

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 10, 2015
VETERAN’S MEMORIAL HALL – 6:00P.M.

PRESENT:	Noah Smukler John Heading Christine Johnson Matt Makowetski	Councilmember / Mayor Pro Tempore Councilmember Councilmember Councilmember
ABSENT	Jamie Irons	Mayor
STAFF:	Susan Slayton Joe Pannone Jamie Boucher Rob Livick Amy Christey Scot Graham Cindy Jacinth	Administrative Services Director City Attorney Deputy City Clerk Public Works Director Police Chief Community Development Manager Associate Planner

ESTABLISH QUORUM AND CALL TO ORDER

The meeting was called to order at 6:00pm

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS &
PRESENTATIONS

Mayor Pro-Tempore Smukler asked to pull Item A-8 to present a Proclamation Commending and Honoring Police Sergeant David Bergantzel on his Retirement. Council concurred.

<https://youtu.be/MBjpBila5QU?t=3m7s>

PUBLIC PRESENTATIONS

- Tourism Bureau Quarterly Presentation <https://youtu.be/MBjpBila5QU?t=8m34s>

Executive Director Brent Haugen provided the Tourism Bureau’s activities from July 1, 2014 through January 31, 2015. Included in the presentation were year-to-date statistics; year-to-date visitor center statistics; the 2015/16 current budget; the 2014/15 visitor center and event funding budget trending-to-date numbers; 2015/16 event funding grantees; the 2014/15 TOT report to-date to include a significant increase in midweek business and overall occupancy; the 2014/15 adjusted budget; and, the 2014/15 budget trending to-date. Brent and the Bureau are very proud of the increased marketing efforts and share these successes with all lodging, business and community partners

- CivicSpark Presentation <https://youtu.be/MBjpBila5QU?t=45m49s>

Anna Olsen gave a presentation on CivicSpark, an organization helping local governments implement their climate action goals. CivicSpark is hosted by the SLOAPCD. Presented were 9 common measures to each of the 8 jurisdictions being aided by CivicSpark. The top 3, ~small-scale, on-site photovoltaic (PV) incentive program; ~energy efficiency outreach and incentive program; and the ~energy audit and retrofits program are all currently being worked on by CivicSpark staff. They reviewed the City’s implementation goals; they are helping us with our AB 2188 compliance; they reviewed how they are aiding the local jurisdictions; and they invited the public to a local Simple Steps workshop being held on May 28th from 6-9pm where they will showcase successful retrofits and sustainable technologies.

PUBLIC COMMENT

<https://youtu.be/MBjpBila5QU?t=56m48s>

Nancy Castle, Sharon O’Leary and Linda Fidel, all with the Estero Bay Alliance for Care (EBAC) provided the business spot. Nancy spoke on the overall successes of EBAC; they have brought 2 projects – Monday Meals and the Community Resource Center – to fruition. Sharon provided an update on the Community Resource Center stating they are a direct resource community action office and made available copies of their biannual report and resource checklist. Linda is a co-coordinator of the Monday Night Dinners which was started back on January 6, 2014; to date 2590 persons have been fed with an average of 45-55 each evening. There are many volunteers, organizations and donors involved that all deserve our thanks. Nancy advertised that EBAC will be part of the City-wide Yard Sale in an effort to raise additional funds.

Dane Senser, Arroyo Grande, spoke representing “Hands Out – “Show love and respect – nothing else matters; “Don’t show love and respect – nothing else matters.” He hoped that campaign would be a healing process for the recent “hands up, don’t shoot”. He went on to say he was upset with the author of Cal Coast Fraud as he feels he was slandered on the site.

Linna Thomas, Morro Bay business owner presented additional signed petitions objecting to the parklet on Main Street. She stressed that it wasn’t a bad idea, just not a good location. She also presented a letter to the editor as was printed in the Bay News about the parklet for Council to read.

Alex Bettie, Morro Bay/Modesto resident, spoke on the disruptions caused by hunting in Morro Bay. The hunting disrupts access to the bay, disrupts human activities and it is distressful to dogs. Past councils have taken an interest in this; he proposed we send a letter to the Fish and Game Commission; he also proposed that we eliminate hunting during the Morro Bay Bird Festival.

Ken Vesterfelt, Morro Bay resident, was concerned at the lack of signage for the City’s public restrooms. He announced the upcoming Emergency Car Show on April 18th and the Morro Bay Cruisn’ Car Show on April 30th and May 1st, 2nd, & 3rd. He is also spoke on the current business

license audit; he's been a realtor for 17 years and has never heard about the need for a license, why are they being punished going back for years, for not knowing?

Jeremiah O'Brien spoke representing the Morro Bay Commercial Fishermen's Association on the sanctuary issue. He wanted Council to be aware that NOAA put a letter on their website (he presented a copy to the Clerk for distribution). It stated that NOAA has concluded the nomination wasn't sufficient to move forward; it's been rejected but he's sure it will be resubmitted. They have fought this for the 3rd time in as many years. They will continue their education on the sanctuary process.

Bill Martoney, Morro Bay resident, heard we are considering taking down the 6 foot wall at the triangle property parking lot. He was concerned as the wall serves a purpose, it buffers the view of cars and the switchyard and hopes we reconsider. He also urged us to consider a portion of that lot for a boat haul-out yard.

Reginald Corella, spoke out advocating for our local Grange; farmers are the backbone of society, he hopes we support them; our Grange - Morro 27 has quite a history.

The public comment period was closed.

A. CONSENT AGENDA

<https://youtu.be/MBjpBila5QU?t=1h28m55s>

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 REGULAR JOINT MEETING OF THE CITY COUNCIL, PLANNING COMMISSION, HARBOR ADVISORY BOARD, RECREATION & PARKS COMMISSION, TOURISM BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD, CITIZENS OVERSIGHT COMMITTEE, PUBLIC WORKS ADVISORY BOARD AND WRF CITIZENS ADVISORY COMMITTEE HELD ON FEBRUARY 23, 2015; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE SPECIAL CITY COUNCIL MEETING HELD ON FEBRUARY 24, 2015; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF MINUTES FOR THE CITY COUNCIL MEETING HELD ON FEBRUARY 24, 2015; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-4 STATUS REPORT OF A MAJOR MAINTENANCE & REPAIR PLAN (MMRP) FOR THE EXISTING WASTEWATER TREATMENT PLANT; (PUBLIC WORKS)

RECOMMENDATION: Receive and file.

A-5 WATER RECLAMATION FACILITY (WRF) PROJECT UPDATE; (PUBLIC WORKS)

RECOMMENDATION: Receive and file.

A-6 AWARD OF CONTRACT FOR LEASE OF A SKID STEER TO CAT FINANCIAL; (PUBLIC WORKS)

RECOMMENDATION: Authorize the Public Works Director to execute Lease Agreement.

A-7 DEDICATION OF RIGHT-OF-WAY EXTENSION FOR IRONWOOD AVENUE AND ACCEPTANCE OF IRONWOOD AVENUE RIGHT-OF-WAY AND A PUBLIC STORM DRAIN EASEMENT; (PUBLIC WORKS)

RECOMMENDATION: Adopt Resolution 11-15 making and accepting a Right-of-Way Dedication, accepting a storm drain easement, authorizing the Mayor to sign necessary documents and directing staff to record those documents.

A-8 APPROVAL OF PROCLAMATION COMMENDING AND HONORING POLICE SERGEANT DAVID BERGANTZEL ON HIS RETIREMENT; (ADMINISTRATION)

RECOMMENDATION: Approve and file.

Councilmember Johnson pulled Item A-5.

MOTION: Councilmember Johnson moved the Council approve the Consent Agenda items A-1, A-2, A-3, A-4, A-6, A-7 and A-8. The motion was seconded by Councilmember Heading and carried 4-0-1 with Mayor Irons being absent.

A-5 WATER RECLAMATION FACILITY (WRF) PROJECT UPDATE; (PUBLIC WORKS)

<https://youtu.be/MBjpBila5QU?t=1h29m13s>

Councilmember Johnson pulled Item A-5 to allow Public Works Director Rob Livick the opportunity to give a verbal update on the WRF Project. Mr. Livick spoke on the letter received from Ken Harris of the Regional Water Quality Control Board. Mr. Harris congratulated the City on our site selection. He also encouraged us to look towards ground water recharge as the primary use for the reclaimed water. We have until December 21, 2021 to complete the project.

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

Barry Brannin, Morro Bay resident stated the letter was a nice kudo to all the work done but there's a large section we've never talked about - we still need to discuss groundwater recharge. Cayucos is facing this as they are running out of water, the type of plant built will greatly affect how we do our groundwater recharge and will be a tremendous cost; we shouldn't wait; he hopes we can receive money to help us do that.

The public comment period was closed.

MOTION: Councilmember Johnson moved the Council approve Consent Agenda item A-5. The motion was seconded by Councilmember Headding and carried 4-0-1 with Mayor Irons being absent.

The public comment period was opened for the remaining Consent Calendar items; seeing none, the public comment period was closed.

B. PUBLIC HEARINGS

B-1 REVIEW AND ADOPT FINAL FUNDING RECOMMENDATIONS FOR THE 2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS; (COMMUNITY DEVELOPMENT)
<https://youtu.be/MBjpBila5QU?t=1h48m9s>

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

The public hearing was opened for Item B-1; seeing none, the public hearing was closed.

MOTION: Councilmember John Headding moved to accept staff recommendation and adopt the final funding recommendations for the 2015 Community Development Block Grant Funds and forward recommendations to the San Luis Obispo County Board of Supervisors for inclusion with other funding requests from the Urban County Consortium according to the amounts as allocated in the recommendation. The motion was seconded by Councilmember Makowetski and carried 4-0-1 with Mayor Irons being absent.

C. UNFINISHED BUSINESS / SECOND READING AND ADOPTION OF ORDINANCES

C-1 DISCUSSION AND DIRECTION REGARDING INCREASED FINES FOR USE OF ILLEGAL FIREWORKS; (POLICE)
<https://youtu.be/MBjpBila5QU?t=1h57m22s>

Police Chief Amy Christey 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.

Councilmember Headding stated this is an important safety issue and concurs that anything we can do to deter the number of infractions that we have is important. He is in support of increasing our fine to \$500-\$1000 without a first warning.

Mayor Pro-Tempore Smukler is also in support of the fines for use of illegal fireworks. He is concerned about fire, public health and personal safety.

Councilmember Johnson agrees with moving forward on this, allowing no first warning. In addition, we are in a drought and without this; she sees the potential for fire hazards.

City Attorney Joe Pannone asked if Council meant to allow the use of Safe and Sane fireworks all year or just during the 4th of July holiday.

Councilmember Makowetski stated as long as they are safe and sane and on private property, he would be inclined to allow them all year.

Councilmember Johnson stated that since we haven't seen a lot of complaints, she is willing to go with safe and sane on private property.

Councilmember Headding isn't so sure he would support this on a year round basis.

Mayor Pro-Tempore Smukler requested Council move forward with staff recommendation and then revisit it in a year from now.

MOTION: Mayor Pro-Tempore Smukler moved to adopt staff's recommendation to increase fines for violation of Morro Bay Municipal Code 14.08.090 regarding use of dangerous fireworks and direct staff to bring back for a 1st reading that includes one alternative allowing safe and sane as currently designated 365 days of the year on private property and another more restrictive on the use of safe and sane fireworks. The motion was seconded by Councilmember Headding and carried 4-0-1 with Mayor Irons being absent

D. NEW BUSINESS

D-1 DISCUSSION AND CONSIDERATION OF AN ORDINANCE TO BAN THE POSSESSION AND SALE OF SYNTHETIC SPICES AND/OR SYNTHETIC BATH SALTS; (POLICE)
<https://youtu.be/MBjpBila5QU?t=2h26m2s>

Police Chief Amy Christey presented the staff report and responded to Council inquiries.

The public comment period for Item D-1 was opened; seeing none, the public comment period was closed.

Councilmember Makowetski has seen the use of these drugs and really wants to keep this out of Morro Bay; if we can be proactive about this that would be great.

Councilmember Headding stated this is pandemic throughout the country. He highly suggests moving forward.

Both Mayor Pro-Tempore Smukler and Councilmember Johnson agree.

MOTION: Councilmember Johnson moved approval for staff to return with an ordinance to ban the possession and sale of synthetic spices and/or synthetic bath salts within Morro Bay. The motion was seconded by Councilmember Headding and carried 4-0-1 with Mayor Irons being absent.

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS
<https://youtu.be/MBjpBila5QU?t=2h38m3s>

There were no future agenda items declared.

ADJOURNMENT

The meeting adjourned at 8:38 p.m.

Recorded by:

Jamie Boucher
Deputy City Clerk