

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – FEBRUARY 22, 2011
VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Yates called the meeting to order at 6:30 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	Deputy City Clerk
	Eric Endersby	Harbor Operations Manager
	Susan Lichtenbaum	Harbor Business Manager
	Rob Livick	Public Services Director
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	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 – there was no Closed Session report.

PUBLIC COMMENT

Mimi Kalin, representing the San Luis Obispo County Grand Jury referred to Item A-7 (Proclamation Declaring February 2011 as "Grand Jury Awareness Month") and thanked the City Council for placing this Proclamation on the agenda to raise awareness about the Grand Jury. She reviewed the duties of the Grand Jury and noted the deadline to apply for a seat on next year's Grand Jury is March 18, 2011.

The following people spoke on the City's Wastewater Treatment Plant upgrade project and the California Coastal Commission's response to the appeal on this project: Jack McCurdy, David Nelson, Richard Sadowski, and Richard Margesten.

Barbara Doerr addressed Item A-2 (Resolution No. 14-11 Adopting Memorandum of Understanding with the Morro Bay Police Officers Association) and requested clarification on compensation to the POA. She stated it seems better to directly provide pay increases rather than approve somewhat hidden monetary benefits.

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Ms. Doerr also addressed Item A-5 (Authorization for Attendance at the C-MANC Annual Washington D.C. Meeting) stating she reviewed the City's budget and could not find its travel policy for City staff and elected officials; she requested the budget provide more detail. She recommended the City eliminate funding for travel and provide improved City services.

Joan Solu, representing the Morro Bay Community Foundation, announced the 22nd Annual Dixon's Spaghetti Feed Dinner Fundraiser will be held on Friday, March 25th. She also referred to Item D-1 (Approve Partnership with Morro Bay Community Foundation to Sell Trolley Advertising for the 2011 Season and Amend Master Fee Schedule) stating the partnership with the Community Foundation would be very beneficial to the City. Ms. Solu stated Del Mar Elementary School, the only elementary school in the City, has been acknowledged as a California Distinguished School.

Marla Jo Bruton addressed Item A-5 and queried the Council regarding an out of state trip to visit medical marijuana dispensaries. She also referred to the last Morro Bay/Cayucos JPA meeting and the discussion regarding a proposal to hire a lobbyist, and that Mayor Yates and Robert Enns would converse with the staff of the lobbyist and present a report to the public. She said she finds this to be a blurry line in the Brown Act as far as elected officials becoming involved in staff's business. Ms. Bruton referred to Item D-2 (Approval to Send Letter to the City Selection Committee Recommending the Selection of Mary Ann Reiss as the Nominee for Appointment to the California Coastal Commission) and asked how the determination was made for the recommended appointment.

Keith Taylor, Friend of the Fire Department, gave an update on Phase 2 of the Fire Department renovations.

Virginia Hiramatsu, representing Relay for Life, announced the team fundraiser for Relay for Life will be a Bunco "Against Cancer" Party held on March 16th at 6:00 p.m. at St. Timothy's Church; there will be a Community Kick-Off on March 24th at 6:00 p.m. at the Embarcadero Grill; and the 3rd Annual Relay for Life event is the first weekend in August at Morro Bay High School.

Craig Schmidt, CEO for the Morro Bay Chamber of Commerce, announced the Chamber of Commerce Chili Cook-Off and Beer Fest will be held on Saturday, March 12th from noon – 5:00 p.m. at the Morro Bay Community Center.

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Janice Peters stated working with the California Coastal Commission is a process of education, information and negotiations and a lobbyist for the City comes in helpful for the City when staff is not available to attend meetings. She also addressed Item D-2 and expressed her support for the appointment of Mary Ann Reiss to the Coastal Commission. Ms. Peters also announced Fundraiser Follies “Divas & Crooners” would be held this weekend, February 26 & 27, doors open at 6:30 p.m. at the Morro Bay Community Center.

Dan Glesmann addressed Item A-2 stating as a responsible employer, the City has a duty to partner with its current employees to develop and provide for sustainable pensions; in turn the City Council also has a responsibility to its citizens to develop and maintain sustainable budgets in order to deliver vital public services. He said at this time the largest threat to a sustainable budget is the escalating employee benefit costs. Mr. Glesmann stated the request in the Memorandum of Understanding with the Police Officers Association represents a need to increase by an uncertain amount with no economic concessions in return.

Garry Johnson stated he attended the Coastal Commission meeting when they reviewed the City’s boardwalk, and he felt the Commission was disrespectful to those who addressed them. He also noted there was disrespect shown by a member of the public who was not in favor of the boardwalk.

Anne Reeves asked if the Council meetings are going to become a platform to land blast people.

Gary Hixson stated he has the Gary Hixson Show which airs three days per week.

Mayor Yates closed the hearing for public comment.

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 REGULAR MEETING OF
FEBRUARY 8, 2011; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

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A-2 RESOLUTION NO. 14-11 ADOPTING MEMORANDUM OF UNDERSTANDING WITH THE MORRO BAY POLICE OFFICERS ASSOCIATION; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: This item was pulled from the agenda.

A-3 RESOLUTION NO. 15-11 AUTHORIZING THE EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: This item was pulled from the agenda.

A-4 RESOLUTION RECOGNIZING THE MONTEREY CYPRESS AS THE OFFICIAL CITY TREE; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 18-11.

A-5 AUTHORIZATION FOR ATTENDANCE AT THE C-MANC ANNUAL WASHINGTON D.C. MEETING; (HARBOR)

RECOMMENDATION: Approve authorization for a two-person delegation to attend the California Marine Affairs and Navigation Conference Washington Week meetings scheduled for March 22 - March 24, 2011.

A-6 ADOPT RESOLUTION NO. 16-11 APPROVING SUBMISSION OF PROPOSITION 1B PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT AND SERVICE ENHANCEMENT ACCOUNT GRANT APPLICATION; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 16-11.

A-7 PROCLAMATION DECLARING FEBRUARY 2011 AS "GRAND JURY AWARENESS MONTH"; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

Councilmember Johnson pulled Item A-6 from the Consent Calendar.

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

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A-6 ADOPT RESOLUTION NO. 16-11 APPROVING SUBMISSION OF PROPOSITION 1B PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT AND SERVICE ENHANCEMENT ACCOUNT GRANT APPLICATION; (PUBLIC SERVICES)

Councilmember Johnson requested clarification regarding the fiscal impact noted in the staff report.

Management Analyst Janeen Burlingame responded there is no cost to the application process of the grant; she noted costs will come later in the process of the project.

Councilmember Johnson clarified that this approval is for the grant application only.

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

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 APPROVAL OF RESOLUTION 17-11 DESIGNATING \$500,000 IN PARKING IN-LIEU FUNDS FOR FORTY (40) PARKING SPACES AT 714 EMBARCADERO; (CITY ATTORNEY)

City Attorney Robert Schultz stated parking-in-lieu fees were established and codified as Morro Bay Municipal Code Section 17.44.020(a7), as a means through which public parking can be provided where it is unfeasible to provide such parking as part of on-site development projects. In 2001, the City purchased the property located at the northeast corner of Market Avenue and Pacific Street for \$500,000 using parking-in-lieu funds. The property at the northeast corner of Market Avenue and Pacific Street provided the City with 40 public parking spaces. In 2002, the City purchased the property located at 714 Embarcadero which currently provides the City with 60 parking spaces. The funds for this purchase, however, were not taken from the parking-in-lieu fund since the City was not sure ultimately what the long term use for this property would be. In 2009, the City Council determined that the property at the northeast corner of Market Avenue and Pacific Street was underutilized because of its location away from the Embarcadero and Downtown area and has recently sold the property. Now that the property at the corner of Pacific and Market has been sold, it is necessary to designate a project for the use of the \$500,000 in-lieu parking fee fund consistent with the requirements of said Section 17.44.020 A7 and Government Code Section 66001(d). Since the property located at 714 Embarcadero was purchased using general funds and currently provides the City with 60 parking spaces that are unencumbered by the parking in-lieu fund, the City can designate 40 parking spaces at 714 Embarcadero as a project for parking in-lieu funds.

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Mr. Schultz recommended the City Council adopt Resolution No. 17-11 designating \$500,000 in parking-in-lieu funds for 40 parking spaces at 714 Embarcadero.

Mayor Yates opened the hearing for public comment.

Barbara Doerr suggested using these funds for needed parking in the City.

Mayor Yates closed the hearing for public comment.

MOTION: Councilmember Smukler moved the City Council adopt Resolution No. 17-11 designating \$500,000 in parking-in-lieu funds for 40 parking spaces at 714 Embarcadero; and, direct staff to return with a resolution with a payment schedule for the proceeds of the sale of the Market/Pacific Street properties with Council's managerial policy for those funds. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

C. UNFINISHED BUSINESS

C-1 UPDATE ON MORRO BAY TRANSIT AND APPROVE REVISING CALL-A-RIDE ELIGIBILITY POLICY; (PUBLIC SERVICES)

Management Analyst Janeen Burlingame stated due to repeated cuts from the State in Transportation Development Act (TDA) funds over the past several fiscal years, resulting in not having enough TDA funds to continue operating Dial-a-Ride, the Council, after several hearings to discuss what type of local transit service could be provided with the State funding allocated to the City, approved changing to a flex fixed route (Morro Bay Transit) effective July 1, 2010. The flex fixed route is a combination fixed route and curb-to-curb (CAR) service that deviates off the fixed route to pick up/drop off passengers who have scheduled a trip before returning on route to the next fixed route stop. Morro Bay Transit fixed route and CAR service has been in operation for almost 8 months with 7 months of ridership data available for review. For the period July 1, 2010 through January 31, 2011, total ridership was 7,212 with average daily ridership being 50 riders per day and the average riders per vehicle service hour being 5 riders per hour. Fixed route trips made up 90% of total Morro Bay Transit trips with CAR making up the other 10%. Ms. Burlingame recommended the City Council receive this update, and approve revising the Call-A-Ride eligibility policy to include all members of the general public, effective February 23, 2011.

MOTION: Councilmember Smukler moved the City Council approve revising the Call-a-Ride eligibility policy to include all members of the general public, effective February 23, 2011; and, direct staff to return with the final transit efficiency group results for Council evaluation and action. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

Mayor Yates called for a break at 8:10 p.m.; the meeting resumed at 8:20 p.m.

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D. NEW BUSINESS

D-1 APPROVE PARTNERSHIP WITH MORRO BAY COMMUNITY FOUNDATION TO SELL TROLLEY ADVERTISING FOR THE 2011 SEASON AND AMEND MASTER FEE SCHEDULE; (PUBLIC SERVICES)

Management Analyst Janeen Burlingame stated the City received a proposal from the Morro Bay Community Foundation (MBCF) to form a partnership to sell trolley advertising for the 2011 season. Over the years, the trolley advertising program has been managed by a combination of City, Chamber of Commerce and MV Transportation staff. At different times, the City had partnerships with the Chamber of Commerce and MV Transportation to garner advertisers for the trolley with the revenue generated split evenly between the City and the agency involved with managing the advertising program. Other work-related commitments limited the effectiveness of being able to sell all advertising spaces available on the trolleys and management of the advertising program eventually came back to City staff that also had other commitments that limited the ability to sell all spaces. The result has been the loss of potential revenue to the trolley program that could be used to offset general fund expenditures for operations. Staff believes the proposal from the MBCF offers a more effective way to sell trolley advertising spaces than has been done in the past due to the incentive for the MBCF to actively pursue the sale of all spaces to generate more revenue for the organization to further their mission to assist children from financially challenged families to participate in recreation programs offered by the Recreation and Parks Department. Because of this, there is the potential to increase the amount of advertising revenue for the trolley program. Ms. Burlingame recommended the City Council approve entering into the trolley advertising program partnership with the MBCF.

MOTION: Councilmember Borchard moved the City Council approve entering into the trolley advertising program partnership with the Morro Bay Community Foundation; and, amend the Master Fee Schedule. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

D-2 APPROVAL TO SEND LETTER TO THE CITY SELECTION COMMITTEE RECOMMENDING THE SELECTION OF MARY ANN REISS AS THE NOMINEE FOR APPOINTMENT TO THE CALIFORNIA COASTAL COMMISSION; (CITY COUNCIL)

Mayor Yates stated Pismo Beach Councilmember Mary Ann Reiss has served as the Central Coast representative on the California Coastal Commission (CCC) since December 2010 after being appointed by former Governor Schwarzenegger. Previously, she was the alternate for Katcho Achadjian. As alternate, Councilmember Reiss has participated in several CCC meetings, and has often appeared before the CCC on behalf of Pismo Beach issues. Her long time experience in Pismo Beach city government and with coastal issues makes her an ideal candidate to continue to represent the South Central Coast. Mayor Yates recommended the City Council approve sending a letter to the City Selection Committee recommending the selection of Councilmember Mary Ann Reiss as the nominee for appointment to the California Coastal Commission.

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Councilmember Smukler stated the primary consideration should be that there is local representation on the Coastal Commission. He suggested adding to the letter of recommendation: “or another San Luis Obispo County representative”.

MOTION: Councilmember Borchard moved the City Council approve sending a letter to the City Selection Committee recommending the selection of Councilmember Mary Ann Reiss as the nominee for appointment to the California Coastal Commission. The motion was seconded by Councilmember Johnson and carried with Councilmember Smukler voting no. (4-1)

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Johnson requested to agendize a discussion on an aggressive economic incentives program to revitalize the City’s Old Town and North Morro Bay; Council concurred.

Councilmember Leage requested to agendize a discussion on the beautification and paving of the Morro Rock parking area; Council concurred.

Councilmember Smukler requested to agendize a discussion on Bike Racks with Dedication Plaques Program; Council concurred.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Recorded by:

Jamie Boucher
Deputy City Clerk