

MINUTES - MORRO BAY CITY
 COUNCIL/PLANNING COMMISSION
 JOINT MEETING – APRIL 23, 2013
 VETERANS MEMORIAL HALL - 4:30 P.M.

Mayor Irons called the meeting to order at 4:30 p.m.

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| PRESENT: | Jamie Irons | Mayor |
| | George Leage | Councilmember |
| | Christine Johnson | Councilmember |
| | Nancy Johnson | Councilmember |
| | Noah Smukler | Councilmember |
| | Rick Grantham | Chair |
| | John Solu | Vice Chair |
| | John Fennacy | Planning Commissioner |
| | Michael Lucas | Planning Commissioner |
| | Robert Tefft | Planning Commissioner |
| STAFF: | Andrea Lueker | City Manager |
| | Robert Schultz | City Attorney |
| | Rob Livick | Public Services Director |
| | Kathleen Wold | Planning Manager |
| | Cindy Jacinth | Associate Planner |
| | Jamie Boucher | City Clerk |

- ESTABLISH QUORUM AND CALL TO ORDER
- MOMENT OF SILENCE
- PLEDGE OF ALLEGIANCE
- CLOSED SESSION REPORT
- MAYOR & COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS & PRESENTATIONS
- PUBLIC PRESENTATIONS

PUBLIC COMMENT

Rigmore purchased the Sun Bulletin building and she is hoping that the Los Osos Mexican Market will get their business license soon. She thanked the two new Councilmembers for their service. She thanked the City for getting ready to put in new sidewalks in on Market. She also stated that she met with staff last week to talk about planting trees along Market Street.

Bill Martoney spoke on Measure D stating that Joe Giannini was instrumental in putting Measure D in place for a specific purpose. He saw the future and saw how the Embarcadero was turning towards tourism; he wanted to preserve the northern section for fishermen and the fishing industry. He urged Council and the Commission to keep in mind what the original intent was as he feels the Measure D area has been crept into over the years.

Sharon Moore of Virg's Sportfishing was here when Measure D was voted in; Virg and Joe Giannini wrote it to protect the industry. She stated that the Paddle Board business, in the winter time is fine but in the summer, her sportfishing business can't operate with them there as there isn't enough room in the parking lot. To protect the industry is to protect the creep.

Mayor Irons closed Public Comment.

I. JOINT MEETING DISCUSSION ITEMS

A) Planning Commission bylaws, duties and expectations of City Council

Councilmember Christine Johnson discussed the importance of the Bylaws stressing that they are fluid documents and can be adjusted; Councilmember Smukler stressed while its challenging, the General Plan and LCP are documents that should be guiding the Commission's decisions, and on some items he senses deviation from following those documents as guiding principles; and Mayor Irons stressed that the Planning Commission's duty was to advocate for the General Plan and to act in the best interests of the public.

Commissioner Fennacy responded that he looks forward to opportunities like this to share ideas specific to planning and looks forward to working with the Council on the issues before us. Commissioner Solu appreciates the opportunity to serve and realizes that the Commissioners serve at Council's pleasure. He thought it would be a good idea to get specific examples of how Councilmember Smukler felt they deviated from the General Plan and didn't do as well. Commissioner Tefft also appreciates the opportunity to meet jointly and agrees with the several of the Councilmembers that the current General Plan is difficult to work with. Councilmember Lucas stated he is happy to serve and it's important to remember that the General Plan and LCP are living documents and it's equally important to be able to exchange dialogue as to where things are going and coming from; those currently serving represent different groundings and different aspects of being here. Chair Grantham is pleased to be here and feels it's an honor to serve; he hopes that everybody can work to be a part of the solution.

Councilmember Nancy Johnson stated that one of the overriding things to remember is that anything that comes to the Planning Commission is very unusual – a variance or an exception – and these projects don't fit neatly into a box.

B) Discussion of Goal #3 - Update Plans for Current and Future Land Use Needs

Commissioner Fennacy stated that by definition, the General Plan is general and inconsistent. If a project is coming to the PC, it is because something is falling in the fringes of the General Plan or LCP, otherwise it would be dealt with at the administrative level. He favors constantly looking at it and being open minded, especially if there are problem areas that are tripping up staff, the Planning Commission or the public.

Commissioner Tefft stated that the overriding aspect of the General Plan is that it's primarily a negative document; ie: you can't do this and you can't do that. A major

improvement would be to make it a more positive document expressing the vision of each area of town and gives people an overall community vision of those areas.

Commissioner Lucas initially provided information to everybody prior to the meeting. Reading through the documents, a lot of the vision elements that are in there have been accomplished and a lot of them have been changed. When we don't have a black and white law in front of us, it would be a good idea to have the discernment of the vision of the City that would help us interpret these situations.

Chair Grantham stated that when the document was completed it was a good document but now it needs revising. Unfortunately it will take a lot of time and money which we don't have. He felt it necessary to establish reasonable goals and follow through on ones that we can and work on the ones we know we have to do.

Commissioner Solu agrees 100% with Commissioner Tefft and hopes that when we look at the General Plan, it will be more positive. If we are going to be a friendly City to do business, it needs to be more positive.

Public Services Director Rob Livick stated that the update has been something we've tried to do for many years. The City's current goal is to look for grant funding. If no grant monies are available, then possibly we would strategize to supplement current staffing on the lower end to give more experienced staff the ability to look at long range planning. Its also important to put together a work program for the LCP and GP. The Circulation Element will necessitate external help as well as it is too technical. Planning Manager Kathleen Wold agrees stating that she feels we will also need additional help with the environmental documentation.

Councilmember Christine Johnson in encouraged to hear from staff that even if it's difficult, we are going to move forward, have a work plan, we're going to put together an outline and will have a scope.

Councilmember Nancy Johnson is happy to see staff has a plan to work through this. She asked staff to consider using an intern who may have a fresh perspective on items.

Councilmember Smukler is also glad to hear that work has already been done in preparation of this plan in the upcoming budget. He feels it's important to try to get a foundational plan together and then take some time to strategize and consider the different options particularly given the funding challenges. He would be willing, if necessary depending on the finances, to prioritize and be strategic about specific elements if we can't fund the whole chunk at once.

C) Discussion of Projects Appealed to City Council

Councilmember Smukler has seen a number of appeals come to the Council in the last couple of months; at times staff's presentation of information is lighter than in the past; he'd like to see more robust staff reports/presentations. Also, the Planning Commission

has heard some “non-standard” projects and it would be his wish that if they felt that they’ve been presented an incomplete project that taking a little more time at the Planning Commission level could make for a stronger and more complete project. Continuing a project to make it stronger would be preferable to an approval.

Councilmember Nancy Johnson disagrees as over the years she has seen several projects come to the Council and projects that come are unusual in the first place. Also, anytime we deal with a superior agency, things tend to get complicated and convoluted. She feels the Planning Commission is doing a good job; there will always be appeals because projects that come before Planning Commission are always unusual and different and there are people who disagree with things that are different and outside of the box.

Councilmember Christine Johnson stated that where Council has been strongest is when we have continued an item and stepped back and learned. This gives Council time to think and allows staff to spend more time flushing out things for us.

Mayor Irons echoes all these comments and recognizes there a lot of challenging projects. He is in support of taking more time, having discussion and if needed, continuing an item could make for a better project.

Chair Grantham stated that by the time Council gets the project on appeal, the Council can often get much more information than the Planning Commission ever had when making their initial determination.

Commissioner Solu agrees; in fact he gets angry when something that is appealed is overturned as often times the PC doesn’t have the information. The Planning Commission does its due diligence and will continue something if we don’t feel good about it but that realistically if there is a 3-2 vote it will likely get appealed anyway, that’s the reality of things. The Planning Commission will do its best to make sure their decisions are in the best interest of the City and in compliance with the General Plan.

Commissioner Fennacy wanted to reinforce the position that a factor out of the Planning Commissioners control is the appellants and the motivation for their appeal. It would be good to educate the general public as we move forward with the General Plan and LCP which he feels would diminish the “off the wall” and political appeals.

Commissioner Lucas stated that in his experience, part of the issue is time versus information. He doesn’t think that at times the information is satisfactory in order to make a proper decision or to understand what’s being proposed.

Commissioner Tefft feels that they are being asked to be deliberate and thorough. He is not offended if an appeal is overturned by the Council as it is a way that Council can send a message as to what their priorities are. He is okay with the appeals process and will try and do his job the way the Council would like him to.

Mayor Irons stated that as appeals come forward, he encourages the Commissioners to let their reasoning for their position be known to the Council.

D) Discussion on the Interpretation of Measure D

Councilmember Smukler stated that since he's been on Council, there has never been any action to change Measure D and that any change would need to be made through the public process and initiative process. We are seeing a recovery in the fishing industry and as such, we need to hold Measure D strong unless it's changed through the public process.

Mayor Irons stated that Measure D is vital to the area and strengthens our fishing community.

Chair Grantham stated that Measure D protects the rights of our local commercial fishermen and definitely supports it, and supports the businesses that are in the area that support Measure D. He hopes we don't crowd it out so much that there won't be enough room for slips for the fishermen.

Commissioner Solu met with those affected by Measure D and stated that there is a sense among the local fishermen that we may be circumventing the system, and there is a question about whether we are changing language; their number one complaint is that they don't have slips and are worried that future slip fees will go up. The goal is to keep the fishermen whole and if language changes need to be made, that has to be kept at the forefront.

Commissioner Fennacy is a proponent of Measure D and that strict adherence is in the best interest unless it goes to a vote of the people. He doesn't want the City to diminish the amount of slips; there are places along the Embarcadero to increase slips for non-commercial boats.

Commissioner Lucas completely agrees; the fishing industry should be an asset we want to enhance as best we can. As we look forward, the question should be – how can we support this longer term as a healthy industry? It's amazing they have had such resiliency during such difficult times.

Commissioner Tefft agrees with a strict interpretation of Measure D; without that, the influx of other commercial/recreational vessels for the slips and landside uses will push the fishing community out of the market on the Embarcadero. Measure D preserves the area for commercial fishing and maybe we need to look at actively providing some additional facilities or support.

Councilmember Leage stated that Measure D is one of the most important things we have for our fishing community. There is a lot of concern about what is and what has been going on. He suggested bringing this back as a stand-alone Council item to talk about it in more depth.

Councilmember Smukler agrees that bringing Measure D back as a stand-alone item is a good idea and in fact, believes it should start at the Planning Commission level first.

Councilmember Nancy Johnson agrees and would like to see this as a Future Agenda Item at the Council level as we need to enforce Measure D.

Councilmember Christine Johnson stated that what makes Morro Bay different than every other coastal community is Measure D. She would like to see the fishing community invited in on a discussion as we move forward.

E) Discussion of Creation of a Specific Plan Overlay District from No. Embarcadero to Cloisters, West of Highway 1

There was not time for discussion on this item.

II. ADJOURNMENT – 5:55 p.m.

This meeting adjourned to the regularly scheduled City Council meeting.

Recorded by:

Jamie Boucher
City Clerk