

**AGENDA NO: A-1a**

**MEETING DATE: 04/10/2012**

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MARCH 27, 2012  
VETERAN’S MEMORIAL HALL – 6:00P.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
	Jamie Boucher	City Clerk
	Rob Livick	Public Services Director
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Eric Endersby	Harbor Operations 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 – There was no Closed Session Meeting held this evening.

PUBLIC COMMENT

John Solu, as a member of the Harbor Festival Board, introduced Steve Buffalo, the new Executive Director of the Harbor Festival / Music Festival.

Steve Buffalo announced the entertainment lineup for the Morro Bay Music Fest which is being held on Saturday, June 2, 2012 from 11am-7pm. He also is excited for the Harbor Festival, being held the first weekend in October; he has already received tremendous community support. He feels this is one of the premier events on the Central Coast. These events have incredible value to a community’s self-esteem as well as to the non-profit groups who benefit from working them.

Penny Herrington, owner of Ruby Dragon, along with her granddaughter Anya O’Toole, provided the City local business report. Located at 600 Morro Bay Blvd, Ste. C, Ruby Dragon carries a variety of gift items to include spheres, rocks, magic wands, crystals, fossils, note cards, sun catchers, dragon bracelets, antique vases, candles, etc... They are also going to be starting a Rock Hound Group.

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Hank Roth spoke on behalf of the Chamber of Commerce advertising the following upcoming events: Emergency Vehicle Car Show on April 21<sup>st</sup>, the Blessing of the Fleet on April 22<sup>nd</sup>, the Morro Bay Kite Festival on April 28<sup>th</sup> & 29<sup>th</sup> and the Celebrate Morro Bay Parade on April 28<sup>th</sup>. You can contact the Chamber of Commerce for additional information at 772-4467.

Mandy Davis congratulated Jeremiah and Trudy O'Brien for their well-deserved plaque of appreciation. She also spoke out against her removal from the Harbor Advisory Board due to too many absences. Based on her personal circumstances, she had expected the City to respond in a more human way.

Betty Winholtz asked that Item A-1, the March 13, 2012 Minutes, be pulled as her comments weren't reflected accurately. In her public comment she requested the second sentence "She encouraged people sending letters..." replaced with "the City Council to send a letter..." to President Obama regarding the Kony2012 issue. She also acknowledged Tom Laurie's recent passing. She also echoed Mandy Davis's comments on her Harbor Advisory Board appointment.

John Lewan, President of the Morro Bay Police Department Volunteer Program advertised the upcoming Citizen's Academy which begins on Thursday, April 26<sup>th</sup>. He invited the public to attend. It is a 9 week program, they meet every Thursday from 6-9pm and review "all there is to know" about our local Police Department. Applications can be found at the Police Department.

Garry Johnson also praised Jeremiah and Trudy O'Brien for all their hard work – "you couldn't ask for nicer people". He also stated he supported Joan Solu for Council as she has been an active advocate for Morro Bay in a variety of organizations.

Michele Arete commented on 3390 Main Street. She thanked the City Council for upholding the 2010 permit for the project. She also stated that they will continue to monitor the project to ensure compliance.

Gary Christianson thanked Chief Tim Olivas personally for the service he has given and is sad to see him leave. He encouraged staff to look for similar characteristics and traits that Tim possesses when filling the position.

Dawn Bea, Cloisters resident, commented on the Cloisters Assessment District and while she appreciates the current work being done on the parkways, she feels that more needs to be done. She wished that earlier outsourcing of the work on the parkways had taken place.

Susan Stewart presented a brief report of the Community Promotions Committee's final meeting. She gave a brief history of the accomplishments of the committee over the last year. At this meeting they elected to use unencumbered capital and granted money to the Outdoors Writer's Conference, the 4<sup>th</sup> of July Committee and the movie "Botso", all she hoped would have long term and far reaching benefits to the community. She also asked that Council consider the following make-up of the 9 member Tourism Board: 2 hoteliers (one private and one franchise business), 1 restaurateur, 2 retailers from different parts of town, 1 recreation or outdoor activities, 1 non-hotelier lodging, 1 events, and 1 arts. This will provide for a diverse board. She

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also supports a strong economic development or enhancement program supported by the City. Finally, she expressed the committee's appreciation for the time they had to serve Morro Bay and they have great hopes for our future.

Janice Peters concurred with Susan Stewart's thoughts on the diverse make-up of the Tourism Board as well as support for economic development. In addition, she advertised the Morro Bay Fundraiser Follies which is being held at the Veteran's Hall on Saturday, April 14<sup>th</sup> with 2 shows – one at 2pm and one at 7pm. Cost is \$15/adults and \$5/ seniors and children. She also commended Tim Olivas for his positive influence on the community.

Barry Brannon gave his status on the wastewater treatment plant. He is concerned that the JPA has hired a lobbyist. He also feels we can save money by moving the plant. He feels we can develop the current site into a money making venture.

Brian Stacy thanked Jeremiah and Trudy O'Brien for all their hard work. He also thanked Tim Olivas and hates to see him go. He spoke on the PG&E Seismic Study which he feels was done very poorly. He also encouraged local residents to look at the EIR report and make sure everybody gets their comments in before the deadline to respond.

Joan Solu thanked Tim Olivas for all his community service work.

Ed Sylvester hoped that when DirectTV's contract with the City was up for renewal that we could ensure that they provide a local government channel.

Bryan Millard spoke in support for the Proclamation for Telecommunications and wanted to publicly thank our dispatchers for all their hard work. He also thanked Tim Olivas for his mentorship – "can't have asked for a greater boss".

Jim Hayes has represented the City for the last 31 years and hopes to be able to continue to do so in the role of Councilmember.

Mayor Yates closed the public comment period.

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 MARCH 13, 2012; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY DECLARING THE WEEK OF APRIL 8-14, 2012 AS "NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK"; (POLICE)

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**RECOMMENDATION: Adopt Proclamation.**

A-3 A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY DECLARING APRIL 2012 AS “AUTISM AWARENESS MONTH”; (ADMINISTRATION)

**RECOMMENDATION: Adopt Proclamation.**

A-4 RESOLUTION 15-12 STATING THE IMPORTANCE OF KEEPING MORRO STRAND STATE PARKS CAMPGROUND OPEN; (ADMINISTRATION)

**RECOMMENDATION: Review and approve Resolution.**

A-5 ADOPTION OF ORDINANCE 576 AMENDING MORRO BAY MUNICIPAL CODE CHAPTER 17.48.32, SECONDARY UNITS, SPECIFICALLY MINIMUM AND MAXIMUM FLOOR AREA, ARCHITECTURAL COMPATIBILITY, PARKING AND CONDITIONAL USE PERMIT; (PUBLIC SERVICES)

**RECOMMENDATION: Adopt Ordinance 576.**

Councilmember Smukler pulled Item A-5 from the Consent Calendar; Mayor Yates pulled Item A-1 from the Consent Calendar.

MOTION: Councilmember Borchard moved the City Council approve Item A-2, A-3 and A-4 of the Consent Calendar. The motion was seconded by Councilmember Johnson and carried unanimously 5-0.

Mayor Yates pulled Item A-1 and requested staff to listen to Ms. Winholtz’s public comments and bring the minutes back to the next meeting for adoption.

MOTION: Councilmember Borchard moved the City Council approve Item A-5 of the Consent Calendar. The motion was seconded by Councilmember Johnson and carried 4-1 with Councilmember Smukler voting no.

Mayor Yates called for a break at 7:01 p.m.

**B. PUBLIC HEARINGS, REPORTS & APPEARANCES**

B-1 REVIEW OF DRAFT AMENDMENTS TO CHAPTER 9.24 OF THE MORRO BAY MUNICIPAL CODE ENTITLED SECONDHAND SMOKING REGULATIONS; (CITY ATTORNEY)

City Attorney Rob Schultz presented his staff report. He has some modifications that he already would like to make to the Ordinance. He needs to correct “W – Tobacco product” of the definitions list which he wants to take out and present when we propose the tobacco licensing/sales section. He doesn’t believe the entire “laundry list” found in Section 9.24.040 is

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necessary and instead feels that that list should be less specific. He stressed that there are 2 exemptions to public area smoking: when a person is passing from one destination to another; and, if you are in an area and due to the time of day it isn't reasonable to expect another person to arrive. He also stressed that this is a draft only and that it will still come back for an Introduction and First Reading.

Councilmember Smukler asked for information on the enforcement component of this to which Chief Olivas stated that there would be passive enforcement – in essence people enforcing each other. This will also fall under the admin cite process which requires a first warning before citing.

Mayor Yates opened the hearing for public comment.

Wayne Hansen, Co-Chair of the County Tobacco Control Coalition spoke in favor of the City moving forward with this ordinance. He also said that they would like to offer their assistance in the process in whatever way they can.

Gary Christianson spoke out against the smoking ordinance. He feels we are being over-regulated. He also finds second hand smoke studies suspicious – from personal experience, he isn't sure that second hand smoke is as dangerous as people would have us believe. He also sees this as a possible nightmare to both implement and enforce.

Kathleen Carly, County of SLO, Health Promotion stated that studies show that there isn't a negative financial impact on businesses with the passage of a smoking ordinance. She also states that research is clear on tobacco; tobacco kills and second hand smoke kills. Her department can offer us education, free stop smoking classes, free patches for those who qualify, notification of merchants should the tobacco licensing begin, and possibly some money for signage. 90% of the residents in our County don't smoke – she asked Council to consider that majority when you are deliberating tonight.

Marissa Lutz would love to see a Second Hand Smoking Ordinance enacted as it would decrease smoke exposure as well as improve the beauty of the town.

Melissa Peters with the County Tobacco Control Program read a letter to all the Councilmembers from the Health Commission – The First 5 Commission - showing support of the proposed Ordinance.

Dr. Patrick Vaughan has been a doctor serving Morro Bay for over 30 years and wants to offer his professional opinion – there are 3 ways to decrease the use of tobacco - stop using tobacco products, raise the cost of tobacco products and/or affect where people can utilize the product. He enthusiastically supports the Ordinance.

Susan Stewart, a Morro Bay business owner, has had issues with smoke going into her storefront. She also has first-hand knowledge of what smoke can do those with asthma. She feels that overall, as a community, we can be proud of moving this forward.

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Mayor Yates closed the hearing for public comment.

Councilmember Borchard thanked Councilmember Johnson for bringing this forward and wants to support this, utilizing passive enforcement. She is in support of moving forward. She does however want to remove construction sites on private property from the list of “no smoking allowed” areas.

Councilmember Johnson restated that many tourist towns have already adopted smoking ordinances – Newport Beach, Carlsbad and Carpenteria to name a few. She doesn’t feel that you can ever have too much regulation when it comes to health concerns.

Mayor Yates gets a different perspective when talking to business owners. Prohibiting smoking on sidewalks and outside of bars are the only places he has a problem with this. He is not sure why we are outlawing smoking in places where it’s already not allowed. He has concerns about this being unfriendly to tourists. He requests that the draft ordinance come back one more time for review prior to it coming back in introduction and first reading form.

Councilmember Leage agrees with Mayor Yates. He has witnessed the effect of “no smoking” on businesses; it has affected his restaurant/bar in a negative monetary way. He also feels that today’s smokers are more and more conscientious of their smoking. He feels we really don’t have a problem and instead are creating one.

Councilmember Smukler had questions about the licensing component as well as the community service component.

MOTION: Councilmember Johnson moved the City Council direct staff to return this item with the discussed changes for Introduction and First Reading at the next available meeting. The motion was seconded by Councilmember Smukler and carried 3-2 with Mayor Yates and Councilmember Leage voting no.

C. UNFINISHED BUSINESS

C-1 REVIEW OF CLOISTERS ASSESSMENT DISTRICT PARKWAY RENOVATION PROGRAM; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods presented his staff report on the Cloisters Assessment District Parkway Renovation Program. This program was initiated based on feedback from residents of the Cloisters District regarding the condition of many parkways. As an outcome of those discussions, staff proceeded to investigate, compile data and then as a result, began the renovation work which is scheduled to be completed by the end of March. Parkway maintenance will be outsourced through June. Mr. Woods hopes to be able to outsource the bulk of the Cloister Maintenance next fiscal year.

Councilmember Smukler is happy to see the City’s commitments to the homeowners of the Cloisters are being met.

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Councilmember Johnson had some questions on grasses. She also wondered why we didn't go through an RFP process to which Mr. Woods responded that we were in a time sensitive situation.

Councilmember Borchard was glad to see that the residents appreciated the new and improved lines of communication. She hopes we go out for an RFP for the maintenance in the coming fiscal year.

Mayor Yates had a concern about the maintenance calendar to which he was assured that maintenance would be ongoing.

This was an informational item only and as such, no action was taken.

D. NEW BUSINESS - NONE

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Borchard requested a letter in regard to the Draft EIR for the PG&E Seismic Study; all Councilmembers concurred.

Councilmember Borchard requested a discussion on the presentation of the 2012-2013 Fiscal Year Budget; Mayor Yates and Councilmember Johnson concurred.

Councilmember Johnson requested an informational item on the new SoCal Gas meters; Mayor Yates and Councilmember Smukler concurred.

Councilmember Johnson requested a Resolution opposing expansion into the Marine Sanctuary; all Councilmembers concurred.

Councilmember Leage requested a discussion on local Sport-fishing businesses; all Councilmembers concurred.

ADJOURNMENT

The meeting adjourned at 8:46 p.m.

Recorded by:

Jamie Boucher  
City Clerk