

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2016
VETERAN’S MEMORIAL HALL – 6:00 P.M.

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
	Susan Slayton	Administrative Services Director
	Sam Taylor	Deputy City Manager
	Rob Livick	Public Works Director
	Scot Graham	Community Development Manager
	Whitney McIlvaine	Contract 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 6:04 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

<https://youtu.be/zbbxh2e-HhM?t=3m43s>

Mayor Irons reported out from his trip to Washington, D.C. to attend California Marine Affairs and Navigation Conference (CMANC).

PUBLIC PRESENTATIONS

<https://youtu.be/zbbxh2e-HhM?t=12m43s>

Robert Ellis from Community Action Partnership of San Luis Obispo (CAPSLO) provided a presentation on “Supportive Services for Veteran Families to assist Homeless Veterans.”

PUBLIC COMMENT

<https://youtu.be/zbbxh2e-HhM?t=21m42s>

Sean Zurbriggen of Libertine Pub provided the business spot. The Libertine Pub has been located at 801 Embarcadero in Morro Bay for nearly three years and recently expanded their business to

San Luis Obispo and Santa Maria. They have a full-kitchen and use locally sourced ingredients as much as possible. For more information check their website www.libertinebrewing.com.

Mac McCauley, Ava Perkins, and Chanell Thibodeaux, Student Council members from Del Mar Elementary School, announced upcoming events. The 2016 Fun Run will be held on Thursday, March 24, to raise funds for field trips and school supplies. A Goodwill Fundraiser will be held two weeks after the citywide yard sale - April 15-17. You can drop off leftover items between 10am-4pm. More information is available at <http://dm.slcsd.org>

Dave Weisman, Alliance for Nuclear Responsibility, requested the City Council announce their support for Senate Bill 968, requiring PG&E to conduct an economic analysis of the potential impacts caused by the closure of Diablo Canyon Nuclear Plant.

Terry Simons, Morro Bay, shared there is interest by marine services facility vendors to design and build a facility in Morro Bay and urged the Council to move forward with an RFP for design-build of a marine services facility.

Walter Schob, Morro Bay, spoke regarding Item C-1 and stated parking an RV on a paved area made for that purpose does not violate the Health and Safety or Public Nuisance sections of the municipal code.

Betty Winholtz, Morro Bay, addressed three agenda items. Regarding Item A-3, she suggested the language on page 7 is nebulous and leaves the decision makers out of the process; regarding Item B-1, she urged the Council to leave the ordinance as is; and regarding Item C-1, she suggested the code section regarding hedges be looked at from a historical perspective.

Rich Buquet, Morro Bay, shared concerns about excessive speed on Piney Way between Marina and Morro Bay Blvd., particularly northbound traffic.

Ed Sylvester, Morro Bay, urged the Council to leave the wastewater treatment plant in its current location due to concerns about distance.

The comment period was closed.

A. CONSENT AGENDA
<https://youtu.be/zbbxh2e-HhM?t=43m47s>

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

A-1 APPROVAL OF MINUTES FROM THE MARCH 8, 2016 SPECIAL CLOSED SESSION CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FROM THE MARCH 8, 2016 CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

- A-3 APPROVAL OF RESOLUTION 17-16 AMENDING THE POLICY AND PROCEDURE FOR HIRING CONSULTANTS TO ALIGN AUTHORIZATION AMOUNTS WITH THE MORRO BAY MUNICIPAL CODE; (ADMINISTRATION)

RECOMMENDATION: Adopt Resolution No. 17-16.

- A-4 APPROVAL OF RESOLUTION NO. 18-16 AMENDING THE ADVISORY BOARD BY-LAWS TO CHANGE MEETING FREQUENCY FOR PUBLIC WORKS ADVISORY BOARD, RECREATION AND PARKS COMMISSION AND TOURISM BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD, AND INCREASE NUMBER OF MEMBERS ON CITIZENS OVERSIGHT/FINANCE COMMITTEE; (ADMINISTRATION)

RECOMMENDATION: Adopt Resolution No. 18-16.

- A-5 APPROVAL OF AGREEMENT FOR RUNABOUT RIDER FARE-FREE ACCESS ON MORRO BAY TRANSIT DEVIATED FIXED-ROUTE AND TROLLEY BUSES; (PUBLIC WORKS)

RECOMMENDATION: Authorize the Mayor to execute an agreement with the San Luis Obispo Regional Transit Authority.

- A-6 RESOLUTION NO. 19-16 AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE DOCUMENTS TO CONTINUE CALIFORNIA ENERGY COMMISSION LOAN FOR ENERGY EFFICIENCY PROJECTS; (PUBLIC WORKS)

RECOMMENDATION: Adopt Resolution No. 19-16.

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

Councilmember Johnson pulled Item A-3 and Councilmember Makowetski pulled Item A-6.

MOTION: Councilmember Heading moved for approval of Items A-1, A-2, A-4 and A-5. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

- A-3 APPROVAL OF RESOLUTION 17-16 AMENDING THE POLICY AND PROCEDURE FOR HIRING CONSULTANTS TO ALIGN AUTHORIZATION AMOUNTS WITH THE MORRO BAY MUNICIPAL CODE; (ADMINISTRATION)
<https://youtu.be/zbbxh2e-HhM?t=44m47s>

Responding to concerns expressed during public comment, the Council directed staff to review and consider clarifying language on page 7 in “Final Scope of Work and Contract” section of the policy, and bring this item back at a future meeting.

- A-6 RESOLUTION NO. 19-16 AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE DOCUMENTS TO CONTINUE CALIFORNIA ENERGY COMMISSION

LOAN FOR ENERGY EFFICIENCY PROJECTS; (PUBLIC WORKS)

<https://youtu.be/zbbxh2e-HhM?t=53m16s>

Councilmember Makowetski inquired about the type of projects that would be paid for with these funds. Staff responded projects include new HVAC units and solar energy improvements for City buildings.

MOTION: Councilmember Makowetski moved the Council approve Item A-6. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

There was Council consensus to hear Agenda Item C-1 before the Public Hearing items.

C. BUSINESS ITEMS

C-1 COMMUNITY ENHANCEMENT (CODE ENFORCEMENT) PROGRAM STATUS/DISCUSSION; (COMMUNITY DEVELOPMENT)

<https://youtu.be/zbbxh2e-HhM?t=54m29s>

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

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

Rosemary Greenville, Morro Bay, expressed support for RV and boat owners, noting a lot of revenue is generated through the harbor.

Tim Driscoll, Morro Bay, urged the Council to relax current regulations regarding RV and boat parking.

Loyce Tobler, Morro Bay, urged the Council to revisit code sections and keep in mind different areas of town have different needs.

Robert Davis, Morro Bay, urged the Council to focus on protecting health and safety, and develop a code that serves the City's needs and reflects its values.

Cathy Reitz spoke in support of code enforcement, particularly on the island streets where RVs and boats block vision of drivers.

Joseph Conchelos, Cayucos resident and Vice-President of Morro Bay Commercial Fishermen's Organization, asked the codes related to storage of boats and trailers on private property be rescinded.

Kendall Welch, Morro Bay, urged the Council to update code sections related to boat storage.

Anne O'Brien, Morro Bay, requested the Council repeal 1988 ordinance related to RV and boat parking.

Monica King supported an ordinance that allows residents to have boats in their yard and suggested the hedge on Kern and Ridgeway be given a variance.

Terry Simons, part-time Morro Bay resident, suggested the City property being considered for a boatyard facility be used for short-term boat storage.

Don Headland, Morro Bay, shared the majority of boats and RVs are well-maintained and do not cause safety or aesthetic issues. He urged the Council to allow use of private property to store private property.

Dale Johnson, Morro Bay, urged the Council to reconsider the RV and boat parking ordinance and invite residents to participate in development of new ordinance to retain the uniqueness of Morro Bay.

Judy Van Hoy, Morro Bay, spoke regarding hedges, noting those at her property were planted in 1920 and therefore historic, and also provide security.

Ray David, Morro Bay, expressed concern that enforcement of the current rules and regulations will damage merchants and reduce property values.

Jim Wedding, Morro Bay, urged the Council to revisit code sections related to RV and boat parking.

Ed Sylvester, Morro Bay, suggested the Council repeal the current RV and boat parking ordinance and provide storage solutions.

Lynne Valley, San Luis Obispo County resident, urged the Council to reconsider the current ordinance and allow RV and boat parking on private property.

Nathanial Scott, Morro Bay, recommended the City amend the current RV and boat parking ordinance.

Kelly Ulrich, Morro Bay, stated the current code section related to boat parking is ambiguous and requested the Council receive community input to create clear regulations.

Justin Perkins, Morro Bay, urged the Council to amend code sections related to RV and boat parking, trash enclosures and hedges.

Ian Starkie, Morro Bay, expressed frustration regarding the flag pole height ordinance and process to gain compliance.

Jane VonKoehe, Morro Bay, spoke to the RV parking ordinance noting at one time an RV was her only mode of transportation and could not have been legally parked on her property.

Rachel Combs, Morro Bay, supported regulations about how to fly a flag, not pole heights, and the ability to store RVs and boats on private property.

Mike Fort, Morro Bay, expressed support for those who had spoken about boat and RV parking and asked the Council to be reasonable regarding hedges.

Mike Barrios, Morro Bay, asked the Council to stand up for the people.

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

Following Council discussion, there was consensus to review current municipal code sections related to RV and boat parking (to be considered separately), hedge heights, and garbage can enclosures. During that review, those current code section would not be enforced. The Council directed staff to facilitate robust citizen involvement before and during Planning Commission review of the new ordinances.

Staff clarified that regarding parking and hedge height issues, violations of other code sections related to health and safety would still be enforced. The Council concurred.

No formal action was taken by the City Council.

The Council took a brief recess at 10:08pm; the meeting reconvened at 10:17pm.

B. PUBLIC HEARINGS

B-1 INTRODUCTION AND FIRST READING OF ORDINANCE 601: LOCAL COASTAL PROGRAM AND ZONING TEXT AMENDMENT (#A00-029) AMENDING TITLE 17 PROVISIONS RELATED TO SECONDARY DWELLING UNITS AND GUESTHOUSES/QUARTERS AND ACCESSORY LIVING AREAS; (COMMUNITY DEVELOPMENT)
https://youtu.be/e_t4BSw9mDM?t=5s

Mayor Irons recused himself from this item as he has a secondary unit and an application in process to remodel his home that would include a guesthouse. He submitted correspondence to the Council which is included in the agenda correspondence.

Contract Planner McIlvaine presented the staff report, reviewed staff recommended revisions to sections 8, 9 and Exhibit A of the Ordinance, and responded to Council inquiries.

The public comment period for Item B-1 was opened

Val Seymour, Morro Bay, expressed concern about the effect allowing vacation rentals may have on affordable long-term housing.

Rich Buquet, Morro Bay, asked the Council to support staff's recommendation to strike prohibition of vacation rentals.

MOTION: Councilmember Smukler moved the meeting go past 11:00pm. The motion was seconded by Councilmember Johnson and carried 3-1-1 with Councilmember

Heading voting no, and Mayor Irons abstaining as he recused himself during Item B-1.

Erica Crawford, Chamber of Commerce, shared information gleaned from a recent Western Association of Chamber Executives (WACE) convention regarding short-term vacation rentals.

Jamie Irons, Morro Bay, suggested the affordable housing issue is driven by the Housing Element and suggested exploring a special secondary unit or tiny house ordinance specifically focused on true affordable housing.

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

Following discussion, there was Council consensus to accept the amended staff recommendation and strike language excluding the use of secondary units as vacation rentals. Councilmember Johnson sensed there's community interest to talk about vacation rentals, in general, and did not support that being a part of this discussion.

Councilmember Heading disagreed, stating that from an economic development perspective, he did not support use of secondary dwellings for vacation rentals.

MOTION: Councilmember Johnson moved for introduction and first reading of Ordinance 601, the Local Zoning Text Amendment amending Title 17 provisions related to Secondary Dwelling Units and Guesthouses/quarters and accessory living areas, by number and title only, as amended by staff. The motion was seconded by Councilmember Smukler and carried 3-1-1 with Councilmember Heading voting no and Mayor Irons abstaining.

Mayor Irons rejoined the meeting.

B-2 RESOLUTION NO. 20-16 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/e_t4BSw9mDM?t=1h8m8s

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

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

MOTION: Mayor Irons moved the Council adopt Resolution No. 20-16 initiating the proceedings to levy the annual assessment for Cloisters Landscaping and Lighting Maintenance Assessment District and ordering the preparation of an Engineer's Report detailing the maintenance expenses projected for FY 2016-17. The motion was seconded by Councilmember Heading and carried unanimously, 5-0.

B-3 RESOLUTION NO. 21-16 INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR THE NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (PUBLIC WORKS)
https://youtu.be/e_t4BSw9mDM?t=1h10m38s

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

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

MOTION: Mayor Irons moved the Council adopt Resolution 21-16 initiating the proceedings to levy the annual assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District and order the preparation of an Engineer's Report detailing the expenses projected for FY 2016-17. The motion was seconded by Councilmember Headding and carried unanimously, 5-0.

C. BUSINESS ITEMS

C-2 WITHDRAWAL OF PREVIOUS CONSENT OF LANDOWNER AGREEMENT APPROVAL FOR LEASE SITE IMPROVEMENTS FOR LEASE SITE 86/86W AT 801 EMBARCADERO (EMBARCADERO GRILL, CALDWELL) ISSUED OCTOBER 15, 2013, AND APPROVAL OF A NEW CONSENT OF LANDOWNER AGREEMENT TO FILE A NEW APPLICATION FOR LEASE SITE IMPROVEMENTS AND ALLOW STAFF TO ENTER INTO LEASE NEGOTIATIONS; (HARBOR)
https://youtu.be/e_t4BSw9mDM?t=1h11m58s

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

Burt Caldwell, applicant, responded to Council questions related onsite activities and potential noise concerns for hotel guests.

Councilmember Johnson disclosed ex parte communications with Mr. Caldwell to discuss the revised project.

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

Cathy Novak, speaking on behalf of the applicant, provided an overview of the revised project and asked the Council for guidance on significant project components before they move forward.

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

The Council was generally supportive of the project, but expressed concerns about lack of on-site parking.

MOTION: Councilmember Headding moved the Council withdraw the original consent of landowner agreement for improvements to Lease Site 86/86W and enter into a new consent of landowner agreement for the leaseholder's newly proposed site remodel

project and direct the City Manager to amend agreement, as needed, and upon approval by the City Attorney, execute that agreement. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

C-3 RESOLUTION NO. 22-16 AUTHORIZING THE CITY MANAGER TO IMPLEMENT THE EARLY RETIREMENT MANAGEMENT PROGRAM FOR 2016/17; (ADMINISTRATION)

https://youtu.be/e_t4BSw9mDM?t=1h46m28s

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

The Council supported the program and stressed the importance of succession planning to maintain institutional knowledge. The Council also wanted to be certain the employees felt valued and stated the program is being considered due to the burden of CalPERS.

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

MOTION: Mayor Irons moved the Council adopt Resolution No. 22-16 authorizing the City Manager to implement the Early Retirement Management Program for 2016/17. The motion was seconded by Councilmember Heading and carried unanimously, 5-0.

C-4 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 602 AMENDING SECTION 3.22.120 OF THE MORRO BAY MUNICIPAL CODE TO INCREASE THE NUMBER OF MEMBERS ON THE CITIZENS OVERSIGHT COMMITTEE FROM FIVE TO SEVEN MEMBERS; (CITY ATTORNEY)

https://youtu.be/e_t4BSw9mDM?t=2h4m54s

City Attorney Pannone 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.

MOTION: Councilmember Heading moved for introduction and first reading of Ordinance No. 602, by number and title only, amending Section 3.22.120 of the Morro Bay Municipal Code to increase the number of members on the Citizens Oversight Committee from five to seven. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

https://youtu.be/e_t4BSw9mDM?t=2h5m49s

Councilmember Smukler requested discussion of tiny homes and incentives for affordable housing. Mayor Irons and Councilmembers Johnson and Heading supported the item.

Councilmember Johnson requested discussion of a letter of support for SB968. Staff confirmed this item will be agendaized for the April 12, 2016, meeting.

E. ADJOURNMENT

The meeting adjourned at 12:25 a.m. The next Regular Meeting will be held on Tuesday, April 12, 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