

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – SEPTEMBER 27, 2011
CITY HALL CONFERENCE ROOM - 5:00 P.M.

Mayor Yates called the meeting to order at 5:00 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

CLOSED SESSION

Mayor Yates adjourned the meeting to Closed Session and read the Closed Session Statement.

Mayor Yates read the Closed Session Statement.

CS-1 GOVERNMENT CODE SECTION 54957; PERSONNEL ISSUES

Discussions regarding Personnel Issues including two (2) public employees regarding evaluation, specifically the City Attorney and the City Manager.

CS-2 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY TRANSACTIONS

Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to at least one (1) parcel:

- Property: Chorro Valley Property
Negotiating Parties: Chorro Valley Property Owners and City of Morro Bay
Negotiations: Water rights.

The meeting adjourned at 5:50 p.m.

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REGULAR MEETING – SEPTEMBER 27, 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 Kessler	City Clerk
	Eric Endersby	Harbor Operations Manager
	Susan Lichtenbaum	Harbor Business Manager
	Rob Livick	Public Services Director
	Tim Olivas	Police Chief
	Joe Woods	Recreation & Parks Director
	Janeen Burlingame	Management Analyst

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, and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

Todd Collins introduced his family restaurant, Rocca's Italian Restaurant on the Embarcadero. He reviewed special entrees on the menu and events that his family sponsors in the City.

Angela Nelson, Program Coordinator from RideShare, referred to Item A-8 (Proclamation Declaring October 2011 As "Rideshare Month") and reviewed special events that will be taking place during Rideshare Month.

Chuck Rose acknowledged Neighborhood Watch which is sponsored through the Police Department. He said Neighborhood Watch promotes additional awareness around neighborhoods in the City. Mr. Rose stated the organization meets monthly and they have a website: www.neighborhoodwatchmorrobay.com for those who are interested in participating in this program.

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Dan Reddell, Chamber of Commerce Board Member, addressed Item C-1 (Report on the Findings of the Morro Bay Visitors Center Workshop and Discussion of Options for Continued Operations) and stated the Executive Director Craig Schmidt is very professional and friendly. Mr. Reddell said he supports staff recommendation to continue to contract with the Chamber of Commerce for the operation of the Visitors Center.

Craig Schmidt, Chamber of Commerce Executive Director, thanked those who volunteered at the Avocado/Margarita Festival which was a tremendous success. He also acknowledged the Merchants Pavilion at the Harbor Festival who has reached out to the business community to allow them to showcase their businesses at a low cost for the weekend. Mr. Schmidt thanked the City for hosting the Visitor Center Workshops which provided several different recommendations to make the Visitor Center a better experience for the City's visitors. He assured the City Council of the Chamber's commitment to creating a culture of adapting, inventing and re-inventing and always looking into ways to improve its approach in promoting tourism.

John Solu addressed Item C-1 stating the hoteliers agree with the status quo with the Chamber contract until June 2012. He said the hoteliers are 1/3 contributors to the Visitor Center, and they will continue to make sure the Chamber of Commerce is making the changes and doing what needs to be done to accommodate the visitors. Mr. Solu requested the City Council send back to the Community Promotions Committee and/or the Tourism Business Improvement District Advisory Board the task to continue researching the promotion of a Director of Tourism.

Garry Johnson reviewed upcoming photo events. He said there will be a photography show where pictures will be judged at the Harbor Festival; the Bird Festival is scheduled in January 2012; and, the Morro Photo Expo is scheduled for March 2012.

John Weiss, Chamber of Commerce President, addressed Item C-1 and reviewed the upgrades made to the Visitors Center. He requested the City Council approve a 9-month extension to the Chamber contract to operate the Visitors Center which would allow for more effective planning, better budgeting and implementation of continuity for requests of stakeholders. Mr. Weiss thanked those who are involved and participated in the Eco-Rotary Program at the Avocado/Margarita Festival and Harbor Festival.

Dan Glesmann thanked those Council Members who supported the adoption of the labor contract for the SEIU employees for the City. He said the importance of holding the City pension commitments to a sustainable level became clear with an article he shared on the down-turn of pension funds. Mr. Glesmann also thanked the City for adopting the two-tier retirement system for future hires.

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Joan Solu reviewed the Tourism Business Improvement District Advisory Board activities for the past two months. She requested the City Council send back to the Tourism Business Improvement District Advisory Board the task of how to create a Director of Tourism/Marketing position.

Hunter Kilpatrick, Executive Director of Harbor Festival, reviewed the events and activities for the upcoming festival.

Betty Winholtz addressed Item A-6 (Adoption of Ordinance No. 572 Repealing Chapter 2.28 of the Morro Bay Municipal Code Related to the Planning Commission and Implementing Instead the Planning Commission By-Laws) noting state law requires the Planning Commission belongs in the Municipal Code. She referred to Item B-3 (Ordinance No. 573 Amending Section 2.06 of the Morro Bay Municipal Code from Councilmen to Councilmembers and Adding Section 2.06.040 Regarding Appointment of Boards and Commissions) that places the Planning Commission in the Advisory Board Handbook, which she objects to because the guidelines for the Planning Commission are easily manipulated in a document that requires a simple resolution versus one that is more rigorously reviewed. Ms. Winholtz also referred to numerous entities that adopted proclamations recognizing “Sea Otter Awareness Month”.

John Barta addressed Item C-1 stating there is no clear line of responsibility for who is going to take charge in promoting the City’s tourism, and why it is a good idea to have a Director of Tourism. He said with all of the influences involved it may be difficult to see the big picture, and he hopes Council’s discussion will assist in resolving some of these issues.

Mayor Yates closed the hearing for public comment.

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

A. CONSENT CALENDAR

A-1 APPROVAL OF MINUTES FOR REGULAR CITY COUNCIL MEETING OF SEPTEMBER 13, 2011; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

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A-2 RESOLUTION NO. 66-11 AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) FOR THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 620, EMPLOYEES; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 66-11.

A-3 RESOLUTION NO. 67-11 ACCEPTANCE OF AN OFFER OF DEDICATION OF PUBLIC PEDESTRIAN EASEMENT FOR SIDEWALK PURPOSES ON ERROL STREET FOR TACO BELL (1700 MAIN ST.); (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 66-11.

A-4 ADOPTION OF ORDINANCE NO. 570 AMENDING THE CITY OF MORRO BAY MUNICIPAL CODE TITLE 13 PUBLIC UTILITIES, CHAPTER 13.04 WATER SERVICE AND RATES, SECTION 13.04.070 APPLICATION FOR REGULAR SERVICE - TO REQUIRE IDENTIFICATION; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Ordinance No. 570.

A-5 ADOPTION OF ORDINANCE NO. 571 AMENDING THE CITY OF MORRO BAY MUNICIPAL CODE TITLE 3 REVENUE AND FINANCE, CHAPTER 3.30 UNCLAIMED MONEY AND PROPERTY, SECTION 3.30.080 PROCEEDS TO BE DEPOSITED IN GENERAL FUND TO READ DISPOSITION OF PROCEEDS; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Ordinance No. 571.

A-6 ADOPTION OF ORDINANCE NO. 572 REPEALING CHAPTER 2.28 OF THE MORRO BAY MUNICIPAL CODE RELATED TO THE PLANNING COMMISSION AND IMPLEMENTING INSTEAD THE PLANNING COMMISSION BY-LAWS; (CITY ATTORNEY)

RECOMMENDATION: Adopt Ordinance No. 572.

A-7 REPORT ON THE FINDINGS RELATING TO THE MORRO BAY MARKETING WORKSHOP; (ADMINISTRATION)

RECOMMENDATION: Review the findings from the Marketing Workshop.

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A-8 PROCLAMATION DECLARING OCTOBER 2011 AS “RIDESHARE MONTH”; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

Councilmember Smukler pulled Items A-1, A-6 and A-7 from the Consent Calendar.

MOTION: Councilmember Johnson moved the City Council approve the Consent Calendar with the exception of Items A-1, A-6 and A-7. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

A-1 APPROVAL OF MINUTES FOR REGULAR CITY COUNCIL MEETING OF SEPTEMBER 13, 2011; (ADMINISTRATION)

Councilmember Smukler referred to a correction to a name on page 6 of the September 13, 2011 City Council minutes. City Clerk Bridgett Kessler noted the correction on page 6 of the minutes had already been amended prior to the meeting.

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

A-6 ADOPTION OF ORDINANCE NO. 572 REPEALING CHAPTER 2.28 OF THE MORRO BAY MUNICIPAL CODE RELATED TO THE PLANNING COMMISSION AND IMPLEMENTING INSTEAD THE PLANNING COMMISSION BY-LAWS; (CITY ATTORNEY)

Councilmember Smukler asked if the City Attorney had any comments based on the public comments made. City Attorney noted he had no comments, other than he is moving forward with the adoption of Ordinance No. 572 based on the approval of the first reading and introduction at the September 13th City Council meeting; and, he noted the City is in compliance with state law.

MOTION: Councilmember Smukler moved the City Council approve Item A-6 of the Consent Calendar. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

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A-7 REPORT ON THE FINDINGS RELATING TO THE MORRO BAY
MARKETING WORKSHOP; (ADMINISTRATION)

Councilmember Smukler noted for public information that the results of the Marketing Workshop can be reviewed on the City's website.

MOTION: Councilmember Smukler moved the City Council approve Item A-7 of the Consent Calendar. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

Mayor Yates called for a break at 6:56 p.m.; the meeting resumed at 7:09 p.m.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 CONSIDERATION OF ESTERO BAY TRANSIT SERVICE PROPOSAL;
(PUBLIC SERVICES)

Management Analyst Janeen Burlingame stated the City currently operates Morro Bay Transit Service which is a hybrid transit system combining a fixed route with limited door-to-door service. The Morro Bay Transit fixed route has specific stops throughout the City and the Call-A-Ride trips deviate off route within $\frac{3}{4}$ of a mile to pick up/drop off riders before returning back on route. The fixed route and Call-A-Ride service is provided hourly Monday through Friday from 6:35am to 5:30pm. The San Luis Obispo Council of Governments (SLOCOG) is proposing the development of a cooperative agreement between the City of Morro Bay, San Luis Obispo County, the RTA and SLOCOG to provide local transit services within and between the communities of Morro Bay and Los Osos. The proposal does not include the City's trolley services and should the Council accept the proposed service concept, a separate arrangement would need to be made regarding trolley operations. Ms. Burlingame recommended the City Council review the Estero Bay Transit Service proposal from SLOCOG, and the discussion and recommendation made by the Public Works Advisory Board and direct staff accordingly.

Mayor Yates opened the hearing for public comment.

Ron DeCarli, Director of SLOCOG, stated their agency is a planning and programming agency as well as an oversight agency on public transit. He said overall public transit in the county and in the state is in trouble with the increase in costs and decrease in funding. Mr. DeCarli stated the prime concern is the City's current system is not sustainable, and that is why they are considering a consolidated system to reduce costs. He said the City has no connection with the regional agency which would help increase the fair box ratio.

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Mr. DeCarli recommended the City Council consider reduce overhead costs, increase fares, increase ridership through regional ridership, and continue to work with RTA and SLOCOG.

Mark Lancaster stated he is a North Morro Bay resident and noted the service up there has been rectified. He said it would be good to coordinate the local and regional buses in the morning.

Amy Wyatt, Manager of Marketing for RTA, stated senior services is very high and the fixed route service is working well. She said they are working to make the system work for everyone with what funding they have.

Mayor Yates closed the hearing for public comment.

Councilmember Borchard stated the challenge is financing transportation in Morro Bay. She said there is a potential to take this opportunity and continue to work with SLOCOG and RTA in trying to refine this program. She said she agrees the City's existing program is not sustainable and she is hopeful there might be a way to move forward with some other options.

Councilmember Johnson stated the current system is not sustainable and not meeting the needs of the citizens. She also said the concept that is being proposed is not serving the City's needs, and the City should go back and refine the system and find something that will work more efficiently for its citizens.

Councilmember Leage stated the current system is not sustainable and something needs to be done immediately because good service for the citizens is important.

Councilmember Smukler stated there is concern with the loss of service in North Morro Bay. He said it would be helpful to have service for high school students with extra-curricular activities. Councilmember Smukler stated the review of the Cost Allocation Plan will be important for Council to make their decision.

Mayor Yates stated he supports staff recommendation #1. He said sustainability is of political will, and there needs to be a desire to want this service and be able to afford it within the budget.

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MOTION: Councilmember Borchard moved the City Council direct staff to: 1) work with the San Luis Obispo Council of Governments to determine whether or not the current transit service proposal can be modified to address the proposed service concept deficiencies; 2) return to the Public Works Advisory Board no later than its December 2011 meeting for consideration and recommendation to Council for either a revised proposed concept or the current proposed concept; and 3) return to Council in January 2012 for consideration of either a revised proposed concept or the current proposed concept. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

B-2 RESOLUTION NO. 68-11 ACCEPTING \$100,000 GRANT FROM THE STATE OF CALIFORNIA CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM; (POLICE)

Police Chief Tim Olivas stated the City Council is required to hold a public hearing and consider whether the recommendation submitted by the Police Chief complies with the requirements of the Government Code. Once adopted, the recommendation is then forwarded to the County Oversight Committee who then distributes the COPS funds to the local jurisdictions. The funds can then be expended and/or encumbered by the Police Department. Chief Olivas recommended the City Council adopt Resolution No. 68-11 authorizing the proposed spending plan for the \$100,000 that will be received from the Citizens Option for Public Safety (COPS) grant program

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

MOTION: Councilmember Borchard moved the City Council adopt Resolution No. 68-11 authorizing the proposed spending plan for the \$100,000 that will be received from the Citizens Option for Public Safety (COPS) grant program. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

Mayor Yates called for a break at 7:56 p.m.; the meeting resumed at 8:07 p.m.

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B-3 ORDINANCE NO. 573 AMENDING SECTION 2.06 OF THE MORRO BAY MUNICIPAL CODE FROM COUNCILMEN TO COUNCILMEMBERS AND ADDING SECTION 2.06.040 REGARDING APPOINTMENT OF BOARDS AND COMMISSIONS - FIRST READING/INTRODUCTION; (CITY ATTORNEY)

City Attorney Robert Schultz stated Ordinance No. 573 will change the title and content from “Councilmen” to “Councilmembers” in order to be gender neutral. In addition, Ordinance No. 573 will add Section 2.06.040 in regard to the appointment of Boards and Commissions in order to make certain the City is in compliance with state law. Mr. Schultz recommended the City Council accept public comment and move for introduction and first reading of Ordinance No. 573, by number and title only.

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

MOTION: Councilmember Johnson moved the City Council approve Ordinance No. 573 for first reading and introduction amending Section 2.06 of the Morro Bay Municipal Code from “Councilmen” to “Councilmembers” and adding Section 2.06.040 Regarding Appointment of Boards and Commissions. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

City Manager Andrea Lueker read Ordinance No. 573 by number and title only.

C. UNFINISHED BUSINESS

C-1 REPORT ON THE FINDINGS OF THE MORRO BAY VISITORS CENTER WORKSHOP AND DISCUSSION OF OPTIONS FOR CONTINUED OPERATIONS; (ADMINISTRATION)

City Manager Andrea Lueker stated a workshop was held on September 8, 2011 to focus on identifying opportunities to enhance the effectiveness of the Visitors Center and the roles of the various organizations and partners. This workshop was held by direction of the City Council from their June 14, 2011 meeting. In addition, over the past eleven months, the City Council as well as the Visitors Center have both initiated significant changes that enhance the operation of the Visitors Center. With the changes that have been made at the Visitors Center and the information gathered from the Visitors Center Workshop, Ms. Lueker recommended the City Council continue to contract with the Morro Bay Chamber of Commerce for the operation of the Visitors Center, extending their contract through June 2012.

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Mayor Yates stated he is supportive of the Chamber and its Executive Director and all of the changes they have instituted. He said he would like to move forward with the consideration of a Director of Tourism.

Councilmember Johnson stated she supports the Executive Director of the Chamber of Commerce and extending the Chamber contract until June 2012. She said she would like a big pub sign directing people to the public restroom at the Boatyard building; and, also suggested hiring an outside agency to look at alternate locations for the Chamber/Visitors Center. Councilmember Johnson stated she supports instituting more flexible hours of the Visitors Center dependent on the season. She said she would like to instruct the Tourism Business Improvement District Advisory Board to develop and present a report on how to pay for a Director of Tourism as well as prepare a job description. Councilmember Johnson stated she would like to receive a written report on the profit and loss of special events and trips abroad sponsored by the Chamber of Commerce. She said she would also like to recruit a Volunteer Ambassador Program which will alleviate the need for kiosks or a visitor center.

Councilmember Borchard stated one of the Visitors Center's main purposes is to capture guest information, such as fulfillment. She said there is the need to look at different locations for both the Chamber of Commerce and the Visitors Center, preferably by an outside agency. Councilmember Borchard stated she does support continuing the contract with the Chamber until June 2012.

Councilmember Leage stated it is important to have a restroom open at the Chamber of Commerce location. He also said parking is a problem on the Embarcadero where the Chamber is presently located.

Councilmember Smukler stated he agrees that the Chamber has put a lot of effort in the changes they have instituted. He said it is time to put the Director of Tourism position to rest, and instead direct the Community Promotions Committee and Tourism Business Improvement District Advisory Board to focus on exploring options for a concept of a fair funding mechanism and communicate back to the stakeholders.

MOTION: Councilmember Borchard moved the City Council approve the following:
1) Continue to contract with the Morro Bay Chamber of Commerce for the operations of the Visitors Center, extending their contract through June 2012.

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- 2) Establish and confirm transparent budget, personnel and performance measures to document that public funds are expended appropriately.
 - 3) Publicize the existing procedure that is used to assure that there is no differentiation between referrals for Chamber and non-Chamber businesses (website, materials in Visitors Center and fulfillment).
 - 4) Coordinate with Barnett Cox and Associates (BCA) and (others) to establish directional signs to the Visitor Center from Hwy 101 (north and south).
 - 5) Explore the possibility of enhanced efforts to establish quality "tourist information centers" along Hwy 101 and/or at city entrances that direct people to the Visitor Center for more information.
 - 6) Implement a review of the current location and parking arrangement of the Visitor Center (either through a cooperative study with the Chamber or outside consultant).
 - 7) Perform reviews at 6-month intervals to ensure the continued implementation of the ideas and recommendations from the workshop.
 - 8) Direct staff to work with the Community Promotions Committee and Tourism Business Improvement District Advisory Board on the potential Director of Tourism/Events Coordinator positions.
- The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

D. NEW BUSINESS – NONE.

E. DECLARATION OF FUTURE AGENDA ITEM – NONE.

ADJOURNMENT

The meeting adjourned at 8:39 p.m.

Recorded by:

Bridgett Kessling
City Clerk