

MINUTES - MORRO BAY CITY COUNCIL  
CLOSED SESSION 6 APRIL 27, 2009  
CITY HALL CONFERENCE ROOM - 5:00 P.M.

Mayor Peters called the meeting to order at 5:00 p.m.

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember

STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney

CLOSED SESSION

MOTION: Councilmember Grantham moved the meeting be adjourned to Closed Session. The motion was seconded by Councilmember Borchard and unanimously carried. (5-0)

Mayor Peters read the Closed Session Statement.

CS-1 **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.

**Negotiating Parties:** City Tidelands Trust Leaseholders and the City of Morro Bay.  
**Negotiations:** Lease Terms and Conditions.

The meeting adjourned to Closed Session at 5:00 p.m. and returned to regular session at 5:50 p.m.

MOTION: Councilmember Grantham moved the meeting be adjourned. The motion was seconded by Councilmember Winholtz and unanimously carried. (5-0)

The meeting adjourned at 5:50 p.m.

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REGULAR MEETING ó APRIL 27, 2009  
VETERANS MEMORIAL HALL - 6:00 P.M.

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

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Bridgett Bauer	City Clerk
	Rick Algert	Harbor Director
	John DeRohan	Police Chief
	Rob Livick	City Engineer
	Mike Pond	Fire Chief
	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 Schultz reported the City Council met in Closed Session, and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

Andrea Klipfel, President of the Board of Directors for the Morro Bay Chamber of Commerce, announced there would be a first laser light show on the 4<sup>th</sup> of July in place of the traditional fireworks. She said the laser light show would have zero impact on the local wildlife and animals in the community and there will be no fear of fog in fact fog would enhance the light show. She also noted there would be a grand opening benefit at the historic Caccia Home on May 2<sup>nd</sup> in support of the Morro Bay Rotary Club and in conjunction with the Morro Bay CruisingøCar Show.

Sue Streben announced øAt Home in the Gardenö would be held May 3<sup>rd</sup> ó 16<sup>th</sup> at the San Luis Obispo Botanical Garden with various events and activities planned.

Garry Johnson announced the first annual Morro Photo Expo would be held October 23<sup>rd</sup> ó 25<sup>th</sup> in Morro Bay; schedule of events can be located at [www.morrobay.org](http://www.morrobay.org). He said registration would be opened to 300 registrants starting in June.

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Nancy Johnson stated Dahlia Daze would be held August 15<sup>th</sup>. On another note, she expressed concern with the discussion that took place at the last City Council meeting regarding the proposed subdivision on Teresa Drive. She said the City Council discussed issues that had already been thoroughly examined by the Planning Commission. Ms. Johnson stated this high quality project is the type of development the City needs and requested the City to allow the applicant to move forward with this project.

Phil Hill expressed concern with what is being placed down the City storm drains and ending up in the estuary.

Mayor Peters closed the hearing for public comment.

Mayor Peters called for a break at 7:10 p.m.; the meeting resumed at 7:15 p.m.

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 MINUTES FOR THE JOINT CITY COUNCIL-PLANNING COMMISSION MEETING ON MARCH 30, 3009, AND THE REGULAR CITY COUNCIL MEETING ON APRIL 13, 2009; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 QUARTERLY FINANCIAL REPORT AS OF MARCH 31, 2009; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Accept the Status Report as presented.**

A-3 RESOLUTION NO. 17-09 AUTHORIZING PAYING AND REPORTING OF THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR SEIU MISCELLANEOUS EMPLOYEES; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Adopt Resolution No. 17-09.**

A-4 RESOLUTION NO. 18-09 AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR THE MORRO BAY FIRE FIGHTERS; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Adopt Resolution No. 18-09.**

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A-5 CONSIDERATION FOR APPROVAL TO RELEASE A REQUEST FOR PROPOSALS TO LEASE LEASE SITE 96/96W AT 945 EMBARCADERO 6 WHALE'S TAIL RESTAURANT; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Authorize staff to prepare and release a Request for Proposals to lease the Tidelands Property know as Lease Site 96/96W located at 945 Embarcadero.**

A-6 RESOLUTION TO AUTHORIZE GRANT APPLICATION (PRINCIPLE FORGIVENESS LOAN) TO THE STATE WATER RESOURCES QUALITY CONTROL BOARD CLEAN WATER STATE REVOLVING FUND FOR PHASE I CONSTRUCTION OF A LOW IMPACT DEVELOPMENT BOAT REPAIR YARD; (HARBOR)

**RECOMMENDATION: Adopt Resolution No. 19-09.**

A-7 ADOPTION OF ORDINANCE NO. 546 ESTABLISHING THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT (MBTBID), FIXING THE BOUNDARIES THEREOF, AND PROVIDING FOR THE LEVY OF A BUSINESS ASSESSMENT TO BE PAID BY THE HOTEL BUSINESSES IN SUCH DISTRICT; (CITY ATTORNEY)

**RECOMMENDATION: Adopt Ordinance No. 546.**

A-8 ADOPTION OF ORDINANCE NO. 547 PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES; (CITY ATTORNEY)

**RECOMMENDATION: Adopt Ordinance No. 547.**

A-9 STATUS REPORT ON APPLICATIONS FOR ECONOMIC STIMULUS FUNDING; (ADMINISTRATION)

**RECOMMENDATION: Review and accept the information.**

A-10 FUNDRAISER FOLLIES ALLOCATIONS FOR 2009/10

**RECOMMENDATION: Approve allocation schedule and direct staff to notify event organizers regarding funds available for 2009/10 events.**

A-11 PROCLAMATION DECLARING MAY 2009 AS "BIKE MONTH"; (ADMINISTRATION)

**RECOMMENDATION: Adopt Proclamation.**

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Councilmember Winholtz pulled Items A-1 and A-8 from the Consent Calendar; Mayor Peters pulled Items A-5, A-10, and A-11.

MOTION: Councilmember Grantham moved the City Council approve the Consent Calendar with the exception of Items A-1, A-5, A-8, A-10 and A-11. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

A-1 APPROVAL OF MINUTES FOR THE JOINT CITY COUNCIL-PLANNING COMMISSION MEETING ON MARCH 30, 2009, AND THE REGULAR CITY COUNCIL MEETING ON APRIL 13, 2009; (ADMINISTRATION)

Councilmember Winholtz requested the following addition to page 5 of the minutes of the Joint City Council-Planning Commission meeting on March 30, 2009, after the discussion on Lot Splitting: òWinholtz requested the record reflect the fact that during the discussion three Council Members indicated they are not interested in lot splits.ö

MOTION: Councilmember Winholtz moved the City Council approve Item A-1 of the Consent Calendar as amended. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

A-5 CONSIDERATION FOR APPROVAL TO RELEASE A REQUEST FOR PROPOSALS TO LEASE LEASE SITE 96/96W AT 945 EMBARCADERO ó WHALEøS TAIL RESTAURANT; (ADMINISTRATIVE SERVICES)

Mayor Peters announced the lessee of Lease Site 96/96W has requested a one month extension before releasing a Request for Proposal.

MOTION: Councilmember Borchard moved the City Council approve Item A-5 of the Consent Calendar. The motion was seconded by Councilmember Grantham and carried with Councilmember Smukler and Councilmember Winholtz voting no. (3-2)

A-8 ADOPTION OF ORDINANCE NO. 547 PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES; (CITY ATTORNEY)

Councilmember Winholtz stated she would be voting in opposition to the adoption of Ordinance No. 547.

MOTION: Mayor Peters moved the City Council approve Item A-8 of the Consent Calendar. The motion was seconded by Councilmember Smukler and carried with Councilmember Winholtz voting no. (4-1)

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A-10 FUNDRAISER FOLLIES ALLOCATIONS FOR 2009/10

Mayor Peters reviewed the Fundraiser Follies allocations report wherein \$2,376 was collected, and announced the various events the funds were distributed.

MOTION: Mayor Peters moved the City Council approve Item A-10 of the Consent Calendar. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

A-11 PROCLAMATION DECLARING MAY 2009 AS "BIKE MONTH";  
(ADMINISTRATION)

Mayor Peters pulled this item in order to make a presentation to Kelsie Greer of Rideshare in honor of Bike Month.

MOTION: Councilmember Winholtz moved the City Council approve Item A-11 of the Consent Calendar. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 548  
REPEALING, AMENDING, AND REENACTING TITLE 10 (VEHICLES AND  
TRAFFIC) OF THE MORRO BAY MUNICIPAL CODE; (CITY ATTORNEY)

Police Chief John DeRohan stated Title 10 provides for regulations for the placement and enforcement of traffic control within the City. Certain parts of the current Title 10 date back to 1964 and therefore are outdated, cumbersome, and unenforceable. The revisions and implementation of Ordinance No. 548 will ensure that the City is in compliance with State law and will provide City staff with enforcement mechanisms. Chief DeRohan recommended the City Council receive public testimony and then introduce Ordinance No. 548 for first reading by number and title only.

Mayor Peters opened the hearing for public comment; there were no comments; Mayor Peters closed the public comment hearing.

The City Council asked questions of staff and made amendments to the proposed Ordinance No. 548. Due to the amendments, the first reading and introduction of Ordinance No. 548 was continued as a public hearing to the May 11, 2009 City Council meeting.

No further action was taken on this item.

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B-2 REPORT ON HARBOR FEES INCLUDING MOORING FEES AND BOAT  
LAUNCH PARKING FEES AT TIDELANDS PARK; (HARBOR)

Harbor Director Rick Algert stated last year, the City Council directed staff to prepare a report for review by the Harbor Advisory Board, with a comparison of mooring fees in other Central Coast harbors, and recommend a daily fee for parking at the boat launch ramp. The Harbor Advisory Board reviewed the report comparing fees in other Central Coast harbors in March and April 2009. Mr. Algert stated the Harbor Advisory Board recommends to not raise liveaboard fees more than the CPI until Harbor facilities and services are improved, to establish a parking fee for boat launchers at the Tidelands Park Launch Ramp of \$1 hourly and \$10 daily maximum, and to establish a Mooring Transfer Fee. Mr. Algert further recommended direction from the City Council on desired new fees or specific fee increases for inclusion on the annual Master Fee Schedule revisions to be presented to the City Council in June 2009. In the absence of Council direction on specific fees, staff will recommend the standard CPI adjustments in June 2009.

Mayor Peters opened the hearing for public comment.

Denise Jacobson, Member of the Morro Bay Liveaboard Association, stated the Association supports the Harbor Advisory Board's recommendation in increase all liveaboard fees by the CPI annually; a 400% increase is not acceptable.

Phil Hill, Vice-President of the Morro Bay Liveaboard Association, expressed appreciation for the Harbor Department. He said a 400% increase is not acceptable. Mr. Hill stated Liveaboards do contribute to the community as any other resident does.

Mayor Peters closed the public comment hearing.

Councilmember Borchard asked questions of staff for clarification.

Councilmember Smukler stated he supports the Harbor Advisory Board recommendations.

Councilmember Grantham asked staff how many Mooring Transfer Fees are requested per year?

Councilmember Winholtz supports the Harbor Advisory Board recommendations. She said she is not in favor of the Mooring Transfer Fee that goes beyond just covering costs.

Mayor Peters stated she supports the Harbor Advisory Board recommendations.

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MOTION: Councilmember Winholtz moved the City Council adopt the Harbor Advisory Board recommendations as follows: 1) increase all liveaboard fees by the cost of Consumer Price Index annually until such time that Harbor facilities and services are improved; then the item can be revisited; and 2) implement a parking fee of \$1 per hour with a maximum of \$10 per day for boat trailer spaces only at the boat launch ramp, using an automated machine. The motion was seconded by Councilmember Smukler.

Councilmember Winholtz amended her motion to leave it open on the number of automated machines; Councilmember Smukler accepted the amendment.

VOTE: The motion carried unanimously. (5-0)

Mayor Peters called for a break at 8:47 p.m.; the meeting resumed at 8:56 p.m.

C. UNFINISHED BUSINESS ó NONE.

D. NEW BUSINESS

D-1 REVIEW AND DISCUSSION ON BUDGET PROCESS AND TERMS;  
(ADMINISTRATIVE SERVICES)

Administrative Services Director Susan Slayton reviewed the budget process and terms for Council information with a power point presentation.

This was an informational item; no action was taken on this item.

D-2 RESOLUTION NO. 20-09 ADOPTING THE BY-LAWS FOR THE MORRO  
BAY TOURISM BUSINESS IMPROVEMENT DISTRICT (MBTBID)  
ADVISORY BOARD; (CITY ATTORNEY)

City Attorney Robert Schultz stated State law allows cities to form assessment districts pursuant to the Parking and Business Improvement Area Law of 1989, California Streets and Highways Code Sections 36500, *et seq.* Now that the City Council has established the Morro Bay Tourism Business Improvement District, the City Council, by law, must appoint an advisory board, which shall make recommendations to the City Council on the expenditure of revenues derived from the assessment. Mr. Schultz recommended the City Council adopt Resolution No. 20-09 adopting the by-laws for the Morro Bay Tourism Business Improvement District Advisory Board.

The City Council requested the following amendment to Exhibit óAö attached to Resolution No. 20-09:

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**TERM OF OFFICE**

If a vacancy is within the last 6 months of a term, it will be held over to the normal interview process.

**QUALIFICATIONS** (3<sup>rd</sup> paragraph)

The Chamber of Commerce representative shall be the Executive Director of the Morro Bay Chamber or Commerce **(or a member of the Executive Board.)**

MOTION: Councilmember Borchard moved the City Council approve Resolution No. 20-09 adopting the by-laws for the Morro Bay Tourism Business Improvement District Advisory Board as amended by the City Council. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

The interview date for the Morro Bay Tourism Business Improvement District Advisory Board was scheduled for May 26, 2009 at 5:00 p.m. in the VeteransøMemorial Building.

D-3 CONSIDERATION OF THE AD-HOC FIRE SERVICE COMMITTEE APPOINTMENTS AND GUIDELINES; AND, THE DEVELOPMENT OF AN AMADOR AGREEMENT FOR FORMAL CONSIDERATION BY CAL FIRE; (FIRE)

Fire Chief Mike Pond stated on March 9, 2009, the City Council directed staff to form an ad-hoc committee comprised of two Councilmembers one or two executive staff members, and one or two firefighters. Council further directed that this ad-hoc committee discuss the City fire service need; and, explore Federal and/or State stimulus funds in order to open Fire Station 54. At this same Council meeting, Council also directed staff to provide costs, for consideration in the budget process, to provide a part-time reserve firefighter as a fourth person scheduled each day and to come back with information on an Amador Agreement with Cal Fire within 30 days. The Morro Bay Fire Department Five-Year Strategic Plan has been a guiding document for the City. This plan recommends staffing the north Morro Bay Fire Station and that the City should provide a minimum of four firefighters on shift per day to: 1) address response time concerns in north Morro Bay; 2) address the increasing call volume; 3) respond to simultaneous calls; and 4) comply with OSHA mandates.

Chief Pond recommended the City Council: 1) appoint two Councilmembers to participate on the newly formed Ad-Hoc Fire Services Committee along with the City Manager, Fire Chief, and up to two firefighters; 2) identify fire service needs through a process to update the Morro Bay Fire Department Five-Year Strategic Plan; and 3) direct the Committee to develop an Amador Agreement proposal for formal consideration by Cal Fire.

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Councilmember Borchard stated she would prefer the Fire Department to perform an in-house study to identify the fire service needs through a process to update the Department's Five-Year Strategic Plan.

MOTION: Councilmember Winholtz moved the City Council direct the Fire Chief to return to the City Council by September 1, 2009 with an update on an Amador Agreement, and addressing response time, and the number of firefighters on a unit. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

MOTION: Councilmember Borchard moved the City Council direct staff to include a price analysis of a reserve fire fighter and full time fire fighter/paramedic comparison. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

MOTION: Councilmember Grantham moved the City Council give the Fire Chief authority to work with Cal Fire on the Amador Agreement. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

D-4 RECOMMENDATION TO PARTICIPATE IN A FEASIBILITY STUDY FOR  
JOINT DISPATCH SERVICES; (ADMINISTRATION)

City Manager Andrea Lueker stated the cities of Arroyo Grande, Grover Beach and the Oceano Community Services District have discussed for some time the concept of joint dispatch operations for their Police and Fire Departments. Recently, through a combined effort, they produced a Request for Proposal for the study. To date, it appears that the cities of San Luis Obispo, Atascadero, and Paso Robles have agreed to join Arroyo Grande, Grover Beach and the Oceano Community Services District as part of the study area. The City Council, at their recent Goal Setting Workshop identified a number of items for City staff to research in an effort to "develop and maintain a structurally sustainable budget"; one of those items was a review of dispatch services. The communities of Arroyo Grande and Grover Beach have decided to investigate the possibility of a more regional approach to dispatch and as a result contracted for a study and other communities have been invited to participate in the study. Ms. Lueker recommended the City Council agree to participate in the Joint Dispatch Services.

MOTION: Councilmember Grantham moved the City Council not participate in the Feasibility Study for Joint Dispatch Services and thank the communities for their participation. The motion was seconded by Councilmember Smukler and carried with Councilmember Borchard voting no. (4-1)

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Winholtz requested to agendaize the Citizens Bike Committee's letter of recommendations on the City Bikeways Plan; Council concurred.

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ADJOURNMENT

The meeting adjourned at 10:15 p.m.

Recorded by:

Bridgett Bauer  
City Clerk