

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – MAY 24, 2010
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 Smukler moved the meeting be adjourned to Closed Session. The motion was seconded by Councilmember Grantham 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 as to two (2) parcels.

- Property: Chorro Valley Property.
Negotiating Parties: Chorro Valley Property Owners and City of Morro Bay.
Negotiations: Water rights.
- Property Lease Site 75-77/75W-77W; 699 Embarcadero
Negotiating Parties: Morro Bay Marina, Inc. and 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 5:45 p.m.

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

The meeting adjourned at 5:45 p.m.

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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 Kessler	City Clerk
	Rick Algert	Harbor Director
	Janeen Burlingame	Management Analyst
	Rob Livick	Acting Public Services Director
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	Dylan Wade	Utilities/Capital Projects 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 Schultz reported the City Council met in Closed Session, and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

Jeff Eckles, President of Morro Bay 4th, Inc., stated they have met their minimum funding goal for the 4th of July festivities, and recognized those who assisted in their funding success.

Peter Candela expressed the importance of maintaining the high level of marketing that the Visitors Center has established, as well as maintaining its location in the heart of the tourism area. He also requested the City maintain the trolley service for the upcoming tourist season.

Susan Heinemann stated due to research, she has concern with the MWH Company with whom the City and Cayucos Sanitary District has contracted to design the upgrade to the City's Wastewater Treatment Plant. She requested the City Council re-open the contract to see if there is a better long-lasting alternative without baggage.

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Barry Brannon requested the City Council re-examine the reconstruction of the Wastewater Treatment Plant. He said the Perc Water Treatment System is proposed to cost much less and the City should consider this proposal.

Bill Martony addressed Item D-1 (Consideration on Sending Letter to Congresswoman Lois Capps Opposing Farm Fish Legislation) stating Morro Bay was one of the largest oyster producers at one time. He requested Council support sending a letter to Congresswoman Capps opposing the farm fish legislation. Mr. Martony also addressed the Wastewater Treatment Plant requesting Council look at alternatives.

John Shoals, PG&E representative, addressed Item A-7 (Resolution Authorizing Participation in the San Luis Obispo County Energy Watch Program) acknowledging the City's participation in the County Energy Watch Program and reviewed the program for information. He said the environmental benefits of this program are of positive value for the community.

Garry Johnson announced Election Day is approaching and promoted Nancy Johnson who is running for City Council.

John Barta addressed Item A-3 (Status Report on Water Usage for April 2010) noting the City will be receiving 40% of water deliveries for the remainder of the year. He acknowledged Rick Algert for his service to the City. Mr. Barta referred to a mailing from the Democratic Voters of the Central Coast, which is fraudulent.

Mayor Peters closed the hearing for public comment.

Mayor Peters called for a break at 6:53 p.m.; the meeting resumed at 7:00 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 OF THE MAY 10, 2010 CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 ADOPTION OF ORDINANCE NO. 558 AMENDING CHAPTER 2.24 OF THE MORRO BAY MUNICIPAL CODE REGARDING THE DUTIES OF THE RECREATION AND PARKS DEPARTMENT; (RECREATION & PARKS)

RECOMMENDATION: Adopt Ordinance. No. 558.

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A-3 STATUS REPORT ON WATER USAGE FOR APRIL 2010; (PUBLIC SERVICES)

RECOMMENDATION: Review and file status report.

A-4 RESOLUTION ESTABLISHING A PROCEDURE FOR REQUESTING MEASURE Q FUNDING DURING THE ANNUAL BUDGET PROCESS; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 26-10.

A-5 RESOLUTION ESTABLISHING THE PARAMETERS FOR USE OF THE GENERAL FUND (ACCUMULATION) RESERVE; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 27-10.

A-6 APPROVE COMPENSATION RATES FOR SIX MONTH CONTRACT EXTENSION WITH MV TRANSPORTATION; (PUBLIC SERVICES)

RECOMMENDATION: Approve the proposed compensation rates for the six month contract extension of the current Morro Bay Dial-a-Ride and Trolley Operations and Management Agreement with MV Transportation.

A-7 RESOLUTION AUTHORIZING PARTICIPATION IN THE SAN LUIS OBISPO COUNTY ENERGY WATCH PROGRAM; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution No. 25-10.

A-8 PROCLAMATION DECLARING JUNE 7&8, 2010 AS "SPECIAL OLYMPICS - LAW ENFORCEMENT TORCH RUN DAYS"; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

Mayor Peters pulled Items A-3 and A-4 from the Consent Calendar; Councilmember Smukler pulled Item A-5 and Councilmember Winholtz pulled Item A-6.

MOTION: Councilmember Grantham moved the City Council approve the Consent Calendar with the exception of Items A-3, A-4, A-5 and A-6. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

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A-3 STATUS REPORT ON WATER USAGE FOR APRIL 2010; (PUBLIC SERVICES)

Mayor Peters requested staff's review of the status report on the City's water usage and Wastewater Treatment Plant project.

Utilities/Capital Projects Manager Dylan Wade reviewed the Wastewater Treatment Plant project and Water Usage Report for information.

This was a status report and no action was taken on this item.

A-4 RESOLUTION ESTABLISHING A PROCEDURE FOR REQUESTING MEASURE Q FUNDING DURING THE ANNUAL BUDGET PROCESS; (ADMINISTRATIVE SERVICES)

Mayor Peters requested clarification from staff regarding a letter received informing Council of a discrepancy in the Resolution regarding Measure Q funding.

City Manager Andrea Lueker stated in reviewing the original Resolution No. 33-06 adopted on July 10, 2006, the ballot language did not contain "youth and park programs"; she said that language will be removed in order to be consistent with the ballot language adopted in 2006.

Councilmember Winholtz requested the full ballot language be added to this Resolution.

MOTION: Councilmember Winholtz moved the City Council approve Item A-4 of the Consent Calendar as amended. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

A-5 RESOLUTION ESTABLISHING THE PARAMETERS FOR USE OF THE GENERAL FUND (ACCUMULATION) RESERVE; (ADMINISTRATIVE SERVICES)

Councilmember Smukler stated Council should address how to utilize funds in a more appropriate way and give more direction on where to focus emergency funds.

Councilmember Winholtz stated she would like the excess delineated in the budget so it will be clearly marked.

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MOTION: Councilmember Smukler moved the City Council approve Item A-5 of the Consent Calendar with a line item in the budget detailing the difference between the 27.5% emergency reserve and the excess as a separate number. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

A-6 APPROVE COMPENSATION RATES FOR SIX MONTH CONTRACT EXTENSION WITH MV TRANSPORTATION; (PUBLIC SERVICES)

Councilmember Winholtz reviewed a proposed transit plan, and requested Council postpone this contract until the Administrative Services Director returns in order to review the figures.

MOTION: Mayor Peters moved the City Council approve Item A-6 of the Consent Calendar. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

B. PUBLIC HEARINGS, REPORTS & APPEARANCES – None.

C. UNFINISHED BUSINESS – None.

D. NEW BUSINESS

D-1 CONSIDERATION ON SENDING LETTER TO CONGRESSWOMAN LOIS CAPPS OPPOSING FARM FISH LEGISLATION; (COUNCIL)

Councilmember Winholtz stated Representative Capps is writing legislation to regulate ocean farm fishing. Some people believe this will open the door for such industry. The Open Ocean Aquaculture (OOA) industry has been trying to get OOA into our federal waters since the 80's. Most recently there were bills introduced in 2005 and 2007, both of which were voted down. Then last year, the Gulf of Mexico Fishery Management Council created a plan to allow OOA in federal waters off of the Gulf and NOAA approved the plan. However, NOAA and the management council only have the ability to manage fishing in federal water. That means that these organizations are trying to say that placing large pens in the ocean and cramping fishing into them is fishing. Food and Water Watch think that this is untrue and are suing NOAA in coalition with other organizations. They think that NOAA's decision to approve the gulf plan even though we think it is illegal, might be scaring some people into moving forward with federal legislation that would allow OOA in our oceans under the guise that if a massive legislative bill isn't introduced, then there will be a fragmented approach to allowing OOA in federal waters. They think that this is untrue and that we should oppose this bill. OOA is going to hurt fishermen and the environment.

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Councilmember Winholtz recommended the City Council consider sending a letter to Congresswoman Capps in opposition of farm fish legislation.

MOTION: Councilmember Winholtz moved the City Council approve sending a letter to Congresswoman Capps regarding farm fish legislation as amended by Council. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Winholtz requested an update on the committee being formed on Fire.

Councilmember Smukler requested to agendaize the next budget discussion at the June 14th City Council meeting as a public hearing; Council concurred.

Councilmember Smukler requested to agendaize a review of the Tourism Business Improvement District Advisory Board Members' designations; Council concurred.

Councilmember Borchard requested an inventory of city vehicles prior to their discussion on the budget.

F. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Recorded by:

Bridgett Kessling
City Clerk