

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – OCTOBER 10, 2017
VETERAN'S MEMORIAL HALL – 6:00 P.M.

AGENDA NO: A-2
MEETING DATE: December 12, 2017

PRESENT:	Jamie Irons	Mayor
	Robert Davis	Council Member
	John Headding	Council Member
	Matt Makowetski	Council Member
	Marlys McPherson	Council Member
STAFF:	Martin Lomeli	Interim City Manager
	Joe Pannone	City Attorney
	Dana Swanson	City Clerk
	Ikani Taumoepeau	Deputy City Manager
	Rob Livick	Public Works Director
	Scot Graham	Community Development Director
	Cindy Jacinth	Senior Planner
	Greg Allen	Police Chief
	Steve Knuckles	Fire Chief
	Eric Endersby	Harbor Director

ESTABLISH QUORUM AND CALL TO ORDER

The meeting was called to order at 6:01 p.m., with all members present.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION - None

CLOSED SESSION REPORT – No closed session meeting was held.

MAYOR AND COUNCIL MEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS

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

CITY MANAGER REPORTS, ANNOUNCEMENTS & PRESENTATIONS – None

PRESENTATIONS

<https://youtu.be/GcbmzNKKMaY?t=12m19s>

- "Breast Cancer Awareness Month" Proclamation presented to Leslyn Keith and members of the SurviveOars Dragon Boat Team
- "Domestic Violence Awareness Month" Proclamation presented to Christine Johnson

PUBLIC COMMENT

<https://youtu.be/GcbmzNKKMaY?t=33m30s>

Nicholas Martinez of Harper's Bottle Liquor & Deli provided the business spot. They are located at 999 Main Street and open 6:00 a.m. to midnight Sunday – Thursday, and 6:00 a.m. to 1:00 a.m. Friday and Saturday. Bottle Liquor has been owned by the Harper family for 36 years and offers deli services along with a wide selection of spirits, cordials, wine and beer.

Ken Greene, Morro Bay, thanked Council Member Headding for providing information regarding the City's legal expenses during a recent town hall meeting and requested improved tracking of City expenses.

Jeff Bacon, Morro Bay, announced the 4th Annual Trick-or-Treat event to be held Tuesday, October 31, from 3:00 – 5:30 p.m.

Betty Winholtz, Morro Bay, spoke on behalf of Patrick Sparks, asking the Council to agendize a 15-minute presentation at its October 24 meeting to hear his proposal for upgrading the sewer plant. She also commented on Item C-1, noting it was a generous contract.

Cynthia Hawley spoke on behalf of the Morro Bay Action Team, requesting the Council consider amending Municipal Code Sections 2.08.020 and 2.08.025 to require a monthly financial report.

Anne Marie Schnitzer, Morro Bay, spoke in support of the request to agendize Mr. Sparks' presentation, requested City expenditures be reported to the Council and residents, and supports two medical marijuana businesses.

The public comment period was closed.

A. CONSENT AGENDA
<https://youtu.be/GcbmzNKKMaY?t=49m59s>

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 22, 2017 CITY COUNCIL MEETING;
(ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE SEPTEMBER 12, 2017 CITY COUNCIL MEETING;
(ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF MINUTES FOR THE SEPTEMBER 26, 2017 CITY COUNCIL SPECIAL
MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-4 APPROVAL OF PROCLAMATION DECLARING OCTOBER 15-21, 2017 AS "FREEDOM
FROM WORKPLACE BULLIES WEEK"; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-5 APPROVAL OF PROCLAMATION DECLARING OCTOBER 2017 AS "DOMESTIC
VIOLENCE AWARENESS MONTH"; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-6 APPROVAL OF PROCLAMATION DECLARING OCTOBER 2017 AS "BREAST
CANCER AWARENESS MONTH"; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-7 APPROVAL OF AMENDMENT NO. 1 TO PAVEMENT MANAGEMENT PROJECT
CONTRACT NO. MB-2017-ST01; (PUBLIC WORKS)

RECOMMENDATION: City Council:

1. Approve Amendment No. 1, in the amount of \$808,395.31, as an additional option

period to the City Council awarded Indefinite Delivery, Indefinite Quantity (IDIQ) contract with Pavement Coatings Co.;

2. Authorize a 5-percent contingency for the project in the amount of \$40,419.77 to be used to account for differences in material quantities; and
3. Authorize the Public Works Director to execute requisite contract documents

A-8 ADOPTION OF RESOLUTION NO. 57-17 APPROVING AMENDMENT NO. 2 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MORRO BAY AND THE MORRO BAY POLICE OFFICERS' ASSOCIATION ESTABLISHING THE CITY'S CONTRIBUTION TO EMPLOYEE HEALTH BANKS FOR 2018; (ADMINISTRATION)

RECOMMENDATION: City Council adopt Resolution No. 57-17 approving Amendment No. 2 to the 2016-17 Memorandum of Understanding between the City of Morro Bay and the Morro Bay Police Officers' Association, providing a 1% increase in the City's contribution to employee health banks for 2018

The public comment period for the Consent Agenda was opened; seeing none, the public comment period was closed.

Mayor Irons pulled Item A-7.

MOTION: Council Member Davis moved the Council approve all except Item A-7 on the Consent Agenda. The motion was seconded by Council Member Heading and carried unanimously, 5-0.

A-7 APPROVAL OF AMENDMENT NO. 1 TO PAVEMENT MANAGEMENT PROJECT CONTRACT NO. MB-2017-ST01; (PUBLIC WORKS)
<https://youtu.be/GcbmzNKKMaY?t=51m1s>

Mayor Irons requested discussion of allocating funds to repair crosswalks in the business district. Mr. Livick explained the sealing techniques that will be used are not appropriate for crosswalks with major divots. He recommended the Council consider a review at mid-year to reallocate funds for street repairs on the pedestrian path of travel. At Council Member McPherson's request, Mr. Livick reviewed the funding sources provided in the fiscal impact section of the staff report. Council Member Heading confirmed these funds could not be used to offset the City's CalPERS liability.

Following discussion, there was Counsel consensus to direct staff to come back at mid-year with paving options for pedestrian crosswalks in the business district using LTF funds.

MOTION: Council Member McPherson moved for approval of Item A-7. The motion was seconded by Council Member Heading and carried unanimously, 5-0.

B. PUBLIC HEARINGS

B-1 ADOPTION OF RESOLUTION NO. 56-17 APPROVING CONCEPT CONDITIONAL USE PERMIT NO. UP0-448 FOR 945 EMBARCADERO. PROJECT INCLUDES REMODEL OF EXISTING RESTAURANT, HARBORWALK PUBLIC ACCESS IMPROVEMENTS, AND IMPROVEMENTS TO ADJACENT ANCHOR PARK.; (COMMUNITY DEVELOPMENT)
<https://youtu.be/GcbmzNKKMaY?t=59m33s>

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

Mayor Irons disclosed ex parte communications with the applicant, Stan VanBeurden.

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

Cathy Novak spoke on behalf of the applicant and described the proposed improvements. She requested the project be approved with the deletion of Planning Commission condition #14, which requires raising the Harborwalk decking to eliminate the ramp and provide a smooth transition to the lease site to the south. She asked the applicant not be burdened with constructing a new transition since he did not install the ramp and this project does not propose any modifications to the existing wharf. She respectfully requested the Council approve the project with the deletion of Planning Commission condition #14.

Ms. Novak and Mr. VanBeurden responded to questions posed by the Council.

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

Mayor Irons proposed removing the park improvements from the project and focus on Harborwalk improvements that address the transition in elevation. He suggested the City use impact fees to fund Anchor Park sidewalk improvements on the waterfront and land side. The Council concurred, and suggested park improvements be considered during the budget process.

Ms. Novak responded to the Council's request, stating the applicant is willing to entertain this idea and would have an architect review it in more detail.

MOTION: Council Member Headding moved Item B-1 be continued to a date certain November 14, at which time we will reconsider the input that will come back to us based upon the discussion that was had tonight. The motion as seconded by Council Member McPherson and carried unanimously, 5-0.

C. BUSINESS ITEMS

C-1 REVIEW AND APPROVAL OF EMPLOYMENT CONTRACT WITH SCOTT COLLINS TO SERVE AS THE CITY MANAGER; (ADMINISTRATION)
<https://youtu.be/GcbmzNKKMaY?t=1h50m16s>

Interim City Manager Lomeli presented the report and responded to Council inquiries.

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

Erica Crawford, Morro Bay Chamber of Commerce, spoke regarding the Chamber's involvement in the interview process and thanked the City for continuing to recognize the importance of having the business community at the table.

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

MOTION: Mayor Irons moved the Council approve Item C-1, the contract for Scott Collins as City Manager. The motion was seconded by Council Member Headding and carried unanimously, 5-0.

Mr. Collins was invited to make a brief comment.

The Council took a brief recess at 8:05 p.m. The meeting reconvened at 8:16 p.m. with all members present.

C-2 WATER RECLAMATION FACILITY PROJECT UPDATE; (PUBLIC WORKS)

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

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

Barry Branin, Morro Bay, expressed concern about the rate structure provided by the consultants and recommended project costs be determined before a rate discussion occurs. He commented running lines along Quintana Road would negatively impact the business community.

Cynthia Hawley suggested this item was not agendized properly to allow the Council to take action, and stated the City cannot move forward without an approved project.

John Maino, owner and operator of a cattle business on property adjacent to the South Bay Blvd. site, submitted a letter for the record regarding the importance of minimizing the footprint and keeping all nonessential operations off the property. He also expressed concerns about access from South Bay Blvd to the site.

Alice Kolb, Morro Bay, was disappointed by Council Member McPherson's letter to the Tribune and comments made by Council Member Headding regarding neighborhood opposition to the Righetti site.

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

Staff responded to questions raised during public comment. City Attorney Pannone clarified the posted agenda provided to the public includes all items being asked of the Council tonight.

There was Council support to move forward with the accelerated schedule, as proposed, noting it provides a more accurate cost estimate before the Proposition 218 process. The Council agreed the WRFAC financial subcommittee was an important component and should remain active, and that it was best to schedule regular WRFAC meetings and cancel if no action was needed. The Council stressed the importance of staying on schedule and if critical decisions need to be made, then those decisions should come straight to the Council.

MOTION: Council Member Headding moved the Council direct staff to follow the accelerated implementation schedule described in Agenda Item C-2, as outlined by Mr. Livick, and also that we continue to schedule routine meetings of the WRFAC subcommittee and that if there were issues that needed to come to Council in the event that a WRFAC meeting could not be scheduled and/or convened prior that were critical issues, that those be brought to Council and dealt with at that level, hopefully mitigating some of the issues of concern. The motion was seconded by Council Member McPherson.

Mayor Irons asked for clarification the priority was to adhere to the accelerated schedule and items requiring Council action will not be delayed if a WRFAC meeting cannot be convened. Council Member Headding agreed.

The motion carried unanimously, 5-0.

The Council discussed tasking the WRFAC with work on informational flyers and 'fact checks' to keep residents informed of progress. There was Council consensus to request a meeting with the Cayucos Sanitary District to discuss the condition of the existing plant, project status, and future plans as each entity gets closer to having their own plant.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS
<https://youtu.be/GcbmzNKKMaY?t=3h33m5s>

Mayor Irons requested discussion to remove Richard Sadowski from advisory board positions on the Planning Commission and WRFAC at a special meeting on October 23 at 4:30 p.m. Council Members Heading and McPherson supported the request.

E. ADJOURNMENT

The meeting adjourned at 9:44 p.m. The next Regular Meeting will be held on Tuesday, October 24, 2017, 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