

AGENDA NO: A-1

MEETING DATE: 07/10/2012

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – JUNE 26, 2012
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 Borchart	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Susan Slayton	Administrative Services Director
	Eric Endersby	Harbor Director

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 one (1) parcel.

- **Property: Sea One Solutions LLC - Lease Site 124-128/124W-128W & 113W**
Negotiating Parties: Neil and City of Morro Bay
Negotiations: Terms and Conditions of Lease

The meeting adjourned at 5:50pm.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 26, 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
	Susan Slayton	Administrative Services Director
	Rob Livick	Public Services Director
	Mike Pond	Fire Chief
	Mike Lewis	Interim Police Chief
	Eric Endersby	Harbor Operations Manager
	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 Shultz reported that City Council met in Closed Session and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

Christian Jacob, speaking on behalf of his son, Dane Jacob, owner of the Red Anchor Charters, a new business in town located in front of Estero Inn. They offer sail boat tours of the bay – “an experience you won’t want to miss” as it gives people a new feeling of the bay as well as the City. They are excited to bring this service to our waterfront.

Larry Newland with the Maritime Museum Association announced that the submarine was here and is parked in the Front Street parking lot. He thanked everybody for coming together to make this happen.

Diana Hotak, an Island Street resident spoke in support of Item D-3, the traffic calming pilot program being proposed. She feels the streets are unsafe and feels this program will help the neighborhood.

Dan Reddell spoke contesting the public comment presented at the June 12th Council meeting by Cynthia Hawley, Attorney for “Save the Park”. Mr. Reddell, owner of the single family residential lot in question, refuted each argument made by Ms. Hawley, point by point, claiming them all false. He encouraged those wanting to read the lawsuit to confirm his allegations, come by his office as he has copies.

Kyle Buller, spoke on the Fuel Dock incident stating that he felt that the actions of the officers were wrong and could have been handled much differently. He asked for an apology from the officers.

Eric Donnelly also spoke on the Fuel Dock incident stating that he feels we need to recognize that we have a problem with some of our officers and urged the City to organize a Police Oversight Commission that would provide for community participation and overall better relations.

Diana Salgado asked people to drive slower, especially up in the Island Streets’ neighborhoods where she and her friends play. She also said that the potholes up in that area create safety hazards.

Betty Winholtz spoke on 3 items the first being the Adoption of the SEIU contract hoping that Council is ensuring that Management and Confidential groups are following in the footsteps of employees paying their own PERS. She also has grave concerns regarding the Harbor Department deficit and feels we are jeopardizing safety by not allowing the Harbor to purchase the needed truck and rescue sled; she opposes the idea of allowing RV’s to park on the Embarcadero and concessionaires at the Rock. She feels instead that we should be looking for revenues with lease holders and dock rentals. And finally she spoke on the Vegetation Management Plan that utility companies are to abide by feeling that the staff report as presented is incomplete.

Nancy Castle spoke advertising the 4th of July event being held at Tidelands Park. You can watch the entire event on slospan.org .

Garry Johnson was afraid that building would actually stop if the “Save the Park” lawsuit prevailed. He is also fearful of the costs of the sewer bills if the wastewater treatment plant was moved.

Jim Hayes thanked his wife and supporters in his bid for a City Council seat in the June 5th election. He also has grave concerns for the City and the ratepayers if the wastewater treatment plant was to be moved. He stated that there are no good logical, economical or environmental reasons to move the plant.

Dana Blair, an employee of the Fuel Dock and working the night of the incident feels that our officers need to conduct themselves more professionally.

Myles Dunn feels like he is a target of the police department and is tired of it. He also feels that poor procedure was used in the Fuel Dock incident.

Chris Christenson is concerned with the “Save the Park” lawsuit in that it may be taking somebody’s private property; he is also disheartened if the threat of stopping building permits is real. He feels that this lawsuit is frivolous and hopes it can be resolved without going to the extreme.

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 JUNE 12, 2012; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD IN THE CITY OF MORRO BAY ON THE 5th DAY OF JUNE, 2012; DECLARING THE RESULTS THEREOF, AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW; (ADMINISTRATION)

RECOMMENDATION: Adopt Resolution 34-12.

A-3 RESOLUTION PROHIBITING STREET WORK IN COMMERCIAL AREAS BETWEEN MEMORIAL DAY AND LABOR DAY; (CITY COUNCIL)

RECOMMENDATION: Adopt Resolution 27-12.

A-4 RESOLUTION NO. 30-12 ADOPTING THE MEMORANDUM OF UNDERSTANDING WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 620, MISCELLANEOUS AND HARBOR SAFETY EMPLOYEES, AND RELATED COMPENSATION; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 30-12, approving the Memorandum of Understanding with SEIU, Local 620.

A-5 RESOLUTION NO. 31-12 AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) FOR THE MORRO BAY SEIU MISCELLANEOUS AND HARBOR SAFETY EMPLOYEES; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 31-12, authorizing paying and reporting the value of EPMC at 0%.

A-6 INFORMATIONAL REPORT ON THE ENFORCEMENT OF LAWS/ORDINANCES GOVERNING SKATEBOARDING; (POLICE)

RECOMMENDATION: Receive and file.

A-7 STATUS REPORT ON THE JODY GIANNINI FAMILY DOG PARK; (RECREATION & PARKS)

RECOMMENDATION: Review the status of the Jody Giannini Family Dog Park and allow staff to continue working with the Morro Bay Pups in providing the operation and maintenance of the off leash dog area within Del Mar Park.

A-8 RESOLUTION NO. 35-12 AUTHORIZING SAN LUIS OBISPO COUNTY ASSESSOR TO ASSESS AMOUNTS DUE ON DELINQUENT SOLID WASTE COLLECTION ACCOUNTS AS TAX LIENS AGAINST THE PROPERTIES; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 35-12.

Councilmember Johnson pulled Item A-6 and Mayor Yates pulled Item A-8 from the Consent Calendar.

MOTION: Councilmember Borchard moved the City Council approve Items A-1, A-2, A-3, A-4, A-5 and A-7 of the Consent Calendar. The motion was seconded by Councilmember Leage and carried unanimously 5-0.

A-6 INFORMATIONAL REPORT ON THE ENFORCEMENT OF LAWS/ORDINANCES GOVERNING SKATEBOARDING; (POLICE)

Councilmember Johnson pulled Item A-6 stating she thinks we need to look at updating the Ordinance as she feels that skateboarding rules should be more like rules pertaining to bicycles. There was no action taken on this item as it will be brought forth as an item in “Future Agenda Items” and dealt with at a future meeting.

A-8 RESOLUTION NO. 35-12 AUTHORIZING SAN LUIS OBISPO COUNTY ASSESSOR TO ASSESS AMOUNTS DUE ON DELINQUENT SOLID WASTE COLLECTION ACCOUNTS AS TAX LIENS AGAINST THE PROPERTIES; (ADMINISTRATIVE SERVICES)

Mayor Yates pulled Item A-8 stating that he would be voting no as he is ethically opposed to placing liens on people’s properties as a result of delinquent garbage bills.

MOTION: Councilmember Borchard moved the City Council approve Item A-8 of the Consent Calendar. The motion was seconded by Councilmember Johnson and carried 3-2 with Mayor Yates and Councilmember Leage voting no.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 RESOLUTION NO. 32-12 DIRECTING THE LEVY OF THE ANNUAL ASSESSMENT FOR THE CLOISTERS LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods presented his staff report.

Mayor Yates opened the hearing for public comment.

Dawn Beattie questioned how long the Cloisters residents were supposed to fund a public park. She is asking the City for two things - invest some general fund monies into Cloister's maintenance and that significant supervision be required by staff with regards to Cloister's maintenance.

Carol Denolfo has owned property at the Cloisters since 2002 and asked staff to consider the following observations – she feels the City spends too much time and money on the public park and not enough on the Cloister properties; safety must come before aesthetics; and, stressed the importance of establishing a reserve fund.

Robert Bacon has lived at the Cloisters for 4 years and has been speaking for the last 3. He is concerned that in May or June there are improvements made to the Cloisters area but after that time, it's back to the same neglect. He would like the citizens who are paying into the assessment have a say in how the money is spent.

Gar Salzky concurs with the previous speakers and feels the biggest problem is lack of communication. He would like to see some changes.

Mayor Yates closed the hearing for public comment.

Councilmember Borchard asked if the residents of the Cloisters had input into the current contract/RFP. Mr. Woods responded that since the Engineer's Report, which was previously approved, dictated the duties outlined in the RFP but that next year input will be taken.

Councilmember Johnson wondered if this year's expenditures allowed for a reserve fund. Mr. Woods responded that this year's monies have been spent but that the bids for the next maintenance year have come in lower than anticipated and as such, should allow for the beginning of a reserve fund.

Mayor Yates stated that he is philosophically against assessments and so will be voting no.

MOTION: Councilmember Borchard moved the City Council adopt Resolution No. 32-12 confirming the levy of assessment for Fiscal Year 2012/13 for the Cloisters Landscaping and Lighting Maintenance Assessment District. The motion was seconded by Councilmember Johnson and carried 4-1 with Mayor Yates voting no.

B-2 RESOLUTION NO. 33-12 DIRECTING THE LEVY OF THE ANNUAL ASSESSMENT FOR THE NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods presented his staff report.

Mayor Yates opened the hearing for public comment; seeing none, Mayor Yates closed the hearing for public Comment.

MOTION: Councilmember Johnson moved the City Council adopt Resolution No. 33-12 confirming the levy of assessment for Fiscal Year 2012/13 for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District. The motion was seconded by Councilmember Smukler and carried 4-1 with Mayor Yates voting no.

C. UNFINISHED BUSINESS

C-1 RESOLUTION NO. 29-12 ADOPTING THE FISCAL YEAR 2012/13 OPERATING BUDGETS; (ADMINISTRATIVE SERVICES)

Administrative Services Director Susan Slayton presented her staff report.

Councilmember Smukler had safety concerns with not purchasing the previously requested truck and sleds for the Harbor Department. Harbor Director Eric Endersby assured Council that they would be fine for the year and in fact had been allocated some monies in a grant and were able to purchase one of the requested sleds.

Council then went through staff's revenue generating ideas for the Harbor Department, item by item.

There was Council majority support for the installation of coin-operated water meters on all domestic water supplies on the T-Piers and Tidelands Side-Tie Dock.

There was not Council majority support to pursue dry storage of boats at the end of the Embarcadero extended near the Fisherman's/Harbor Department Gear Storage at least for now; possibly wait until it is determined what is to happen with the power plant property.

There was Council majority support for the recommendation not to purchase a new truck and replacement rescue sled and instead place those monies into the operating budget. There was no final decision from Council regarding placing the \$10,000 savings from the updated repair estimate for the storage shed roof into the operating budget.

There was a lack of Council consensus about moving the requested \$89,600 from Harbor reserves to the Harbor operating budget; however, it is understood that some Harbor Reserves will have to be used to balance the overall Harbor budget.

There was Council majority support to approach the Coast Guard for reviewing their lease for the use of City property.

Initially the Council majority was not in favor of the pilot project which would allow overnight RV parking along the Embarcadero extended. Councilmember Johnson was a proponent of it as in her research, she has discovered many cities that do this and are making money at it. She also checked with local private RV Park owners and their parks have all recently been full; she also

noted that Morro Strand has been full. After discussion, Council agreed to a study of the pilot project concept, along the Embarcadero extended.

There was not Council majority support for a study to be done to look at the possibility of concessions at the Rock Parking lot area.

There was Council majority support for an RFP for the four existing unused lease sites for development.

Council then discussed staff's request to reclassify a current employee from an Office Assistant IV to a Harbor Business Coordinator. Councilmember Smukler has concerns with reclassifications this year as there is too much uncertainty with the budget which both Mayor Yates and Councilmember Lege concurred with. Councilmember Borchard had concerns with spending the extra monies on the reclassification, if the department needs a Harbor Business Coordinator then maybe it can be accomplished through the Finance Department or by filling the position on a half or three quarter time basis. Mayor Yates doesn't feel the need for the extra position. It was unanimously decided to postpone any decisions on the Harbor Budget and requested it be continued to the July 10, 2012 meeting. Staff is to bring back staffing recommendations at that meeting.

Discussions then moved to the General Fund where staff is requesting the purchase of a new Command Vehicle for the Fire Chief out of the General Government Vehicle Replacement Fund. There was unanimous Council consensus for this purchase.

Councilmember Smukler voiced his continued concerns for spending the \$73,000 in excess reserves on street rehabilitation.

MOTION: Councilmember Johnson moved for approval of Resolution 29-12 adopting all Fiscal Year 2012/13 Operating Budgets with the exception of those pertaining to the Harbor Department and authorized the continuation of the Harbor Departments 2011-12 budgets. The motion was seconded by Councilmember Lege and passed unanimously 5-0.

C-2 PROGRESS REPORT ON THE UTILIZATION OF BIG BELLY GARBAGE RECEPTACLES AT THE MORRO ROCK PARKING LOT; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods presented his staff report. He had a correction to his staff report and instead recommends the implementation of a pilot program whereby the City would purchase 1 big belly garbage receptacle (which would replace 4 garbage cans).

Councilmember Smukler wondered why a pilot program as he is in favor of full replacement at the Rock.

Mayor Yates also would support the full replacement, utilizing reserves, as long as there is a guaranteed plan for the monies to be paid back.

Additional cost information was needed from Morro Bay Garbage Company and as such, no action taken other than to request staff come back to the July 10, 2012 Council Meeting with a

report on the costs and potential savings of purchasing the big belly garbage receptacles. The report should not include panel advertisement potential.

D. NEW BUSINESS

D-1 DISCUSSION OF FY 2012/2013 TROLLEY SEASON; (PUBLIC SERVICES)

Management Analyst Janeen Burlingame presented her staff report.

Councilmember Borchard noted that ridership has been down the last 3 years and as such, why haven't we made any adjustments to the hours of operation. Money saved from these adjustments could have been reallocated to other transit services.

Councilmembers Borchard and Johnson both voiced their frustrations at not having any input to this program, requesting staff bring back a program recommendation early in the calendar year for discussions on the next season's schedule.

Mayor Yates and Councilmember Leage both love the trolley and feel they give Morro Bay a sense of personality.

Councilmember Smukler spoke of the package available to hotels whereby those enrolling/participating allow their customers the ability to ride the trolley for free. Councilmember Leage hoped that this program could also be offered to the local restaurants.

There was no action taken as this item was provided for information only; this item has been added to the City's Agenda Planning Guide on an annual basis to occur at the beginning of each calendar year.

D-2 REVIEW OF REGULATIONS AND POLICY REGARDING VEGETATION MANAGEMENT BY PACIFIC GAS AND ELECTRIC (PG&E) IN PROXIMITY TO THEIR POWER LINE FACILITIES; (PUBLIC SERVICES)

Public Services Director Rob Livick presented his staff report.

Councilmember Smukler was very concerned that the \$50 PG&E provided the City to replant trees that they removed was not close to enough money for the actual replacement and management of the tree's growth. He would like to see this fee increased.

Councilmember Johnson thinks that part of the problem is in the City's planting choices of the past.

ACTION: There was no motion, however City Attorney Rob Schultz volunteered to do research on what other cities are receiving from PG&E for tree removals and then write a memo to Council with the results.

D-3 PILOT NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN ON ISLANDS STREETS; (CITY COUNCIL)

Councilmember Noah Smukler presented the staff report.

Councilmember Johnson had concerns with the amount of staff time that this pilot project might take. Public Services Director Rob Livick hoped that a majority of the staff time needed would be from a free Cal Poly intern with limited time from paid staff. She also questioned why the entire City wasn't included in this study as we have traffic problems in many parts of the City.

Councilmember Borchard sees the value in the concept but thinks that it should be put on the planning track with Public Services where they could evaluate the need.

MOTION: Councilmember Leage motioned that this item be tabled. The motion was seconded by Councilmember Johnson and passed 3-2 with Councilmember Smukler and Councilmember Borchard voting no.

E. DECLARATION OF FUTURE AGENDA ITEMS

Mayor Yates requested a status report on the North T-Pier Project; Councilmembers Johnson and Borchard concurred.

Councilmember Johnson requested a new Municipal Code Section updating and modernizing our Skateboard regulations, including electric scooters and Segways, to allow for their use in all parts of town; Mayor Yates and Councilmember Borchard concurred.

ADJOURNMENT

The meeting adjourned at 10:38 p.m.

Recorded by:

Jamie Boucher
City Clerk