

AGENDA NO: A-3

MEETING DATE: April 26, 2016

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 12, 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
	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 6:01 p.m.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT - No Closed Session meeting was held.

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS &
PRESENTATIONS

<https://youtu.be/al2a1j5orfs?t=2m35s>

Mayor Irons announced a complaint filed against him to the Fair Political Practices Commission (FPPC), alleging violations of the Political Reform Act financial disclosure requirements. He is cooperating fully with the FPPC and looks forward to any outcome.

PUBLIC PRESENTATIONS

Presentation of Proclamations

<https://youtu.be/al2a1j5orfs?t=8m14s>

Mayor Irons presented proclamations on behalf of the Council to Kayla Benado and Jenn Krepps of Community Action Partnership of San Luis Obispo County (CAPSLO), and Theresa Mortilla of RISE. The recipients provided brief comments regarding the programs they represent.

Morro Bay Chamber of Commerce Quarterly Presentation for 1st Quarter 2016

<https://youtu.be/al2a1j5orfs?t=18m18s>

Cyndee Edwards, Board Chair, and Erica Crawford, CEO/President, provided the Chamber of Commerce quarterly report for the first quarter of 2016.

PUBLIC COMMENT

<https://youtu.be/a12a1j5orfs?t=27m15s>

Rob Seitz of South Bay Wild provided the business spot. South Bay Wild is a family-owned business that harvests, processes and markets seafood on the central coast. After 30 years in fishing industry, he is proud to be part of the Morro Bay waterfront. For more information, visit their website at www.southbaywild.com.

Jon Elliott, Morro Bay, announced upcoming Lions Club event, "Tunes & Noodles" to be held Sunday, April 17, from 4:00-7:30pm at the Morro Bay Veteran's Hall. Proceeds from the event will help support eye care and glasses for local needy and scholarships for Morro Bay High School students.

Marla Jo Bruton-Sadowski, Morro Bay, asked for an explanation following a recent announcement the Harbor Director was going through old files and throwing things away.

Richard Sadowski, Morro Bay, expressed support for the Chumash Heritage National Marine Sanctuary and Chumash culture.

Rick Morse, Medmar Clinic in Fresno, CA, provided information to each Councilmember regarding a potential medical marijuana dispensary.

Loren Hayer, Morro Bay, provided the Council with copies of a code enforcement letter he received and expressed concern about the preparation of the letter.

Joe Wallick, Morro Bay, opposed the removal of 35 trees at Morro Bay High School and was concerned a pool would be expensive to maintain.

Janice Peters, Morro Bay, suggested the speed limit on Quintana Road be increased to 30-35 mph as it is a commercial road with very few pedestrians, no parking, and the few driveways have good sight lines.

Betty Winholtz, Morro Bay, spoke regarding Item C-4, urging the Council to follow the Planning Commission's recommendation and prohibit secondary units as vacation rentals.

David Nelson, Morro Bay, urged the Council to move forward with a decision on technology for the new Water Reclamation Facility.

Lynda Merrill, Morro Bay, spoke regarding Item C-4, and agreed secondary units should not be used as vacation rentals. She also announced the public can call 781-0445 after-hours and on weekends when there is a health or safety issue in the parks or public restrooms. During regular business hours, call 772-6225 or Public Works.

Sandi Tannler, Morro Bay, spoke regarding Item C-2, urging the Council to vote against new taxes.

Alice Kolb, Morro Bay, spoke to Item C-4, urging the Council to not allow secondary units to be used as vacation rentals.

The comment period was closed.

Staff responded to questions raised during public comment.

A. CONSENT AGENDA
<https://youtu.be/aI2a1j5orfs?t=1h6m27s>

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 22, 2016 SPECIAL CLOSED SESSION CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FROM THE MARCH 22, 2016 CITY COUNCIL TEN-YEAR BUDGET FORECAST STUDY SESSION; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF MINUTES FROM THE MARCH 22, 2016 REGULAR CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-4 APPROVAL OF MINUTES FROM THE MARCH 23, 2016 SPECIAL CLOSED SESSION CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-5 PROCLAMATION DECLARING APRIL 2016 "MONTH OF THE CHILD" AND "CHILD ABUSE PREVENTION MONTH"; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-6 PROCLAMATION DECLARING APRIL 2016 AS "SEXUAL ASSAULT AWARENESS MONTH"; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-7 STATUS REPORT OF A MAJOR MAINTENANCE & REPAIR PLAN (MMRP) FOR THE EXISTING WASTEWATER TREATMENT PLANT; (PUBLIC WORKS)

RECOMMENDATION: Receive and file.

A-8 ADOPT RESOLUTION NO. 23-16 ADOPTING THE CITY PUBLIC FINANCE DISCLOSURE POLICY AND PROCEDURES; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 23-16.

A-9 APPROVAL OF CITY COUNCIL LIAISON TO THE SAN LUIS OBISPO COUNTY TOURISM MARKETING DISTRICT ADVISORY COMMITTEE; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-10 LETTER OF SUPPORT FOR SENATE BILL 968; (ADMINISTRATION)

RECOMMENDATION: Authorize the Mayor to sign letter of support for Senate Bill 968.

A-11 3RD QUARTER FY 2015/16 CITY GOALS UPDATE; (ADMINISTRATION)

RECOMMENDATION: Receive and file.

A-12 ADOPT RESOLUTION NO. 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-13 ADOPT RESOLUTION NO. 24-16 RESCINDING RESOLUTION NO. 22-02 AND AUTHORIZING THE CITY OF MORRO BAY TO OBTAIN STATE SUMMARY CRIMINAL HISTORY INFORMATION OF EMPLOYEES AND VOLUNTEERS; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 24-16

The public comment period for the Consent Agenda was opened

Barbara Doerr, Morro Bay, spoke regarding Item A-10, and suggested the agenda title should have been written more clearly so it informs the public, and the letter should include specific facts rather than broad statements.

The public comment period for the Consent Agenda was closed.

Mayor Irons pulled Agenda Item A-10.

MOTION: Councilmember Headding moved for approval of Items A-1 through A-9 and A-11 through A-13. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

A-10 LETTER OF SUPPORT FOR SENATE BILL 968; (ADMINISTRATION)
<https://youtu.be/aI2a1j5orfs?t=1h9m54s>

City Manager Buckingham provided further background information regarding the intent and content of the letter.

MOTION: Mayor Irons moved the Council approve Item A-10. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

B. PUBLIC HEARINGS - NONE

C. BUSINESS ITEMS

C-1 AUTHORIZATION TO ADD ONE FULL-TIME EQUIVALENT CITY STAFF MEMBER; (ADMINISTRATION)
<https://youtu.be/aI2a1j5orfs?t=1h12m22s>

City Manager Buckingham 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 improvements in the Planning Division, and the importance of keeping good planners.

MOTION: Councilmember Heading moved the Council approve an increase in the City's full-time equivalent (FTE) staff by one from 92.5 to 93.5, to immediately convert a 40-hour "full-time, partial benefits" position to an FTE position, retain the employee who has been filling that position for 20 months and convert the position to a full-time Assistant Planner. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

C-2 REVIEW AND DIRECTION FOR SAN LUIS OBISPO COUNCIL OF GOVERNMENT'S (SLOCOG) SELF-HELP TRANSPORTATION FUNDING INITIATIVE; (PUBLIC WORKS)
<https://youtu.be/aI2a1j5orfs?t=1h28m49s>

Public Works Director Livick provided background information and introduced Ron De Carli of SLOCOG, who provided the report and responded to Council inquiries.

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

Dave Albrecht, Vice President of SLO Bicycle Club and member of the Citizens Bike Committee, urged the Council to support this investment for the Morro Bay / Cayucos bike trail and other paths throughout the County.

Dan Rivoire, Executive Director of Bike SLO County, urged the Council to support SLOCOG and place this transportation specific tax initiative on the 2016 ballot.

Carolyn Atkinson, Los Osos resident and member of Central Coast Taxpayers Association, opposed the proposed ballot measure and asked the Council to submit a letter to the Governor and State legislature asking tax monies be returned to local jurisdictions.

Barbara Doerr, Morro Bay, hoped there would be a final list of projects so it's clear how the money would be spent.

David Nelson, Morro Bay, opposed the proposed tax increase and suggested finding a different funding mechanism.

Ric Deschler, Morro Bay, asked how the ballot campaign would be funded.

Marla Jo Sadowski, Morro Bay, opposed the tax increase and encouraged the Council to find other funding sources for infrastructure needs.

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

Ron De Carli responded to public comment and explained public funding cannot be used for campaign purposes. Public agencies can only provide information, any campaign efforts would come from private sources.

There was Council support for a measure that maintains local control and oversight, and concurrence to let the voters be the ultimate decision makers. The Council encouraged residents to participate in the April 20th PWAB meeting, or contact the Public Works Director at rlivick@morrobayca.gov with key project recommendations.

MOTION: Councilmember Smukler moved the Council direct staff to identify key projects for local funding allocation, based on input from the Public Works Advisory Board, and direct staff to work with SLOCOG to develop a Final Transportation Investment Plan, Ordinance, and Safeguards for City and County evaluation to place on the November 2016 ballot for voter consideration. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

The Council took a brief recess at 8:38pm; the meeting reconvened at 8:48pm.

C-3 CONSIDERATION OF HARBOR ADVISORY BOARD RECOMMENDATION FOR THE CITY OF MORRO BAY TO SPONSOR OR PROMOTE ADDITIONAL NATIONAL MARINE SANCTUARY PUBLIC INFORMATION FORUMS; (HARBOR)
<https://youtu.be/al2a1j5orfs?t=2h38m26s>

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

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

Jeremiah O'Brien, Morro Bay Commercial Fisherman's Organization, provided copies of various letters to the Council regarding national marine sanctuaries and requested the City Council support the Harbor Advisory Board's recommendation to promote additional public information forums.

Alan Alward, commercial fisherman and member of the Harbor Advisory Board and National Marine Sanctuary Ad-hoc Committee, discussed potential presenters for a public information forum and supported a forum that would allow the Council to receive information and ask questions.

Marla Jo Sadowski, Morro Bay, spoke in support of Northern Chumash Tribal National Marine Sanctuary.

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

As liaison to the Harbor Advisory Board, Councilmember Makowetski shared the Board is not trying to advocate either way, but hoped to gather more information. He supported the Board's request to move forward.

The Council discussed the current status of application and confirmed public review and engagement is part of the nomination process. There was support for a balanced and broad discussion with other jurisdictions at the appropriate time in that process. Councilmember Makowetski restated the Harbor Advisory Board's concern there may be perceptions that will influence the process moving forward, and encouraged the City be proactive gathering information.

A letter to NOAA explaining the challenges a local jurisdiction faces during the nomination process was discussed, as well as a letter to other cities to see if there is broad interest in an informational forum.

MOTION: Councilmember Smukler moved the City not actively seek out additional National Marine Sanctuary forums, but that if staff or Council becomes aware of an opportunity, the item be brought back to Council for discussion a case-by-case basis. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

C-4 SECOND READING AND ADOPTION 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/aI2a1j5orfs?t=3h20m51s>

Mayor Irons asked the City Attorney to explain his recommendation regarding the Mayor's recusal on this item.

Mr. Pannone explained there are fact-based guidelines provided by the FPPC, one of which deals with real property interests. It is clear the Mayor has a financial interest in real property associated with this discussion. However, if 25% of the residential properties are affected in the same way your property is affected, then technically you do not have to recuse yourself. That exception applies to secondary units. Since the Mayor currently has a guesthouse application in process with

the City, he must recuse himself from the guesthouse discussion. Due to the integrated nature of this item, it wasn't possible to separate the two issues, therefore the recommendation is that the Mayor recuse himself from the item.

Mayor Irons recused himself due to the financial interest due to the guesthouse application currently in process with the City.

Community Development Manager Graham presented the staff report and, along with Mr. Pannone and Mr. Buckingham, responded to Council inquiries.

The public comment period for Item C-4 was opened.

Rich Buquet, Morro Bay, urged the Council to adopt the ordinance as presented, and suggested if there needs to be a study of vacation rentals, it be included in the General Plan update.

Bob Tefft, Morro Bay resident and Planning Commission Chair, spoke as a resident and urged the Council to reconsider the recommendation submitted by the Planning Commission or, as an alternative, a moratorium to allow time to fully address the issue.

David Nelson, Morro Bay, opposed secondary dwelling units being used as vacation rentals.

Barbara Doerr, Morro Bay, suggested the Council adopt the Planning Commission's version of the ordinance and prohibit secondary dwelling units being used as vacation rentals.

Dorothy Cutter, Morro Bay, supported the Planning Commission's recommendation to prohibit use of secondary units as vacation rentals.

The public comment period for Item C-4 was closed.

The Council discussed the need for a holistic discussion of vacation rentals and need to develop a cohesive policy. There was willingness to consider a moratorium until a full policy was put in place and support to amend the ordinance as recommended by the Planning Commission to grandfather in secondary units currently licensed as vacation rentals.

MOTION: Councilmember Smukler moved the Council not approve the second reading as presented tonight and directed staff return the original ordinance language to the Planning Commission for review to include a component that grandfathers in existing licensed vacation rentals. The motion was seconded by Councilmember akowetski and carried 4-0-1, with Mayor Irons abstaining due to a conflict of interest.

Mayor Irons rejoined the meeting.

C-5 AUTHORIZATION OF RESPONSE TO ALLEGED VIOLATION OF THE RALPH M. BROWN ACT (THE "BROWN ACT") REGARDING STAFF PRESENTING WRITTEN REVISED CONDITIONS OF APPROVAL TO THE PLANNING COMMISSION DURING ITS OCTOBER 6, 2015, PUBLIC MEETING, AND NOT

HAVING MADE COPIES OF THOSE CONDITIONS AVAILABLE TO THE PUBLIC BEFORE OR DURING THAT MEETING; (CITY ATTORNEY)

<https://youtu.be/aI2a1j5orfs?t=4h30m41s>

Mr. Pannone presented the staff report.

The public comment period for Item C-5 was opened.

Barbara Doerr, Morro Bay, spoke of the importance of having the same materials provided to Council also available to the public and thanked Ms. Stedjee for helping Morro Bay follow the Brown Act in every technicality.

The public comment period for Item C-5 was closed.

MOTION: Mayor Irons moved the Council authorize the Mayor to sign the letter to Ms. Linda Stedjee prepared by the City Attorney included as Attachment No. 1 with the staff report, and direct staff to mail that signed letter. The motion was seconded by Councilmember Headding and carried unanimously, 5-0.

C-6 WATER RECLAMATION FACILITY 60-DAY PAUSE UPDATE;
(ADMINISTRATION)

<https://youtu.be/aI2a1j5orfs?t=4h38m52s>

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

MOTION: Mayor Irons moved to go past 11pm. The motion was seconded by Councilmember Headding and carried 4-1 with Councilmember Makowetski voting no.

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

Bob Keller, Morro Bay, urged the Council to move forward with a decision on the proposed site and felt Righetti was the best alternative; however, he is open to either property.

Tina Metzger, Morro Bay, asked why the City would purchase 250 acres when only 8 acres were needed, whether the City had talked with the owner of the Tri-W property, why it took a month to reach out to Cayucos Sanitary District, and why the April 5th WRFCAC meeting was canceled.

Barbara Doerr, Morro Bay, appreciated the informational flyer that was sent to residents, but suggested the cost comparison information was lacking.

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

The Council discussed the Mayor's conversation with Supervisor Gibson and subsequent call to President Enns of the Cayucos Sanitary District, which was not returned. The Council directed staff to provide a detailed profile for each option, including information to support cost estimates, when the item comes back in May.

No formal action was taken by the City Council.

C-7 ADOPTION 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; (ADMINISTRATION)

<https://youtu.be/aI2a1j5orfs?t=5h7m48s>

Mr. Pannone presented the staff report.

The public comment period for Item C-7 was opened; seeing none, the public comment period was closed.

MOTION: Mayor Irons moved for adoption of Ordinance No. 602, by number and title only with further reading waived, 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 Headding and carried unanimously, 5-0.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

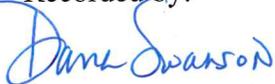
<https://youtu.be/aI2a1j5orfs?t=5h8m35s>

Councilmember Headding requested discussion of vacation rental policy for single-family homes. Councilmember Smukler suggested the discussion be expanded to be a holistic discussion of options and process regarding vacation rentals, in general. Councilmember Johnson suggested consideration of a moratorium on new business licenses for vacation rentals, as the rest of the discussion would take place as part of the General Plan update. With staff input, there was Council concurrence to have staff bring back an assessment of vacation rentals, in general, in eight weeks to determine the appropriate next steps.

E. ADJOURNMENT

The meeting adjourned at 11:25pm. The next Regular Meeting will be held on Tuesday, April 26, 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