

MINUTES - MORRO BAY CITY COUNCIL  
CLOSED SESSION – OCTOBER 11, 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.

The meeting adjourned at 5:55 p.m. to Open Session and reconvened after Open Session at the Veterans Memorial Hall located at 209 Surf Street, Morro Bay, CA.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – OCTOBER 11, 2011  
VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Yates called the meeting to order at 6:10 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
	Susan Lichtenbaum	Harbor Business Manager
	Rob Livick	Public Services Director
	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 – Mayor Yates reported the City Council met in Closed Session, and no reportable action under the Brown Act was taken; he noted the City Council will adjourn the Open Session meeting to further discuss Closed Session.

PUBLIC COMMENT

Todd Gailey, Fire Engineer/Paramedic, announced Rescue Challenge 2011 will be held on October 29<sup>th</sup> at Coleman Park which is a fitness competition between the Morro Bay Fire Department and the U.S. Coast Guard to raise funds for the Morro Bay Community Foundation.

Steve Knuckles, Fire Captain/Paramedic, announced the Morro Bay Fire Department and fire departments around the County, along with Carina Corral and Richard Gearhart from KSBY TV will be participating in the 23<sup>rd</sup> Annual San Luis Obispo County Burn Relay to support the Alisa Ann Ruch Burn Foundation by going to schools around the County to teach children about fire safety and to raise funds for the Foundation.

Mayor Yates closed the hearing for public comment.

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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 THE MINUTES FOR THE JOINT CITY COUNCIL/ PLANNING COMMISSION MEETING ON SEPTEMBER 13, 2011, AND THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 27, 2011; (ADMINISTRATION)

**RECOMMENDATION: Approve minutes as submitted.**

- A-2 ADOPTION OF ORDINANCE NO. 573 AMENDING CHAPTER 2.06 OF THE MORRO BAY MUNICIPAL CODE FROM COUNCILMEN TO COUNCILMEMBERS AND ADDING SECTION 2.06.040 REGARDING APPOINTMENT OF BOARDS AND COMMISSIONS; (CITY ATTORNEY)

**RECOMMENDATION: Adopt Ordinance No. 573.**

- A-3 RESOLUTION NO. 69-11 INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY OF MORRO BAY- MISCELLANEOUS EMPLOYEES; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Adopt Resolution No. 69-11.**

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

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

- B-1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 574 AUTHORIZING THE AMENDMENT OF SECTION 20475 (DIFFERENT LEVEL OF BENEFITS); SECTION 21353 (2% @ 60 FULL FORMULA); AND SECTION 20037 (THREE-YEAR FINAL COMPENSATION) FOR NEW HIRES IN THE PERS MISCELLANEOUS GROUP – INTRODUCTION AND FIRST READING; (ADMINISTRATIVE SERVICES)

Administrative Services Director Susan Slayton stated the Resolution of Intention and Ordinance are required by PERS in order to amend the PERS contract. PERS' procedure further requires the Ordinance not be finally adopted until 20 days have passed since the adoption of the Resolution of Intention.

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Ms. Slayton recommended the City Council approve the introduction and first reading of Ordinance No. 574, authorizing the amendment of Different Level of Benefits, 2% @ 60 Full Formula and Three-Year Final Compensation for all newly-hired PERS miscellaneous employees.

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 the introduction and first reading of Ordinance No. 574, authorizing the amendment of Different Level of Benefits, 2% @ 60 Full Formula and Three-Year Final Compensation for all newly-hired PERS miscellaneous employees. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

City Manager Andrea Lueker read Ordinance No. 574 by number and title only.

C. UNFINISHED BUSINESS – None.

D. NEW BUSINESS

D-1 DISCUSSION ON THE STATUS OF THE CITY RENTAL PROPERTY ON SHASTA AVENUE; (RECREATION & PARKS)

Recreation and Parks Director Joe Woods stated staff has inspected the current condition of the real property at both 983 and 985 Shasta Avenue, and has found that both structures have failing building systems and would be costly to repair. The residences are non-inhabitable due to failing infrastructure, and extremely dilapidated building systems. Both structures contain significant amounts of hazardous material, which by regulation; require specific handling, which would have to be addressed should any repair work or demolition to occur. The option of repair costs has doubled based on the deteriorating conditions of the buildings and availability for a more thorough inspection due to the properties now being vacant. Staff feels the benefit of removal of these structures would allow for City resources to be redirected. Mr. Woods recommended the City Council consider the high cost of renovating the real property at 983 and 985 Shasta Avenue and direct staff to proceed with demolition of each site.

**MOTION:** Mayor Yates moved the City Council direct staff to demolish the properties at 975, 983 and 985 Shasta Avenue; that the demolition leaves the ground ready for a pocket park or community (garden) park; and, that staff includes the installation of a hose bib on the property upon completion. The motion was seconded by Councilmember Leage.

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Mayor Yates amended his motion to include that this project will be brought to a conclusion within six months. Councilmember Leage accepted the amendment to his second to the motion.

VOTE: The motion carried unanimously. (5-0)

D-2 DISCUSSION ON TOILET RETROFIT REBATE PROGRAM; (PUBLIC SERVICES)

Utilities/Capital Projects Manager Dylan Wade stated this item is being brought to the City Council for discussion on how or if to pursue the retrofit rebate program. Some potential options are: 1) keep the current program as it exists and is interpreted. Positive aspects are the City will continue to provide an incentive for the conversion of the few remaining 3gpm toilets. The potential negative aspects are that there are few remaining fixtures out there and that the program in this fashion may not be interpreted as adequate by DWR during the 2015 Urban Water Management Plan (UWMP) review process; 2) allow and provide an incentive to convert between 1.6gpf and 1.28gpf. The positive aspects are that the City's program would likely be acceptable in the 2015 UWMP review and some additional conservation will be achieved. The negative aspects are the potential liability to the water fund of replacing all of the toilets in Morro Bay at \$100 each; 3) create a program that provides an incentive for retrofitting below the 1.28gpf such as requiring dual flush toilets that use .8gpf for one flush type and 1.28 for the other. The positive aspects of this decision are that the City's program would likely be acceptable in the 2015 UWMP review and some additional conservation will be achieved. The negative aspects are the potential liability to the water fund of replacing all of the toilets in Morro Bay at \$100 each; 4) some other alternative that the Council develops that staff did not anticipate; or, 5) elimination of the entire program. The positive aspects are the reduced costs associated with implementing the program. The negatives are the potential impact to future grant funding opportunities. Mr. Wade recommended the City Council review and discusses the City of Morro Bay's Toilet Retrofit Rebate Program and provides direction to staff on any changes.

MOTION: Councilmember Smukler moved the City Council approve Option #1: Keep the current program as it exists and is interpreted. Positive aspects are the City will continue to provide an incentive for the conversion of the few remaining 3gpm toilets. The potential negative aspects are that there are few remaining fixtures out there and that the program in this fashion may not be interpreted as adequate by DWR during the 2015 UWMP review process. Council added an adjustment that dual flush toilets will be used as the standard with future retrofits in the program. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

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D-3 STATUS REPORT ON MORRO ROCK PARKING LOT SOLID WASTE  
SERVICE; (PUBLIC SERVICES)

Public Services Director Rob Livick summarized the solid waste collection activities that take place at the Morro Rock parking lot noting Sunday collection was discontinued about 10 years ago as there was not enough interest from businesses to warrant offering the service due to the cost being prohibitive since Morro Bay Garbage Service would have to charge the cost for collection and Sundays would be double time for equipment and personnel. He said the Recreation & Parks maintenance employees are responsible for garbage collection in the Rock restroom and the immediate surrounding area. A part-time Harbor maintenance employee, in addition to other duties, is responsible for garbage collection every Sunday from the 2nd week in May through the 2nd week in September of all the aggregate containers on the waterfront from the launch ramp to the Rock (north and south sides). In the off-season this level of collection activity ceases as the Morro Bay Garbage Service collection schedule suffices to keep up with the volume accumulated. The lack of Sunday trash service and subsequent overflow issue was the genesis of the position being created. The City is aware that Morro Bay Beautiful meets each Monday to collect garbage along the waterfront and Rock parking lot. Mr. Livick recommended the City Council receive this information and direct staff accordingly.

Council consensus was to direct staff to research bird proof garbage cans; identify a funding mechanism; and, return to Council in four months with a status report.

No further action was taken on this item.

E. DECLARATION OF FUTURE AGENDA ITEMS

Mayor Yates requested to agendize a discussion on a Civic Center Master Plan; he received Council consensus.

ADJOURNMENT

The meeting adjourned to Closed Session at 7:15 p.m.

Recorded by:

Bridgett Kessling  
City Clerk