

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – SEPTEMBER 12, 2017
VETERAN'S MEMORIAL HALL – 6:00 P.M.

AGENDA NO: A-2
MEETING DATE: October 10, 2017

PRESENT:	Jamie Irons	Mayor
	Robert Davis	Council Member
	John Heading	Council Member
	Matt Makowetski	Council Member
	Marlys McPherson	Council Member
STAFF:	Martin Lomeli	Interim City Manager
	Joe Pannone	City Attorney
	Lori Kudzma	Deputy City Clerk
	Ikani Taumoepeau	Deputy City Manager
	Andrew Hamilton	Interim Finance Director
	Rob Livick	Public Works Director
	Scot Graham	Community Development Director
	Jody Cox	Police Commander
	Matt Vierra	Fire Marshal
	Eric Endersby	Harbor Director
	Cindy Jacinth	Senior Planner

ESTABLISH QUORUM AND CALL TO ORDER

<https://youtu.be/yahhb8SPL7s?t=1m10s>

The meeting was called to order at 6:00 p.m., with all members present.

MOMENT OF SILENCE in memory of Planning Commissioner Dr. Robert Tefft

PLEDGE OF ALLEGIANCE

RECOGNITION – 9/11 Recognition presented by Police Commander Jody Cox, Harbor Director Eric Endersby and Fire Marshal Matt Vierra

CLOSED SESSION REPORT – No reportable action

MAYOR AND COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS

CITY MANAGER REPORTS, ANNOUNCEMENTS & PRESENTATIONS

<https://youtu.be/yahhb8SPL7s?t=5m21s>

PRESENTATIONS

- Chamber of Commerce Quarterly Presentation by Erica Crawford
<https://youtu.be/yahhb8SPL7s?t=11m24s>
- Rideshare Week presented by Sarah Trauger of San Luis Obispo Council of Governments
<https://youtu.be/yahhb8SPL7s?t=21m29s>

PUBLIC COMMENT

<https://youtu.be/yahhb8SPL7s?t=26m53s>

Business Spot – Leslie Rugebregt of the Good Flea, located at 335 Quintana. Open 7 days a week 10:00 A.M. – 5:30 P.M. (4:00 P.M. Sundays), celebrating 5 year anniversary on October 1st.

Nasseem Rouhani spoke regarding tobacco use including e-cigarettes and marijuana and the City's smoking ordinance.

John DiNunzio, SLOCOG, spoke regarding the Regional Transportation Plan update. The survey can be found at www.slocog.org/2019RTP

Glenn Silloway, Morro Bay resident, spoke regarding the Cerrito Peak Community Block Party Saturday from 2:00 P.M. to 5:00 P.M.

Bill Martony, Morro Bay resident, spoke regarding the force main of the waste water treatment plant, placing the WRF west of Highway 1 does not seem like a good option, and in support of off shore wind energy, but would like to see 600 foot blades scaled down. Suggested reconsidering Toro Creek for WWTP.

Cynthia Hawley, Save the Park, spoke regarding corrections to an article published September 7th by Bay News, titled "Save the Peak". Also, hopes that the City commits saving Cerrito Peak from development and rescind permits and by changing the zoning to open space.

Tim Crowley spoke about the Community Party at Cerrito Peak – "Meet Your Peak Party" on Cerrito Place, Saturday September 16th 2pm – 5pm.

Kerrigan Mahan, Morro Bay resident, addressed his comments from two weeks ago. Spoke on behalf of Tom Ross regarding meeting with Cayucos. Believes it is time to say goodbye to the consultants.

John Elliot spoke regarding the 2017 Trick or Treat Committee. There will be a haunted house at the police station this year. Trick or treating will be October 31st 3:00 P.M. to 5:30 P.M. and a map can be picked up from Grandma's Frozen Yogurt, 307 Main Street. There will also be a best decorated business award – information can be found on the Chamber's website.

Paula Radke, spoke regarding Item C-1, and is representing the Morro Bay Action Team and believes citizens' rights to a good night's sleep are being violated. Ms. Radke would also like to see parking prohibited during designated sweep hours.

Steve Stevens, Morro Bay resident, spoke regarding the WRF project – call for accountability, in support of a public ombudsman, fiscal transparency, supports in-house project manager.

Betty Winholtz spoke regarding the passing of Planning Commissioner Dr. Robert Tefft, and also spoke regarding the right of way in front of homes.

Camille, Morro Bay Transit, spoke regarding free transportation on Thursday, October 5th as part of Ride Share Week. The Avocado Margarita Festival was a huge success for the trolleys.

The public comment period was closed.

The Council and staff responded to issues raised during the public comment period.

<https://youtu.be/yahhb8SPL7s?t=1h1m45s>

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 AUGUST 8, 2017 CITY COUNCIL MEETING;
(ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE AUGUST 22, 2017 SPECIAL CLOSED SESSION
CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 ADOPTION OF RESOLUTION NO. 48-17 APPROVING THE ASSIGNMENT AND
ASSUMPTION AND CONDITIONALLY AUTHORIZING THE MAYOR TO EXECUTE
DOCUMENTS NECESSARY THERETO FOR A NEW LOAN FOR THE LEASE
AGREEMENT AND ACCEPTING A DEED OF TRUST AT LEASE SITE 53-56/53W-56W
(ESTERO INN, 501 EMBARCADERO ROAD); (HARBOR)

**RECOMMENDATION: Council adopt Resolution No. 48-17 authorizing the Mayor to
execute the assignment and assumption and documents necessary for a new loan
regarding the leasehold interest at Lease Site 53-56/53W-56W and accepting a deed
of trust related thereto, both subject to approval of the City Attorney.**

A-4 ADOPTION OF RESOLUTION NO. 49-17 AUTHORIZING THE CITY OF MORRO BAY
TO ENTER INTO A 2017/2018 SURRENDERED AND ABANDONED VESSEL
EXCHANGE GRANT CONTRACT WITH THE STATE OF CALIFORNIA DIVISION OF
BOATING AND WATERWAYS IN THE AMOUNT OF \$25,000 FOR REMOVAL OF
ABANDONED/SURRENDERED VESSELS AND HAZARDS TO NAVIGATION;
(HARBOR)

**RECOMMENDATION: Council adopt Resolution No. 49-17 authorizing the Harbor Director
to execute the attached Surrendered and Abandoned Vessel Exchange (SAVE)
Grant Contract Agreement #C17S0602 with the California Division of Boating and
Waterways (DBW) for \$25,000 for the funding of removal of abandoned/surrendered
vessels and hazards to navigation.**

A-5 ADOPTION OF RESOLUTION NO. 50-17, APPROVING REQUEST TO NAME
FRANKLIN RILEY PARK; (DEPUTY CITY MANAGER)

**RECOMMENDATION: The Recreation and Park Commission and staff recommend City
Council adopt Resolution No. 50-17, approving the open space next to the Morro
Cove Development be named the Franklin Riley Park.**

Public Comment on Consent Agenda:
<https://youtu.be/yahhb8SPL7s?t=1h9m14s>

Glenn Silloway, President of the Historical Society, spoke urging support of Item A-5.

The public comment period was closed.

Council Member Heading pulled Items A-3 and A-4. Council Members Davis and McPherson
pulled Item A-5.

**MOTION: Council Member Heading moved the Council approve Items A-1 and A-2 on the
Consent Agenda. The motion was seconded by Council Member McPherson
and carried unanimously, 5-0.**

A-3 ADOPTION OF RESOLUTION NO. 48-17 APPROVING THE ASSIGNMENT AND
ASSUMPTION AND CONDITIONALLY AUTHORIZING THE MAYOR TO EXECUTE
DOCUMENTS NECESSARY THERETO FOR A NEW LOAN FOR THE LEASE

AGREEMENT AND ACCEPTING A DEED OF TRUST AT LEASE SITE 53-56/53W-56W (ESTERO INN, 501 EMBARCADERO ROAD); (HARBOR)
<https://youtu.be/yahhb8SPL7s?t=1h11m25s>

Harbor Director Endersby answered questions from the Council.

MOTION: Council Member Heading moved the Council approve Item A-3 on the Consent Agenda. The motion was seconded by Council Member Davis and carried unanimously, 5-0.

A-4 ADOPTION OF RESOLUTION NO. 49-17 AUTHORIZING THE CITY OF MORRO BAY TO ENTER INTO A 2017/2018 SURRENDERED AND ABANDONED VESSEL EXCHANGE GRANT CONTRACT WITH THE STATE OF CALIFORNIA DIVISION OF BOATING AND WATERWAYS IN THE AMOUNT OF \$25,000 FOR REMOVAL OF ABANDONED/SURRENDERED VESSELS AND HAZARDS TO NAVIGATION; (HARBOR)
<https://youtu.be/yahhb8SPL7s?t=1h15m29s>

Harbor Director Endersby answered questions from the Council.

MOTION: Council Member Heading moved the Council approve Item A-4 on the Consent Agenda. The motion was seconded by Council Member McPherson and carried unanimously, 5-0.

A-5 ADOPTION OF RESOLUTION NO. 50-17, APPROVING REQUEST TO NAME FRANKLIN RILEY PARK; (DEPUTY CITY MANAGER)
<https://youtu.be/yahhb8SPL7s?t=1h17m49s>

Council Members Davis and McPherson thanked the Historical Society and spoke in support of agenda item A-5.

MOTION: Council Member McPherson moved the Council approve Item A-5 on the Consent Agenda. The motion was seconded by Council Member Davis and carried unanimously, 5-0.

B. PUBLIC HEARINGS – NONE

The Council took a brief recess at 7:22 P.M. The meeting reconvened at 7:27 P.M.

C. BUSINESS ITEMS

C-1 DIRECTION REGARDING STREET SWEEPING AND GARBAGE COLLECTION NOISE AS RELATED TO THE CITY'S "NOISE ORDINANCE" MBMC §9.28; (PUBLIC WORKS)
<https://youtu.be/yahhb8SPL7s?t=1h22m58s>

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

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

<https://youtu.be/yahhb8SPL7s?t=1h42m55s>

Laurie Lewis, Morro Bay resident, spoke regarding operating hours in contract negotiations. Also, suggested the street sweeper follow after trash pickup. Ms. Lewis also spoke regarding prior complaints and noise decibel levels.

Betty Winholtz, Morro Bay resident, spoke in support of Ms. Radke & Ms. Lewis. The quantity of complaints does not represent how many people are upset about the noise. Suggests a change in contract for street sweeper.

Cynthia Hawley spoke requesting a change in contract to 'not before 7am', and also street sweeping is not effective if cars are parked on the street.

The public comment period for Item C-1 was closed.
Council and staff discussion continued following public comment.

MOTION: Council Member Headding moved to direct staff review the noise ordinance MBMC 9.28 and compare to best practice standards and bring back recommendations for changes to maximize public health through appropriate noise control. Submit to PWAB and after their review come back to Council for review, comments and approval. Council Member McPherson seconded the motion.

Council Member Headding amended the motion to specify best practice standards specifically with regards to street sweepers and garbage collection vehicles. Council Member McPherson seconded the amended motion.

Council Member Makowetski would like sent to PWAB to look at and investigate recommended hours per public input for street sweeping particularly. Council Member Headding confirmed that is his intent. The motion failed 2-3 (McPherson, Makowetski and Davis voting no).

MOTION: Council Member Makowetski moved to change the time of street sweeping in the downtown area to 7am – 9am in the downtown area, commercial area and mixed use areas. The motion was seconded by Council Member Davis. Council Member McPherson requested the motion be amended to clarify the amendment will be on the new street sweeping contract. The motion failed 2-3 (McPherson, Headding and Irons voting no).

MOTION: Council Member Headding moved staff review MBMC noise ordinance 9.28 specifically with reference to the street sweeper. Present recommendations to PWAB and then to City Council for any changes that might improve public health. The motion was seconded by Council Member McPherson and carried unanimously, 5-0.

C-2 REVIEW REPORT REGARDING IMPACTS/POTENTIAL REVENUE TIMING OF SB-1 AND PROVIDE DIRECTION AS APPROPRIATE; (PUBLIC WORKS)
<https://youtu.be/yahhb8SPL7s?t=2h8m47s>

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

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

The Council received and filed this report.

C-3 ADOPTION OF DOWNTON WATERFRONT STRATEGIC PLAN (DWSP) FOR THE GENERAL PLAN/LOCAL COASTAL PROGRAM UPATE; (COMMUNITY DEVELOPMENT)

<https://youtu.be/yahhb8SPL7s?t=2h17m18s>

City Attorney Pannone spoke indicating Mayor Irons and Council Member Heading would be recusing themselves for any discussion regarding the downtown portion of the DWSP. For the general and waterfront discussion, all Council Members would participate.

Community Development Director Graham presented the staff report and responded to Council inquiries regarding the general and waterfront portions.

Mayor Irons and Council Member Heading stepped down from the dais at 8:58p.m. while the remaining Council Members asked questions regarding the downtown portion of the presentation. It was determined that Council Member Makowetski will chair the meeting in the absence of Mayor Irons and Mayor Pro Tem Heading.

The public comment period for Item C-3 was opened, related to the downtown portion.

<https://youtu.be/yahhb8SPL7s?t=3h9s>

Betty Winholtz, Morro Bay resident, spoke regarding specific questions that she previously emailed to staff.

Community Development Director Graham addressed the items Ms. Winholtz listed.

Mayor Irons and Council Member Heading rejoined the meeting at 9:11 p.m.

The public comment period for Item C-3 was opened, related to the waterfront and general items.

Betty Winholtz spoke regarding development conflicts and urges not to adopt at this time.

Cynthia Hawley spoke against adoption at this meeting, stating she believes is a General Plan document and requires a public hearing and Coastal Commission certification.

Erica Crawford, Chamber of Commerce, spoke in support of adopting the document.

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

There was discussion regarding the General Plan vs. a strategic plan. City Attorney Pannone explained this is a land use document not a General Plan. If this document is inconsistent with the General Plan then one of the documents will be changed. Whatever is the currently adopted General Plan is the controlling document.

MOTION: Mayor Irons moved to adopt the waterfront portion of the strategic plan as presented. The motion was seconded by Council Member Heading and carried 4-1, with Council Member McPherson voting no.

MOTION: Mayor Irons moved to adopt the general portion of the DWSP as presented. The motion was seconded by Council Member Davis and carried 4-1, with Council Member McPherson voting no.

Mayor Irons and Council Member Heading stepped down from dais at 9:30 p.m. for the downtown portion of the item.

MOTION: Council Member Makowetski moved to adopt the downtown portion of the DWSP as written. The motion was seconded by Council Member Davis. The motion failed

2-1-2, with Council Member McPherson voting no and Mayor Irons and Council Member Heading recusing themselves due to conflict of interest.

City Attorney Pannone clarified that there needed to be an affirmative vote of at least 3 for the Council to take action.

There was discussion regarding how to proceed with editing the downtown portion of the DWSP and bringing it back to Council.

Mayor Irons and Council Member Heading rejoined the meeting at 9:32 p.m.

C-4 ADOPTION OF THE ECONOMIC DEVELOPMENT STRATEGY PLAN; (DEPUTY CITY MANAGER)

<https://youtu.be/yahhb8SPL7s?t=3h28m7s>

Deputy City Manager Taumoepeau presented the staff report and responded to Council inquiries.

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

Betty Winholtz, spoke regarding a list of concerns that she previously submitted.

Erica Crawford, Chamber of Commerce, spoke in support of adopting and appointing a subcommittee and stated the Chamber would like to participate.

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

MOTION: Mayor Irons moved to adopt the Morro Bay Economic Development Road Map as presented. The motion was seconded by Council Member Davis and carried unanimously, 5-0.

MOTION: Council Member McPherson moved to direct staff to move forward negotiating an MOU with the Chamber of Commerce with the condition that as part of that process there is a specific plan for the first year that would include goals, activities, timelines and milestones. The motion was seconded by Council Member Heading.

AMENDED MOTION: Council Member McPherson amended her motion to include bring it back when we have a new City Manager on board. Council Member Heading seconded the amended motion. After additional discussion the motion was further amended so that the MOU includes a workplan for the first year. It was further clarified that the MOU, along with the work plan, will be presented to the new City Manager and then be brought to Council during the mid-year budget review. The motion carried 4-1, with Mayor Irons voting no.

MOTION: Council Member Heading moved that Council appoint Council Member Davis as the Council subcommittee liaison to the working group for the Morro Bay Economic Development Plan in conjunction with the Chamber and that he be involved in the process that we just approved. The motion was seconded by Council Member McPherson.

Council Member Makowetski volunteered to be the second sub-committee member. Council Member Heading amended his motion to include Council Member Makowetski as the second member of the subcommittee. The motion

was seconded by Council Member McPherson and carried 4-1, with Mayor Irons voting no.

<https://youtu.be/yahhb8SPL7s?t=3h56m55s>

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

None

E. ADJOURNMENT

The meeting adjourned at 10:03 p.m. The next Regular Meeting will be held on Tuesday, September 26, 2017 at 6:00 p.m. at the Veteran's Memorial Hall located at 209 Surf Street, Morro Bay, California.

Recorded by:

Lori M. Kudzma
Deputy City Clerk