

**AGENDA NO: A-1**

**MEETING DATE: 3/12/2013**

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – FEBRUARY 26, 2013  
VETERAN’S MEMORIAL HALL – 6:00P.M.

Mayor Irons called the meeting to order at 6:00 p.m.

PRESENT:	Jamie Irons	Mayor
	Christine Johnson	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
	Steve Knuckles	Interim Fire Chief
	Eric Endersby	Harbor Director
	Susan Slayton	Administrative Services Director
	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 on the following item: 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 following employee organizations and giving instructions to the Designated Representative: Firefighters Association (FFA), Police Officer’s Association (POA), and Service Employee’s International Union, SEIU Local 620. Regarding Closed Session Item Real Property Negotiations: Right of Way Adjacent to 3420 Toro Lane, the Council did not discuss or deliberate on this item except to direct staff to proceed with abandonment proceedings in open session.

City Attorney Schultz reported that City Council met in a Special Closed Session on Monday, February 25, 2013 to review 23 lease sites. Councilmember George Leage recused himself from participation on all 23 items. Council directed staff to hold a Study Session on the Tidelands leases which has been scheduled for Monday, March 25, 2013 at 6pm; the location to be announced.

MOTION: Councilmember Nancy Johnson moved for approval and presentations of Proclamation Items A-4 and A-5. The motion was seconded by Councilmember Christine Johnson and carried unanimously 5-0.

## PUBLIC COMMENT

Alexis and Joanne, employees at Thread, a Vintage clothing store located at 400 Morro Bay Blvd, presented the Morro Bay business report. They also sell furniture, jewelry, shoes, hats, etc... They are going to be holding a fashion show in April which should be great fun. They are open 7 days a week from 1030am-530pm and are dog friendly.

Bonnie Johnson asked for the City's and Council's support for a Morro Bay Bike Park. She hoped the concept could parallel the Morro Bay Dog Park. They would raise funds and commit to volunteer hours. There is no other outdoor bike park in the County, the closest one being over 2+ hours away. They would try to get the local youth involved. They have looked at a few locations which include Radcliffe and Main; the Teen Center and the Cloisters property. They have over 250 signatures in support of the project as well as have a Facebook page with over 170 "likes".

Jonelle Muff announced that its Girl Scout cookie time. She introduced the following girls who spoke about their involvement in girls scouts and their cookie sales: Madison Neville, Erica Walker, Mary Grace Stouwie , Hannah Colletti, Maggie May Muff, Gwen Muff, Carly Muff, Katie Doot and Carris Leicester-Cadaret.

Bill Martony spoke on the Special Closed Session on February 25<sup>th</sup>. He felt that one business day noticing didn't allow enough time for the public to be informed. He was glad to hear there will be a public workshop. In the future, he feels that closed session should be limited to actual negotiations of price and terms, everything else should be dealt with in open session.

Alex Kachlakev a professional mountain biker, spoke on the proposed Bike Park. He has seen first-hand the positive impacts a bike park can give the youth. It offers up a sense of discipline, keeps kids out of trouble and provides the opportunity for kids to learn the value of responsibility as they can help with maintenance of the park.

Drew Sidaris spoke representing the Recreation & Parks Commission on the City's Pocket Park / Community Garden project. They are in total support of moving forward with the project and recommend either Park #1 or Park #5 as they are the easiest to maintain and are the most cost effective.

Emily Gacad spoke in support of the Bike Park. She garnered 100 signatures at the high school in support of bringing a bike park to Morro Bay.

Betty Winholtz let the City know that Davey Company, a local tree company, was contracted by PG&E to work around some utility lines by Black Hill. They chose to ignore the City's Ordinance prohibiting tree trimming during the bird nesting season, February 1 thru June 1. She also is in support of a Community Garden over a Pocket Park.

Garry Johnson spoke on the New Times, specifically the Shredder section. He was "shredded" based on the support he gives his wife. He also advertised the Morro Photo Expo being held April 18<sup>th</sup> – April 21<sup>st</sup>.

Lynda Merrill spoke in support of Items A-3, A-4 and A-5. She is concerned about the differences between newly elected officials and our policies. Maybe the policies need to be reviewed to possibly reflect new ideas.

Nancy Castle is dedicated to having fun in 2013. She advertised the first Singing and Supper being held at St. Peters Church on March 15<sup>th</sup>. Tango and More will be playing and it promises to be a great time. She also advertised the first ever Sock Hop being held on Saturday, May 4<sup>th</sup>, during the Annual Crusin Car Show weekend.

Jordan Smith thinks the Bike Park is a great idea. Santa Cruz is the closest legal bike park. This would make Morro Bay a great destination place for mountain bikers.

Barbara Doerr lent her support to the Bike Park as it would be great for the kids. She also spoke on Item D-5, Discussion and Recommendation on Proposed Revisions to the Council Policies and Procedures. She performed a survey of 25 Channel Cities as to the way they do their public comment. She is pleased that Mayor Irons has brought the item forward as it provides Council continuity and understanding of each agenda item. She also requested that we record or video the public participation of the Closed Session meetings.

Barry Branin spoke on Item D-6, Discussion on the Status of the City of Morro Bay and Cayucos Sanitary District Waste Water Treatment Plant Project and Review and Approval of Letters to State and Federal Legislators Regarding Support and Funding for the Project. He attended the Cayucos Sanitary District's Board meeting where a proposal was presented by Water Systems Consulting, offering professional engineering services to help develop preliminary conceptual alternatives to the treatment and disposal of wastewater collected by the Cayucos Sanitary District. He also said that Cayucos is holding a workshop on March 5, 2013.

Mayor Irons 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 CITY COUNCIL MEETING OF FEBRUARY 13, 2013; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA RESCINDING RESOLUTION 45-11 AND RESTORING COMMERCIAL IMPACT FEES TO THEIR PRE JULY 1, 2011 LEVEL; (PUBLIC SERVICES)

**RECOMMENDATION: Adopt Resolution 16-13.**

A-3 AWARD OF CONTRACT FOR MB-2012-H2, HARBOR PATROL VESSEL REPLACEMENT AND BUDGET AMENDMENT TO COMPLETE FUNDING; (HARBOR)

**RECOMMENDATION: Award Contract and authorize necessary budget amendment.**

A-4 A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY SUPPORTING THE BUY LOCAL POLICY OF THE COUNTY OF SAN LUIS OBISPO (ADMINISTRATION)

**RECOMMENDATION: Adopt Proclamation**

A-5 A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY DECLARING TUESDAY, FEBRUARY 26, 2013 AS "WORLD SPAY DAY"; (ADMINISTRATION)

**RECOMMENDATION: Adopt Proclamation.**

A-6 PRESENTATION BY THE MORRO BAY NATURAL HISTORY MUSEUM; (ADMINISTRATION)

**RECOMMENDATION: Receive presentation; no action is required.**

Item A-6, Presentation by the Morro Bay Natural History Museum was not made.

Councilmember Nancy Johnson pulled Item A-2 and Mayor Irons pulled Item A-3 from the Consent Calendar.

MOTION: Councilmember Christine Johnson moved the City Council approve Items A-1 and A-6 of the Consent Calendar as presented. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

A-2 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA RESCINDING RESOLUTION 45-11 AND RESTORING COMMERCIAL IMPACT FEES TO THEIR PRE JULY 1, 2011 LEVEL; (PUBLIC SERVICES)

Councilmember Nancy Johnson pulled this item so that she could vote no.

MOTION: Councilmember Smukler moved for approval of Item A-2, rescinding Resolution 45-11 and restoring commercial impact fees to their pre July 1, 2011 level. The motion was seconded by Councilmember Christine Johnson and carried 3-2 with Councilmembers Nancy Johnson and Leage voting no.

A-3 AWARD OF CONTRACT FOR MB-2012-H2, HARBOR PATROL VESSEL REPLACEMENT AND BUDGET AMENDMENT TO COMPLETE FUNDING; (HARBOR)

Mayor Irons pulled Item A-3 so that Harbor Director Eric Endersby could give a short report on the need for the boat replacement.

MOTION: Councilmember Nancy Johnson moved for approval of Item A-3, Award of Contract for MB-2012-H2, Vessel Replacement and Budget Amendment to Complete Funding. The motion was seconded by Councilmember Leage and carried unanimously 5-0.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 PUBLIC INPUT ON 2013 CITY COUNCIL GOALS; (ADMINISTRATION)

City Manager Andrea Lueker announced the second of two opportunities for the public to address Council on goals for the upcoming year.

Mayor Irons opened the Public Hearing for public comments.

Lynda Merrill spoke on behalf of friends of hers who were unable to attend the meeting. She stated there should be more bicycle and pedestrian paths. She also stated that we need a men's clothing store and a Rexall Drug. Also, empty storefronts need to get full so that Morro Bay residents have somewhere to shop.

Barbara Doerr feels we should adopt a Gift Ban Ordinance; she also feels we should adopt a Sunshine Ordinance which allows government to go above and beyond what the Brown Act might legally require; she also feels the Power Plant property should be rezoned.

Mayor Irons closed the Public Hearing.

C. UNFINISHED BUSINESS - None

D. NEW BUSINESS

D-1 RESOLUTION NO. 15-13 ADOPTING THE MID-YEAR BUDGET AMENDMENTS, PLUS THE MEASURE Q COMMITTEE REPORT AND THE DECEMBER 2012 PORTFOLIO PERFORMANCE; (ADMINISTRATIVE SERVICES)

Administrative Services Director Susan Slayton presented the staff report.

Barbara Spagnola, representing the Citizen's Oversight Committee (Measure Q) presented the Measure Q report. Highlights of the report include: total revenue for fiscal year was \$976,000; total expenditures were \$508,000; ending fund balance was \$1,556,000. Funds for the Police Department were used to service vehicle debt, laserfiche software upgrade and purchase of 3 ballistic vests. Funds for the Fire Department were used towards the construction of the new Fire Station and funded a fourth Firefighter per shift. Funds for Street Maintenance included street repairs, cross guttering and tree work. Funding for Storm Drains included minor storm drain projects with a carryover of \$445,000, most of which was reallocated to the Pavement Management Plan. The Committee was pleased that Measure Q revenues have been spent consistent with the guidelines of the 2006 ballot measure. They requested that Measure Q funds

continue to be spent in a timely manner so as to reduce carryover amounts as well as to demonstrate to the citizens, visible progress in areas identified in the ballot initiative.

Mayor Irons hoped to continue this item to the next meeting to try and find an additional \$20,000-\$30,000. His hopes were to be able to spend that money on funding the Management Partners Study upgrade.

Councilmember Smukler hoped that Council could see a more detailed transaction report on accounts – specifically the contracts line.

MOTION: Mayor Irons moved to continue Item D-1, Adoption of the Mid-Year Budget Amendments with direction to stretch it a little bit to come back with a target range of \$30,000 as well as include detailed transaction reporting. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

#### D-2 DISCUSSION OF THE TEMPORARY IMPROVEMENTS AT THE CORNER OF SHASTA AND DUNES STREETS; (RECREATION & PARKS)

Recreation & Park Director Joe Woods presented the staff report.

Councilmember Nancy Johnson brought this item forward as an agenda item. She has had extensive conversations with the Garden Club and the 4H Garden Club and they both fully understand that this could be a temporary thing. She is in favor of something simple and likes Park option #1. Both the Garden Club and the 4H will be looking for donations of trees, they would be doing the planting and they would also like to have a flower garden.

Councilmember Smukler is definitely in support of the project, with the understanding that it could be temporary. He feels the corner would benefit from having a park there. He also likes the direction the Garden Club is going in and feels we should defer to them for park concepts as they will be adopting it. He made a couple of plant location suggestions based on solar orientation. He has also talked to the Tree Committee who is willing to volunteer to help with the installation efforts.

Councilmember Christine Johnson thinks it's great to have collaboration which she feels is what makes these efforts successful. She wanted to make sure we had a good plan for garbage and recycling. She is looking forward to the "naming" of the park.

MOTION: Councilmember Nancy Johnson moved to proceed with the Community Pocket Park project with the Morro Bay Garden Club, the 4H Garden Club and the Public Arts Foundation to develop a plan with the Recreation & Parks Director and the Adopt a Park Program with the understanding that this could be a temporary situation. The motion was seconded by Councilmember Leage and carried unanimously 5-0.

#### D-3 SELECTION OF TWO (2) PUBLIC WORKS ADVISORY BOARD MEMBERS; (ADMINISTRATION)

City Manager Andrea Lueker requested that City Council vote to fill the 2 open seats on the Public Works Advisory Board with the following candidates: Deborah Owen, Stewart Skiff,

Eliane Wilson and Janith Goldman. Each of the candidates originally interviewed back on Monday, January 29<sup>th</sup> and each candidate is still interested in fulfilling the role of Advisory Board member.

Each Councilmember voted in the first round; Janith Goldman received 4 votes (Councilmembers Nancy Johnson, Leage, Christine Johnson and Mayor Irons) and Deborah Owen received 1 vote (Councilmember Smukler). Each Councilmember voted in the second round; Deborah Owen received 2 additional votes (Councilmembers Nancy Johnson and Leage), Stewart Skiff received two votes (Councilmembers Christine Johnson and Smukler) Eliane Wilson received 1 vote (Mayor Irons). Based on those results, Janith Goldman (4 votes) and Deborah Owen (3 votes) were selected to the Public Works Advisory Board.

#### D-4 DISCUSSION AND DIRECTION ON THE PROPOSAL TO UPDATE THE 2008 MANAGEMENT PARTNERS STUDY (ASSESSMENT OF CITY ORGANIZATION AND FINANCIAL OPTIONS); (ADMINISTRATION)

City Manager Andrea Lueker presented the staff report.

Mayor Irons brought this forward as he feels it's important to reassess ourselves from time to time.

Councilmember Nancy Johnson discussed this with the City Manager and feels that staff could summarize a report on the status of these proposals without spending the money on Management Partners. With the budget as tight as it is, she finds it difficult to spend this kind of money when staff could do a majority of it. Feels that the best approach would be to go through each item individually, get status on each item and then go from there.

Councilmember Smukler agrees with Councilmember Nancy Johnson even though he realizes that it would also be a good thing to get an unbiased outside firm to do the work. He finds himself wanting to start with an in-house analysis/review of the 38 recommendations as well as have staff bring forward any new ideas/options/initiatives; then have a discussion as to what Council would like to see pursued.

Councilmember Leage agrees that doing this in-house first would be important, bring back a report and then go from there.

Councilmember Christine Johnson agrees. We have many staff members still here and have much historical knowledge that could be helpful. She hoped we could do an in-house review this fiscal year and then potentially go out to RFP in the next fiscal year. There was a lot of money and time spent on the Management Partner Study and there is still a lot of value we can get out of it. As far as the structure of how the status report would be prepared – a short update on each of the 38 items followed by future analysis that would lead to further discussion and direction.

Mayor Irons realizes that while a majority of the Council is in favor of an update, they are also in favor of doing it in-house. If we proceed in-house, he feels it's important to craft exactly the kind of direction we want out of this, either open ended or bring back to Council for their review and direction.

MOTION: Mayor Irons moved to update the Management Partners Study in-house, update the 38 recommendations as proposed with Department Head input, explore additional items and provide a report in April/May. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

D-5 DISCUSSION AND RECOMMENDATION ON PROPOSED REVISIONS TO THE COUNCIL POLICIES AND PROCEDURES; (CITY COUNCIL)

Mayor Irons presented the staff report. He proposed these amendments to Council for their input, comment and approval.

Council and staff went through the document's red-lined changes making comments and/or revisions. City Attorney Rob Schultz will be bringing the document back to the Consent Calendar along with a Resolution for adoption of changes to the next Council meeting.

D-6 DISCUSSION ON THE STATUS OF THE CITY OF MORRO BAY AND CAYUCOS SANITARY DISTRICT WASTE WATER TREATMENT PLANT PROJECT AND REVIEW AND APPROVAL OF LETTERS TO STATE AND FEDERAL LEGISLATORS REGARDING SUPPORT AND FUNDING FOR THE PROJECT; (CITY COUNCIL)

Mayor Irons hoped that Council would support forwarding this letter onto Cayucos requesting their participation as well.

The letter was accepted as is and there was Council majority to forward it onto Cayucos.

MOTION: Mayor Irons moved to approve the letter as written. The motion was seconded by Councilmember Christine Johnson and carried unanimously 5-0.

City Attorney Rob Schultz has set up a meeting to proceed with the appraisal of the Righetti property and we should have a document prepared in 45-60 days.

Councilmember Nancy Johnson proposed that the City hire a hydrologist, paid for out of the water fund, to investigate possible sites for the plant to include formally dismissed sites and report back to Council with what our options are.

Councilmember Smukler would like to see a refined project timeline brought back to the next meeting to include short-term, mid-term and long-term. He also feels it's important to talk about the timeline at the next Cayucos JPA meeting. He feels we should be clear on how they are going to compensate us for this work.

Mayor Irons felt that the outline provided by staff was a great start. He asked staff what direction is needed from Council in order to proceed. Public Services Director Rob Livick gave an overview of necessary steps that would prove helpful to proceed.

MOTION: Mayor Irons moved to direct staff to bring back an RFP for a Project Manager, a selection process for the Selection Committee as well as a refined

outline/timeline. The motion was seconded by Councilmember Nancy Johnson and carried unanimously 5-0.

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Christine Johnson requested staff look at creating a Vehicle Maintenance and Replacement Policy; Mayor Irons and Councilmember Smukler concurred.

Councilmember Smukler requested City support of the Bike Park concept; Mayor Irons and Councilmember Nancy Johnson concurred.

ADJOURNMENT

The meeting adjourned at 10:50pm.

Recorded by:

Jamie Boucher  
City Clerk