

AGENDA NO: A-1

MEETING DATE: 05/08/2012

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 24, 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
	Mike Lewis	Interim Police Chief
	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 – City Attorney Robert Shultz reported that City Council met in Closed Session and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

Ethan Pettinger, owner of the Flooring Discount Center located at 787 Harbor, presented the Morro Bay Business report. Mr. Pettinger, a 5th generation Morro Bay resident, has been in the flooring business for over 19 years. He promises the best deals and even gives additional discounts to all military, law enforcement and fire personnel. Their hours are Mon thru Fri 9am-5pm; Sat 10-3pm; and Sun by appointment. He encouraged everybody to shop local.

Ken Vesterfelt praised the efforts of those involved with the 2nd Annual Emergency Car Show. There was great cooperation and great exposure for the City. He announced the upcoming Cruisin’ Morro Bay Car Show being held on Friday, May 4th – Sunday, May 6th. The event boasts of over 500 cars and the event supports the community and local business. He also announced the upcoming Annual Tip-a-Cop dinner on Friday, May 18th at the MB Community Center supporting Special Olympics. Tickets can be purchased at the Police Department. Lastly, he requested that dog owners be more responsible – clean up after your pet.

Garry Johnson presented pictures of former Chief of Police, Tim Olivas’s swearing in as Under-Sherriff as well as the swearing in of Morro Bay’s Interim Police Chief, Mike Lewis. He also reiterated the need for civility in this year’s campaigns.

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Elaine Giannini spoke on the homeless situation in Morro Bay. She also recognized many local residents and businesses who serve meals to the 20+ Morro Bay homeless. They currently serve 9 meals a month but have a goal of 1 meal a day, every day. She feels the homeless deserve to be treated with dignity and that we should be providing them the services that we can.

Geiska Baker Velasquez, Regional Transportation Planner with SLOCOG presented May 2012 as Bike Month. There are a variety of programs available throughout the month in order to participate individually or as a group. You can view those offerings at www.rideshare.org/ and go to “calendar”.

Annika Velasquez, invited everybody to a fun event being held on May 5th – Cycle de Mayo which is a Youth Bicycle Derby and Rodeo being held at the Montessori Youth Center from 11am-2pm.

Craig Schmidt urged the Council to put the Visitors Center contract back out to bid through an RFP process. On behalf of the Chamber, he also advertised Morro Bay’s upcoming event – Annual Morro Bay Kite Festival and Celebrate Morro Bay Parade being held on Saturday, April 28th and 29th. He also thanked all the event sponsors for their generosity.

John Shoals, as a representative of PG&E, spoke regarding item A-4 - Approval of Comment Letter to The State Lands Commission Regarding the Draft Environmental Impact Report for the Central Coastal California Seismic Imaging Project stating that while there will be impacts to the commercial fishermen, they have been made a part of this process; that a communication plan is being developed; that Morro Bay will remain open during the survey and this project shouldn’t impact vessels in and out of the harbor; and that the 82 days should be looked at as a window and that the actual time will be 41 days.

Jeremiah O’Brien also spoke on Item A-4, stating that PG&E has not been in touch with the Morro Bay Fisherman’s Organization, the Board or their Counsel with regards to this project. He also wanted to reiterate that the Commercial Fishermen’s industry is not in decline as PG&E reported and instead is making significant growth both in numbers and dollars. He also expressed his thanks to Council for writing the response letter.

Brian Schrier spoke on item C-1 regarding the Secondhand Smoking Ordinance. He hoped that Council would reconsider the proposed Ordinance and say instead that smoking would not be allowed within 20 feet of any open doorway.

Jamie Irons commended the Council on the letter to the Land Commission. He also spoke on the homeless situation and reaffirmed that it is a situation that needs to be addressed.

Janice Peters thanked all those who came and participated in the Fundraiser Follies. She also encouraged Council to put out an RFP for the Visitors Center which would allow anyone interested in the contract have the opportunity to apply.

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Joel Anderson spoke on the Secondhand Smoking Ordinance; he was upset at the potential financial impacts a licensing component would have on local businesses. He also felt that this type of regulation invades a person's personal freedom.

Chris Christiansen spoke on item D-4, the Restriping of Market Street for Diagonal Parking. He hopes Council will give serious consideration to the restriping proposal as he feels that intersection is an accident waiting to happen and this will alleviate that potential.

Betty Winholtz spoke on several items. Item A-4, Letter to the State Land Commission regarding the Seismic Study, the only comment she didn't see in the letter is in regard to the breadth of the study that PG&E is doing. Regarding D-6, the Homeless Situation in Morro Bay, she is concerned there is no reference to CAPSLO or any of the homeless agencies in the County that could be helpful in this situation. Her main concern was with regards to Item D-2, the Unfriendly Sidewalks in Morro Bay. She is unsure of the intent of the staff report and was concerned with the lack of detail with both location and policy. She suggested some items to be addressed be prioritization of sidewalks for repair; when and where is it appropriate to increase a 5 foot sidewalk to 10 feet; and the materials used in their construction.

John Barta thanked staff for awarding and moving forward with the street rehabilitation contract. He also thanked staff for writing and sending the letter to the State Lands Commission regarding the Draft Environmental Impact Report for the Central Coastal California Seismic Imaging Project. He also spoke on the Secondhand Smoking Ordinance and hoped that we do not go down the road of selective enforcement and instead be fair.

Susan Stewart also spoke on the Secondhand Smoking Ordinance as she too would hate to see anybody's business impacted by higher fees. She suggested that for those business owners who are sensitive to the possibility of smoke entering their business, that they take some proactive measures and place friendly "please don't smoke" signs in front of their business.

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 APRIL 10, 2012; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 A PROCLAMATION DECLARING MAY 2012 AS BIKE MONTH; AND MAY 14 TO MAY 18, 2012 AS BIKE TO WORK AND SCHOOL WEEK; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

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A-3 AWARD OF CONTRACT TO INTERNATIONAL SURFACING SYSTEMS OF WEST SACRAMENTO, CA FOR THE PROJECT NO. MB-2012-S2: 2012 STREET REHABILITATION PROGRAM”; (PUBLIC SERVICES)

RECOMMENDATION: Award Project Contract to International Surfacing Systems.

A-4 APPROVAL OF COMMENT LETTER TO THE STATE LANDS COMMISSION REGARDING THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CENTRAL COASTAL CALIFORNIA SEISMIC IMAGING PROJECT; (CITY ATTORNEY)

RECOMMENDATION: Review and authorize staff to forward letter on.

A-5 QUARTERLY FINANCIAL STATUS REPORT FOR THE FISCAL YEAR ENDED MARCH 31, 2012; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Accept the report as presented.

A-6 UPDATE ON CURRENT LEGISLATIVE BILLS PENDING IN SACRAMENTO AND REPORT ON CALIFORNIA LEGISLATIVE ACTION DAYS; (CITY ATTORNEY)

RECOMMENDATION: Review the report and if there are any pending Legislative Bills that are of interest or concern, discuss them with the City Attorney.

Councilmember Smukler pulled Item A-4 from the Consent Calendar.

MOTION: Councilmember Smukler moved the City Council approve Items A-1, A-2, A-3, A-5 and A-6 of the Consent Calendar. The motion was seconded by Councilmember Borchard and carried unanimously 5-0.

Councilmember Smukler pulled Item A-4 as he hoped that we could strengthen portions of it, especially as it relates to the lack of communication PG&E has had with our local fishing community and the trickle-down effects of the project on our economy.

All Councilmembers were in favor of strengthening the letter so long as it doesn't delay it being sent. Staff ensured Council that the changes can be made and the letter mailed out by the next business day.

MOTION: Councilmember Smukler moved the City Council approve Item A-4 of the Consent Calendar with the inclusion of the information on the lack of communication as well as the trickle down effects to the economy. The motion was seconded by Councilmember Johnson and carried unanimously 5-0.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES - NONE

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C. UNFINISHED BUSINESS

C-1 ADOPTION OF ORDINANCE NO. 577 AMENDING AND RENAMING MORRO BAY MUNICIPAL CODE CHAPTER 9.24 TO SECONDHAND SMOKING REGULATIONS; (CITY ATTORNEY)

City Attorney Rob Schultz gave a brief presentation, stating that he spoke with the 2 members of the public who spoke out against its adoption, providing them with updated and accurate information.

Councilmember Smukler is still a proponent of passive enforcement and reiterated that this Ordinance should empower people to make a request of a smoker and be legally supported.

Mayor Yates wanted to make note that while this Ordinance doesn't have any reference to a licensing requirement, that that issue is coming to Council at a future meeting.

MOTION: Councilmember Johnson moved the City Council adopt Ordinance 577 amending and renaming Morro Bay Municipal Code Chapter 9.24 to Secondhand Smoking Regulations. The motion was seconded by Councilmember Borchard and carried 3-2 with Mayor Yates and Councilmember Leage voting no.

D. NEW BUSINESS

D-1 RECONSIDERATION OF MOTION #5 MADE AT FEBRUARY 28, 2012 CITY COUNCIL MEETING REQUESTING AN RFP FOR THE VISITOR'S CENTER; (ADMINISTRATION)

City Manager Andrea Lueker presented her staff report stating that at the February 28, 2012 City Council meeting, Council approved 6 separate motions which included Motion #5 which, at the request of Councilmember Borchard, is being reconsidered tonight. Being reconsidered is the potential of putting out a Request for Proposal for the operation of the Visitor's Center.

Councilmember Borchard brought this back for reconsideration as it felt like with all the motions made that evening, they had sole sourced the Visitors Center contract to an unknown yet to be determined entity thru the Tourism Bureau and they also put no dollar amount on it with no parameters for funding. The current contract for the Visitors Center is \$150,000; including \$50,000 from the TBID so she would be looking at putting a limit on the contract at \$100,000.

Councilmember Johnson agrees, especially with the monetary amount. She would like to see a time limit added to the contract whether or not we go with the RFP – something like “for 1 year to be re-evaluated”.

Councilmember Smukler, who voted no on this motion initially, did so because he felt we didn't have any information about a proposal, didn't have dollar amounts, and didn't have a structure

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yet in place. He is very interested in an RFP component but also felt that timing is a concern as we don't want to be transitioning during the peak of the tourist season. This needs to be a fair process, timely and that we get parameters out there so it can be looked at and supported. Based on the calendar of upcoming events, it is his thought that maybe there needs to be concentration on an RFP process and leave the other "moving part" alone for now.

Mayor Yates supports Councilmember Borchard and Councilmember Smukler getting together and to work out something that could be brought back to the next meeting and discussed.

Councilmember Johnson would agree to have Councilmember Borchard and Councilmember Smukler getting together to work on a concise motion. She said that the purpose of the original motion was to get everything under one umbrella.

MOTION: Councilmember Borchard moved the City Council negate Motion #5 as was presented on this item D-1. The motion was seconded by Councilmember Smukler and failed 2-3 with Mayor Yates, Councilmember Johnson and Councilmember Leage voting no.

D-2 REPORT REGARDING THE UNFRIENDLINESS OF SIDEWALKS IN MORRO BAY'S COMMERCIAL AREAS; (PUBLIC SERVICES)

Public Services Director Rob Livick presented his staff report on the status of sidewalks in Morro Bay. The City has a variety of differing sidewalks. The City also has a replacement plan in place. Staff is looking for direction from Council.

Councilmember Smukler requested information on the rubber sidewalks found in some places in Morro Bay. Rob Livick stated that type of sidewalk has a high cost to purchase, install and maintain.

Councilmember Leage brought this item forward due to the problems down on the Embarcadero between Harbor and Pacific Streets. There is no room for people to walk in front of the shops and it has become dangerous. He would like to see parking on the west side of the Embarcadero taken out and the sidewalk widened.

Councilmember Johnson feels the City has a lot of different sidewalk problems; the Embarcadero is just one of them. She would like to see staff come back with a priority list of what we can do with the money we have allocated to fix them.

Mayor Yates thinks we have at least 3 things going on – the Embarcadero, the Beach Street area between Market and Morro and the ones that are in major disrepair that need to be addressed.

Councilmember Borchard also wants to see the list of priorities prior to the budget process so that Council can have input and evaluate, if there are funds available, to begin repairs.

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Council was unanimously in favor of sending this back to Public Services with the understanding that they bring back a report with lists focusing on gap closures, bottleneck areas and tree lifting and repairs hopefully prior to the budget process.

Councilmember Smukler hoped that this report would also incorporate the Pedestrian & Bike Plan elements.

Mayor Yates also encouraged Councilmember Leage meet with Public Services regarding the Embarcadero area as there are funds available that can be sought out.

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

Recreation & Parks Department Director Joe Woods presented his staff report summarizing the various options of solid waste collection opportunities at the Morro Rock parking lot which would be “bird proof” and minimize littering. They are: 1) status quo with closer monitoring during the weekends; 2) Big Belly containers; and, 3) dumpsters developed with slots rather than lids. It is the recommendation of the department to increase awareness with staff working extra weekend hours until we can replace the existing containers with solar powered “Big Bellys”.

Councilmember Johnson promoted shifting part-time employee’s hours so that the area would be covered on Sundays and then attempt to find grant monies to purchase the “Big Bellys”.

Councilmember Leage wondered at what point the “Big Bellys” would pay for themselves; Joe Woods said it would be approximately a year.

Councilmember Smukler stated that the situation that we experienced last summer wasn’t acceptable. He is fully in favor of moving forward with the “Big Bellys”. He would also like to see Sunday garbage removal service starting now.

Council was unanimously in favor of moving forward with expanded service on Sunday’s as well as coming back with a report on the utilization of “Big Bellys” by the second meeting in June.

D-4 PROPOSAL FOR THE RESTRIPIING OF MARKET AVENUE BETWEEN MORRO
BAY BLVD AND PACIFIC FOR DIAGONAL PARKING (APPLICANT: GEORGE
SALWASSER, 781 MARKET AVENUE); (PUBLIC SERVICES)

Public Services Director Rob Livick presented his staff report. Chris Parker, on behalf of George Salwasser, proposes to restripe Market Avenue to include restriping the West side of Market with 11 diagonal parking spaces along with a Trolley/Transit stop. The proposal is being made due to pedestrian safety concerns. The cost for this proposal is to be borne by the Mr. Salwasser. Staff however is not in favor of this request and instead suggest refreshing the pavement markings.

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Mayor Yates doesn't feel we have a safety problem there and in fact feels that backing out of a diagonal parking space at that location is less safe.

Councilmember Leage questioned why the concept hadn't been brought to the Planning Commission first. He too feels it is more dangerous to back out of a diagonal space.

Councilmember Smukler spoke with Mr. Salwasser and he shares the concern for the safety of pedestrians as they cross the street at Morro Bay Blvd. He questioned the ability to create a crosswalk that was more prominent and easier to see.

Councilmember Borchard feels there is a legitimate concern for the safety of pedestrians.

Councilmember Johnson doesn't support diagonal parking and instead wants to look at the big picture to see what we can do to alleviate the safety concern.

MOTION: Mayor Yates moved the City Council deny D-4 for diagonal parking on Market Street and requests staff take whatever action is necessary to improve safety at that intersection. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

**D-5 DISCUSSION ON THE CONCEPT OF A COMMUNITY BULLETIN BOARD;
(ADMINISTRATION)**

At the request of a Councilmember City Manager, Andrea Lueker presented her staff report on the concept of a Community Bulletin Board. Council felt it important to have some kind of signage to advertise upcoming community sponsored events. Currently the City has 4 ways that we currently advertise events - "Welcome to Morro Bay" signs where individual signs can be slid in; City Park banner hanging poles; posting smaller signs on billboards; and, banner hanging at the Community Center. Options for additional advertising include electronic reader boards and/or metal or other suitable material frames that would be permanently fixed to a special event venue for hanging banners on.

Councilmember Smukler would like to say in concept that we are interested in these options but feels it necessary to discuss the issue with the Chamber of Commerce. He feels that the banners need to be affordable, valuable and aesthetically pleasing. He also spoke highly of banners that span the streets like the ones found in San Luis Obispo on Higuera Street.

All Councilmembers were supportive of this concept and gave direction to the City Manager to meet with the Chamber of Commerce to discuss these advertising opportunities to include "over the street" banners. Council requested this to return within 3 months.

**D-6 DISCUSSION ON THE HOMELESS SITUATION IN MORRO BAY;
(ADMINISTRATION)**

At the request of a Councilmember, City Manager Andrea Lueker presented the staff report on the homeless situation in Morro Bay. The Morro Bay Police Department has a "Homeless

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Persons” policy that ensures that the department provides law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. To assist with the implementation of this policy, the Chief of Police designates a member of the department to act as the Homeless Liaison Officer. In addition to the homeless liaison, there are various groups/individuals that provide meals on a regular basis to the homeless living in the creek bed area of Lila Keiser. On February 28, 2012, the Council approved \$8,630 of the 2012 CDBG funds to go to CAPSLO’s Homeless Shelter.

Councilmember Smukler appreciated the efforts of the City’s last Homeless Liaison, retired officer Richard Hannibal. He also knows that we need regional and volunteer resources as well as community input as the City doesn’t have the funding resources to deal with this ourselves.

Councilmember Johnson has had one-on-one dealings with some of Morro Bay’s homeless population. Until recently, those living at the Lila Keiser creek bed haven’t created any enforcement problems. Unfortunately, there has been a recent influx of problematic individuals who have chosen to stay there that has changed the climate. Due to this, there is a very good chance that those living there will need to be displaced and will have no place to go. In her conversations with many of them, they don’t want to go to San Luis Obispo. Dee Torres, the City’s Case Manager for the County is willing to come out and do an outreach to make them aware of what resources are available.

Councilmember Borchard echoes most of Councilmember Johnson’s sentiments. The homeless want a safe refuge. Part of what the Council and the City can do is to lobby the County for expanded services.

Mayor Yates’ focus is on the County services as CAPSLO and HSOC all deal with the homeless. He too has found thru his discussions that most of the homeless actually want to be there as it has become comfortable for them. He is supportive of both Councilmember Johnson via CAPSLO and Councilmember Leage via HSOC working together to try and come up with some viable solutions.

While no action was taken on this item, it was requested by Council to keep this item active on the Agenda Planning Guide.

E. DECLARATION OF FUTURE AGENDA ITEMS - NONE

ADJOURNMENT

The meeting adjourned at 9:56 p.m.

Recorded by:

Jamie Boucher
City Clerk