

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – NOVEMBER 13, 2018
VETERAN'S MEMORIAL HALL – 6:00 P.M.

AGENDA NO: A-2
MEETING DATE: January 8, 2019

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
	Joseph Pannone	City Attorney
	Jennifer Callaway	Finance Director
	Steve Knuckles	Fire Chief
	Jody Cox	Police Chief
	Eric Endersby	Harbor Director
	Scot Graham	Community Development Director
	Rob Livick	Public Works Director
	Lori Kudzma	Deputy City Clerk

ESTABLISH QUORUM AND CALL TO ORDER

<https://youtu.be/fSUohgqWRbA?t=48>

Mayor Irons called the meeting to order at 6:03 p.m., with all members present.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION - None

CLOSED SESSION REPORT – No closed session meeting was held.

MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS

<https://youtu.be/fSUohgqWRbA?t=181>

A proclamation was presented to City Attorney Joe Pannone, declaring November 13, 2018 as Joe Pannone Day.

<https://youtu.be/fSUohgqWRbA?t=788>

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

<https://youtu.be/fSUohgqWRbA?t=1329>

PRESENTATIONS

- Service Pin Presentation

<https://youtu.be/fSUohgqWRbA?t=1546>

The following employees were recognized for their years of service:

Lori Stilts, 10 years, Harbor Department
Karen Sweeney, 15 years, Recreation
Eric Endersby, 25 years, Harbor Department
Robert Victor, 10 years, Public Works Department
Patrick Bernard, 15 years, Public Works Department
Michael Talmadge., 15 years, Fire Department
Robert Hufstetler, 20 years, Police Department

There was Council consensus to move Item C-1 prior to the public hearing for item B-1.

<https://youtu.be/fSUohgqWRbA?t=1900>

PUBLIC COMMENT PERIOD

<https://youtu.be/fSUohggWRbA?t=1961>

Mayor Irons opened public comment.

Walter Heath gave a Morro Bay in Bloom update.

Aaron Ochs, Save Morro Bay, spoke regarding counting the protest votes.

Helio Day Spring, owner of Natural Healing Center, spoke regarding their annual turkey give away and invited visitors to their business in Grover Beach.

Meredith Bates shared questions regarding Item C-2.

Teddy Lovett, Morro Bay, expressed appreciation for time, patience and good will concerning the sewer plant.

Erica Crawford shared information about the Main Street Market, Saturday, November 17th 2-5pm and the 4 MB North Morro Bay Focus Group would be meeting November 14th 8:30 – 9:30 am. Ms. Crawford also encouraged participation in the way finding survey online.

Bill Martony spoke regarding the pipeline easement. Mr. Martony also spoke regarding the aquarium.

Bob Keller urged the Council to keep moving forward on the WRF project to keep costs low. Mr. Keller also thanked Mayor Irons and Council Member Makowetski for their service.

Mayor Irons closed public comment.

Mayor Irons asked City Attorney Pannone for legal clarification regarding counting and validating protests. City Attorney Pannone discussed the difference between a ballot vs. a prop 218 protest and explained what the process would be to validate a protest.

A. CONSENT AGENDA

<https://youtu.be/fSUohggWRbA?t=3425>

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion. The public will also be provided an opportunity to comment on consent agenda items.

A-1 APPROVAL OF MINUTES FOR THE SEPTEMBER 25, 2018 CITY COUNCIL MEETING;
(ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE OCTOBER 23, 2018 CITY COUNCIL SPECIAL
CLOSED SESSION MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF AMENDMENT NO. 4 TO THE LEGAL SERVICES AGREEMENT WITH
ALESHIRE & WYNDER, LLP, TO APPOINT CHRIS NEUMEYER AS CITY ATTORNEY;
(CITY MANAGER)

RECOMMENDATION: City Council approval of Amendment No. 4 to the legal services agreement with Aleshire & Wynder, LLP, to appoint Chris Neumeyer as City Attorney, effective January 1, 2019.

- A-4 ADOPTION OF RESOLUTION NO. 88-18 RESCINDING RESOLUTION NO. 62-17 AND COMMITTING TO UPDATE THE CITY'S GENERAL PLAN AND LOCAL COASTAL PLAN BY SUMMER OF 2019; (MAYOR)

RECOMMENDATION: Adopt Resolution No. 88-18.

- A-5 APPROVAL OF CITIZENS FINANCE ADVISORY COMMITTEE AND PUBLIC WORKS ADVISORY BOARD MEMBER'S REQUEST FOR AN EXCUSED ABSENCE; (CITY CLERK)

RECOMMENDATION: City Council consider the request submitted by Citizens Finance Advisory Committee (CFAC) and Public Works Advisory Board (PWAB) Member, John Erwin, to excuse his absence from regular meetings through January 2019 to attend FEMA Training and during his 90-day deployment to North Carolina.

- A-6 APPROVAL OF AMENDMENT NO. 2 TO PAVEMENT MANAGEMENT PROJECT CONTRACT NO. MB-2017-ST01 FOR FY 2018/19 PAVEMENT MANAGEMENT PROJECT; (PUBLIC WORKS)

RECOMMENDATION: City Council:

1. Approve Amendment No. 2, in the amount of \$701,259.44, as an additional option period to the City Council awarded Indefinite Delivery, Indefinite Quantity (IDIQ) contract to Pavement Coatings Co and one or more work orders not exceeding that aggregate amount, plus the contingency described in 2., below; and
2. Authorize a 5-percent contingency for the project in the amount of \$35,063 to be used to account for differences in material quantities; and
3. Authorize the Public Works Director to execute Amendment No. 2.

- A-7 ADOPTION OF RESOLUTION NO. 90-18 AMENDING RESOLUTION NO. 02-18 ESTABLISHING THE 2018 CITY COUNCIL MEETING CALENDAR; (CITY CLERK)

RECOMMENDATION: Adopt Resolution No. 90-18

MOTION: Council Member Makowetski moved approval of all items on consent. The motion was seconded by Council Member Davis and carried 5-0.

- C-1 APPROVAL OF JOINING MONTEREY BAY COMMUNITY POWER AUTHORITY (MBCPA) AND FIRST READING OF COMMUNITY CHOICE ENERGY ORDINANCE; (CITY MANAGER)

<https://youtu.be/fSUohgqWRbA?t=3472>

City Manager Collins introduced the item. Chris Read, City of San Luis Obispo Sustainability Manger gave the report. Mr. Collins and Mr. Read both answered questions from the Council.

Public Comment:

Eric Veium, Chair of SLO Climate Coalition, spoke in support of Morro Bay joining the MBCPA.

Nick Andre, Co-Chair of SLO County Progressives, spoke in support of Morro Bay joining the Monterey Bay Community Power Authority.

Tony Pastore, Morro Bay, spoke in support of Morro Bay joining the Monterey Bay Community Power Authority.

Walter Heath inquired as to how this compares to the wind farm.

MOTION: Mayor Irons moved approval of recommendations 1, 2, 3 and 5.

1. Receive and file the Financial Update memo (Attachment A); and
2. Introduce, by first reading by title only with further reading waived, Ordinance No. 618, "An Ordinance of the City Council of the City of Morro Bay, California, Repealing the Existing Community Choice Aggregation Ordinance (Ordinance No. 616) and Authorizing the Implementation of a Community Choice Aggregation Program By Participating in Monterey Bay Community Power Authority's Community Choice Aggregation Program" (Attachment B); and
3. Adopt a Resolution No. 91-18, "A Resolution of the City Council of the City of Morro Bay, California, Requesting Membership In The Monterey Bay Community Power Authority (MBCPA) and Authorizing the City Manager to Execute the Joint Powers Authority Agreement as amended with MBCPA" (Attachment C); and
5. Direct staff to negotiate a Memorandum of Understanding with City of San Luis Obispo (SLO) staff to provide a collaborative and fair strategy for MBCPA representation and return to Council for final approval.

The motion was seconded by Council Member Davis.

City Manager Collins requested a modification to recommendation #3 to include parties to be added to exhibit B of Attachment C. Mr. Collins also requested edits to Resolution No. 91-18 to allow for the Mayor or City Manager to sign the JPA agreement.

AMENDED MOTION: Mayor Irons amended his motion to include edits to recommendation #3: parties listed by City Manager to be added to Exhibit B and modifying the resolution to authorize the Mayor and/or City Manager to execute the JPA agreement. The amendment was seconded by Council Member Davis and carried 5-0.

The Council took a brief recess at 8:14 p.m.

The Council reconvened at 8:26 p.m., with all members present.

B. PUBLIC HEARINGS

<https://youtu.be/fSUohgqWRbA?t=8739>

B-1 CONTINUANCE OF APPEAL OF PLANNING COMMISSION APPROVAL ON AUGUST 7, 2018 OF THE CONDITIONAL USE PERMIT (UP0-470), TENTATIVE VESTING MAP #2859 (S00-127) AND MITIGATED NEGATIVE DECLARATION FOR THE SITE AT 2783 CORAL AVE TO ALLOW A 6-PARCEL SUBDIVISION ON A .99 ACRES SITE WITHIN THE CLOISTERS SUBDIVISION.

NOTE: THROUGH A RECENT ACTION BY THE CALIFORNIA COASTAL COMMISSION, THE APPLICANT IS NOW REQUIRED TO APPLY FOR AN IMMATERIAL AMENDMENT TO THE ORIGINAL CDP AND AS SUCH THE CITY OF MORRO BAY WILL VOID CDP-530.; (COMMUNITY DEVELOPMENT)

Planner Nancy Hubbard gave the report and, along with Community Development Director Graham, answered questions from the Council.

Mayor Irons invited the Appellant to speak.

Dawn Beattie expressed confusion on the recommendation to deny the appeal as the Applicant and Cloisters ARC agreed a new design be created. Steve Stevens, continued on behalf of the Appellant regarding the expectation of a revised submittal from the Applicant. Mr. Stevens also spoke regarding the new information received from the Coastal Commission. Mr. Stevens requested Council allow the discussions to be continued with the Applicant in good faith.

Mayor Irons invited the Applicant to speak.

Kevin Huber, Morro Bay Ventures, stated they have complied with every recommendation that has been requested. Relied upon representation of the named Attorney-in-Fact for the Cloisters and processed plans accordingly. As an accommodation to the Appellant, prepared a revised site plan. Mr. Huber stated the plan is consistent with City and Cloister requirements. Mr. Huber respectfully requested the Council deny the appeal and uphold the decision of the Planning Commission.

The Council made inquiries of staff.

Mayor Irons opened public comment.

Kerrigan Mahan stated he was not aware of a letter from the Coastal Commission. Mr. Mahan expressed concern that the plan is not compatible with the Cloisters.

Mayor Irons closed public comment.

MOTION: Council Member Heading moved adoption of Resolution No. 87-18, making the necessary findings to deny the appeal and uphold the Planning Commission (PC) approval of Conditional Use Permit (UP0-470), Tentative Vesting Map # 2859 (S00-127) and Mitigated Negative Declaration (MND) for the site at 2783 Coral Ave to allow a 6-parcel subdivision on a .99-acre site within the Cloisters Subdivision (Project). The motion was seconded by Council Member McPherson and carried 5-0.

C. BUSINESS ITEMS

Item C-1 was heard prior to Item B-1

C-2 ONEWATER PLAN APPROVAL; (PUBLIC WORKS) <https://youtu.be/fSUohgqWRbA?t=12166>

Public Works Director Livick introduced the item. Eric Casares, Carollo Engineers, gave a presentation and answered questions from the Council.

Mayor Irons opened Public Comment.

Bob Keller spoke in support of the recommendation.

There was Council discussion regarding bringing the resolution back with implementation guidelines.

MOTION: Council Member Heading moved 1) approval of the One Water Plan and 2) incorporate the OneWater Capital Improvement Program into the City's annual budget and 3) use the recommendations for water supply options section of the Plan as guidance in the consideration, development and implementation regarding the composition of the City's future water supply

portfolio and 4) staff bring back an appropriate resolution on consent as a guideline for implementation. The motion was seconded by Council Member McPherson and carried 5-0.

There was clarification the resolution would be brought back at the next meeting.

- C-3 CITY COUNCIL INPUT AND DIRECTION ON HARBOR DEPARTMENT LEASE MANAGEMENT POLICY DOCUMENT UPDATE PROPOSED TIMELINE AND USE OF A FACILITATOR FOR THE UPDATE PROCESS; (HARBOR)

<https://youtu.be/fSUohgqWRbA?t=14735>

Harbor Director Endersby gave the report and answered questions from the Council.

Public Comment: None.

There was Council consensus for Marty Lomeli to be the facilitator.

There was also Council consensus that the Council sub-committee (Davis and McPherson) would not regularly attend meetings of the lease policy working group.

- C-4 DIRECTION REGARDING POTENTIAL REUSE OF SOON TO BE DECOMMISSIONED TROLLEY AS A MOBILE VISITOR CENTER; (CITY MANAGER/PUBLIC WORKS)

<https://youtu.be/fSUohgqWRbA?t=16211>

City Manager Collins gave the report and answered questions from the Council.

Mayor Irons opened Public Comment.

Erica Crawford, Morro Bay Chamber, spoke regarding the possibility of moving the Visitor's Center and looks forward to future discussion.

There was Council discussion regarding the trolley.

MOTION: Council Member McPherson moved to continue the meeting past 11:00 p.m. The motion was seconded by Mayor Irons and failed 2-3, with Council Members Heading, Davis and Makowetski voting no.

MOTION: Council Member McPherson moved to go past 11:00 p.m. to a time certain of 11:10 p.m. The motion was seconded by Council Member Heading and failed 2-3, with Mayor Irons and Council Members Davis and Makowetski voting no.

MOTION: Mayor Irons moved to go past 11:00 p.m. to 11:30 p.m. The motion was seconded by Council Member Heading and failed 2-3 with Council Members Davis, Makowetski and McPherson voting no.

Items C-4 and C-5 were not concluded and will be brought back to a future meeting. The meeting was adjourned at 11:02 p.m.

Recorded by:

Lori M. Kudzma
Deputy City Clerk