

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – JANUARY 10, 2012
CITY HALL CONFERENCE ROOM - 5:00 P.M.

AGENDA NO: A-1

MEETING DATE: 01/24/2012

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
	Susan Slayton	Administrative Services Director
	Laurie Goforth	Human Resources Analyst
	Bill Avery	Chief Negotiator

CLOSED SESSION

Mayor Yates adjourned the meeting to Closed Session.

Mayor Yates read the Closed Session Statement.

CS-1 GOVERNMENT CODE SECTION 54957.6; CONFERENCE WITH LABOR NEGOTIATOR. Conference with City Manager, the City's Designated Representative, for the purpose of reviewing the City's position regarding the terms and compensation paid to the City Employees and giving instructions to the Designated Representative.

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 two (2) parcels.

- **Property: Chorro Valley Property**
Negotiating Parties: Chorro Valley Property Owners and City of Morro Bay
Negotiations: Water Rights
- **Property: Cerritos Peak**
Negotiating Parties: Dan Reddell and the City of Morro Bay
Negotiations: Voluntary Purchase and Sale
- **Property: Lease Site 110/110W-112/112W; 1185 Embarcadero**
Negotiating Parties: GAFCO and City of Morro Bay
Negotiations: Lease Terms and Conditions

The meeting adjourned at 5:50pm.

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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
	Jamie Boucher	City Clerk
	Eric Endersby	Harbor Operations 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
	Kathleen Wold	Planning 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 Shultz reported that City Council met in Closed Session and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

Bruce Gammel owner of Bella Vinos, provided the City local business report. He, along with his partner Kathy Cohen, has opened the newest wine and cheese bar in Morro Bay. It is a 21 and over establishment boasting over 100+ wines, has flexible hours, provides rides home if necessary, and offers a very friendly atmosphere. He thanked Morro Bay for allowing them to be a part of our City.

Christine Johnson, President of Morro Bay Friends of the Library, wanted to invite the entire community to the library on January 15th for a Celebration of Life for Jane Bailey who was instrumental in the building of the library. She also announced that the Friends of the Library is celebrating their 30th anniversary this year. As a board member of the 4th of July committee, she also announced the tentative line-up for their event; there will be an Amp Surf Event, Bike Parade, Skateboard Event, and a family friendly day with food, music and

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fireworks. In an attempt to keep the tourists in town, they have also scheduled a Beerfest for Saturday, July 7th.

Barry Brannon stressed the need for water conservation. He is hopeful that when the wastewater treatment plant is built, that it will include a water recycling component which he feels can help with our water supply problem. If we were to be able to recycle the water into the valley we would be able to access more of our available water.

Anya O'Toole, a local 9 year old, announced that she and her grandmother will be opening up a new shop in Morro Bay at 600 Morro Bay Blvd on January 14th called Ruby Dragon. They will sell rocks, crystals, jewelry and gifts as well as feature local artists and crafts.

Krista Kendall is concerned that Council is not listening to the public regarding the Cerrito Peak project. While she respects the fact that Mr. Reddell owns the property, she is baffled that, especially with the Coastal Commission's most recent letter, 4 members of the Council didn't vote to proceed with an EIR of the project. She is pleased that the City is discussing a possible purchase. She also feels that the audience should be able to clap for those issues/statements that they believe in.

Betty Winholtz spoke on agenda item A-5 (Financial Reconciliation of the Harborwalk Project and Reallocation of Excess Revenues), she feels that if there is an excess of monies, they can be put towards restoration/rehabilitation of the dunes habitat. She also announced the passing last Sunday of Candace Vivatoc, a 35 year resident, who strove to maintain the heritage of Morro Bay. In closing, she spoke of the IWMA meeting being held on Wednesday, January 11th. They will be conducting a vote on whether or not to move forward with an Ordinance that would ban single use bags in the County. Ms. Winholtz hopes that Councilmember Borchard will change her vote that she announced last week and honor our environment.

Christine Rogers, Program Manager for the Economic Vitality Corporation, presented an Update on Economic Strategy Programs.

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 APPROVAL OF CITY COUNCIL MINUTES FOR THE REGULAR MEETING OF
DECEMBER 13, 2011; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

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A-2 RESOLUTION NO. 01-12 ADOPTING THE CITY OF MORRO BAY INVESTMENT POLICY AND DELEGATING AUTHORITY TO THE CITY TREASURER TO INVEST IDLE FUNDS; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 01-12.

A-3 RESOLUTION NO. 02-12 ADOPTING THE HARTFORD DEFERRED COMPENSATION PLAN; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 02-12.

A-4 RESOLUTION NO. 03-12 APPOINTING JAMIE BOUCHER AS CITY CLERK FOR THE CITY OF MORRO BAY; (ADMINISTRATION)

RECOMMENDATION: Adopt Resolution No. 03-12.

A-5 FINANCIAL RECONCILIATION OF THE HARBORWALK PROJECT AND REALLOCATION OF EXCESS REVENUES; (PUBLIC SERVICES)

RECOMMENDATION: Direct staff to reallocate excess revenues from the Harborwalk project as outlined below.

A-6 CITY COUNCIL ANNUAL MEETING SCHEDULE – 2012; (ADMINISTRATION)

RECOMMENDATION: Adopt the proposed meeting schedule for calendar year 2012.

A-7 APPROVAL OF A SUBLEASE AGREEMENT FOR A PORTION OF LEASE SITE 87-88/87W-88W, LOCATED AT 833 EMARCADERO BETWEEN VIOLET LEAGE AND BARRY LAMBERT, DOING BUSINESS AS THE CANNERY RESTAURANT; (HARBOR)

RECOMMENDATION: Adopt Resolution No. 04-12, approving the sublease agreement for a portion of Lease Site 87-88/87W-88W between Violet Leage and Barry Lambert, doing business as The Cannery Restaurant.

Councilmember Smukler pulled Item A-5 from the Consent Calendar; Mayor Yates pulled Item A-7.

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

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A-5 FINANCIAL RECONCILIATION OF THE HARBORWALK PROJECT AND
REALLOCATION OF EXCESS REVENUES; (PUBLIC SERVICES)

Councilmember Smukler asked staff to explain the reallocation of funds – are there steps of restoration?

Utilities/Capital Projects Manager Dylan Wade responded by going over the excess revenues/reallocations of revenues as well as restoration efforts the City has made on this project.

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

A-7 APPROVAL OF A SUBLEASE AGREEMENT FOR A PORTION OF LEASE
SITE 87-88/87W-88W, LOCATED AT 833 EMARCADERO BETWEEN VIOLET
LEAGE AND BARRY LAMBERT, DOING BUSINESS AS THE CANNERY
RESTAURANT; (HARBOR)

Mayor Yates pulled this item in order for Councilmember Leage to step down due to a conflict of interest.

Councilmember Leage stepped down from the dais.

MOTION: Councilmember Johnson moved the City Council approve Item A-5 of the Consent Calendar. The motion was seconded by Councilmember Borchard and carried with Councilmember Leage abstaining. (4-0-1)

Mayor Yates called for a break at 6:56 p.m.; the meeting resumed at 7:17 p.m.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 B-1 REVIEW AND PROVIDE RECOMMENDATIONS FOR THE CITY OF
MORRO BAY SIGN CODE BASED ON WORKSHOP AND SURVEY RESULTS;
CONTINUED FROM DECEMBER 13, 2011; (PUBLIC SERVICES)

This item was continued from the December 13, 2011 City Council meeting. Public Services Director Rob Livick stated that it was staff's goal to get direction from the City Council before taking this item back to the Planning Commission for Ordinance development. Results from the Sign Ordinance workshops held last Fall suggested the following: most people feel the current Ordinance isn't working; there should be different rules for different geographical areas in the City; minimize signs in residential areas; A-frame signs and banners might be appropriate in certain areas of the City; there should be an allowance for

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multiple types of signs; and, signs should promote the Morro Bay experience and as well as promote Morro Bay businesses.

Mayor Yates opened the hearing for public comment.

John Barta, a former City Planning Commissioner, wanted to make 2 points: we do have an Ordinance that is capable of being enforced; and, signage is critical to Morro Bay, it is how we are going to be perceived for decades. He thinks there are 2 models we can choose from: take the existing Ordinance and try to fix it up OR start something brand new and make a better product in the end. He also suggested not getting into all the small details tonight, instead direct staff to take the 2004 Planning Commission report and work on it piece by piece, on a schedule, and then bring back for review on a periodic basis.

Kim VanNordstom wondered if we would be enforcing the Sign Ordinance with City signage as well.

Mayor Yates closed the hearing for public comment.

Mayor Yates feels that the cleaner the town, the more inviting it will be and as such is a proponent of enforcing the Sign Ordinance that we have. He feels we need to remove all banners, especially from view sheds. He would like to focus the evening discussion on banners; he feels the banners are out of control downtown. He would also like to discuss zones. As far as the rest of it, send it to the Planning Commission to work out the details.

Councilmember Smukler attended the site workshops and received input from the public. He is concerned that if we attempt to enforce the existing Ordinance, we will be throwing fuel on the fire – “one size doesn’t fit all”. One major conclusion he has is that each district has different needs, if we enforce the existing ordinance, we will have problems. He also suggests finding a place that we can have a community bulletin board to give local organizations the opportunity to advertise their events.

Councilmember Leage disagrees. He was happy to see the removal of the A-frame signs and feels that we will get the same thanks if we also remove the banners. He feels that they cheapen the town.

Councilmember Johnson wants to ensure we have an Ordinance that is clear and simple enough to understand and enforce; feels it would help the process to have it become a part of the building permit process; would like public banner spaces for Morro Bay Non-profits only; wants to address informational signs; agrees that A-frame signs were clutter and is happy to see them gone; and, has divided the City into 3 areas/districts – Highway Commercial, North Morro Bay/Quintana Road and the Embarcadero. In the Highway Commercial District she would like to see business directory signs, awning signs, wall signs, and/or feather signs which could be tied to the Business License process to ensure they are

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being kept in good condition. In the North Morro Bay/Quintana District she would like to see the opportunity for signage such as pub signs, awning signs, wall signs and/or business directory signs based on business type and or location in the City. On the Embarcadero she would like to see pub signs, wall signs awning signs and business directional signs. Monument signs – sometimes called Statuary signs – that aren't obstructive should be allowed because they bring people into their businesses. Corner signs should be permitted but don't want to have on every corner; window signs need to be limited as to allow people to see inside; and she doesn't feel you should be able to park a vehicle advertising a business on the street for advertising purposes only.

Councilmember Borchard doesn't want selective enforcement. While she has a problem with banners, we need guidelines for enforcement. Doesn't feel it is right to only enforce the banner section when there are many other sign enforcement issues to look into. Does feel it was very good to have the A-frame signs removed. She thinks that anything from the workshops that received minimal or less than 50% support, don't get Council consideration. She feels it would be beneficial for business owners if the City had a sign manual to hand out, maybe during the business license process, that would give an applicant information so that they don't spend money unnecessarily. With Council support, she would like to include a discussion on boat signs. Loves the concept of business directory signage.

Mayor Yates agreed that selective enforcement isn't the answer. He would be a proponent of enforcing a "no" banner rule with the exception of a twice a year for 30 days to advertise something special as is currently allowed. He is not supportive of any "moving" signs. He is in agreement that any advertising of events should be for Morro Bay events only. He also feels that we have the enforcement resources to enforce the banner/flag/moving sign portion of the Ordinance. He also has always had the feeling that Morro Bay should be divided into 4 zones, not 3 zones: Quintana, North Morro Bay, Downtown and the Embarcadero.

Councilmember Smukler isn't comfortable with enforcing an Ordinance that we haven't even created yet. Would also rather leave the zone issue on the table and allow the Planning Commission to make those recommendations. He would be willing to talk about non-profit advertising in public spaces.

There is majority support from Council to have staff send out a letter to business owners regarding the enforcement of the entire Sign Ordinance.

MOTION: Councilmember Johnson moved the City Council, based on the recommendations of the workshop, the survey results, the recommendations that were made tonight, as well as the information from the 2004 Planning Commission Report, forward the Sign Ordinance to the Planning Commission and Public Services Department for a rewrite. The motion was seconded by Mayor Yates unanimously. (5-0)

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C. UNFINISHED BUSINESS – None.

D. NEW BUSINESS

D-1 APPROVAL OF THE MARKETING PLAN FROM BARNETT COX AND ASSOCIATES; (ADMINISTRATION)

Shari Clark from Barnett Cox and Associates gave a short presentation on the Draft Marketing Plan. She stressed that it was the first marketing plan in quite some time. The plan reflects work started over 6 months ago and much of the information that is in place was gleaned from the stakeholders' workshop. Barnett Cox and Associates is in the process of creating a new website which has a March 12th proposed launch date. It is their plan to update the Marketing Plan every year.

Council unanimously voiced their pleasure with the product and look forward to moving forward.

MOTION: Councilmember Borchard moved the City Council approve the Marketing Plan as attached and presented. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

D-2 REQUEST FROM THE MORRO BAY HARBOR FESTIVAL TO WAIVE THE CITY SERVICES COSTS FOR THE 2011 MORRO BAY HARBOR FESTIVAL EVENT; (ADMINISTRATION)

There was no action taken on this item as it was pulled prior to the meeting.

D-3 REVIEW OF THE PUBLIC ART PROPOSAL FROM THE MORRO BAY ART FOUNDATION FOR THE BUS SHELTER AT CITY PARK; (ADMINISTRATION)

City Manager Lueker gave a short presentation on the artwork being proposed for the City Park Bus Shelter as requested by the Morro Bay Public Art Foundation.

Council unanimously gave their support to this project and look forward to seeing it at its completion.

MOTION: Councilmember Smukler moved the City Council approve the Art Project as submitted by the Morro Bay Public Art Foundation to paint a mural on the City Park Bus Shelter and accept the art donation. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

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D-4 REVIEW OF THE PUBLIC ART PROPOSAL FROM THE CENTRAL COAST
WOMEN FOR FISHERIES FOR A SCULPTURE PROJECT TO BE LOCATED
AT THE MORRO ROCK TARGET ROCK AREA; (ADMINISTRATION)

City Manager Lueker gave a short presentation on the artwork being proposed for the Target Rock area as requested by the Central Coast Women for Fisheries (CCWF).

Councilmember Smukler stated that this is a fine addition to Community Public Art and glad to see volunteers will be involved in the maintenance and upkeep.

Councilmember Borchard thanked all the volunteers for all their work on this project; it is nice to see families of the Commercial Fisherman so involved.

Council unanimously gave their support to this project and look forward to seeing it at its completion.

MOTION: Councilmember Borchard moved the City Council approve the Art Project as submitted by the Central Coast Women for Fisheries (CCWF) for a sculpture project to be located in the Target Rock area and accept the art donation. The motion was seconded by Councilmember Johnson and carried unanimously. (5-0)

D-5 APPOINTMENT OF VICE-MAYOR AND APPOINTMENT OF
REPRESENTATIVES ON DISCRETIONARY BOARDS, COUNCIL LIAISON
ASSIGNMENTS AND COUNCIL SUB-COMMITTEES; (MAYOR)

Mayor Yates provided the Council with his proposed 2012 appointments of representative on the area's Discretionary Boards, Council Liaison Assignments and Council Sub-Committees.

MOTION: Councilmember Leage moved the City Council approve the 2012 Council member appointments as proposed. The motion was seconded by Councilmember Johnson and carried unanimously. (5-0)

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Smukler requested to agendize phonebook distribution as he'd like to limit excessive distribution; Councilmember Borchard and Councilmember Johnson concurred.

Councilmember Smukler requested a follow-up on the possibility of a Community Bulletin Board and would like to see a concept come back from staff with input from the Chamber; Councilmember Leage and Mayor Yates concurred.

Mayor Yates requested to agendize a discussion on the Homeless situation in Morro Bay; Councilmember Borchard and Councilmember Johnson concurred.

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Councilmember Borchard requested to agendize an informational item from the Fire Department regarding the Sprinkler Ordinance as it relates to residential vs commercial as well as Morro Bay vs State regulations; Mayor Yates and Councilmember Smukler concurred.

ADJOURNMENT

The meeting adjourned at 9:11p.m.

Recorded by:

Jamie Boucher
City Clerk