

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 26, 2011
VETERANS MEMORIAL HALL - 6:00 P.M.

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

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Bridgett Kessling	City Clerk
	Eric Endersby	Harbor Operations Manager
	Susan Lichtenbaum	Harbor Business Manager
	Rob Livick	Public Services Director
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	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 – there was no Closed Session agenda.

PUBLIC COMMENT

Craig Schmidt, Morro Bay Chamber of Commerce, announced the Morro Bay Kite Festival will be held this coming weekend, April 30th – May 1st. He also announced May is designated as National Tourism Month.

Cathy Weaver, owner of Undercover Shop, stated her store is located at 895 Embarcadero and invited everyone to come see her shop.

Andrea Klipfel announced Relay for Life will be held on August 6th and 7th at Morro Bay High School; an informational/team captain meeting will be held on May 10th at 6:00 p.m. at the Embarcadero Grill. She noted at this time there are 12 teams that have signed up to participate.

Garry Johnson stated there will be two professional photographers available at the Chamber of Commerce to show people how to take pictures of kites at the Kite Festival.

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Stan Trapp expressed support for Item D-1 (Enforcement of Regulations Prohibiting A-frame Signs) stating the A-frame signs have become pollutants on the Embarcadero, and he thanked Council for considering the alternative of pub signs which are more appealing and effective.

Bill Shewcheck addressed Item D-1 stating he counted 39 A-frame signs on the Embarcadero and 22 in North Morro Bay. He said being in an upper level store, there is no other way to attract customers into a business. Mr. Shewcheck stated he followed City policy for his sign but did not receive a permit.

Bill Martony referred to the 10-acre surplus property on Yerba Buena Street and recommended the City consider this property for the City's Wastewater Treatment Plant.

Gay Skivalaskis, representing San Luis Obispo County Regional Ride Share, expressed appreciation for Council's consideration of Item A-3 (Proclamation Declaring May 2011 as "Bike Month" and May 16 to May 20, 2011 as "Bike to Work and School Week"). She reviewed activities and workshops that will take place during the month of May to celebrate "Bike Month."

Amy Burton stated Del Mar Elementary School will be celebrating Bike Week and encouraging students to ride their bikes to school during that week; they will also be entering the Morro Bay 4th of July Bike Parade. She said biking provides benefits for the individual as well as a positive impact on the City as a whole.

John Diodati stated due to action taken by Council on April 12, 2011, he is resigning his position on the Planning Commission immediately.

Barry Branin announced a website labeled www.cwwmb.info regarding Citizens for an Affordable Wastewater Treatment Plant for Morro Bay; this website will allow for citizens input.

Liz Bednorz, owner of Beach House Bistro, referred to Item D-1 and expressed the importance of A-frame signs in North Morro Bay and requested Council's consideration of these businesses when reviewing this item.

Christopher Rocci suggested placing a board in front of buildings with several businesses listing each business in place of A-frame signs.

Laura Rapsinski, owner of Harbor Floral, referred to Item D-1 and said A-frame signs are an inexpensive way to advertise.

Allen Rackov referred to Item D-1 and said his business is in a location that is hard to find and it is important to have an A-frame sign to direct customers to his business.

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Ken Vesterfelt stated the first Emergency Vehicle Show was a great success. He announced the Cruisin' Morro Bay Car Show will be held May 6-8th. He referred to Item D-1 stating A-frame signs are blight in the City.

Tracy Neil Shewcheck of Virg's Landing, referred to Item D-1 and said A-frame signs are sometimes necessary to direct customers to businesses.

Susan Stewart stated business owners are concerned with promoting their businesses and should be given alternatives regarding signage.

Mayor Yates 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 QUARTERLY FINANCIAL STATUS REPORT FOR THE FISCAL YEAR ENDED MARCH 31, 2011; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Accept the report as presented.

A-2 RECIPROCAL AGREEMENT TO PARTICIPATE IN THE FRANCHISE TAX BOARD'S CITY BUSINESS TAX PROGRAM; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 30-11 reaffirming the City's participation in the Franchise Tax Board City Business Tax Program.

A-3 PROCLAMATION DECLARING MAY 2011 AS "BIKE MONTH" AND MAY 16 TO MAY 20, 2011 AS "BIKE TO WORK AND SCHOOL WEEK"; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

A-4 PROCLAMATION DECLARING MAY 2011 AS "NATIONAL TOURISM MONTH"; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

Councilmember Borchard pulled Item A-1 from the Consent Calendar.

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MOTION: Councilmember Johnson moved the City Council approve the Consent Calendar with the exception of Item A-1. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

A-1 QUARTERLY FINANCIAL STATUS REPORT FOR THE FISCAL YEAR ENDED MARCH 31, 2011; (ADMINISTRATIVE SERVICES)

Councilmember Borchard requested clarification relating to issues on transit, Measure Q funds and risk management. Administrative Services Director Susan Slayton responded to Councilmember Borchard's questions.

MOTION: Councilmember Borchard moved the City Council approve Item A-1 of the Consent Calendar. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

Mayor Yates called for a break at 6:55 p.m.; the meeting resumed at 7:10 p.m.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 CONSIDERATION OF AN AMENDMENT TO MORRO BAY MUNICIPAL CODE TITLE 5 ADDING CHAPTER 5.50 ESTABLISHING REGULATIONS AND PROCEDURES ENTITLED "MEDICAL MARIJUANA COLLECTIVES AND COOPERATIVES"; (CITY ATTORNEY)

City Attorney Robert Schultz stated at the March 8, 2011 Council meeting, the entire Council was concerned with the recently elected SLO County Sheriff's position on medical marijuana enforcement and the longstanding inconsistencies between state and federal law. The SLO County Sheriff's Department is still in the process of developing their position in regard to medical marijuana enforcement and is also preparing new guidelines. The draft ordinance attempts to best suit the scale of Morro Bay by providing the possibility of two medical marijuana dispensaries under specific circumstances and a detailed permitting process. Mr. Schultz recommended the City Council review the draft ordinance and directs the City Attorney on how to proceed.

Mayor Yates opened the hearing for public comment.

Ken Vesterfelt requested the City does its homework regarding regulations on this issue.

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Rich Donald - Chairman of Americans for Safe Access of San Luis Obispo County, stated the proposed ordinance puts all responsibility to justify the safety and legal compliance of a dispensary on the applicant; it is then reviewed and accepted or rejected by the City Council. He said the Council should consider the vote of the people by moving forward and approving the first reading and introduction of this ordinance.

John Stephens – Go Green Compassionate Care Collective in Grover Beach, stated he would like to open a Go Green Café in Morro Bay that creates holistic healing where cannabis comes into play.

Catherine Ford - San Luis Obispo, stated she is a medical marijuana cardholder, and explained that due to injuries sustained in an accident, she use to take several prescription drugs that caused side affects; now she uses medical marijuana which has eliminated those side effects. She said she would like to be able to purchase medical marijuana legally, and Santa Barbara is the closest dispensary at this time.

Lauren Stephens – Go Green Compassionate Care Collective in Grover Beach, stated it is important to be able to provide this service to those who are in need of a natural medical remedy.

Bill Martony asked for clarification on the selection process and location for a business that may produce a large amount of money.

Brandon Morris – Santa Barbara, stated dispensaries are required to be non-profit organizations. He quoted citations relating to the legality of medical marijuana dispensaries. Mr. Morris stated the City is within the State of California and should follow state law.

Rick Morris – Fresno, stated the proposed ordinance should include regulations for preparation of edible cannabis product, as well as delivery services and doctor verifications. He said he would like the inspection of dispensaries to be taken away from public safety and have it inspected by public health.

Roger Ewing – Morro Bay, noted the majority of speakers on this issue are from out of town. He stated it was the citizens that made this happen and Morro Bay demonstrates their commitment to compassion and caring for their fellow citizens. Mr. Ewing stated it is easy to regulate the implementation of this ordinance to the point where it takes forever to receive the benefits of medical marijuana vs. the toxicity of pharmaceutical drugs.

Mike Mudget – Fresno, stated those from out of town are bringing their experience to Morro Bay.

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Pete Weir - Grover Beach, requested the City allow safe access to a medical marijuana dispensary by approving this ordinance.

Wanda Durick – Morro Bay, reviewed an experience that she and her husband witnessed from outside the previous dispensary that was obviously from someone purchasing marijuana that was not for medicinal purposes.

Taylor Newton – Morro Bay, expressed the importance of acknowledging people’s “rights” on issues such as medical marijuana.

Jim Pauley – Morro Bay, stated as a citizen of Morro Bay he is opposed to marijuana being sold in Morro Bay.

Curt Ashman – San Clemente, stated the City is being very forward thinking with the consideration of this issue. He said the City Attorney has done a thorough job on this ordinance.

Michael Durick – Morro Bay, stated the voters of Morro Bay voted against a ban of a medical marijuana dispensary, but not for a medical marijuana dispensary. He also referred to the number of out-of-town speakers vs. Morro Bay speakers who addressed Council on this issue. Mr. Durick stated it is the City Council’s responsibility to protect its citizens, and to uphold the Constitution of the United States. He said Council is dealing with the distribution of a Schedule 1 illegal narcotic under federal law. Mr. Durick stated he would have no problem if this drug was prescribed by a doctor and issued by a legitimate pharmacist at a pharmacy, but not at a dispensary.

Eli Compast – Morro Bay, stated there appears to be a fear of abuse in bringing a medical marijuana dispensary in town. He said misinformation is the biggest problem and people need to educate themselves on the benefits of this drug.

Mayor Yates closed the public comment hearing.

Mayor Yates stated the people voted not to ban dispensaries in Morro Bay, and based on that he will vote in support of this ordinance. He said he will not support a medical marijuana dispensary being placed on the main corner of the downtown area, and expressed concern with the location of these dispensaries.

MOTION: Councilmember Leage moved the City Council forbid any medical marijuana dispensaries to be placed in the City of Morro Bay.

The motion died for lack of a second.

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Councilmember Borchard referred to the staff report that states: “Under current federal law however, the use, sale or possession of marijuana, whether medically prescribed or not, is still unlawful and carries significant criminal penalties.” She said she is not supportive of this ordinance.

Councilmember Smukler stated the goal in Morro Bay is safe access. He said the best option is to follow the ordinance prepared by the City Attorney, fine tune it along the process, and pursue the zoning amendment.

Councilmember Johnson stated the people voted to not ban dispensaries and she agrees that the best option is to follow the ordinance prepared by the City Attorney, fine tune it along the process, and pursue the zoning amendment.

MOTION: Councilmember Smukler moved the City Council direct staff to initiate an amendment to the zoning ordinance that will give a better management policy for location of the potential medicinal marijuana dispensaries. The motion was seconded by Councilmember Johnson.

Mayor Yates stated he will not support this motion.

VOTE: The motion failed with Councilmember Borchard, Councilmember Leage and Mayor Yates voting no. (2-3)

MOTION: Mayor Yates moved the City Council approve the proposed Ordinance and bring it back for introduction and first reading.

The motion died for lack of a second.

MOTION: Mayor Yates moved the City Council discontinue further consideration of medical marijuana dispensaries in Morro Bay. The motion was seconded by Councilmember Borchard and carried with Mayor Yates and Councilmember Smukler voting no. (3-2)

Mayor Yates called for a break at 8:30 p.m.; the meeting resumed at 8:50 p.m.

C. UNFINISHED BUSINESS – None.

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D. NEW BUSINESS

D-1 ENFORCEMENT OF REGULATIONS PROHIBITING A-FRAME SIGNS;
(CITY COUNCIL)

Mayor Yates stated A-frame signs in Morro Bay, particularly on the Embarcadero, have become a visual blight, an impediment to pedestrian traffic, and are counter to Council's on-going efforts to clean up the waterfront. Although it may be controversial with some business owners, prohibition of these signs *is* a business friendly move. Mayor Yates presented photographs of pub signs, which are small signs that overhang the sidewalk, as an alternative to the A-frame sign. He noted pub signs keep the sidewalk clear while allowing businesses to promote their business. Mayor Yates recommended the City Council consider immediate enforcement of Morro Bay Municipal Code Section 17.68.030 prohibiting A-frame signs and rescinding the A-frame sign exception.

Council discussed the A-frame signs located throughout the City; and reviewed alternative signs, such as pub signs that will attract customers.

MOTION: Councilmember Borchard moved the City Council approve enforcement of Morro Bay Municipal Code Section 17.68.030 prohibiting A-frame signs and rescinding the A-frame sign exception with a 30-day time limit. The motion was seconded by Mayor Yates.

Councilmember Smukler stated he will not support this motion because more thought needs to be given to the North Main Street businesses.

VOTE: The motion carried with Councilmember Smukler voting no. (4-1)

D-2 ANNUAL REVIEW OF HARBOR LEASE SITE BUSINESSES; (HARBOR)

Harbor Business Manager Sue Lichtenbaum stated the City manages the Tidelands Granted properties on the west side of the Embarcadero under lease agreements. The leases are made in accordance with State Tidelands policies. Following the severe recession that started in 2008, the City has taken action on two separate occasions aimed at supporting businesses and preventing vacancies on the Embarcadero Lease Sites. Ms. Lichtenbaum recommended the City Council consider the annual review of Harbor Lease Site businesses and to consider implementation of a monthly rental payment for Harbor Lease Sites for the next two fiscal years.

MOTION: Mayor Yates moved the City Council direct the Harbor Business Manager bring back a resolution implementing a monthly rental payment to the City for Harbor Lease Sites with a 10% penalty after ten (10) days late with provisions for default. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

D-3 DISCUSSION OF A BIKE RACKS WITH DEDICATION PLAQUES PROGRAM; (PUBLIC SERVICES)

Public Services Director Rob Livick stated this proposed program can provide needed short-term bicycle parking. As proposed, the donors would pay for the rack, plaque, installation and maintenance for a powder-coating of the rack in the future, and donations are tax deductible. The donation of racks would be subject to the City's donation policies. Bike rack locations within the public right-of-way or on City property will need to be approved by City staff prior to installation to insure that the rack does not interfere with pedestrian traffic or parking. Mr. Livick recommended the City Council discuss the proposed Bike Racks with Dedication Plaques Program, and direct staff accordingly.

MOTION: Councilmember Smukler moved the City Council direct staff to implement the Bike Racks with Dedication Plaques Program as proposed. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

E. DECLARATION OF FUTURE AGENDA ITEMS – None.

ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Recorded by:

Bridgett Kessling
City Clerk