

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – OCTOBER 13, 2008
VETERANS MEMORIAL HALL - 6:00 P.M.

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

PRESENT:	Janice Peters	Mayor
	Melody DeMeritt	Councilmember
	Rick Grantham	Councilmember
	William Peirce	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Bridgett Bauer	City Clerk
	Rick Algert	Harbor Director
	Bruce Ambo	Public Services Director
	John DeRohan	Police Chief
	Rob Livick	City Engineer
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Dylan Wade	Utilities/Capital Projects Manager
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR'S REPORTS & ANNOUNCEMENTS

CLOSED SESSION REPORT – There was no Closed Session agenda.

PUBLIC COMMENT

Bill Black addressed the number of tickets sold by the Friends of the Morro Bay Police, Friends of the Morro Bay Fire and Rotary, which the winning ticket won a 2008 Prius.

Keith Taylor acknowledged those who sponsored the Rock-to-Rock Fun Run that benefited the Morro Bay Community Foundation.

Ken Vesterfelt stated the Morro Bay Boulevard/Quintana Road roundabout is moving very smoothly. He also thanked those who sponsor the annual Thanksgiving dinner.

John Barta addressed the proposed conference center and the lack of parking on the Embarcadero.

Kathy Wells expressed concern with the Council's action in not renewing the lease for the Outrigger Restaurant.

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Cristie Hale, representing the Recreation & Parks Commission, requested Council consider the recommendation of the Commission to ban smoking at City parks and designate the parking lots as smoking areas.

Noah Smukler thanked the City on the State Water update that was sent out to residents. He also expressed support for Item A-3 (Approval On Alternative Fuel Vehicles For The Recreation & Parks Department) and requested the City promote replacing other departmental vehicles with alternative vehicles. Mr. Smukler addressed Item D-2 (Adoption Of A Position Statement For West Coast Ground Fish Individual Transferable Quota Program In Federal Fisheries) noting the importance of local control for the fishing community.

Carla Borchard addressed the Morro Bay 4-H Club and what it has to offer. She invited the public to the 4-H Club farm in mid-April to see the various animals.

Roger Ewing expressed support for Item A-3; however, he questioned the cost of \$32,000 for a hybrid truck.

Garry Johnson addressed the importance of bringing business to Morro Bay.

Mayor Peters closed the hearing for public comment.

Mayor Peters called for a break at 7:12 p.m.; the meeting resumed at 7:21 p.m.

DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Winholtz requested to agendize a discussion on the request from Dynegy to extend their lease on the October 27, 2008 Closed Session agenda; Councilmember DeMeritt concurred.

A. CONSENT CALENDAR

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

A-1 CONSIDERATION OF REVISED RESCUE VEHICLE FUNDING; (FIRE)

RECOMMENDATION: Approve the expenditure of additional 07/08 Measure Q funds, not to exceed \$55,000, in order to complete the funding of the previously approved rescue vehicle.

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A-2 AUTHORIZATION TO FILL HOUSING PROGRAMS COORDINATOR POSITION; (PUBLIC SERVICES)

RECOMMENDATION: Authorize filling the position.

A-3 APPROVAL ON ALTERNATIVE FUEL VEHICLES FOR THE RECREATION & PARKS DEPARTMENT; (RECREATION & PARKS)

RECOMMENDATION: Approve the purchase of one electric vehicle and one hybrid vehicle for the use of Recreation and Parks Department.

Councilmember DeMeritt pulled Item A-3 from the Consent Calendar.

MOTION: Councilmember Grantham moved the City Council approve Items A-1 and A-2 on the Consent Calendar. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

A-3 APPROVAL ON ALTERNATIVE FUEL VEHICLES FOR THE RECREATION & PARKS DEPARTMENT; (RECREATION & PARKS)

Councilmember DeMeritt requested staff clarification on the purchase of a Ford Escape Hybrid vs. a hybrid truck for the same money.

Recreation & Parks Director Joe Woods responded there was a need for a vehicle for the Superintendent of Parks, which does not require hauling equipment. He said this vehicle would also be used as a pool car for the department.

Councilmember Winholtz stated she would prefer the purchase of a hybrid vehicle vs. a hybrid sports utility vehicle.

MOTION: Councilmember DeMeritt moved the City Council approve Item A-3 of the Consent Calendar. The motion was seconded by Councilmember Peirce and carried unanimously. (5-0)

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 REVIEW OF MUNICIPAL CODE ORDINANCE 9.24 REGARDING THE PROHIBITION OF SMOKING IN CITY PARKS; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods stated Morro Bay Municipal Code Section 9.24.020 states: “smoking is prohibited and is unlawful within the boundaries of any City beach and on the City t-piers.” Furthermore, the State of California prohibits smoking

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within 25 feet of playgrounds and tot lots. Mr. Woods recommended the City Council consider the following two options pertaining to the review of Ordinance 9.24: 1) Take no action, leaving the existing Ordinance in place and rely on State regulations for public park applications; or, 2) consider a more stringent regulation than currently exists under State law.

Mayor Peters opened the hearing for public comment.

Mary Ann Britton, representing the Estero Bay Youth Coalition introduced the following students who requested Council's consideration in prohibiting smoking in City parks: Holly Lingabrett, Nina Goldberg, Josh Panko, Ellen (no last name), Emily Gacad, Lillian Campbell, Niko Yaroslaski, Melissa Martinez, Audrey (no last name), Matilda Lowrie, and Brian Crill.

Noah Smukler expressed support for the ban of smoking in City parks; however, did suggest allowing a designated area for smoking with receptacles for disposal of butts.

Christina Lefevre, San Luis Obispo County Tobacco Control Coalition shared information on data received on smoke-free outdoor areas.

Peter Risley addressed the effects of tobacco addiction, and requested Council's consideration on the ban of smoking at City parks.

Nita Kenyon, Estero Bay Youth Coalition expressed support for the Parks & Recreation Commission recommendation to ban smoking in City parks, and not allow smoking in parking lots.

Mayor Peters closed the public comment hearing.

Councilmember DeMeritt stated there should be a provision for butt-containers in designated areas; she does not support a more stringent law that is unenforceable.

Councilmember Grantham stated this proposal is very restrictive and does not allow for personal freedom of rights. He said there is already a law that addresses smoking in public places.

Councilmember Peirce stated he supports the ban of smoking in parks, but not in parking lots.

Councilmember Winholtz stated she could support an extension of the distance required by the current law, but does not support banning smoking completely.

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Mayor Peters stated she supports the recommendation made by the Park & Recreation Commission to ban smoking in City parks, which tends to be self-enforcing.

MOTION: Councilmember DeMeritt moved the City Council take no action leaving the existing Ordinance in place and rely on State regulations for public park applications. The motion was seconded by Councilmember Grantham.

Councilmember Winholtz requested an amendment to the motion for the consideration of placing butt-containers in the parking lots at the entrance of City parks.

Councilmember DeMeritt accepted the amendment to her motion; Councilmember Grantham accepted the amendment to his second.

VOTE: The motion carried with Councilmember Peirce and Mayor Peters voting no. (3-2)

B-2 CONSIDERATION OF A RESOLUTION OF INTENT TO CONTRACT WITH CAL FIRE PENDING ACCEPTANCE OF A CONTRACT; (FIRE)

Fire Chief Mike Pond stated a contract with Cal Fire might provide a means to deliver comparable fire and emergency services at a cost savings to the City. A Cal Fire contract could also provide an opportunity for the City to address disparity in compensation between Morro Bay Fire Fighters and peer fire departments within San Luis Obispo County. It is staff's opinion that a Cal Fire contract alone will not improve services unless there are adequate cost savings available for the City Council to fund additional staffing levels. Once a service level is established for contract negotiations, the discussion should focus on which department or agency is more cost effective as the services provided by each will be substantially equal. Currently, the City does not have an official cost analysis or negotiated contract to confirm which delivery system can provide the desired level of service at the lowest cost. Approving this resolution will initiate a negotiation process whereby Morro Bay staff and Cal Fire staff will identify and negotiate all costs and transitional issues based on the City Council's desired level of service. Chief Pond recommended the City Council adopt Resolution No. 62-08, which would allow the City to proceed further in the process with Cal Fire and determine the actual costs for contract services.

Mayor Peters opened the hearing for public comment.

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Ariane Leiter, Morro Bay Fire Fighter Association, requested Council's support in proceeding further in the process with Cal Fire and determining the actual costs for contract services. She stated this contract could provide an increase in service at a lower cost to the City.

Ken Vesterfelt, Cal Fire Advisory Ad-Hoc Committee, stated this could provide an opportunity for our fire fighters to advance in their position. He said the citizens have already lent their support for a higher level of public safety service.

Noah Smukler stated the City owes it to the Fire Department to continue the process with Cal Fire. He also suggested the consideration of a volunteer fire department in the case of potential fiscal challenges to help augment our paid fire fighters.

Jeff Jones, past Morro Bay Fire Chief, due to the City's budgetary challenges, he urged Council's support in proceeding in the process with Cal Fire in determining the actual costs for contract services.

Carla Borchard stated the option of staffing four fire fighters would be a cost savings to the City because there would only be a need for one paramedic per shift.

Mayor Peters closed the public comment hearing.

Councilmember Grantham stated he supports to continue the process with Cal Fire and determine the actual costs for contract services.

Councilmember DeMeritt stated the initial cost to contract with Cal Fire is unaffordable for the City. She said she has always supported having four fire fighters on duty and paid from Measure Q funds. Councilmember DeMeritt stated there have also been alternatives suggested, such as a utility user tax, to maintain a local fire station.

Councilmember Winholtz stated the cost of overtime pay as well as the other costs would be unaffordable to the City. She said she would prefer staffing in-house rather than contracting fire services out. Councilmember Winholtz stated it is unfair to continue the process with Cal Fire knowing the City does not have the funds to move forward.

Councilmember Peirce stated the City should continue the process with Cal Fire in order to determine the actual costs.

Mayor Peters stated she supports our fire fighters with their request to continue the process with Cal Fire in order to determine actual costs.

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MOTION: Councilmember Grantham moved the City Council adopt Resolution No. 62-08 allowing the City to proceed in the process with Cal Fire and determine the actual costs for contract services. The motion was seconded by Councilmember Peirce.

Councilmember Winholtz expressed opposition to the motion not only for financial issues, but also that it would create a loss of control for the City.

VOTE: The motion carried with Councilmember DeMeritt and Councilmember Winholtz voting no. (3-2)

Mayor Peters called for a break at 9:05 p.m.; the meeting resumed at 9:15 p.m.

**B-3 RECONSIDERATION OF PALM AVENUE RIGHT-OF-WAY
ABANDONMENT – PATHWAY REQUIREMENT; (PUBLIC SERVICES)**

City Engineer Rob Livick stated at the August 25, 2008 City Council meeting, Council placed the reconsideration of the Palm Avenue Right-of-Way Abandonment without the walkway requirement on the Council agenda. It is the opinion of the City Engineer that the walkway is problematic because it will terminate at the northeasterly side of Main Street, which has no pedestrian facilities and would require the pedestrian to cross Main Street mid-block to access the Class 1 multiuse trail on the southwesterly side of Main Street. The existing street intersections of Walnut Street, Oak Street and Shasta Avenue appear to be better locations for pedestrian crossing. The proposal can be found consistent with the California Streets and Highways Code and the City's General Plan and Local Coastal Plan, with the revised conditions. The proposal is exempt under the general rule pursuant to State CEQA Guidelines, and the required findings can be made to recommend abandonment to the City Council for approval. Mr. Livick recommended the City Council adopt Resolution No. 63-08 rescinding Resolution No. 45-08 and restating the abandonment of the street right-of-way for an undeveloped portion of Palm Avenue that does not include a condition for the pedestrian pathway.

Cathy Novak, representing the property owners, stated the proposed walkway is problematic and creates a safety issue for pedestrians in that area of Main Street. She said Resolution No. 45-08 did not adequately address the relief of liability on the property owners in conjunction with the construction and maintenance of the pedestrian path. Ms. Novak noted Palm Avenue is visually degrading the neighborhood because the street is in disrepair and the balance of the right-of-way area is a weed patch and a trash collector, and the property owners would like to clean up and beautify this area with a landscaping plan that would include native and drought-tolerant plants. She said this abandonment would clean up the visual blight, provide attractive landscaping, remove a non-functional street that the City is now required to maintain, and also provides view-

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shed protection for the neighbors. Ms. Novak stated the conditions placed on this project to date are overly burdensome and continuing with this would make it difficult for the property owners to do the project, which would not be in the best interest of the property owners or the community. She requested the City Council adopt Resolution No. 63-08 rescinding Resolution No. 45-08 and restating the abandonment of the street right-of-way for an undeveloped portion of Palm Avenue that does not include a condition for the pedestrian pathway.

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

Mayor Peters stated she supports reconsidering the abandonment along with the consideration of obtaining parking spaces on Walnut Street.

Councilmember Winholtz expressed concern with the City giving away property and receiving nothing in return, which is inappropriate. She said the property owners should pay for their encroachment. Councilmember Winholtz stated until the City receives some benefit for this abandonment, she will vote in opposition.

Councilmember Peirce stated the residents of this neighborhood would be better off if the City would pave the street. He said he will support the adoption of Resolution No. 63-08.

Councilmember Grantham stated this property is in bad disrepair and is a liability issue for the City, and he is in support of adopting Resolution No. 63-08.

Councilmember DeMeritt stated she does not support this proposed abandonment because it is setting precedent in giving away public property with no benefit to the City.

MOTION: Councilmember Winholtz moved the City Council deny the abandonment of the street right-of-way for an undeveloped portion of Palm Avenue, and request the property owners' pay for the encroachment on this property.

Motion dies for a lack of a second.

MOTION: Councilmember Grantham moved the City Council adopt Resolution 63-08 rescinding Resolution 45-08 and restating the abandonment of the street right-of-way for an undeveloped portion of Palm Avenue that does not include a condition for the pedestrian pathway. The motion was seconded by Councilmember Peirce and carried with Councilmember DeMeritt and Councilmember Winholtz voting no. (3-2)

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C. UNFINISHED BUSINESS – None.

D. NEW BUSINESS

D-1 RESOLUTION AUTHORIZATING THE UTILITIES/CAPITAL PROJECTS MANAGER TO ENTER INTO A CONTRACT WITH GENERAL ELECTRIC WATER FOR ENERGY RECOVERY EQUIPMENT; (PUBLIC SERVICES)

Utilities/Capital Projects Manager Dylan Wade stated authorization to enter into this contract with General Electric Water provides control panels, engineering support, miscellaneous equipment and field services necessary to install the brackish treatment trains previously ordered. This equipment serves the purpose of treating for high nitrate groundwater and helps assure a safe and adequate water supply during the upcoming year. He recommended the City Council adopt Resolution No. 64-08 authorizing the Utilities/Capital Projects Manager to enter into a contract with General Electric Water & Process Technologies as a sole source vendor in the amount of \$244,480 for the installation and programming of brackish water treatment equipment and to enter into Time and Material Contracts with local contractors for installation support in an amount not to exceed \$200,000.

MOTION: Councilmember Peirce moved the City Council adopt Resolution 64-08 entering into a contract with GE Water & Process Technologies as a sole source vendor in the amount of \$244,480.00 for the installation and programming of brackish water treatment equipment and into Time and Material Contracts with local contractors for installation support in the amount not to exceed \$200,000.00. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

D-2 ADOPTION OF A POSITION STATEMENT FOR WEST COAST GROUND FISH INDIVIDUAL TRANSFERABLE QUOTA (ITQ) PROGRAM IN FEDERAL FISHERIES; (HARBOR)

Harbor Director Rick Algert stated in November 2008, the Pacific Fishery Management Council (PFMC) expects to adopt a plan for transitioning the West Coast ground fish trawl industry from one based on permits and trip limits to an Individual Transferable Quota (ITQ) where harvesters receive an annual guaranteed allocation based on their permit's catch history. The terms under which the PFMC elects to implement the new ITQ fishery will have major impacts on the fishing businesses and communities such as Morro Bay which have been economically and culturally dependent on ground fish. On the Central Coast of California a partnership of the City of Morro Bay, Port San Luis Harbor District, local fishing associations and conservation groups is working to transition its local fisheries to greater economic and environmental stability. Mr. Algert

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recommended the City Council adopt Resolution No. 61-08 to outline a detailed position for the West Coast Ground Fish Individual Transferable Quota program currently being considered by federal fisheries managers.

MOTION: Councilmember Grantham moved the City Council adopt Resolution 61-08 outlining a detailed position for the West Coast Ground Fish Individual Transferable Quota (ITQ) program currently being considered by federal fisheries managers. The motion was seconded by Councilmember Peirce and carried unanimously. (5-0)

ADJOURNMENT

The meeting adjourned at 10:12 p.m.

Recorded by:

Bridgett Bauer
City Clerk