

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JANUARY 22, 2019
VETERAN'S MEMORIAL HALL – 6:00 P.M.

AGENDA NO: A-1
MEETING DATE: March 12, 2019

PRESENT:	John Headding	Mayor
	Dawn Addis	Council Member
	Robert Davis	Council Member
	Jeff Heller	Council Member
	Marlys McPherson	Council Member
STAFF:	Scott Collins	City Manager
	Chris Neumeyer	City Attorney
	Dana Swanson	City Clerk
	Jennifer Callaway	Finance Director
	Rob Livick	Public Works Director
	Scot Graham	Community Development Director
	Jody Cox	Police Chief
	Matt Vierra	Fire Marshal
	Eric Endersby	Harbor Director

ESTABLISH QUORUM AND CALL TO ORDER

The meeting was called to order at 6:00 p.m., with all members present.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION - None

CLOSED SESSION REPORT – City Attorney Neumeyer stated no reportable action was taken was taken by the City Council in accordance with the Brown Act.

MAYOR AND COUNCIL MEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS

<https://youtu.be/Uc3EHGyTTIM?t=100>

CITY MANAGER REPORTS, ANNOUNCEMENTS & PRESENTATIONS - None

PRESENTATIONS – None

PUBLIC COMMENT

<https://youtu.be/Uc3EHGyTTIM?t=1008>

Jen Ford, Morro Bay, spoke to Items C-1, C-3 and C-4. She encouraged the Council to stay on course with the water reclamation facility, change regular meeting start times to 5:30 and to write a letter of support to end the Federal Government partial shutdown.

Glenn Silloway, Morro Bay resident and Chair of Morro Bay Open Space Alliance, thanked Castle Wind LLC for its matching grant up to \$25,000 for preservation of Cerrito Peak / Eagle Rock. Donations received from January 1 – June 30, 2019 will be doubled by Castle Wind. For more information go to www.mbospace.org.

Kate Angeuin, Morro Bay, asked the City to adopt an ordinance banning the use of gas-powered leaf blowers and requested the Surf Street staircase be replaced.

Dan Sedley, Morro Bay, felt it was important to note the Proposition 218 verification conducted by staff was an informal count.

John Weiss, Morro Bay resident and business owner, asked the City to commit to keeping one lane open on Quintana Road during business hours when installing sewer project pipes.

Richard Sadowski, Morro Bay, expressed concern about Item C-1 and asked that the Council table the matter for further public review.

Cynthia Hawley suggested Item C-1 was improperly noticed and expressed concern about the proposed consolidated development permit process.

Carolyn Brinkman, Morro Bay, agreed with Ms. Hawley's comments regarding Item C-1 and spoke in support of Items A-7 and C-3.

Marla Jo Sadowski, Morro Bay, asked whether Marshal Ochylski, the attorney representing Tri-W Enterprises Inc., would recuse himself from participating on annexation discussions when the item is brought to LAFCO.

Todd Gailey spoke regarding his termination as a City employee and asked to be reinstated.

Bob Eisenberg, Morro Bay, expressed his support for Mr. Gailey.

Heather O'Conner, Morro Bay, asked the City to reinstate Mr. Gailey.

Michael and Christine Williams stated their support for Mr. Gailey and asked that he be reinstated.

Brandon Apply stated his support for Mr. Gailey.

The Public Comment period was closed.

The Mayor and staff responded to issues raised during public comment.

A. CONSENT AGENDA
<https://youtu.be/Uc3EHGyTTIM?t=4344>

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 DECEMBER 11, 2018 SPECIAL CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE DECEMBER 11, 2018 CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF MINUTES FOR THE JANUARY 7, 2019 CITY COUNCIL SPECIAL CLOSED SESSION MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-4 SECOND READING AND ADOPTION OF ORDINANCE NO. 619 RENAMING AND AMENDING CHAPTER 8.08 OF THE MORRO BAY MUNICIPAL CODE RELATING TO THE EMERGENCY SERVICES ORGANIZATION; (FIRE)

RECOMMENDATION: City Council waive reading of Ordinance No. 619 in its entirety and adopt Ordinance No. 619, “An Ordinance of the City Council of the City of Morro Bay, California, Renaming Chapter 8.08 of Title 8 of the Morro Bay Municipal Code as “Emergency Services Organization,” and Amending Chapter 8.08, to Provide Consistency with a Revised City of Morro Bay Emergency Management Plan.”

- A-5 MEMORANDUM OF UNDERSTANDING WITH THE CITY OF SAN LUIS OBISPO FOR SHARING POLICY BOARD, OPERATIONS BOARD, AND COMMUNITY ADVISORY COMMITTEE SEATS ON MONTEREY BAY COMMUNITY POWER; (CITY MANAGER)

RECOMMENDATION: Council:

- 1. Approve the draft Memorandum of Understanding (MOU) with the City of Morro Bay for sharing Policy Board, Operations Board, and Community Advisory Committee seats on Monterey Bay Community Power (Attachment A); and**
- 2. Authorize the City Manager to execute the MOU in a form subject to approval of the City Attorney’ s Office.**

- A-6 ADOPTION OF RESOLUTION NO. 06-19 AUTHORIZING SUBMISSION OF RURAL TRANSIT FUND GRANT APPLICATIONS; (PUBLIC WORKS)

RECOMMENDATION: City Council adopt Resolution No. 06-19.

- A-7 APPOINTMENT OF COUNCIL LIAISON ASSIGNMENTS AND COUNCIL SUB-COMMITTEES; (CITY CLERK)

RECOMMENDATION: Approve Council Liaison Assignments and Sub-Committees for calendar year 2019 as shown on the attached appointment list.

- A-8 ADOPTION OF RESOLUTION NO. 07-19 REAFFIRMING THE CITY’S PLEDGE TO FOLLOW BEST PRACTICES OF CIVILITY AND CIVIL DISCOURSE AND REVIEW OF REVISED PUBLIC COMMENT GUIDELINES; (CITY CLERK)

RECOMMENDATION: Council adopt Resolution No. 07-19 concerning Civil Discourse Policy, review and approve the revised Public Comment Guidelines provided on the City Council agenda, and direct staff to both post the Civil Discourse policy at entrance to Council meetings, and post revised public comment guidelines online.

Mayor Headding opened public comment for the Consent Agenda.

Dan Sedley, Morro Bay, spoke in support of Item A-7, thanking the Mayor and Council for submitting a more balanced list of assignments. Regarding Item A-8, he requested the proposed agenda language be re-worded to apply to all persons present, not just the public.

The public comment period was closed.

Mayor Headding pulled Item A-8. Council Member Addis pulled Item A-7.

MOTION: Council Member McPherson moved the Council approve Items A-1 through A-6 on the Consent Agenda. The motion was seconded by Council Member Davis and carried 5-0 by roll call vote.

A-7 APPOINTMENT OF COUNCIL LIAISON ASSIGNMENTS AND COUNCIL SUB-COMMITTEES; (CITY CLERK)
<https://youtu.be/Uc3EHGyTTIM?t=4660>

Council Member Addis asked for clarification on the role of a Council liaison to an advisory body.

MOTION: Council Member McPherson moved for approval of Item A-7. The motion was seconded by Council Member Davis and carried 5-0 by roll call vote.

A-8 ADOPTION OF RESOLUTION NO. 07-19 REAFFIRMING THE CITY'S PLEDGE TO FOLLOW BEST PRACTICES OF CIVILITY AND CIVIL DISCOURSE AND REVIEW OF REVISED PUBLIC COMMENT GUIDELINES; (CITY CLERK)
<https://youtu.be/Uc3EHGyTTIM?t=4812>

The Council discussed concerns raised during public comment. Council Member Davis suggested adding a bullet point on the proposed agenda language that states, "The Council in turn agrees to abide by its best practices of civility and civil discourse and according to Resolution No. 07-19."

Mayor Headding re-opened Public Comment.

Marla Jo Sadowski, Morro Bay, suggested the proposed agenda language went too far and would impede First Amendment rights.

Cynthia Hawley, Morro Bay, asked the language be read into the record so it is clear to the audience what action is being taken.

Dan Sedley, Morro Bay, suggested using language from the Civil Discourse Policy on the agenda, rather than what was suggested which set a restrictive tone.

The Council agreed with language suggested by Council Member Davis and to replace "shall" with "should" in third bullet point of the agenda language (2nd bullet point on page 36 of the agenda packet).

MOTION: Mayor Headding moved to approve the Public Comment language on the agenda with the following changes, replace "shall" with "should" on the second bullet point on page 36 of the agenda packet and a new bullet point that states, "The Council in turn agrees to abide by its best practices of civility and civil discourse and according to Resolution No. 07-19." The motion was seconded by Council Member McPherson.

Council Member Heller objected to the agenda language as currently drafted, stating it was too long.

The motion carried 4-1 by roll call vote with Council Member Heller opposed.

MOTION: Council Member McPherson moved the Council approve Resolution No. 07-19. The motion was seconded by Council Member Davis and carried 4-1 with Council Member Heller opposed.

MOTION: Council Member McPherson moved the Council direct staff to post Resolution No. 07-19 on the City website and at entrance of building. The motion was seconded by Council Member Davis and carried 4-1 with Council Member Heller opposed.

The council took a brief recess at 7:41 p.m. The meeting reconvened at 7:53 p.m. with all Council Members present.

B. PUBLIC HEARINGS - None

C. BUSINESS ITEMS

C-1 MONTHLY REVIEW OF THE STATUS OF AND ACTIONS REGARDING THE WATER RECLAMATION PROGRAM INCLUDING:

1. UPDATE ON THE WRF DESIGN/BUILD PROCESS,
2. ADOPTION OF RESOLUTION NO. 08-19 AUTHORIZING THE ANNEXATION AND SPHERE OF INFLUENCE CHANGE APPLICATION FOR THE SOUTH BAY BOULEVARD SITE,
3. DIRECTION REGARDING A CONSOLIDATED COASTAL DEVELOPMENT PERMIT, AND
4. UPDATE REGARDING THE CONVEYANCE FACILITIES PROJECT CONVEYANCE FACILITIES AND PROGRAM; (PUBLIC WORKS)

<https://youtu.be/UwDIAZy0ZZ4?t=1>

WRF Program Manager, Eric Casares, provided the status update, information regarding LAFCO recommendations, and pursuit of a consolidated California Coastal Commission (CCC) permit. Mike Fisher, Water Works Engineers, presented information regarding the conveyance facilities and programs.

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

Dan Sedley, Morro Bay resident and member of Citizens for Affordable Living, suggested Item C-1 be tabled and re-noticed with each subject listed individually, and that the City's MOU with Tri-W be included with the staff report so that appropriate public comment can be made.

Cynthia Hawley raised several issues regarding flow capacity, timeline for submission of an application to the CCC, validity of the MOU regarding purchase of the South Bay Blvd. site, feasibility of the recycling component of the project, and whether a single or double pipeline was included in the EIR and cost estimates.

Linda Donnelly, Morro Bay, suggested the plant be located on the Hanson site, questioned timing of the permit process and expressed concern about future development of 400 acres proposed to be in the City's sphere of influence.

Nancy Bast, Morro Bay, expressed concern regarding the MOU with Tri-W and the proposed consolidated permit process.

Marla Jo Sadowski, Morro Bay, requested a public hearing regarding the MOU.

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

The Council asked staff to evaluate statements made regarding status of the MOU with Tri-W Enterprises and bring back any concerns to the Council.

Following discussion, a majority of the Council agreed it was in the best interest of the City and rate payers to adopt Resolution No. 08-19 authorizing the annexation and sphere of influence change application for the South Bay Blvd site and move forward with a consolidated Coastal Development permit process through the CCC.

Council Member Heller had concerns regarding the sphere of influence language in the MOU and pursuit of a consolidated permit process.

MOTION: Council Member McPherson moved the Council adopt Resolution No. 08-19 authorizing the annexation and sphere of influence change application for the South Bay Boulevard site. The motion was seconded by Council Member Davis and carried 4-1 by roll call vote with Council Member Heller opposed.

MOTION: Council Member McPherson moved the Council direct staff to pursue a consolidated Coastal Development permit. The motion was seconded by Council Member Davis and carried 4-1 by roll call vote with Council Member Heller opposed.

There was Council consensus to have information brought back regarding pipeline conveyance alternatives at the next meeting.

The Council took a brief recess at 10:07 p.m. The meeting reconvened at 10:15 p.m. with all Council Members present.

C-2 ADOPTION OF RESOLUTION NO. 09-19 APPROVING THE CITY OF MORRO BAY'S LONG-TERM FINANCIAL PLANNING, STRUCTURALLY BALANCED BUDGET AND OPERATING BUDGET POLICIES; (FINANCE)
<https://youtu.be/UwDIAZy0ZZ4?t=1>

Finance Director Callaway presented the report and responded to Council inquiries.

The public comment period for Item C-2 was opened; seeing none, the public comment period was closed.

MOTION: Council Member Davis moved for adoption of Resolution No. 09-19 approving the City of Morro Bay's Long-term Financial Planning, Structurally Balanced Budget and Operating Budget Policies. The motion was seconded by Council Member Heller and carried 5-0 by roll call vote.

C-3 DISCUSS, AND CONSIDER CHANGING, CITY COUNCIL REGULAR MEETING START AND END TIME; CONSIDERATION OF RESOLUTION NO. 10-19 AMENDING THE CITY COUNCIL POLICIES & PROCEDURES TO CHANGE CITY COUNCIL REGULAR MEETING START AND END TIME; (ADMINISTRATION)
<https://youtu.be/UwDIAZy0ZZ4?t=8689>

City Manager Collins introduced the item for Council discussion.

MOTION: Council Member Addis moved the Council move the start and end time of regular times and amend City Council Policies and Procedures Manual, Chapter One "Meeting Guidelines & Procedures," section 1.1.2.1 and 1.1.2.3, changing the City Council regular meetings start time from 6:00 p.m. to 5:30 p.m., and changing the regular City Council meeting span from 6:00 p.m. to 11:00 p.m., to new span of 5:30 p.m. to 10:30 p.m., and adoption of Resolution No. 10-19. The motion was seconded by Council Member Davis.

The Council considered the importance of participation during General Public Comment and need to inform residents prior to implementing such a change. Following discussion, the Council agreed the earlier meeting time would begin in March. City Attorney Neumeyer suggested the following edits to accomplish that:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay does hereby amend *as of March 1, 2019*, the following sections of the City Council Policies and Procedures Manual to read as follows:

PASSED AND ADOPTED BY THE City Council, City of Morro Bay at a regular meeting held on the 22nd day of January 2019 by the following vote, *to be effective with the March 12, 2019, meeting date*.

AMENDED MOTION: Council Member Addis moved to amend the Resolution the change take effect March 12, 2019. The amended motion was seconded by Council Member Davis and carried 5-0 by roll call vote.

C-4 LETTER TO FEDERAL GOVERNMENT REPRESENTATIVES REQUESTING AN END TO THE FEDERAL GOVERNMENT PARTIAL SHUTDOWN; (CITY MANAGER)
<https://youtu.be/UwDIAZy0ZZ4?t=8689>

City Manager Collins provided a brief report and responded to Council inquiries.

The public comment period for Item C-4 was opened; seeing none, the public comment period was closed.

The Council clarified this is a non-partisan request to reopen the government and resolve your issues by parliamentary debate and not use government shut down as bargaining chip.

MOTION: Council Member Davis moved the Council authorize the Mayor to send a letter to the White House and Morro Bay Congressional representatives on behalf of the City and community requesting that Congress and the White House restore funding as soon as possible to end the partial Federal Government shutdown. The motion was seconded by Council Member Addis and carried 5-0 by roll call vote.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS
<https://youtu.be/UwDIAZy0ZZ4?t=8689>

Council Member Heller sought consensus to direct staff to work on a proposal to improve community engagement and provide outreach/engagement options for Council review. There was full support for this item.

E. ADJOURNMENT
The meeting adjourned at 10:52 p.m.

Recorded by:

Dana Swanson
City Clerk