No formal action was taken by the Council.

C-5 CONSIDERATION AND DISCUSSION OF CITY SIGNATURE COMMUNITY EVENTS; (ADMINISTRATION)

<https://youtu.be/HRV7RjBab9k?t=2h24m15s>

Mr. Taylor presented the staff report and responded to Council inquiries.

The public comment period for Item C-5 was opened; seeing none, the public comment period was closed.

MOTION: Councilmember Johnson moved the Council adopt Resolution No. 11-16 approving the City's sponsored/partnered events. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

C-6 CONSIDERATION OF AND RECOMMENDATION TO CITY COUNCIL REGARDING THE CITY CO-SPONSORSHIP POLICY AND GUIDANCE ON COMMUNITY FACILITY USE BY VARIOUS GROUPS AT FREE OR REDUCED COST; (ADMINISTRATION)

<https://youtu.be/HRV7RjBab9k?t=2h32m22s>

Mr. Taylor presented the staff report and responded to Council inquiries.

MOTION: Councilmember Johnson moved the Council extend the meeting beyond 11pm. The motion was seconded by Councilmember Heading and carried unanimously, 5-0.

The public comment period for Item C-6 was opened.

Erica Crawford, President and CEO of Chamber of Commerce, responded to page 11 of the agenda correspondence, noting the Chamber is working closely with the City, the Visitor Center and the City's tourism entity, to share the building at 695 Harbor in a collaborative relationship. The Chamber represents the interests of local business community and at no time have they used the facility to discuss or endorse any political interests.

The public comment period for Item C-6 was closed.

Councilmember Heading provided two other city policies for staff to use as examples. Those policies include: 1) specific criteria to determine if an entity or group is able to receive direct or indirect services, 2) the individual who is empowered to make that decision, 3) list of criteria that must be met in order to qualify, 3) benefit the city receives must be equal to the dollar value of the services provided, and 4) a written agreement. Just because an organization does something that adds benefit to a community member, does not mean the city has the responsibility to provide through either direct or indirect costs a benefit to that organization.

Councilmember Smukler wanted a policy that was fair and easily understood. He noted the Adopt-a-Park policy was included as a priority for FY 16/17 and appreciated the Recreation & Parks Commission recommended parameters. He agreed with Councilmember Headding about tightening up policies, but also noted meeting space is limited in the City and to provide a room with tables and chairs can be important for community groups.

Councilmember Makowetski agreed it was important to look carefully at groups who have received benefits and what they bring to the city, then reach out to explain available resources.

Councilmember Johnson would like staff to clarify three things: a partnership policy, a policy that covers potential business sponsors for City events, and a shoulder season event or co-sponsorship policy. In the past, the Council designated funds that were distributed by the TBID Advisory Board to support events that draw tourists. She suggested 2- or 5-year agreements or MOUs with organizations that may include providing meeting space.

Mayor Irons expected the proposed policy(ies) would to go back to Recreation & Parks Commission and/or TBID for additional input.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

<https://youtu.be/HRV7RjBab9k?t=3h17m36s>

None

E. ADJOURNMENT

The meeting adjourned at 11:39pm. The next Regular Meeting will be held on Tuesday, March 8, 2016 at 6:00 p.m. at the Veteran's Memorial Hall located at 209 Surf Street, Morro Bay, California.

Recorded by:

Dana Swanson
City Clerk