

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – JANUARY 13, 2015  
VETERAN’S MEMORIAL HALL – 6:00P.M.

PRESENT:	Jamie Irons	Mayor
	John Headding	Councilmember
	Christine Johnson	Councilmember
	Matt Makowetski	Councilmember
	Noah Smukler	Councilmember
STAFF:	David Buckingham	City Manager
	Joe Pannone	City Attorney
	Dana Swanson	City Clerk
	Rob Livick	Public Services Director
	Joe Woods	Recreation & Parks Director
	Eric Endersby	Harbor Director
	Amy Christey	Police Chief
	Susan Slayton	Administrative Services Director
	Scot Graham	Planning Manager

ESTABLISH QUORUM AND CALL TO ORDER – the meeting was called to order at 6:00pm.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

City Attorney Joe Pannone reported that with regard to the Closed Session Meeting held on December 18, 2014, the Council did not take any reportable action pursuant to the Brown Act.

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS & PRESENTATIONS

PUBLIC PRESENTATIONS

- Bicycle Friendly Community Award Presentation

On behalf of The League of American Bicyclists, Robert Davis presented to the City Council recognition of Morro Bay’s official designation as a Bicycle Friendly Community.

PUBLIC COMMENT

Mr. Joseph Purdy of Purdy Carpentry provided the business spot and spoke of the timeless beauty of wood. He does wood carving, builds cabinets and furniture.

Betty Winholtz, Morro Bay, expressed concern regarding recent decisions by the City Council, including support of the City-hired attorney’s plan to contest the Judge’s decision in the Cerrito Peak/Eagle Rock lawsuit, elimination of parking on Main Street to install a parklet, and a proposed timeline for the WRF treatment plant that does not include reclamation capability until 2024, if then.

Alex Beattie, Morro Bay, complimented the Council and Recreation & Parks Department for support of pickleball in Morro Bay. He encourages the City to support this sport. He also asked for clarification regarding City ordinance regarding carrying guns in public parks.

Victoria Berry from the Morro Bay Historical Society thanked Joan Solu for chairing and organizing the 50<sup>th</sup> committee. The City enjoyed a year of feel good events which fostered relationships between the Chamber, businesses, residents and the Historical Society. The Historical Society will take over the Morro Bay 50<sup>th</sup> website and intends to remain involved and committed to partnering with profit and non-profit organizations.

Nancy Bast, Morro Bay, spoke regarding Cerrito Peak expressing frustration with the City attorney's objection to the Judge's tentative ruling. She asks Council to end this needlessly prolonged and expensive litigation.

Robert Thomas, Morro Bay, spoke in support of pickleball and noted there is no good place on the west coast to host tournaments. Morro Bay has everything needed, except courts. He suggests the City take a serious cost to put in a dozen courts before every other town does it.

Dan Sperow, Los Osos, thanked the City for installing pickleball courts. He believes this will increase economic flow and bring people to Morro Bay.

Kathryn Thomas, Morro Bay resident and ambassador of United States of America Pickleball Association provided the Council with information and national statistics regarding pickleball. Pickleball is the fastest growing sport in America. They have outgrown the three courts at Del Mar Park and will be encourage the City to look at putting in more courts.

Susan Babcock, Atascadero, spoke in support of pickleball, expressing gratitude for the work Robert and Kathryn Thomas have done to make Morro Bay pickleball friendly.

Joseph Hilden, Cambria, stated Cambria is building six pickleball courts. Morro Bay is an outstanding town for pickleball. He invites everyone to try the game.

Marlys McPherson, announced the 19<sup>th</sup> annual Morro Bay Winter Bird Festival this weekend. More than 500 are expected from all over the country, Canada and even Ireland. Some events are open to the public. Go to [www.morrobaybirdfestival.org](http://www.morrobaybirdfestival.org) for more information.

Nicole Dorfman, Morro Bay, spoke in support of Save the Park's efforts to save Cerrito Peak and acknowledged Council inherited a difficult situation, but asked Council to address the rationale behind recent action. Any developer should abide by the GP/LCP requirements, including environmental requirements.

Barbara Jo Osborne, Morro Bay, spoke regarding Cerrito Peak. She lives at the base of Cerrito Peak and believes it is not buildable land.

Linna Thomas, owner of Coalesce Bookstore, spoke regarding the parklet project, expressing concern for the loss of three parking spaces and a process that did not allow for public comment

to ensure all points of view are considered. She believes the parklet will not positively affect any business other than Top Dog and asks how the parklet will be evaluated over the next six months.

Susan Stewart, Morro Bay resident and business owner, spoke regarding the parklet on Main Street. As a demonstration project, it went outside the normal public process and concerned businesses expressed opinions after they were told the project would happen. If you want downtown district to grow and be revitalized they need parking. She strongly suggests staff look into renting, leasing, or purchasing one of the three available lots in the downtown area.

Cruz Reyes, Morro Bay resident who lives on the corner of Main and Pacific, presented a petition with 160 signatures of those who want a stop sign and crosswalk at that intersection to improve pedestrian safety.

Tim Crowley, spoke in support of the Main Street parklet. He recommends using a bicycle whenever possible and likes having somewhere to stop and relax. He noted the six month trial may not be long enough to extend into the good weather season.

Chuck Rose, Morro Bay, provided a report on Caroling Cops. Over 700 toys were given to children this year, impressive given there was rain two of the three days. In addition, 135 toys to Las Posada at Del Mar School. He thanked volunteers for their help and businesses and citizens for financial support. The look of pure joy when people approach the trolley to see Santa makes Caroling Cops worthwhile.

Tom Cantwell, Los Osos, spoke regarding Cerrito Peak. He has been walking Cerrito Peak for years and is confused by recent action and asked why the City Attorney is fighting the Judge's decision. He asks Council to reconsider their decision on Cerrito Peak.

Melody DeMerritt, Morro Bay, spoke regarding the parklet. She doesn't object to parklets, in general, but the process was mindboggling, and not scientific. She suggests referring to the parking management studies done in the past. She thanked Top Dog for moving tables off the sidewalk.

Karen Crowley, spoke regarding Cerrito Peak. A Chumash Indian friend added it is a sacred site and it should be open space.

Richard Sadowski, spoke regarding Item D-1. He support the bike park; feels it would be awesome. He suggests foam pits in the middle with ramps for bikes and skateboards. We should look at the future through a kid's eyes.

Avery Dorfman, spoke regarding Cerrito Peak. He does not feel there should be a house there, there are lots of boulders and wildlife and he likes to play there.

Will O'Quinn, owner of California Shine Window Cleaning, expressed concern about the parklet. The majority of his business is in Morro Bay and he feels the parklet is intrusive. Removing parking makes it difficult for the service and delivery industry to park and perform their business.

The public comment period was closed.

A. CONSENT AGENDA

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 CITY COUNCIL MEETING HELD ON DECEMBER 2, 2014; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 APPROVAL OF MINUTES FOR THE SPECIAL CITY COUNCIL MEETING HELD ON DECEMBER 8, 2014; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-3 APPROVAL OF MINUTES FOR THE SPECIAL CLOSED SESSION CITY COUNCIL MEETING HELD ON DECEMBER 9, 2014; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-4 APPROVAL OF MINUTES FOR THE CITY COUNCIL MEETING HELD ON DECEMBER 9, 2014; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-5 APPROVAL OF MINUTES FOR THE SPECIAL CLOSED SESSION CITY COUNCIL MEETING HELD ON DECEMBER 18, 2014; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-6 STATUS REPORT OF A MAJOR MAINTENANCE & REPAIR PLAN (MMRP) FOR THE EXISTING WASTEWATER TREATMENT PLANT; (PUBLIC SERVICES)

**RECOMMENDATION: Receive and file.**

A-7 APPROVAL OF FEE WAIVER REQUEST FROM CENTRAL COAST WOMEN FOR FISHERIES (CCWF) FOR PROCESSING OF A CONDITIONAL USE PERMIT ASSOCIATED WITH THE PLACEMENT OF A PUBLICLY DEDICATED FISHERMAN'S MEMORIAL STATUE IN THE AREA ADJACENT TO TARGET ROCK; (PUBLIC SERVICES)

**RECOMMENDATION: Adopt Resolution 01-15 approving the fee waiver request.**

A-8 UPDATE ON 2009 – 2011 AUDIT OF LEASE SITE REVENUES CONTRACT AND REQUEST FOR ADDITIONAL FUNDING; (ADMINISTRATIVE SERVICES/HARBOR)

**RECOMMENDATION: Approve an additional \$20,000 in funding to complete the Harbor lease site audits currently underway.**

A-9 ACCEPTANCE OF QUIT CLAIM DEEDS FROM DYNEGY MORRO BAY, LLC (“DYNEGY”); (CITY ATTORNEY)

**RECOMMENDATION: Accept the Quit Claim Deeds from Dynegy conveying property to the City.**

A-10 APPROVAL OF RESOLUTION 02-15 FOR THE ASSIGNMENT AND ASSUMPTION OF LEASE SITE 144/144W LOCATED AT 1287 EMBARCADERO FROM CHARLES AND SANDRA MARCIEL (DBA: M&M REFRIGERATION) TO MORRO BAY OYSTER COMPANY, LLC; (HARBOR)

**RECOMMENDATION: Adopt Resolution 02-15.**

Mayor Irons pulled A-7 and A-10 from the Consent Calendar

MOTION: Councilmember Johnson moved the City Council approve Items A-1, A-2, A-3, A-4, A-5, A-6, A-8, and A-9 from the Consent Calendar as presented. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

Ayes: Irons, Headding, Johnson, Makowetski, Smukler

No’s: None

A-7 APPROVAL OF FEE WAIVER REQUEST FROM CENTRAL COAST WOMEN FOR FISHERIES (CCWF) FOR PROCESSING OF A CONDITIONAL USE PERMIT ASSOCIATED WITH THE PLACEMENT OF A PUBLICLY DEDICATED FISHERMAN’S MEMORIAL STATUE IN THE AREA ADJACENT TO TARGET ROCK; (PUBLIC SERVICES)

The public comment period for Item A-7 was opened.

Cathy Novak spoke on behalf of Women for Fisheries and noted the project has been 100% volunteer effort so far. The sculptures have arrived in Morro Bay and will remain in storage until all permits are obtained. The City has previously supported this project and she encourages Council to approve the resolution waiving the permit fees.

The public comment period for Item A-7 was closed.

MOTION: Councilmember Headding moved the City Council adopt Resolution 01-15 approving the fee waiver request. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

Ayes: Irons, Headding, Johnson, Makowetski, Smukler

No's: None

A-10 APPROVAL OF RESOLUTION 02-15 FOR THE ASSIGNMENT AND ASSUMPTION OF LEASE SITE 144/144W LOCATED AT 1287 EMBARCADERO FROM CHARLES AND SANDRA MARCIEL (DBA: M&M REFRIGERATION) TO MORRO BAY OYSTER COMPANY, LLC; (HARBOR)

Mayor Irons pulled the item to discuss assignment and assumption documents are not included in the staff report and confirm Council is comfortable allowing the Mayor sign upon City Attorney review of the documents. Councilmember Smukler agreed as long as the intent of those documents is consistent with the resolution presented and previous closed session discussions.

MOTION: Mayor Irons moved the City Council adopt Resolution 02-15 approving the assignment and assumption of Lease Site 144/144W located at 1287 Embarcadero. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

Ayes: Irons, Headding, Johnson, Makowetski, Smukler

No's: None

B. PUBLIC HEARINGS

B-1 APPEAL OF PLANNING COMMISSION DECISION TO DENY THE APPEAL OF THE DIRECTOR'S DECISION TO DENY A ONE YEAR TIME EXTENSION REQUEST OF PARKING EXCEPTION PERMIT ADO-075 FOR THE PROPERTY LOCATED AT 1000 RIDGEWAY (APPELLANT: REED ADAMSON, PROPERTY OWNER); (PUBLIC SERVICES)

Planning Manager Graham presented the staff report, and responded to Council inquiries.

Cathy Novak spoke on behalf of the Adamson's for their appeal of the Ridgeway project time extension. She stated the Adamson's have relied on the fact the parking exception was a separate permit and not tied to any development, specifically the CDP that was denied last year. She states the City has historically granted time extensions to numerous other projects and the denial of this request is a major deviation from its policy to grant extensions. She respectfully requests the Council consider all efforts that have been made, and grant the extension based upon the information presented.

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

K.C. Caldwell urged Council adopt Resolution 03-15 and deny the appeal, stating the Director's discretion was used properly. She would like to see an ordinance brought forward that would clean up this code section.

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

Council discussed the challenge of a stand-alone parking exception and need to see everything in context. Council encourages the applicant to come back with a project.

MOTION: Mayor Irons moved to approve Resolution 03-15 denying the appeal. The motion was seconded by Councilmember Makowetski and carried unanimously, 5-0.  
Ayes: Irons, Heading, Johnson, Makowetski, Smukler  
No's: None

C. UNFINISHED BUSINESS / SECOND READING AND ADOPTION OF ORDINANCES

C-1 WATER RECLAMATION FACILITY (WRF) PROJECT UPDATE; INCLUDING REVIEW OF PROPOSED NEXT STEPS; (PUBLIC SERVICES)

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

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

Roger Ewing spoke to lend his support to dissolve the JPA. He feels so much time and money has been wasted when there is no benefit to Morro Bay. He suggests Cayucos should be the customer. The cost may be high but that's the price we pay for our future.

Barry Branin stated the comments tonight had been excellent, he had one word and that is "water".

Bob Keller spoke reaffirming Roger's comments. Morro Bay should go our way.

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

Council discussed the importance of continuing to move the project forward and authorized staff to continue moving forward with fatal flaws studies. A decision regarding the relationship with Cayucos should be made as soon as possible.

No action was taken on this item.

C-2 DISCUSSION AND DIRECTION ON EXPIRING LEASE AT LEASE SITE 62/62W (KRUEGER/KAYAK HORIZONS); (HARBOR)

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

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

Todd and Tamara Baston spoke regarding their plans for Lease Site 62/62W, which will include adding two hotel rooms and an 8' water side walkway. Kayak Horizons will continue operating his business on the water site. They intend to keep the character of the two buildings.

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

Council discussed support of Alternative C presented in the staff report, eliminating the second floor office space, keeping Kayak Horizons and adding two rooms.

**MOTION:** Councilmember Johnson moved the City Council approve Alternative C as presented in the staff report. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

Ayes: Irons, Heading, Johnson, Makowetski, Smukler

No's: None

**C-3 REVIEW OF REQUIREMENTS FOR THE SALE AND ULTIMATE DEVELOPMENT OF CITY-OWNED VACANT LOT ON THE CORNER OF CORAL AVENUE AND SAN JACINTO STREET (CLOISTERS LOT); INCLUDING LOCAL COASTAL PLAN AMENDMENT, MODIFICATION OF THE COASTAL COMMISSION ISSUED COASTAL DEVELOPMENT PERMIT AND POTENTIAL REPROCESSING OF A SUBDIVISION MAP; (PUBLIC SERVICES)**

Director Livick presented the staff report. City Manager Buckingham presented an alternative for Council consideration to dispose of the property, as is, at the best possible price.

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

Mayor Irons declared an ex parte communication with Frankie Ciano, the realtor previously selected through the RFP process to assist with the sale of the Cloisters lot. Mr. Ciano has shared the previous potential buyer is still interested in the property, as is. Since Frankie Ciano was previously selected through the RFP process, Council expressed a preference to use Mr. Ciano should the property be listed again.

**MOTION:** Councilmember Heading moved to divest the property in its current state, as profitable as possible. The motion was seconded by Councilmember Makowetski and carried unanimously, 5-0.

Ayes: Irons, Heading, Johnson, Makowetski, Smukler

No's: None

**C-4 ADOPTION OF ORDINANCE NO. 591 AMENDING SECTION 3.40.060 OF THE MORRO BAY MUNICIPAL CODE REGARDING THE CITY'S RECOVERY OF COSTS RELATING TO DRIVING, BOATING OR FLYING INCIDENTS WHILE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL; (CITY ATTORNEY)**

City Attorney Pannone presented the staff report and read Ordinance 591 by title only.

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

**MOTION:** Mayor Irons moved to adopt Ordinance No. 591 amending Section 3.40.060 of the Morro Bay Municipal Code after reading title only, waiving further reading.

The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

Ayes: Irons, Heading, Johnson, Makowetski, Smuikler.

No's: None

MOTION: Councilmember Johnson moved to extend the meeting beyond 11:00pm. The motion was seconded by Mayor Irons and carried unanimously 5-0.

Ayes: Irons, Heading, Johnson, Makowetski, Smuikler.

No's: None

D. NEW BUSINESS

D-1 REVIEW AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CENTRAL COAST CONCERNED MOUNTAIN BIKERS, INC. AND THE CITY OF MORRO BAY FOR THE CONSTRUCTION, REPAIR AND MAINTENANCE OF THE LITTLE MORRO CREEK ROAD BIKE PARK; (RECREATION & PARKS)

City Manager Buckingham introduced the item. Director Woods presented the staff report. Director Livick responded to Council inquiries regarding traffic and safety concerns.

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

Joan Solu, Emily Gacad, William O'Quinn, Will King, Alex Kachlakec, Jim Aaron, Orion Solu, Gary Havas, Bonnie Johnson, Dane Callahan, Bill Callahan, Donnia Callahan, Claudia Callwood, Robert Davis, Joe O'Donnell and Luke Starner spoke in support of the Bike Park.

Bob Keller, spoke representing the Harbor Tract. He supports the Bike Park but is concerned with safety, noting the traffic study was done in October and should have been done in summer or on the weekend. He would like to see traffic control improvements.

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

Council supports the project and appreciates young people who came and showed support for the project. Council encourages staff to continue work to address traffic and safety concerns.

MOTION: Councilmember Smukler moved the City Council approve the Memorandum of Understanding (MOU) between the Central Coast Concerned Mountain Bikers, Inc. and the City of Morro Bay. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

Ayes: Irons, Heading, Johnson, Makowetski, Smukler.

No's: None

D-2 CITY COUNCIL ANNUAL MEETING SCHEDULE – 2015; (ADMINISTRATION)

City Manager Buckingham presented the staff report.

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

Council discussed a preference for Alternative No. 2, noting a special meeting can be scheduled in November or December, if needed.

MOTION: Mayor Irons moved to approve Alternative No. 2. The motion was seconded by Councilmember Headding and carried unanimously, 5-0.  
Ayes: Irons, Headding, Johnson, Makowetski, Smukler  
No's: None

D-3 APPOINTMENT OF MAYOR PRO TEMPORE AND APPOINTMENT OF REPRESENTATIVES ON DISCRETIONARY BOARDS, COUNCIL LIAISON ASSIGNMENTS AND COUNCIL SUB-COMMITTEES; (CITY COUNCIL)

Mayor Irons presented the report and noted that he would be an alternate on the California Men's Colony Citizen's Advisory Committee.

MOTION: Mayor Irons moved to appoint Councilmember Smukler as Mayor Pro Tempore. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.  
Ayes: Irons, Headding, Johnson, Makowetski, Smukler  
No's: None

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

None

ADJOURNMENT

The meeting adjourned at 11:10 p.m.

Recorded by:

Dana Swanson  
City Clerk