

AGENDA NO: A-1

MEETING DATE: 08/09/10

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – JULY 12, 2010
CITY HALL CONFERENCE ROOM - 5:00 P.M.

Mayor Peters called the meeting to order at 5:00 p.m.

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember

STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney

CLOSED SESSION

MOTION: Councilmember Borchard moved the meeting be adjourned to Closed Session. The motion was seconded by Councilmember Winholtz and unanimously carried. (5-0)

Mayor Peters read the Closed Session Statement.

CS-1 GOVERNMENT CODE SECTION 54957; PERSONNEL ISSUES.
Discussions regarding Personnel Issues including one (1) public employee regarding evaluation, specifically the City Attorney.

The meeting adjourned to Closed Session at 5:00 p.m. and returned to regular session at 5:07 p.m.

MOTION: Councilmember Winholtz moved the meeting be adjourned. The motion was seconded by Councilmember Borchard and unanimously carried. (5-0)

The meeting adjourned at 5:07 p.m.

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VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Peters called the meeting to order at 6:00 p.m.

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Bridgett Kessler	City Clerk
	Eric Endersby	Harbor Operations Manager
	Susan Lichtenbaum	Harbor Business Manager
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Dylan Wade	Utilities/Capital Projects Manager
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &
PRESENTATIONS

CLOSED SESSION REPORT - City Attorney Robert Schultz reported the City Council met in Closed Session to discuss Government Code Section 54957; Personnel Issues – the evaluation of the City Attorney. Mr. Schultz reported the City Council did take action relating to the City Attorney’s contract as follows: 1) the contract was changed from a 4-year agreement to a 2-year agreement; and 2) the termination without cause contract clause was changed from a 9-month severance to a 6-month severance. The motion was passed 4-1 with Councilmember Grantham voting no.

PUBLIC COMMENT

Susan Brown, Manager of Morro Bay Transit/Trolley, reviewed the current transit hours and services. She said the 4th of July was a successful time for the public transportation system in the City.

Virginia Hiramatsu announced a “Bunko Against Cancer” game will be held on July 15th at St. Timothy’s Church and the proceeds will benefit Relay for Life.

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Mike Anderson expressed his concern and that of his neighbors on Island Street with the noise created by the dog park at Del Mar Park. He requested the City Council consider this item at a future meeting.

Joe Hoefflich, Member of Morro Bay Pups and neighbor to the park, stated the dog park has been a good experience for the most part. He said Morro Bay Pups would be happy to work out any issues that there may be.

Mayor Peters closed the hearing for public comment.

A. CONSENT CALENDAR

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 REGULAR CITY COUNCIL MEETING OF JUNE 28, 2010; (ADMINISTRATION)

RECOMMENDATION: This item has been pulled from the agenda.

A-2 RESOLUTION CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010; AND REQUESTING THE BOARD OF SUPERVISORS OF SAN LUIS OBISPO COUNTY TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION; (ADMINISTRATION)

RECOMMENDATION: Adopt Resolution No. 41-10.

A-3 APPROVAL OF THE AMENDMENTS TO THE BYLAWS FOR THE COMMUNITY PROMOTIONS COMMITTEE; (ADMINISTRATION)

RECOMMENDATION: Approve the Community Promotions Committee Bylaws as amended.

A-4 APPROVAL OF THE VISITORS CENTER CONTRACT FOR FISCAL YEAR 2010/11; (ADMINISTRATION)

RECOMMENDATION: Approve the Visitors Center Contract for Fiscal Year 2010/11.

Councilmember Winholtz pulled Items A-3 and A-4 from the Consent Calendar.

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MOTION: Councilmember Borchard moved the City Council approve Item A-2 of the Consent Calendar. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

A-3 APPROVAL OF THE AMENDMENTS TO THE BYLAWS FOR THE
COMMUNITY PROMOTIONS COMMITTEE; (ADMINISTRATION)

Councilmember Winholtz made the following amendments to the 1st paragraph, 2nd sentence of the proposed bylaws for the Community Promotions Committee:

“The purpose of the CPC shall be to ~~provide input and recommendations to~~ **act on behalf of** the Morro Bay City Council on policies and expenditure programs to advertise and promote **the City of** Morro Bay and its special events as a tourist destination point in areas both inside and outside the boundaries of San Luis Obispo County.”

MOTION: Councilmember Winholtz moved the City Council approve Item A-3 of the Consent Calendar as amended. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

A-4 APPROVAL OF THE VISITORS CENTER CONTRACT FOR FISCAL YEAR
2010/11; (ADMINISTRATION)

Councilmember Winholtz requested the following amendments to the Visitors Center Contract:

Condition #6 Operational hours will include a minimum of **8 hours Monday-Friday, 6 hours on Saturday and** 4 hours on Sundays and Holidays (excluding those referenced above). ...

Condition #11 The City Administrative Services Director shall work with the Chamber to perform a detailed financial review at the end of the fiscal year **which will be forwarded to the Community Promotions Committee.**

MOTION: Councilmember Winholtz moved the City Council approve Item A-4 of the Consent Calendar as amended. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

Mayor Peters called for a break at 7:02 p.m.; the meeting resumed at 7:13 p.m.

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B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 ADOPTION OF RESOLUTION NO. 40-10 DECLARING THE CITY'S INTENTION TO INCREASE THE ASSESSMENT FROM 2% TO 3% WITHIN THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT, AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEROF; (CITY ATTORNEY)

City Attorney Robert Schultz stated State law allows Cities to form Assessment Districts, pursuant to the Parking and Business Improvement Area Law of 1989, California Streets and Highways Code Sections 36500, *et seq.* The Morro Bay Tourism Business Improvement District (MBTBID) was established in May of 2009. Pursuant to Ordinance 546, for fiscal year 09/10 the assessment was 3%. For fiscal year 10/11, the assessment is set at 2%. The MBTBID Advisory Board has recommended that the City consider increasing the assessments back to 3% to provide additional resources for the purpose of promoting tourism. At the June 28, 2010 City Council meeting, Council directed staff to return with a resolution to increase the assessments within the Morro Bay Tourism Business Improvement District back to 3%. Mr. Schultz recommended the City Council adopt Resolution 40-10 declaring the City's intention to increase the assessment from 2% to 3% within the MBTBID, and fixing the time and place of a public meeting and a public hearing thereon and giving notice thereof.

Mayor Peters opened the hearing for public comment; there were no comments, and Mayor Peters closed the public comment hearing.

MOTION: Councilmember Borchard moved the City Council adopt Resolution 40-10 declaring the City's intention to increase the assessment from 2% to 3% within the Morro Bay Tourism Business Improvement District, and fixing the time and place of a public meeting and a public hearing thereon and giving notice thereof. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

B-2 DISCUSSION REGARDING MAKING CITY ADVISORY BOARDS MORE INVOLVED AND EFFECTIVE; (ADMINISTRATION)

Mayor Peters stated our various City advisory boards provide important information and discussion forums for citizens regarding each department. They also provide input and recommendations to the City Council on issues pertaining to those departments. Recently there seems to be growing dissatisfaction from the board members regarding their effectiveness and value to the city government process. It is difficult for Council Members to watch all of the advisory board meetings, but it is important to know what transpires beyond

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simply reading the minutes. Mayor Peters suggested the following: 1) each councilmember becomes liaison to one of the boards and reports on their activities; and/or 2) each board has a representative to give monthly reports at a council meeting.

Mayor Peters opened the hearing for public comment.

Bill Luffee, Harbor Advisory Board Member, stated he does not know what the goal is for the Harbor Advisory Board. He requested the City Council give the Board the tasks needed on the harbor. Mr. Luffee stated the Harbor Advisory Board could be more productive if there was better communication and goals set for the Board.

Karen Croley, Recreation & Parks Commissioner, stated she also has a concern with the lack of communication between the City Council and the Commission, and she supports having a Council liaison person representing the Commission.

Joan Solu, Tourism Business Improvement District Advisory Board, stated she supports having a liaison from Council representing the Board. She said she also supports reporting to Council with updates, however she would like that responsibility to be rotated by Board Members and not only reported by the Chair.

Barbara Spagnola, Measure Q Committee, stated she supports the liaison idea. She said she would like to see more collaboration between the boards in order to share their expertise. Ms. Spagnola recommended an annual meeting of all boards to foster communication.

Mayor Peters closed the public comment hearing.

Councilmember Smukler stated he supports holding an annual workshop or open house for all the boards to collaborate and to meet each other as well as staff and members of the community.

Councilmember Borchard stated having focused goals could help expedite projects. She said she supports an annual meeting of all boards. Councilmember Borchard stated the collaboration of boards on certain projects would be a good idea, and the rotation of Council liaisons would also be a good idea.

Councilmember Grantham stated an annual rotation as liaison would be effective. He said he supports receiving a report from a different board at each Council meeting.

Councilmember Winholtz stated she supports greater involvement with the City boards.

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The City Council agreed to be liaison to the following Commission/Advisory Boards:

Recreation & Parks Commission – Councilmember Grantham
Harbor Advisory Board – Councilmember Borchard
Community Promotions Committee – Councilmember Winholtz
Public Works Advisory Board - Councilmember Smukler
Tourism Business Improvement District Advisory Board - Mayor Peters

MOTION: Mayor Peters moved the City Council add to Council Policies and Procedures: 1) the assignment of a Council liaison to each of the following advisory boards: Recreation & Parks Commission, Harbor Advisory Board, Public Works Advisory Board, Community Promotions Committee, and Tourism Business Improvement District Advisory Board; 2) request a quarterly report from each advisory board to the City Council on a rotating member basis; and 3) that on an annual basis, there will be a business and social workshop with all advisory boards to establish goals for the coming year. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

C. UNFINISHED BUSINESS – NONE.

D. NEW BUSINESS

D-1 RECOMMENDATION ON AMENDING THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT BYLAWS IN RELATION TO MEMBER DESIGNATION; (ADMINISTRATION)

City Manager Andrea Lueker stated during the recent Board and Commission interviews on May 10, 2010, the City Council directed staff to return to the City Council with a discussion on the member designations for the MBTBID Advisory Board. At the May 10th interviews, the discussion consisted of the MBTBID Bylaws using the word “shall” when referencing the specific member designations, while other Boards and Commission (specifically the Community Promotions Committee and the Harbor Advisory Board) use the statement “The City Council will “attempt” to select members from the following categories”. City Council directed staff to come back with some options so that if applicants do not specifically fit a designation, there may be an option for appointment with the above language change. Ms. Lueker recommended the City Council review the staff report in regard to member designation and provides staff with direction on amending the MBTBID Bylaws.

Councilmember Winholtz stated the hotels all have various numbers of rooms and it is their money, and she feels the different groups should have a representative.

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Mayor Peters recommended the City Council forward this discussion to the Tourism Business Improvement District Advisory Board for their recommendation; Council concurred.

No further action was taken on this item.

D-2 REQUEST UTILIZATION OF PARK-IN-LIEU FUNDS FOR THE PREPARATION OF AN INITIAL STUDY – MITIGATED NEGATIVE DECLARATION AND COMPLETION OF CALIFORNIA ENVIRONMENTAL QUALITY ACT DOCUMENT FOR THE TEEN CENTER MASTER PLAN; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods stated the continued development of the Teen Center Master Plan is contingent on funding, and currently Proposition 84 Statewide Park Development and Community Revitalization Program is the most opportune possibility to obtain the funding. The application process includes a requirement to fulfill the California Environmental Quality Act. This process begins with an Initial Study and in our case a Mitigated Negative Declaration. Staff realizes the time and expertise required to fulfill this requirement and recommends outsourcing based on the currently available resources. Mr. Woods recommended the City Council approve the request to utilize Park-in-Lieu funds for the preparation of the Initial Study-Mitigated Negative Declaration and completion of the California Environmental Quality Act requirements for the Teen Center Master Plan.

MOTION: Councilmember Grantham moved the City Council approve the request to utilize Park-in-Lieu funds for the preparation of the Initial Study-Mitigated Negative Declaration and completion of the California Environmental Quality Act requirements for the Teen Center Master Plan. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

D-3 REQUEST TO APPROVE A RESPONSE TO THE GRAND JURY REGARDING LEAF BLOWERS; (ADMINISTRATION)

City Manager Andrea Lueker stated On April 27, 2010, the City received a report prepared by the San Luis Obispo County Grand Jury entitled “Leaf Blower Hazards in San Luis Obispo County”. The report makes the following recommendations: 1) San Luis Obispo County Board of Supervisors pass an ordinance calling for a gradual two year phase-out of all two-cycle gasoline powered leaf blowers within San Luis Obispo County; 2) the San Luis Obispo County Board of Supervisors adopt the same guidelines currently in effect within the City of San Luis Obispo for the restriction of days and hours of operation allowed for leaf blower use; 3) each incorporated city within San Luis

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Obispo County adopts a parallel ordinance to ensure consistency throughout the county. The report specifically requires the Morro Bay City Council to submit a response to Recommendation #3 to the Presiding Judge of the San Luis Obispo Superior Court by July 29, 2010. Ms. Lueker recommended the City Council authorize staff to send a letter to the Presiding Judge of the San Luis Obispo County Superior Court responding to the Grand Jury report entitled “Leaf Blower Hazards in San Luis Obispo County.”

Councilmember Winholtz would like the City to acknowledge the health issue by taking #5 in the letter and placing it in the first paragraph of the letter, and state that the City will not be implementing recommendation #3 “at this time”.

MOTION: Councilmember Winholtz moved the City Council authorize staff to send the amended letter to the Presiding Judge of the San Luis Obispo County Superior Court responding to the Grand Jury report entitled “Leaf Blower Hazards in San Luis Obispo County.” The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

E. DECLARATION OF FUTURE AGENDA ITEMS – NONE.

ADJOURNMENT

The meeting adjourned at 8:05 p.m.

Recorded by:

Bridgett Kessling
City Clerk