

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 27, 2018
VETERANS MEMORIAL HALL - 6:00 P.M.

AGENDA NO: A-2
MEETING DATE: April 24, 2018

PRESENT:	Jamie Irons	Mayor
	Robert Davis	Council Member
	John Headding	Council Member
	Matt Makowetski	Council Member
	Marlys McPherson	Council Member
STAFF:	Scott Collins	City Manager
	Lori Kudzma	Deputy City Clerk
	Jennifer Callaway	Finance Director
	Scot Graham	Community Development Director
	Greg Allen	Police Chief
	Steve Knuckles	Fire Chief
	Eric Endersby	Harbor Director
	Cindy Jacinth	Senior Planner
	Jennifer Little	Tourism Manager

ESTABLISH QUORUM AND CALL TO ORDER

<https://youtu.be/DbpfCgkyfPw?t=31s>

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

City Attorney Pannone reported that direction from the City Council received during the March 14, 2018, Closed Session resulted in Item A-6 on today's agenda.

MAYOR AND COUNCIL MEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS

<https://youtu.be/DbpfCgkyfPw?t=2m38s>

CITY MANAGER REPORTS, ANNOUNCEMENTS & PRESENTATIONS

<https://youtu.be/DbpfCgkyfPw?t=8m3s>

PRESENTATIONS – None

PUBLIC COMMENT

<https://youtu.be/DbpfCgkyfPw?t=10m6s>

Ed Griggs, Morro Bay resident, spoke regarding the draft Mitigated Negative Declaration related to 3300 Panorama tank removal. Mr. Griggs read and submitted a letter dated March 27, 2018.

Eric Foor spoke regarding concerns of where the money goes when he pays his water bill. Mr. Foor also expressed his dismay that Council did not appoint Barry Branin to the WRFAC.

Bill Martony spoke regarding the recent passing of Bud Anderson. Mr. Martony also asked for clarification regarding the 218 process and if possible to overturn with a citizen initiative.

Aaron Ochs, Save Morro Bay, spoke against the Water Reclamation Facility as currently proposed. Mr. Ochs also spoke regarding the need for a change in culture.

Pam Ochs, SaveMorroBay.com, spoke regarding the need for affordability of the WRF.

Carole Truesdale, Morro Bay resident, thanked the Morro Bay Police Department and specifically Chief Allen for standing tall and keeping everyone safe.

Richard Sadowski, Planning Commissioner, spoke regarding Item C-3 and reminded the Council that the first duty should be public health and safety. Expressed a need to prioritize duties.

Marla Joe Sadowski, Morro Bay resident, spoke regarding Item C-3 and respectfully requested the Council table the item until citizens could be appointed to the subcommittee. Ms. Sadowski expressed concern over the lack of public participation. Ms. Sadowski also requested the Council adopt a sunshine ordinance.

David Nelson, expressed his concern that questions from the public regarding the WRF are being ignored.

Cynthia Hawley spoke regarding the Closed Session scheduled for the next day, and asked for clarification as to whether the firm of Aleshire & Wynder was being reviewed or solely Mr. Pannone. Ms. Hawley expressed her concerns regarding Mr. Pannone's guidance regarding the WRF project.

Betty Winholtz spoke regarding Item C-1, requesting clarification as to whether the funds for the website would be coming from the General Fund or TBID. Ms. Winholtz feels only Morro Bay residents should be allowed to serve on advisory bodies. Ms. Winholtz also expressed her opinion as to how the recent appointment to WRFCAC was unfair and unwise.

Paula Radke spoke regarding MBMC 2.08.090, stating that minutes should be provided at the next meeting.

Tina Metzger asked the Council to explain why Barry Branin was not appointed to the WRFCAC.

Mayor Irons closed Public Comment.

Council and staff responded to comments raised during public comment.

A. CONSENT AGENDA

<https://youtu.be/DbpfCgkyfPw?t=55m5s>

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 FEBRUARY 27, 2018 CITY COUNCIL MEETING;
(ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINTUES FOR THE MARCH 14, 2018 CITY COUNCIL SPECIAL
MEETING AND CLOSED SESSIONL (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF PROCLMATION DECLARING APRIL 2018 AS "MONTH OF THE CHILD"
AND "CHILD ABUSE PREVENTION MONTH"; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

- A-4 ADOPTION OF RESOLUTION NO. 12-18 SUPPORTING PROPOSITION 69 ON THE JUNE 2018 BALLOT AND JOINING THE COALITION TO PROTECT LOCAL TRANSPORTATION IMPROVEMENTS' EFFORTS TO PREVENT TRANSPORTATION FUNDS FROM BEING DIVERTED FOR NON-TRANSPORTATION PURPOSES; (CITY MANAGER)

RECOMMENDATION: City Council adopt Resolution No. 12-18 supporting Proposition 69 on the June 2018 Ballot and joining the Coalition to Protect Local Transportation Improvements' efforts to prevent transportation funds from being diverted for non-transportation purposes.

- A-5 ADOPTION OF RESOLUTION NO. 13-18 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 \$16,100 FOR REMOVAL OF ABANDONED/SURRENDERED VESSELS AND HAZARDS TO NAVIGATION; (HARBOR)

RECOMMENDATION: City Council adopt Resolution No. 13-18 accepting and authorizing the Harbor Director to execute the attached Surrendered and Abandoned Vessel Exchange (SAVE) Grant Contract Agreement #C17S0602-S with the California Division of Boating and Waterways (DBW) for \$16,100 for the funding of removal of abandoned/surrendered vessels and hazards to navigation.

- A-6 ADOPTION OF RESOLUTION NO. 15-18 APPROVING AMENDMENT #1 TO THE NEW LEASE AGREEMENT BETWEEN THE CITY OF MORRO BAY AND BOATYARD LLC FOR LEASE SITE 90/90W, LOCATED AT 885 EMBARCADERO ROAD, AND COMMONLY KNOWN AS THE OTTER ROCK CAFÉ; (HARBOR)

RECOMMENDATION: City Council adopt Resolution No. 15-18, approving Amendment #1 to the new lease agreement on Lease Site 90/90W, the Otter Rock café, as proposed.

Mayor Irons pulled Items A-3 and A-6. Council Member Makowetski pulled Item A-5.

MOTION: Council Member Davis moved to approve all but Items A-3, A-5 and A-6. The motion was seconded by Council Member Heading and carried unanimously, 5-0.

- A-3 APPROVAL OF PROCLAMATION DECLARING APRIL 2018 AS "MONTH OF THE CHILD" AND "CHILD ABUSE PREVENTION MONTH"; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

<https://youtu.be/DbpfCgkyfPw?t=56m17s>

Mayor Irons spoke regarding the proclamation.

- A-5 ADOPTION OF RESOLUTION NO. 13-18 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 \$16,100 FOR REMOVAL OF ABANDONED/SURRENDERED VESSELS AND HAZARDS TO NAVIGATION; (HARBOR)

RECOMMENDATION: City Council adopt Resolution No. 13-18 accepting and authorizing the Harbor Director to execute the attached Surrendered and

Abandoned Vessel Exchange (SAVE) Grant Contract Agreement #C17S0602-S with the California Division of Boating and Waterways (DBW) for \$16,100 for the funding of removal of abandoned/surrendered vessels and hazards to navigation.

<https://youtu.be/DbpfCgkyfPw?t=58m8s>

Council Member Makowetski asked Harbor Director Endersby to elaborate on what is done with the grant funds and whether it is sufficient.

- A-6 ADOPTION OF RESOLUTION NO. 15-18 APPROVING AMENDMENT #1 TO THE NEW LEASE AGREEMENT BETWEEN THE CITY OF MORRO BAY AND BOATYARD LLC FOR LEASE SITE 90/90W, LOCATED AT 885 EMBARCADERO ROAD, AND COMMONLY KNOWN AS THE OTTER ROCK CAFÉ; (HARBOR)

RECOMMENDATION: City Council adopt Resolution No. 15-18, approving Amendment #1 to the new lease agreement on Lease Site 90/90W, the Otter Rock café, as proposed.

Mayor Irons stated that Item A-6 involves an amendment to a substitute lease the City currently has for lease site 90/90W with Boatyard LLC. That amendment was to modify some of the terms of that lease because, due to no fault of the City, one of the conditions Boatyard LLC required of that lease (closure of escrow for Boatyard LLC to purchase the current 90/90W leaseholder interests from Joe Steinmann, and business interests from his tenant, Jamie Parker, the operator of the Otter Rock Café) will not timely occur. The City is hopeful either Boatyard, Mr. Steinmann and Ms. Parker will come to agreement so the purchases of those interests do timely occur or Mr. Steinmann and Ms. Parker do all that is necessary to become fully compliant with the terms of their subject lease and sublease.

Mayor Irons elaborated the amendment is not valid at this time, it will not be continued and asked that the item be withdrawn from the agenda.

MOTION: Council Member Heading moved to withdraw Item A-6. The motion was seconded by Council Member Makowetski and was unanimously approved, 5-0.

MOTION: Council Member McPherson moved approval of Item A-3 and A-5. The motion was seconded by Council Member Makowetski and was unanimously approved, 5-0.

B. PUBLIC HEARINGS

<https://youtu.be/DbpfCgkyfPw?t=1h3m42s>

- B-1 ADOPTION OF RESOLUTION NO. 14-18 APPROVING CONDITIONAL USE PERMIT NO. UP0-448 FOR 945 EMBARCADERO. PROJECT INCLUDES REMODEL OF EXISTING RESTAURANT, HARBORWALK PUBLIC ACCESS IMPROVEMENTS, PILING & WHARF REPAIRS; (HOUSE OF JUJU); (COMMUNITY DEVELOPMENT)

RECOMMENDATION: Council adopt Resolution No. 14-18, making the necessary findings for approval of Conditional Use Permit (CUP) No. UP0-448 as Concept Plan approval.

Senior Planner Jacinth gave the report and answered questions from the Council. Ms. Jacinth noted some formatting errors on the resolution that will be corrected.

Cathy Novak, representing the applicant, spoke regarding the proposed plans and answered questions from the Council.

Public Comment: None.

There was Council consensus to have the coastal access signs state “Morro Bay Harborwalk” instead of identifying business name.

There was discussion as to where to place the trash cans and the wording in the condition regarding the design of the trash cans.

There was Council consensus regarding language for the trash enclosure to “Outdoor trash cans shall be designed to prevent wildlife from removing trash...”

MOTION: Council Member Headding moved approval of Resolution No. 14-18 approving Conditional Use Permit No. UP0-448 (note: should be UP0-446) for 945 Embarcadero, including the remodel of existing restaurant, harborwalk public access improvements, piling & wharf repairs, signage and trash as amended. The motion was seconded by Council Member McPherson and carried unanimously, 5-0.

The Council took a brief recess at 7:34 p.m. and reconvened at 7:43 p.m.

C. BUSINESS ITEMS

C-1 AWARD OF TWO CONTRACTS TO SIMPLEVIEW FOR REBUILDING AND MANAGING THE MORROBAY.ORG WEBSITE; (TOURISM)

RECOMMENDATION: Council award two contracts to Simpleview for rebuilding and managing the morrobay.org website, approved to form by the City Attorney:

- 1.) Rebuild the morrobay.org website starting April 2018 (Fiscal Year 2017-18) and anticipated to be finished in FY 2018-19 October 2018 in the contract amount of \$44,950; and,**
- 2.) Three-year contract for monthly Content Management System (CMS) and Customer Relationship Management (CRM) management of the site beginning FY 2018-19, including 5-hours per month of staff support, in the annual amount of \$26,280 and total amount over three years of \$78,840.**

In addition, Council authorize the City Manager to enter into a contract with MobiManage in the amount of approximately \$ 4,000 for the period until Simpleview has completed rebuilding the morrobay.org website.

<https://youtu.be/DbpfCgkyfPw?t=1h34m10s>

City Manager Collins introduced the item and then turned over to Tourism Manager Little. Ms. Little gave the report and, along with Kevin Bates from Simpleview, answered questions from the Council.

Public Comment: None

MOTION: Council Member Headding moved staff recommendation; that we award two contracts to Simpleview for rebuilding and managing the morrobay.org website, approved to form by the City Attorney:

- 1.) Rebuilding the morrobay.org website starting April 2018 (Fiscal Year 2017-18) and anticipated to be finished by FY 2018-19 October 2018 in the contract amount of \$44,950; and,

- 2.) Three-year contract for monthly Content Management System (CMS) and Customer Relationship Management (CRM) of the site beginning FY 2018-19, including 5-hours per month of staff support, in the annual amount of \$26,280 and total amount over three years of \$78,840.

In addition, authorizing the City Manager to enter into a contract with MobiManage in the amount of approximately \$ 4,000 for the period until Simpleview has completed rebuilding the morrobay.org website.

The motion was seconded by Council Member McPherson and carried unanimously, 5-0

- C-2 REPORT ON WASHINGTON D.C. MEETINGS FOR C-MANC'S ANNUAL "WASHINGTON WEEK" CONFERENCE, AND FOR THE WATER TREATMENT FACILITY; (HARBOR/PUBLIC WORKS)

RECOMMENDATION: Receive and file.

<https://youtu.be/DbpfCgkyfPw?t=2h18m24s>

Harbor Director Endersby went over the CMANC and Washington D.C. meetings and events and answered questions from the Council.

City Manager Collins spoke regarding the WRF portion of the trip, noting that the Ferguson Group was instrumental in setting up meetings.

Mayor Irons and Council Member Heading shared highlights from the trip.

Public Comment:

Barry Branin, spoke regarding a typo on the WIFIA application.

Mayor Irons closed Public Comment.

The report was received and filed.

- C-3 REVIEW AND PROVIDE DIRECTION REGARDING COUNCIL SUBCOMMITTEE PROPOSED CHANGES TO THE COUNCIL POLICIES & PROCEDURES AND ADVISORY BODIES HANDBOOK AND BY-LAWS; (CITY CLERK)

RECOMMENDATION: City Council review and discuss the proposed changes to the Council Policies & Procedures and Advisory Bodies Handbook and By-laws, as recommended by the Council Subcommittee and staff, and provide direction as deemed appropriate for adoption at a future meeting.

<https://youtu.be/DbpfCgkyfPw?t=3h2s>

Mayor Irons suggested tackling the Council Policies & Procedures, and if substantive changes discuss and then submit in writing to City Clerk and then it will come back at a later meeting.

Council Member McPherson introduced the item and went over the background.

Public Comment:

Betty Winholtz requested the Council go through public comments and address each comment submitted.

The Council discussed changes to the Council Policies & Procedures.

Location of Resolution No. 70-15

There was Council consensus to leave the Resolution in its current location and re-adopt the content of the resolution.

1.2.1 Council consensus to leave as is.

Closed Session was moved to 1.1.5, not deleted.

1.2.8 Procedural Order move to 1.3.3.1 then shift the rest of that section down.

1.3.6.1 City Attorney Pannone will work on wording for this section.

1.3.7.1 Speaker Slips – “may” be asked. Strike the last sentence of this section.

1.3.7.2.5 Appears in another section (p20 last sentence) add language “may speak only once on a given issue” to 1.3.7.2.2

1.3.7.4 and 1.3.7.6 Move to 1.3.9.3

Page 24 – Remove draft paragraph

Page 26 – Staff to draft a paragraph on Business Items

Page 27 – Add wording “Other recordings are for convenience and occasionally used when a verbatim transcript is required in legal proceedings. Audio recordings have a 2-year retention and video recordings have a 10-year retention. Meeting minutes are permanent.”

Page 28 – Council consensus to add “Salaries reviewed every 8 years by selection of Finance Committee” starting 2019.

Council Member Davis stated he was not in favor of increasing Council salaries.

There was a discussion regarding PARS and the need to provide in lieu of Social Security.

2.4.7 and 2.4.8 discussion regarding cash advances and/or use of City credit card. Staff to come back with ‘middle of the road’ language.

Page 33 Honorarium – City Attorney to review wording.

3.1.4 and 3.1.5 There was a discussion regarding the process and timing, specifically related to requests from the League of California Cities

3.1.6 Discussion regarding similar language for other Council Members

3.9 Discussion regarding acceptance of grants or deeds. City Attorney Pannone does not see this section raising an issue.

3.11 Add wording “City Council Members shall be notified within 7 days of such authorization being added.”

3.13 Add wording “or City Council by majority vote”... and “Subcommittees ‘shall’ report back to the full Council for discussion before any formal action can be taken on the pertinent issue, and in addition, shall provide updates on their progress.”

4.1 Add Brown Act training requirement language

4.2.2 remove 4.2.2 except for quote from City Attorney Pannone

4.2.7 agreement with changes as noted

There was a brief discussion regarding emails and the second paragraph on page 41.

5.2.2 Council consensus is to leave as is.

Page 46 – Discussion regarding process of appointing Advisory Board Members. Council consensus to leave as is.

5.3.4 City Attorney to add some clarifying language.

6.3.1 City Attorney to review language.

6.3.2.2 Consensus to add wording “or Chair of advisory bodies”

Advisory Bodies Handbook

There was clarification regarding the mission statement and the process for approval.

Page 5 – Remove specific reference to WRFCAC & GPAC. Add “From time to time a special advisory body may be created...” and add language regarding establishing a mission statement/purpose for each special purpose advisory body.

Page 5 - Discussion regarding first paragraph under Section B. There was consensus to leave as is.

Page 5 – There was a discussion regarding terms and whether to state that terms may be less at the discretion of Council.

Page 8 – Discussion to add language regarding the meeting schedule “according to the established calendar.”

Page 8 – Discussion regarding the official spokesperson for the City. Consensus to leave as is.

Page 8c – Add Risk Manager to the City Clerk’s title.

Page 8b – Add clarifying language – not just department heads report to the City Manager.

Page 9(2) – Leave as is.

MOTION: Council Member McPherson moved to continue the meeting beyond 11:00p.m. Mayor Iron seconded the motion. The motion failed 2-3 with Council Members Davis, Headding and Makowetski opposed.

There was Council consensus to continue this item to a future meeting – date uncertain. Mayor Irons urged Council Members to submit their comments to the City Clerk to be included for discussion at a future date.

FUTURE AGENDA ITEMS

<https://youtu.be/DbpfCgkyfPw?t=4h50m42s>

There was Council consensus to bring forward for discussion the ordinance regarding meeting minutes.

ADJOURNMENT

The meeting adjourned at 11:00 p.m. The next Regular Meeting will be held on Tuesday, April 10, 2018, at 6:00 p.m. at the Veteran’s Memorial Hall located at 209 Surf Street, Morro Bay, California.

Recorded by:

Lori Kudzma
Deputy City Clerk