

MINUTES - MORRO BAY CITY COUNCIL
SPECIAL MEETING – NOVEMBER 19, 2013
VETERAN’S MEMORIAL HALL – 5:30 P.M.

Mayor Irons called the meeting to order at 6:11p.m.

PRESENT:	Jamie Irons	Mayor
	Christine Johnson	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Anne Russell	Interim City Attorney
	Jamie Boucher	City Clerk
	Susan Slayton	Administrative Services Director
	Rob Livick	Public Services Director
	Amy Christey	Police Chief
	Joe Woods	Recreation & Parks Director
	Eric Endersby	Harbor Director

- I. ESTABLISH QUORUM AND CALL TO ORDER
- II. MOMENT OF SILENCE
- III. PLEDGE OF ALLEGIANCE
- IV. PUBLIC COMMENT

The public comment period for the special meeting was opened; seeing none, the public comment period was closed.

- V. REVIEW, DISCUSSION AND DIRECTION OF DRAFT REQUEST FOR PROPOSAL FOR INTERIM CITY ATTORNEY

Administrative Services Director Susan Slayton presented the staff report.

Interim City Attorney Anne Russell made some recommendations to be added to the draft RFP which consisted of a 50 hour/month retainer with all excess hours be quoted at the same or different rate; provide for 4 hours of office hours in Morro Bay twice a month, hopefully to coincide with Council meetings; and proposal deadline no later than the 2nd week in January.

Councilmember Christine Johnson proposed the following edits to the RFP: page 7, G, #2, add the following to the end “... legal costs **so that City legal costs are held to a minimum**”; #4 from Hollister page 6, insert “**Describe how you would proactively advise the City Council about legal developments or issues of concern, without being asked**”; insert #8 from Hollister page 6, “**How do you evaluate the costs/benefits of litigating or settling cases?**”; insert #9

from Hollister page 6, “**How would you evaluate whether to use another attorney from another firm to handle a case, provide expert advice, or provide other needed services? How will fees enter into your judgment of who to use in your role as City Attorney representing the interests of the City of Morro Bay?**”; our page 7, I 1) would suggest **3 clients instead of 5 clients** and would say **5 years instead of 3 years**; our page 4, #4 would insert “**Provide legal advice, telephone, email and personal consultations with members of the City Council and City Staff Manager**”; also #4 insert, “**Provide legal advice to staff upon request of the City Manager.**”; and #16, insert “**Communicate with the press when authorized to do so by the City Council or City Manager.**”.

Ms. Russell suggested that re: page 4, #4, it would be best to leave that to the discretion of the City Manager as it would be important at times to have a department head meet with the City Attorney; maybe add language that consultation would be during office hours.

Mayor Irons, on page 10 had questions in regards to the review and selection process; he’d like to maintain a 2 person sub-committee from just Council and facilitation of a designee. With regards to process on A) there are specific dates that need adjusting; he’d like to see something to effect of seeing some kind of a score card to ensure consistent questions and rating criteria.

Councilmember Nancy Johnson stated that it was important to either include all of Council in the decision making process, not just 2 people; or have a committee of 2 Councilmembers, one from the majority and one from the minority as well as experienced staff sit on the committee.

Councilmember Christine Johnson was comfortable with 2 Councilmembers and Ms. Slayton and Ms. Russell.

Councilmember Nancy Johnson feels that a) all Councilmembers should look at all the proposals, providing a ranking of each; b) the committee (2 Council and staff) receives these and goes through a final ranking, narrowing the field down; and, c) the proposals come back to the entire Council for final selection and interviews.

Interim City Attorney Anne Russell suggested that in the section that stated the contract would be for up to 6 months, should instead say that this could lead to a more permanent or longer term arrangement.

Council discussed who should be named to the 2 person sub-committee. Councilmember Nancy Johnson and Christine Johnson volunteered.

MOTION: Mayor Irons moved to proceed with the RFP with the recommended changes and approved sub-committee members of Nancy Johnson and Christine Johnson. The motion was seconded by Councilmember Leage and carried unanimously 5-0.

VI. APPROVAL OF SUBLEASE OF 307 MORRO BAY BLVD TO GRANDMA’S FROZEN YOGURT AND WAFFLE SHOP (LENNY DURRER AND BEVERLY FORD-DURRER)

Interim City Attorney Anne Russell presented the report. The only major change being made is a request by the sub-tenant to reduce the rent based on costs of maintaining the restroom. Ms. Russell recommended that language be deleted and that some language acceptable to the sub-tenant, the right to terminate if the City was not amenable to the rent reduction be inserted. This can be found in paragraph 3.

MOTION: Councilmember Nancy Johnson moved approval of the lease as recommended. The motion was seconded by Councilmember Leage and carried unanimously 5-0.

VII. ADJOURNMENT

The meeting adjourned at 6:47p.m.

Recorded by:

Jamie Boucher
City Clerk