

**MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – AUGUST 26, 2014
VETERAN’S MEMORIAL HALL – 6:00P.M.**

PRESENT:	Jamie Irons	Mayor
	Christine Johnson	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Edward Kreins	Interim City Manager
	Joe Pannone	City Attorney
	Jamie Boucher	City Clerk
	Susan Slayton	Administrative Services Director
	Rob Livick	Public Services Director
	Amy Christey	Police Chief
	Steve Knuckles	Fire Chief
	Joe Woods	Recreation & Parks Director
	Eric Endersby	Harbor Director

**ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE
PLEDGE OF ALLEGIANCE**

CLOSED SESSION REPORT – Interim City Attorney Joe Pannone reported that with regards to Closed Session Items: Conference with Labor Negotiators regarding Morro Bay Firefighters’ Association, Morro Bay Police Officers’ Association, Service Employee’s International Union, SEIU Local 620, Management Employees, and, Confidential Employees; Conference with Legal Counsel regarding anticipated litigation; and, Conference with Real Property Negotiator re: Lease Site 129W-131W - Morro Bay Fish Company, 1231 Embarcadero and Lease Site 144/144W - M&M Refrigeration, 1287 Embarcadero, the Council did not take any reportable action pursuant to the Brown Act.

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS & PRESENTATIONS

PUBLIC PRESENTATIONS

Public Services Director Rob Livick gave an update on the City’s water use in response to an article and editorial in the local paper. The Tribune had announced a 1.5% increase in overall City water use and 25% increase in City facility water use. The City feels that is misrepresentative of our conservation efforts. Overall, the City is at the lower end of the continuum of regional water use. Coastal areas have been conserving water all along so it makes sense that we wouldn’t reflect a huge decrease in consumption. In 2013, the total of all water users averaged 108 gallons/person/day and so far in 2014, those numbers are down to 104 gallons/person/day. The City’s conservation efforts include declaring a local water emergency in May 2014, distributed water restriction flyers to all residents, provided handouts to restaurants

and motels on water restrictions, highlighted water conservation in July utility newsletter, sends letter to potential conservation violators, field staff hands out conservation reminder flyers and there will be a water conservation newsletter coming in September. Broken down into current residential use only, we are averaging 64 gallons/person/day which equates to an overall decrease of 8%; there has been a decrease of 1% in our commercial usage - Morro Bay is driven by tourism, as businesses get more business, they will use more water; there is a decrease of 5% in City parks use and 15% in City facility use. We are experiencing our lowest water use year in the last 7 years. Mr. Livick urged residents to keep doing what they have been doing; he urged the commercial businesses to educate themselves and maybe the City should look into providing rebate incentives for making changes in the types of plumbing fixture they have; and, for the City, look at going brown.

Brian French, owner of Estero Bay Solar Solutions provided a presentation on the installation of a solar system at the City's Teen Center, Rockies. His and the City's goal for the project was community contribution and increasing the awareness of our solar energy potential along our coastline. He initially proposed to donate a small scale solar system; staff indicated interest in a larger project to be able to cover the entire building's annual energy costs. They began a project partnership approach encouraging companies to come forward to contribute to the project in exchange for being recognized on the City's website where the public can view the daily, weekly and monthly data, energy savings, and companies donating supplies. He wanted to ensure the partners were recognized; they were Quick Mount PV, ProSolar, SolarWorld, Miners Ace Hardware, Estero Bay Solar Systems and the City of Morro Bay

Jessica Berry with SLOCOG made a presentation on the Chorro Valley Trail Study. This is a bike trail study that is proposed to connect San Luis Obispo to Quintana Rd in Morro Bay. The goal of the study was to identify what the most feasible alignment would be; there are 3 segments of independent utility that were identified as segments that would probably move forward in achieving that goal: Cal Poly to Cuesta; Cuesta to the large piece of property owned by Department of Fish and Wildlife; and, that large property segment to Morro Bay. There is a website www.chorrovalleytrail.com where you can find information, maps, etc. about the study. To date, this study has consisted of meeting with affected property owners, achieving funding sources, design, and researching the most feasible alignment. There are many partners necessary to work with: CMC, CalTrans, Department of Fish and Wildlife, Camp San Luis, Cuesta, SLO County, and City to name some. Their next steps include working with SLO County Parks for the initial study as well as defining fundable segments that they can put into the Regional Transpiration Plan.

PUBLIC COMMENT

Pam Woodruff, owner of Queen's Closet presented the Morro Bay Business report. Queen's Closet is a women's dress boutique that has been in Morro Bay for over 45 years. They offer both casual and formal wear and carry sizes 14-5x. They were the first department store before the City was even incorporated. She has a passion for fashion. They are located at 325 Morro Bay Blvd and have been for 16 years. They are open 7 days a week, Monday – Saturday 10am-5pm and Sundays 11am-3pm. Their phone number is 772-4288. She urged you to join them for some retail therapy.

Rigmore stated she and many of her friends are annoyed and frustrated with all of the different codes, rules and regulations that the City has for building homes, owning homes, doing improvements, building commercial or starting a business. She sincerely believes that some simplification is in order.

Robert Kraus, 421 Arbutus, requested Council visit the City's interpretation of MBMC Title 17: Zoning, Section 17.48.040 which states that citizens who live on a 50'x100' R-1 lot, who have garden sheds, green houses, play houses, bird aviaries, etc., which are less than 120 sq. feet, and not in need of a building permit, may have an illegal structure if they are not 10' from the rear fence, 5' from the side fence and 6' from the main building. Mr. Kraus received an administrative citation, as a result of him having a shed that does not fit into this definition. He doesn't feel that the City wants to restrict or in some cases eliminate all backyard structures but that's what this interpretation is doing. He urged the Council to take the necessary action to dismiss all outstanding "warning of administrative citations" that have been issued for all non-permitted, non-habitable structures less than 120 sq. feet that have been deemed illegal due to Chapter 17: Zoning.

Kyle Shaffer announced a fundraiser – the Never Quit Challenge – being held on Sunday, September 7, 2014 at the Morro Bay Veteran's Hall from 6-8pm. This fundraiser is a personal water craft adventure for select military veterans and combat wounded to benefit veteran's charities, specifically Phoenix Patriot Foundation, Station Foundation and MARSOC Foundation. There will be food, beverages and you can meet the veterans participating in this event.

Susan Kraus 421 Arbutus, stated that she feels that their rear yard neighbors have made a conscious decision to take away the enjoyment of their backyard. She doesn't understand why the City continues to support a Morro Bay resident who is hurting not only them, but their contiguous neighbors as well. They feel they are being bullied by this neighbor who she feels is being empowered by the City. She hopes this isn't the environment that the Council wants its citizens to perpetuate and urges you to take the necessary action to dismiss their Warning of Administrative Citation until such a time that you are able to examine this subjective interpretation of garden shed placement and not subject them or any other citizens to this bullying atmosphere of neighbor reporting on neighbor, especially when no harm is being done.

Trina Daugherty spoke on behalf of AGP Video, Eco Rotary and Friends of the Library. She reminded people that they can send a flyer to AGP for event advertising purposes for an event or special gathering. She requested that the flyer be in a powerpoint, landscape orientation. This allows you to enhance your advertisement efforts at no cost. The Library remodel is in full swing and on target. Their next book sale will be April, 2015 so continue to save up your book donations. Eco Rotary is celebrating membership month with a program on August 28th – they will have NEP as a program. They have adopted the Bayshore Bluffs Park and hopes people will join them for their scheduled clean-ups. Eco Rotary has also recently joined the Chamber. And finally, they are sponsoring an E-Waste recycling event at Coast Electronics on November 1, 2014 from 9am-1pm. Anything with a chord will be recycled.

Joan Solu spoke representing the Morro Bay 50th Celebration Committee. They are holding a Founder's Day Parade on Saturday, September 6th at 10am. The parade route will start at City

Park, go down Morro Bay Blvd, turn right onto Main Street and then turn right on Harbor and end back at City Park. She encouraged the participation of clubs, societies, the Council, etc. to participate. It's a family friendly free event. Botso Korisheli will be the Grand Marshall.

Susan Stewart said that it was Barry Ross of Morro Bay Furniture's last day of business; he is retiring and will hopefully enjoy his time off. Lemos Ranch is doing a beautiful redevelopment of their property. This coming weekend is Art in the Park which brings people to town and also supports the Art Center. She encouraged people to attend Dahlia Days. September 13th and 14th is the Avocado Margarita Festival celebrating our local avocado growers.

John Headding reminded the public to get your flu shot as the flu season has begun. For those people 65 and over, he recommends a high dose vaccine. For those under 8 years, he recommends a nasal spray. If you were to get your shot in September, it will carry you through the season. Morro Bay Drug & Gift has entered into a partnership with Del Mar PTA for TB testing. The CDC mandates TB testing and clearance for all volunteers who enter school grounds twice a year or more. Morro Bay Drug & Gift offers the flu shots and TB testing at a reduced rate.

The public comment period was closed.

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 SPECIAL CLOSED SESSION CITY COUNCIL MEETING HELD ON AUGUST 8, 2014; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE SPECIAL CITY COUNCIL MEETING HELD ON AUGUST 11, 2014; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF MINUTES FOR THE SPECIAL CLOSED SESSION CITY COUNCIL MEETING HELD ON AUGUST 12, 2014; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted..

A-4 APPROVAL OF MINUTES FOR THE CITY COUNCIL MEETING HELD ON AUGUST 12, 2014; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-5 A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY DECLARING SEPTEMBER 2014 AS "CHILDHOOD CANCER AWARENESS MONTH"; (ADMINISTRATION)

RECOMMENDATION: Approve Proclamation.

A-6 REVIEW AND APPROVAL OF THE 2014 SAN LUIS OBISPO COUNTY IRWM PLAN AND FINDING THAT THE PROJECT IS EXEMPT FROM SECTION 21000 ET SEQ. OF THE CALIFORNIA PUBLIC RESOURCES CODE (CEQA); (PUBLIC SERVICES)

RECOMMENDATION: Review the proposed Integrated Regional Water Management (IRWM) Plan and adopt Resolution 57-14 approving the 2014 San Luis Obispo County IRWM Plan and find that the Project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA).

A-7 REGIONAL DISPATCH TRANSITION UPDATE; (POLICE)

RECOMMENDATION: Receive and file this informational report.

A-8 APPROVAL OF JOB DESCRIPTION AND SALARY RANGE FOR THE SUPPORT SERVICES TECHNICIAN IN THE POLICE DEPARTMENT AND AUTHORIZATION TO HIRE; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Approve the job description and salary range for the Support Services Technician in the Police Department, and authorize staff to open a recruitment.

A-9 DISCUSSION AND DIRECTION ON LEAGUE OF CALIFORNIA CITIES RESOLUTIONS; (ADMINISTRATION)

RECOMMENDATION: Authorize the City's voting delegate, Mayor Irons, to support Resolution No. 1 at the League of California Cities Annual Conference..

A-10 REVIEW AND APPROVAL OF CONTRACT WITH DAVID BUCKINGHAM FOR SERVICES AS THE CITY MANAGER; (ADMINISTRATION)

RECOMMENDATION: Approve the employment contract to memorialize the City Council's appointment of David Buckingham as the Morro Bay City Manager, and authorize the Mayor to sign the contract on behalf of the City.

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

Mayor Irons pulled Item A-10 and Councilmember Smukler pulled Items A-7 and A-9 from the Consent Calendar.

MOTION: Councilmember Smukler moved the City Council approve Items, A-1, A-2, A-3, A-4, A-5, A-6, and A-8 from the Consent Calendar as presented. The motion was seconded by Councilmember Christine Johnson and carried unanimously, 5-0.

Ayes: Irons, C. Johnson, N. Johnson, Leage, Smukler

No's: None

A-7 REGIONAL DISPATCH TRANSITION UPDATE; (POLICE)

Councilmember Smukler pulled Item A-7 for a status update to the public on the transition of dispatch services. Police Chief Amy Christey stated that they are working on systems, technology upgrades, and testing radio frequencies; they are also working with employees on training into the new systems; and will continue to update as things change. Fire Chief Steve Knuckles, along with Harbor and the Coast Guard are working on the technology portion with the rip and run capabilities as well as working on technology to get their mobile data's up and running. They are testing their tones and radio frequencies throughout the community. The department, harbor and coast guard is going through some training this coming Thursday.

MOTION: Councilmember Christine Johnson moved the City Council approve Item A-7 from the Consent Calendar as presented. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

Ayes: Irons, C. Johnson, N. Johnson, Leage, Smukler

No's: None

A-9 DISCUSSION AND DIRECTION ON LEAGUE OF CALIFORNIA CITIES RESOLUTIONS; (ADMINISTRATION)

Councilmember Smukler pulled Item A-9 as he wanted to ensure Council was going to support the League of California Cities Resolution to address the devastating environmental impacts of illegal marijuana grows on both private and public lands as well as the increasing problems to public safety. There was Council consensus for support.

MOTION: Councilmember Smukler moved the City Council approve Item A-9 from the Consent Calendar as presented. The motion was seconded by Councilmember Nancy Johnson and carried unanimously, 5-0.

Ayes: Irons, C. Johnson, N. Johnson, Leage, Smukler

No's: None

A-10 REVIEW AND APPROVAL OF CONTRACT WITH DAVID BUCKINGHAM FOR SERVICES AS THE CITY MANAGER; (ADMINISTRATION)

Mayor Irons pulled Item A-10 for clarification on the contract terms. This item is being presented so that the contract can be approved in open session and to assure the public that any future amendments to this contract will come to the Council in open session for approval. He also reiterated that at the conclusion of the interview process, there was unanimous consensus to hire Mr. Buckingham. He thanked the interview panels for their help in this process. He also thanked the employees for their dedication and service over the last year. In addition, he thanked Mr. Kreins for his help in this last year.

City Attorney Joe Pannone clarified an amendment to page 13, section C. (5); since the negotiation of this contract, CJPIA has changed the name of one of their programs from

“Termination of Chief Executive Employment Liability” to “Executive Separation Payment”. That change has been written into the final document.

Councilmember Nancy Johnson addressed her concerns over the hiring process. She has received a lot of correspondence reflecting concerns from Morro Bay citizens since her vote. She believes in giving Mr. Buckingham the benefit of the doubt, yet she is still concerned and will be voting no on the contract tonight, representing the concerns of her constituents.

Councilmember Smukler asked Mr. Kreins to review the financial component of the contract. Mr. Kreins stated that the City will be saving approximately \$30,000 from the budgeted figure in the 2014/15 adopted budget; most of this is due to Mr. Buckingham being hired into the 3rd PERS Retirement Tier. Mr. Kreins went on to say that Mr. Buckingham will be furnishing his own health insurance; as such there is additional savings to the City; the City is also paying \$17,500 into a deferred compensation account for Mr. Buckingham. Had Mr. Buckingham taken the City health plan, the cost to the City would have been \$22,000; this saves the City \$4,500.

Councilmember Christine Johnson responded to a citizen’s email question regarding the timing of evaluations and the timing of goal setting in the City Manager’s contract. Regarding the first concern about a January evaluation, she commented that the Council can be flexible in setting the city manager evaluation schedule as long as there is Council consensus. One benefit to a January evaluation is every two years following an election, you could have new councilmembers who might not be prepared to do a full evaluation but would find it helpful to have the opportunity for an evaluation as a check-in with the city manager as they begin their terms as there may be a change in the tone of the Council. Regarding the second concern about the timing for goal setting; ultimately, the Council has the freedom and leeway to set goals as needed and having a check-in for goals in January is also valuable. As far as her support of Mr. Buckingham, there are things he has done in his career that are very admirable. She fully supports approving the contract tonight.

MOTION: Mayor Irons moved the City Council approve the contract between David Buckingham for services as City manager for the City of Morro Bay to include the amendment on page 13, subsection 5. The motion was seconded by Councilmember Leage and carried 4-1.

Ayes: Irons, C. Johnson, Leage, Smukler
No’s: N. Johnson

B. PUBLIC HEARINGS - None

C. UNFINISHED BUSINESS / SECOND READING AND ADOPTION OF ORDINANCES – None

D. NEW BUSINESS

D-1 APPROVAL OF ‘DIRECT TO THE PUBLIC “OFF THE BOAT” FISH SALES’ IN MORRO BAY AT VARIOUS CITY PUBLIC DOCKING FACILITIES; (HARBOR)

Harbor Director Eric Endersby presented the staff report.

The public comment period was opened for the Item D-1; seeing none, the public comment period was closed.

Mayor Irons sensed general Council support for this item. Council also liked the fact that it will be revisited by the Harbor Advisory Board and then Council after a year. One item that was brought up by both Councilmember Christine Johnson and Mayor Irons was whether or not there would be a requirement for a business license. Councilmember Christine Johnson doesn't want to add more work or requirements for the fishermen but also feels this issue will probably come up as we have contracted with a company to help us get our business licenses in order. As such, it's important to have a policy in place prior to establishing this. Mr. Endersby has researched it and not been able to find a definitive answer. He will continue to explore whether or not one is required and ensures that he will come up with an answer that he will provide back to Council, hopefully at the next Council meeting.

MOTION: Councilmember Christine Johnson moved approval of direct to the public off the boat fish sales. The motion was seconded by Councilmember Nancy Johnson and carried unanimously, 5-0.

Ayes: Irons, C. Johnson, N. Johnson, Leage, Smukler

No's: None

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Smukler requested a staff review of the Beach St. Specific Plan and Parking Management Plan and recommended options to address parking issues re: parking in the Beach St. district area similar to the parking exception that exists on North Main (Ord 578); there was unanimous Council consensus to hear this item.

Councilmember Smukler requested a presentation from the Tourism Bureau to review the efforts of the lodging and Tourism Bureau regarding their water conservation efforts; there was unanimous Council consensus to hear this item.

ADJOURNMENT

The meeting adjourned at 8:15 p.m.

Recorded by:

Jamie Boucher
City Clerk