City of Morro Bay
City Council Agenda

Mission Statement
The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life. The City shall be committed to this purpose and will provide a level of municipal service and safety consistent with and responsive to the needs of the public.

REGULAR MEETING – AUGUST 10, 2009

CLOSED SESSION – AUGUST 10, 2009
CITY HALL CONFERENCE ROOM - 4:00 P.M.
595 HARBOR ST., MORRO BAY, CA

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.

IT IS NOTED THAT THE CONTENTS OF CLOSED SESSION MEETINGS ARE CONFIDENTIAL AND EXEMPT FROM DISCLOSURE.

SPECIAL MEETING – AUGUST 10, 2009
VETERANS MEMORIAL HALL - 5:00 P.M.
209 SURF ST., MORRO BAY, CA

ESTABLISH QUORUM AND CALL TO ORDER

PUBLIC HEARINGS, REPORTS & APPEARANCES

PH-1 DISCUSSION ON ACTIVATING THE MORRO BAY REDEVELOPMENT AGENCY AND INITIATION OF PLANS TO BEGIN THE FORMAL REDEVELOPMENT PLAN ADOPTION PROCESS; (PUBLIC SERVICES)

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (805) 772-6205. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

PUBLIC SESSION – AUGUST 10, 2009
VETERANS MEMORIAL HALL - 6:00 P.M.
209 SURF ST., MORRO BAY, CA

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE
PLEDGE OF ALLEGIANCE
MAYOR AND COUNCILMEMBERS ANNOUNCEMENTS & PRESENTATIONS
CLOSED SESSION REPORT

PUBLIC COMMENT PERIOD - Members of the audience wishing to address the Council on City business matters (other than Public Hearing items under Section B) may do so at this time.

To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

- When recognized by the Mayor, please come forward to the podium and state your name and address for the record. Comments are to be limited to three minutes.
- All remarks shall be addressed to Council, as a whole, and not to any individual member thereof.
- The Council respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the City Council to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in City Council meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (805) 772-6205. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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 SPECIAL CITY COUNCIL MEETING OF JULY 13, 2009, AND THE REGULAR CITY COUNCIL MEETING OF JULY 13, 2009; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF THE SERVICE RETIREMENT INCENTIVE PROGRAM; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Approve the Service Retirement Incentive Program.

A-3 APPROVAL OF A LANDLORD'S ESTOPPEL ON LEASE SITE 122-123/122W-123W, EXT. 122W-123W, LOCATED AT 1205 EMBARCADERO - HARBOR HUT; (HARBOR)

RECOMMENDATION: Adopt Resolution No. 44-09.

A-4 ORDINANCE NO. 550 AMENDING TITLE 15 HARBOR AND OCEAN REGULATIONS, CHAPTER 15.40 REGARDING VESSEL HABITATION; SECOND READING/ADOPTION; (HARBOR)

RECOMMENDATION: Adopt Ordinance No. 550.

A-5 APPROVAL OF THE SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT REQUEST FOR CITY PUBLIC, EDUCATION AND GOVERNMENT ACCESS FUNDS IN SUPPORT OF EDUCATIONAL ACCESS PROGRAMMING/VIDEO PRODUCTION CURRICULAR AT DEL MAR ELEMENTARY AND MORRO BAY HIGH SCHOOLS; (PUBLIC SERVICES)

RECOMMENDATION: Approve the San Luis Coastal Unified School District's request for PEG access funds in support of educational access programming/video production curricular at Del Mar Elementary and Morro Bay High Schools; and, authorize the release of PEG access funds in an amount up to $54,579 to San Luis Coastal Unified School District on a reimbursement basis based on actual costs incurred.

A-6 ENTERING INTO A MEMORANDUM OF UNDERSTANDING WITH SAN LUIS OBISPO COUNTY FOR THE PREPARATION OF AN INTEGRATED REGIONAL WATER MANAGEMENT PLAN; (PUBLIC SERVICES)

RECOMMENDATION: Authorize the Utilities/Capital Projects Manager to enter into a MOU with San Luis Obispo County and to represent the City in preparing the Integrated Regional Water Management Plan.

A-7 STATUS REPORT ON APPLICATIONS FOR ECONOMIC STIMULUS FUNDING; (ADMINISTRATION)

RECOMMENDATION: Receive report for information.

A-8 APPROVAL OF SETTLEMENT AGREEMENT IN WALLICK V. CITY OF MORRO BAY; (CITY ATTORNEY)

RECOMMENDATION: Approve the settlement agreement between the City and Joseph Wallick.

A-9 ACCEPTANCE OF LETTER OF RESIGNATION FROM PLANNING COMMISSIONER; (ADMINISTRATION)

RECOMMENDATION: Accept letter of resignation from Planning Commissioner Bill Woodson.

A-10 AUTHORIZATION TO FILL THE ASSOCIATE PLANNER POSITION; (PUBLIC SERVICES)

RECOMMENDATION: Authorize the hiring of the recently vacated position of the Associate Planner.

B. <u>PUBLIC HEARINGS, REPORTS & APPEARANCES</u>

B-1 INTRODUCTION OF ORDINANCE NO. 551 TO AMEND THE MORRO BAY MUNICIPAL CODE CHAPTER 10.54 TO INCLUDE A NEW SECTION 10.54.065 REQUIRING ANY PERSON RIDING A PERMITTED COASTING DEVICE AT THE MORRO BAY SKATE PARK TO WEAR A HELMET, ELBOW PADS, AND KNEE PADS; (RECREATION & PARKS)

RECOMMENDATION: Approve Ordinance No. 551 for first reading and introduction.

C. <u>UNFINISHED BUSINESS</u>

C-1 STATUS REPORT ON APPEAL FEES; (PUBLIC SERVICES)

RECOMMENDATION: Receive report for information.

C-2 PRESENTATION ON IMPLEMENTATION ON GOALS A&B FROM THE MANAGEMENT PARTNERS GOAL SETTING WORKSHOP; (ADMINISTRATION)

RECOMMENDATION: Review Goals A and B from the *Goal Setting Workshop Outcomes for 2009* document and provide further direction to staff.

D. NEW BUSINESS

D-1 CONSIDERATION OF THE CITY’S CO-SPONSORSHIP OF EVENTS; (RECREATION & PARKS)

RECOMMENDATION: Discuss and direct staff accordingly.

D-2 DESIGNATION OF VOTING DELEGATE AND ALTERNATE VOTING DELEGATE AT LEAGUE OF CALIFORNIA CITIES 2009 ANNUAL CONFERENCE BUSINESS MEETING; (ADMINISTRATION)

RECOMMENDATION: Select a voting delegate and alternate voting delegate to attend the League of California Cities 2009 Annual Conference Business Meeting.

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

THIS AGENDA IS SUBJECT TO AMENDMENT UP TO 72 HOURS PRIOR TO THE DATE AND TIME SET FOR THE MEETING. PLEASE REFER TO THE AGENDA POSTED AT CITY HALL FOR ANY REVISIONS OR CALL THE CLERK'S OFFICE AT 772-6200 FOR FURTHER INFORMATION.

MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION AT CITY HALL LOCATED AT 595 HARBOR STREET; MORRO BAY LIBRARY LOCATED AT 625 HARBOR STREET; AND MILL’S COPY CENTER LOCATED AT 495 MORRO BAY BOULEVARD DURING NORMAL BUSINESS HOURS.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN A CITY MEETING, PLEASE CONTACT THE CITY CLERK'S OFFICE AT LEAST 24 HOURS PRIOR TO THE MEETING TO INSURE THAT REASONABLE ARRANGEMENTS CAN BE MADE TO PROVIDE ACCESSIBILITY TO THE MEETING.

AGENDA NO: PH-1
MEETING DATE: August 10, 2009

Staff Report

TO: **Mayor and Councilmembers** **DATE: August 4, 2009**

FROM: **Bruce Ambo, Public Services Director**

SUBJECT: **Activation of the Morro Bay Redevelopment Agency and Initiation of Plans to Begin the Formal Redevelopment Plan Adoption Process**

BACKGROUND:

This is another in a series of several hearings on redevelopment and a follow up to the most recent Council hearing on July 13, 2009 where the Council heard and considered: 1) funding alternatives, 2) additional Redevelopment Agency and Project Area formation expenses, 3) Agency operational expenses, 4) redevelopment plan implementation and activities; and 4) community involvement and participation, and related topics. Direction was given for the subject hearing to be held on August 10 at 5:00 with the following motion:

> "Council member Smukler moved the City Council continue this public hearing to the August 10th 2009 City Council meeting from 5-6 p.m. with a call to vote on the establishment of a Redevelopment Agency as a part of that hearing. The motion was seconded by Council Member Winholtz and carried with Council member Grantham voting no (4-1)."

For a detailed description of the background history of past meetings including exploring redevelopment as a source of revenue enhancement and community priority, technical aspects of redevelopment, and the results of the Redevelopment Feasibility Study, please refer to July 13 Council report in Attachment 1, which also has the recommendation and motion to activate the Redevelopment Agency and initiate plans to begin the formal Redevelopment Plan adoption process.

DISCUSSION:

Redevelopment is a process, and at this stage the only thing that has been done is a feasibility study (please see June 17 Council Report - Attachment 2). It is strongly recommended that the City Council follow through with the expert opinions in that feasibility study and actually begin the year-long formal formation process, which includes among many other components activating the Redevelopment Agency, identifying a Project Area, discussing an eminent domain policy, and formulating a Redevelopment Plan (for further information please see Proposed Work Program on Page 5 of Attachment 3). Urban Futures Incorporated, Inc. has indicated that there is enough time to capture the FY 09-10 base year, complete the formal formation process, and have the adopting

Prepared By: ________	**Dept Review:_____**
City Manager Review: ________	
City Attorney Review: ________	

ordinance effective by August 20, 2010 if the Council in effect starts the process now in the beginning of August.

Fundamentally, redevelopment is a municipal revenue source devoted almost solely for the purpose of stimulating economic development, providing affordable housing, and eliminating blighting influences. The concept of redevelopment only works if property tax values grow. As that happens as expected and encouraged, so will the property tax increment, which in turn funds redevelopment activities. Therefore, redevelopment is not a mechanism to "devalue" property in any way, and in fact is more of a tool for revitalization.

Quite a bit of confusion and concern amongst some of the residents in the community has been raised by a flyer being handed out door to door in opposition to redevelopment, and in particular the "blight" weighting factors and "eminent domain."

Blight Weighting Factors

First of all no properties have been designated as "blighted." The City Council can only make that determination after an objective, lengthy and inclusive public hearing process that the City has not yet begun and would take the next year to complete in its entirety. As discussed above, there is no interest or motivation whatsoever to "devalue" property because the underlying purpose of redevelopment is to get property values to increase.

Furthermore, the City has already performed and documented State required housing condition inventories of the housing stock in past Housing Element Updates and in a Housing Condition Survey for the Community Development Block Grant program, although not to the degree and level of accuracy in the Redevelopment Feasibility Study. This is no different than identifying un-reinforced masonry buildings, areas subject to landslides, high fire hazards, or liquefaction potential and the like. The blight analysis (based upon nationally recognized factors and deficiencies), documentation and formation of a Redevelopment Project Area is in fact a form of precaution and protection against unsubstantiated and arbitrary designations of land as blighted.

Eminent Domain

Eminent domain refers to the government's authority to acquire private property for public use through condemnation by paying just compensation and/or fair market value for the property. The City has always had the authority to use eminent domain to acquire property, and has never used it. Staff has already strongly recommended against the use of eminent domain to acquire residential properties, but it would ultimately be up to the Agency Board to decide what the policy would be during this year-long formation process if the Council chooses to go forward. Also during this time the community and Agency Board would need to decide upon an eminent domain policy on commercial property with the guidance of Redevelopment Counsel and substantial community input. If the Agency chooses not to include the power of eminent domain, it would require a major amendment to include it at a later time involving 7 to 9 months at a minimum at a later time. However, it is extremely unlikely the Agency will have either the financial resources or the interest to acquire property from an unwilling property owner.

SUMMARY:

Contrary to what some believe to be the truth or perhaps may be misinformed, nothing has been done other than to conduct a Redevelopment Feasibility Study. The feasibility study indicates that blight does exist in the community as defined in California Community Redevelopment Law. There is a recommended process associated with this proposal to define what the extent of blight is within the community (i.e., Project Area), activate the Redevelopment Agency, formulate Agency eminent domain policy, and develop a Redevelopment Plan, and ultimately collect tax increment.

Funding alternatives in the amount of $210,000 to go through the formal formation process have been identified. The potential risk to being challenged by the taxing entitities has to a certain extent been reduced, but not entirely eliminated, with the findings and conclusions of the Redevelopment Feasibility Study. Formation of the Redevelopment Agency would be a major undertaking and require a considerable amount of expense and time.

The potential benefits to the community and Agency can be substantial, and equate to approximately $25.4 million in general redevelopment activities, and an additional $14.3 million in affordable housing projects and programs for the life of the Agency. It is still possible to capture the FY 09-10 base tax year if the City elects to go forward at this time.

Attachments:

1. Council Staff Report – Consideration of the Redevelopment Feasibility Study, Activation of the Morro Bay Redevelopment Agency and Formal Redevelopment Plan Adoption Process, July 13, 2009 City Council Meeting
2. Council Staff Report – Consideration of the Redevelopment Feasibility Study, Activation of the Morro Bay Redevelopment Agency and Formal Redevelopment Plan Adoption Process, June 17, 2009 City Council Meeting
3. Proposal to Provide Redevelopment Planning Services for the City of Morro Bay, December 2008.
4. Redevelopment Feasibility Study prepared by Urban Futures, Inc. (UFI) in association with Alfred Gobar Associates (AGA), May 2009. (Under separate cover)

AGENDA NO: A-1	
MEETING DATE: 8/10/09	

MORRO BAY CITY COUNCIL
SPECIAL MEETING – JULY 13, 2009
VETERANS MEMORIAL HALL - 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

ESTABLISH QUORUM AND CALL MEETING TO ORDER

INTERVIEW OF APPLICANTS FOR THE CITY'S TOURISM BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD, COMMUNITY PROMOTIONS COMMITTEE, AND RECREATION & PARKS COMMISSION

The City Council conducted interviews to fill the following vacancies on the Tourism Business Improvement District Advisory Board, Community Promotions Committee, and Recreation & Parks Commission.

Tourism Business Improvement District Advisory Board – one member representing hotels with less than 22 rooms with a term ending 1/31/12; and one as a member-at-large with a term ending 1/31/11.

The City Council interviewed the following people for the Tourism Business Improvement District Advisory Board vacancies: Garry Johnson, Ani Lyne, Nick Mendoza, and Valerie Seymour.

The City Council voted by ballot and appointed Valerie Seymour representing hotels with less than 22 rooms with a term ending 1/31/12; and appointed Nick Mendoza to serve as member-at-large with a term ending 1/31/11.

Community Promotions Committee - one 1½-year term ending 1/31/11 (Motel/Restaurant Representative).

The City Council interviewed the following people for the Community Promotions Committee vacancy: Liz Bednorz, Jenny Brantlee, and Laurie Wiesneth.

The City Council voted by ballot and appointed Liz Bednorz to serve as the Motel/Restaurant Representative with a term ending 1/31/11.

Recreation & Parks Commission – one ½-year term ending 1/31/10; and two 3-year terms ending 1/31/13.

The City Council interviewed the following people for the Recreation & Parks Commission vacancies: Siobhan O'Toole and Drew Sidaris.

The City Council voted by ballot and appointed Siobhan O'Toole and Drew Sidaris to serve the two 3-year terms ending 1/31/13.

The City Council decided to leave the one ½-year term vacant until they hold interviews in January 2010.

The meeting adjourned to the regular City Council meeting.

AGENDA NO.: A-1
Meeting Date: 8/10/09
Action: ______________

THE CITY COUNCIL

MINUTES OF JULY 13, 2009

HAVE BEEN PULLED

FROM THE AGENDA

AGENDA NO: A-2

MEETING DATE: 8/10/09

Staff Report

TO: Honorable Mayor and City Council **DATE: August 4, 2009**

FROM: Andrea K. Lueker, City Manager

SUBJECT: Approval of the Service Retirement Incentive Program

RECOMMENDATION:

Staff recommends the City Council approve the Service Retirement Incentive Program.

This agenda item is in reference to the City Council's established Goal B of the Goal Setting Outcomes for 2009 "Reduce Overall Administrative Costs", Sub-item #4 "Provide a list of potential early retirements and the implications of replacement costs (or whether some positions remain vacant)."

> **MOTION: I move the City Council approve the Service Retirement Incentive Program.**

FISCAL IMPACT:

Unknown at this time due to unknown number of participating employees, however based on the incentive amounts offered, any incentive costs will be offset by the subsequent salary savings.

SUMMARY:

During the budget process for the fiscal year 2009/2010 and in accordance with Goal B, the City Council indicated specific interest in the of some type of "golden handshake" or voluntary service retirement incentive Through a series of Closed Session meetings (June 22nd and July 21st, 2009) the City Council authorized staff to contact all employees eligible to retire from the City of Morro Bay, and offer to those employees a Service Retirement Incentive (SRI).

BACKGROUND

Prepared By: ________	**Dept Review:**_____
City Manager Review: ________	
City Attorney Review: ________	

Especially in recent years, a number of cities have structured retirement incentives as a means of short-term and long-term savings. There are a number of ways to structure a retirement incentive, with the most popular being:

1. Purchasing two years of California Public Employees Retirement System (PERS) service credit.
2. Paying retiree health premiums for a specified period.
3. Contributing to a retiree health savings account.
4. Providing a one-time, lump-sum payment.

DISCUSSION

Staff considered and evaluated various retirement incentive options and programs, and is presenting a one-time, lump-sum service retirement incentive program (Attachment 1). The program does not add on-going cost to the City as do some of the other retirement incentive programs staff explored. As an example, purchasing PERS service credit potentially affects the City's PERS rates for a number of years.

The program creates both potential short-term and long-term savings for the City and allows employee flexibility. A lump sum incentive provides individuals with the flexibility to use the funds in any manner they choose. The incentive amount varies depending upon an employee's retirement date. A higher incentive amount is provided for a retirement date earlier in the financial planning period because the potential savings are greater if a vacancy occurs sooner. The program provides for the following payments for full-time regular employees:

1. Level One: Payment amount of $10,000 for employees who retire on or before October 31, 2009.
2. Level Two: Payment amount of $7,500 for employees who retire November 1, 2009 through February 28, 2010.
3. Level Three: Payment amount of $5,000 for employees who retire March 1, 2010 through June 30, 2010.

This lump-sum incentive will be reported by the City to the Internal Revenue Service as taxable income. The incentive payment is not considered compensation by PERS and therefore is not considered in an employee's single highest year for retirement benefit calculations.

The City Council, at their July 22, 2009 Closed Session, made a slight amendment to the Service Retirement Incentive they offered to the Executive Employees (Department Heads) in that instead of a lump-sum payment of $5,000-$10,000, the City Council agreed to increase the Department Head salary by the scheduled 3% and then the subsequent 4% increase (currently on schedule for implementation in July 2010 barring further deferment). This increase, in all eligible cases would cost the City between $4,000-6,000.

After formal adoption of the program by Council, applicants will be required to sign an agreement and release of claim against the City in exchange for the incentive (Attachment 2). Eligibility for the retirement incentive program is predicated upon a full-time regular employee having satisfied the conditions delineated by PERS with respect to age and years of credited service. Only regular full-time employees are eligible to participate in the program. Temporary, part-time and contract employees are not eligible to participate in this program.

The voluntary retirement incentive program was communicated to all eligible employees in early July and an application period was offered from July 6, 2009 through August 31, 2009. City staff also offered an information meeting on July 23, 2009 for employees that might have questions. The meeting was attended by 6 employees with another 3-4 employees meeting privately with staff to discuss the program. By the August 31, 2009 deadline, staff will be able to provide you the exact numbers of employees who will take part in this incentive program.

AGENDA NO:	**A-3**
MEETING DATE:	**8/10/2009**

Staff Report

TO: **Honorable Mayor and City Council** **DATE: August 10, 2009**

FROM: **Harbor Director**

SUBJECT: **Approval of a Landlord's Estoppel on Lease Site 122-123/122W-123W, Ext. 122W-123W, Located at 1205 Embarcadero**

RECOMMENDATION:
Staff recommends that the City Council adopt Resolution # 44-09 authorizing the Mayor to execute a Landlord's Estoppel Certificate for Lease Site 122-123/122W-123W, Ext. 122W-123W located at 1205 Embarcadero**.**

> **MOTION: I move that the City Council adopt Resolution #44-09 authorizing the Mayor to execute a Landlord's Estoppel for Lease Site 122-123/122W-123W, Ext. 122W-123W, located at 1205 Embarcadero.**

FISCAL IMPACT:
None

SUMMARY:
In April 2009, the City Council conditionally approved assignment of Lease Site 122-123/122W-123W, Ext. 122W-123W from Harbor Hut, Inc. to THMT Inc. (Troy and Heather Leage). HTMT is requesting City approval of financing security agreements with the lender, Mission Community Bank.

DISCUSSION:
Often lease financing arrangements require the City's agreement to secure the lease for collateral purposes to a financing institution. The City has previously executed estoppel agreements on other Lease Sites to facilitate the tenant's capability of obtaining favorable financing. The proposed Landlord's Estoppel Certificate meets the City's requirements for this type of security agreement. The attached Resolution states that the approval is conditional on receipt of the final document, as approved by the City Attorney and signed by all parties, by August 31, 2009.

Prepared By: ________	**Dept Review:**_____
City Manager Review: ________	
City Attorney Review: ________	

CONCLUSION:

Staff recommends that the City Council adopt Resolution #44-09 authorizing the Mayor to execute a Landlord's Estoppel Certificate for Lease Site 122-123/122W-123W, Ext. 122W-123 located at 1205 Embarcadero**.**

RESOLUTION NO. 44-09

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
APPROVAL OF LANDLORD'S ESTOPPEL AGREEMENT FOR
LEASE SITE 122-123/122W-123W, EXT. 122W-123W,
LOCATED AT 1205 EMBARCADERO**

**T H E C I T Y C O U N C I L
City of Morro Bay, California**

WHEREAS, the City of Morro Bay is the lessor of certain properties on the Morro Bay Waterfront described as Lease Site 122-123/122W-123W, Ext. 122W-123W; and

WHEREAS, said lease site was conditionally assigned to THMT (Troy and Heather Leage) in April 2009; and

WHEREAS, the lessee is financing the lease site and the lender, Mission Community Bank, is requesting that the City authorize execution of a Landlord's Estoppel for Lease Site 122-123/122W-123W, Ext. 122W-123W; and

WHEREAS, the City Attorney has reviewed and must approve a final Landlord's Estoppel for said Lease Sites; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that the Landlord's Estoppel for Lease Site 122-123/122W-123W, Ext. 122W-123W is hereby approved and that the Mayor is hereby authorized to execute said document contingent upon City Attorney approval of the final format.

BE IT FURTHER RESOLVED that approval of the Landlord's Estoppel and assignment of lease is conditional upon receipt of the final documents, as approved by the City Attorney and signed by all parties, by August 31, 2009.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 10th day of August, 2009 on the following vote:

AYES:
NOES:
ABSENT:

____
Janice Peters, Mayor

ATTEST:

____
Bridgett Bauer, City Clerk

AGENDA NO: A-4

MEETING DATE: 8/10/2009

Staff Report

TO: **Honorable Mayor and City Council** **DATE: August 10, 2009**

FROM: **Harbor Director**

SUBJECT: **Ordinance No. 550 Amending Title 15 Harbor and Ocean Regulations, Chapter 15.40 Regarding Vessel Habitation; Second Reading/Adoption**

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 550, amending Title 15 Harbor and Ocean Regulations, Chapter 15.40 Regarding Vessel Habitation.

I move that the City Council adopt Ordinance No. 550 amending Chapter 15.40 Vessel Habitation.

FISCAL IMPACT:

None

BACKGROUND:

A public hearing and first reading of Ordinance No. 550, proposed revisions to Chapter 15.40, Vessel Habitation was held at the July 13, 2009 City Council meeting. The City Council passed a motion to approve Ordinance No. 550 with minor changes and to bring the item back for second reading and adoption on August 13, 2009. Staff included the amendments to Ordinance No. 550 as directed by the City Council at the July 13, 2009 meeting.

CONCLUSION:

Staff recommends that the City Council adopt Ordinance 550, amending Title 15 Ocean and Harbor Regulations, Chapter 15.40, Vessel Habitation.

Prepared By: ________ **Dept Review:**_____

City Manager Review: ________

City Attorney Review: ________

ORDINANCE NO. 550

AN ORDINANCE OF THE CITY OF MORRO BAY REPEALING, AMENDING, AND REENACTING CHAPTER 15.40 VESSEL HABITATION OF THE MORRO BAY MUNICIPAL CODE

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, certain parts of the current Section 15.40, Vessel Habitation, of the Morro Bay Municipal Code dates back to 1993 and needed to be clarified; and,

WHEREAS, for the purpose of providing a clear outline of Vessel Habitation rules and regulations, the City of Morro Bay desires to repeal its Chapter 15.40, Vessel Habitation to reenact Chapter 15.40 as contained herein; and

WHEREAS, City Staff under direction from the City Council, brought the item to the Harbor Advisory Board in September 2008 and the Harbor Advisory Board then set up a subcommittee in October 2008 to discuss and recommend amendments to Chapter 15.40; and,

WHEREAS, following several public meetings the subcommittee presented the revised draft Chapter 15.40 to the Harbor Advisory Board its Board meeting on April 2, 2009 for review and comment; and

WHEREAS, the Harbor Advisory Board provided staff with direction to bring the recommended changes to Chapter, 15.40 before the City Council; and,

WHEREAS, a public hearing was held on July 13, 2009, for consideration of this Ordinance and appropriate public notices were given, and the City Council adopted for first reading the attached revisions to Chapter 15.40, Vessel Habitation of the Morro Bay Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORRO BAY DOES HEREBY ORDAIN AS FOLLOWS:

Section 15.40 of the Morro Bay Municipal Code is hereby repealed, amended, and reenacted to read as follows:

CHAPTER 15.40:

VESSEL HABITATION

Sections:

Section 15.40.010 PURPOSE: To regulate liveaboard use on tidelands granted to the City of Morro Bay by the State Lands Commission for public health and safety.

Section 15.40.020 DEFINITIONS:
For the purposes of this chapter the following definitions shall apply:

A. Morro Bay Harbor: For the purposes of this chapter, Morro Bay Harbor shall be the tidelands and submerged lands granted to the City of Morro Bay as successor to the county of San Luis Obispo under Chapter 1076 Statutes of 1947 of the State of California.

B. Liveaboard - Individual(s) and or Vessel(s):

1. A liveaboard is defined as any person(s) who uses a vessel as a residence and/or is occupying that vessel for four or more days or nights within any seven day period engaging in those usual and customary activities associated with a person's residence or abode such as, but not limited to, sleeping and preparation of meals. This definition will also include any individual using a vessel for four or more days or nights within any seven day period as a place of business, professional location or other commercial enterprise, as evidenced by a business license, when transportation is a secondary or subsidiary use.

2. A liveaboard vessel is any vessel which is moored in Morro Bay Harbor for more than 60 days in any 12 month period and is occupied by a liveaboard. Liveaboard vessels shall be considered single family residences for purposes of health, safety, welfare and public nuisances and shall at no time house such number of persons so as to create a public nuisance or to be detrimental to the health, safety and welfare of others.

C. Harbor Director: Shall mean the Harbor Director or his/her designate.

D. Off-Shore Mooring: Off-shore mooring means any site where a vessel is secured within Morro Bay Harbor which is not directly connected to the shore or land by means of a dock, pier, float or other structure providing direct access from the vessel to the land or shore.

E. Shore-Side Mooring: Shore-side mooring means any site where a vessel is secured within Morro Bay Harbor which is directly connected to the shore or land by means of a dock, pier, float or other structure providing direct access from the vessel to the land or shore.

F. Sewage: Sewage means that portion of the wastewater from toilets or any other receptacles containing human or animal excreta and urine, commonly known as blackwater.

G. Sewage Holding Tank: Sewage holding tank means a permanently installed receptacle on a vessel which is used to retain sewage.

H. Sewage Pump-Out: Sewage pump-out means a mechanical device which is temporarily connected to a vessel for the purpose of removing sewage from its holding tank.

I. Adequate Vessel Sanitation Facility: An adequate vessel sanitation facility means an operational Marine Sanitation Device or portable toilet approved by the United States Coast Guard as suitable to prevent direct discharge of human waste into Morro Bay Harbor.

15.40.030 PERMIT REQUIRED: It shall be unlawful for any person to occupy or own a liveaboard vessel within Morro Bay Harbor unless the vessel has been permitted under this chapter.

A. Liveaboard Vessel - Permit Application and Fees

An application for liveaboard permit shall be filed with the Harbor Director upon forms provided by the City. The permit is valid for two fiscal years, including the year issued, and may be renewable after payment of the biennial renewal and inspection and completion of the required biennial re-inspection. The Harbor Director shall have the discretion to provide applicants a six-month extension of their existing permit to complete inspection requirements of the vessel. An applicant must provide a written request to the Harbor Director for the six-month re-inspection including an explanation of why the extension is needed. Should any existing liveaboard permittee not complete the permitting process and obtain a new valid liveaboard permit within this six-month extension period, the permit will expire Applications shall be filled out completely and submitted with the required non-refundable fees. Fees shall be paid as set and established in the City Master Fee Schedule.

B. General Restrictions for Issuance: Liveaboard vessels are prohibited from the City T-Piers. Permits will not be granted for vessels or floating structures such as houseboats, barges, floating homes or other such vessels or floating structures not specifically designed for or not safely capable of navigating ocean waters under their own power. An exception for work barges actively engaged in construction activity in Morro Bay Harbor may be made by the Harbor Director.

15.40.040 PERMIT ISSUANCE

A. Issuance of a Liveaboard Permit: Upon receipt of the original Liveaboard Permit Application, or any renewal thereof, the Harbor Director shall notify applicant that the applicant must make arrangements within a specified period with the Harbor Department to have the liveaboard vessel, under its own power, make way to the Harbor Patrol docks or other facility designated by the Harbor Patrol to submit to an inspection to insure the liveaboard vessel is in compliance with the conditions of this Ordinance. The inspection shall be accomplished by a City of Morro Bay Harbor Patrol Officer or a qualified marine surveyor acceptable to the City provided that if applicant chooses to have an inspection completed by a marine surveyor, then applicant will bear all costs thereof and provide City a copy of the inspection report. Conditions for issuance of a liveaboard permit are as follows:

1. Vessels to be used for liveaboard purposes must be in good material condition not likely to sink or become a menace to navigation and to be of a design suitable for operation on the waters of the Pacific Ocean. All vessels must be currently registered or documented.

2. All liveaboard vessels are required to have adequate vessel sanitation facilities on board.

3. The proposed liveaboard individual and the vessel to be used for liveaboard purposes must be in compliance with all sections and provisions of this ordinance.

4. Liveaboard vessels must have on board a working VHF marine radio with minimum channels of 12 & 16, or have a functioning telephone.

5. The individual(s) submitting the application must be the owner of the vessel and shall liveaboard the vessel during any liveaboard use thereof except that paid crew member/s of qualified commercial fishing vessels may liveaboard without the vessel owner and may receive liveaboard permits with the vessel owner's consent. No permit will be issued in the name of a partnership (general or limited), corporation, joint venture or other legal entity. A permit for a vessel which is registered, documented or owned by a partnership (general or limited), corporation, joint venture or other legal entity will be issued only to a natural person whose interest in the vessel (whether by virtue of an interest in the partnership, ownership or stock or a corporation or otherwise) is equal to or greater than that of each of the other partners, stockholders, members or associates. An applicant for a permit in Morro Bay for a vessel which is owned by a partnership (general or limited), corporation, joint venture, or other legal entity shall submit for approval by the Harbor Director, a valid Certificate of Ownership or valid Marine Document. Notwithstanding the form of ownership of the vessel, the permit to liveaboard the same within the City of Morro Bay shall not be transferable under any circumstances. If a permittee fails or refuses to notify the Harbor Director of a change to any of the information contained in the liveaboard permit application within five (5) days from the date of any such change, such failure or refusal shall constitute grounds for revocation of the permit.

6. The liveaboard vessel must have a safe and legal berthing location in Morro Bay Harbor other than the A1-5 anchorage area or the City T-Piers.

7. The permit will be valid for two fiscal years and the applicant must meet the requirements for permit issuance biennially thereafter or the Harbor Director shall not reissue the liveaboard permit. Liveaboard vessels which are not in Morro Bay Harbor as provided for in Section 15.040.070 shall not have to meet requirements for permit reissuance until the vessel returns to Morro Bay Harbor.

8. The permit will be issued for the vessel, and will state the specific names of the liveaboards authorized to occupy the vessel.

9. No more than 50 liveaboard permits may be issued at any time. City will not maintain a liveaboard permit waiting list unless 50 permits are issued and additional individuals desire to apply for liveaboard permits.

15.040.050 TERMINATION/REVOCATION OF PERMIT:

A. Conditions for Termination/Revocation: Liveaboard permits may be revoked for the following reasons:

1. Discharge of sewage.

2. Violation of any section of this Ordinance not specifically listed in this Section, 15.040.050 A, for a period in excess of 30 days after having been notified to correct the violation. Notice of violation shall be given by First Class mail or personal service or by attachment of said notice in a conspicuous location on the vessel or any combination of the above. Proof of correction of any violation shall be deemed to be the obligation of the permittee, or liveaboard, and shall be to the satisfaction of the Harbor Director.

3. If twice in any 12 month period the permittee has been found in violation of the terms of this ordinance, it shall be evidence of non-compliance with the intent of this ordinance to maintain an orderly harbor operation and shall constitute grounds for revocation of the permit.

4. In the event that City policy concerning the number of liveaboard permits issued shall change and the number of liveaboard permits shall be reduced, notice of revocation of liveaboard permits shall be given by First Class mail or personal service or by attachment of said notice in a conspicuous location on the vessel or any combination of the above. Since this will require relocation of a personal residence, 60 days notice of termination of the liveaboard permit will be given in this situation. This shall also include requirements established by other agencies whose jurisdiction may be imposed upon the City of Morro Bay. In the event terms and or conditions of maintaining a liveaboard permit are modified by the City Council, then those persons holding current liveaboard permits shall have a period of 60 days after adoption of said modifications in which to fully comply with such new regulations. Those permittees with the shortest tenure as a permitted liveaboard will be the first to receive such notice.

5. In the event that the liveaboard permit holder moves from the area or no longer resides on the vessel for minimum time periods required or voluntarily terminates liveaboard status.

6. Non-payment of fees associated with liveaboard permit or vessel associated with liveaboard permit, service charges, dockage charges or other fees due to the City of Morro Bay for a period in excess of 10 days after written notice. Notice shall be given as described in Section 15.040.050 A. 2. above.

B. Termination/Revocation Procedure: Upon determining that grounds for revocation of a permit exist, the Harbor Director shall give written notice of intent to revoke (including the grounds thereof) to the permit holder by First Class Mail, personal delivery, by attachment in a conspicuous location on the vessel or any combination of the above, or if the permit holder cannot be located with reasonable effort such notice shall be given to any person aboard the vessel. The revocation shall be effective fifteen (15) days following the giving of such notice except as provided below.

1. Appeal: A decision by the Harbor Director to terminate or revoke a liveaboard permit pursuant to this Section shall be appealable to the Harbor Advisory Board. Any such appeal must be filed in writing with the Harbor Director within ten (10) days of the date of notice of revocation. The revocation shall be stayed while the appeal is pending, unless it is determined by the Harbor Director that immediate cessation of overnight occupancy of the vessel is necessary for the preservation of the public peace, health or safety. The appeal shall be filed in writing and shall specify all of the grounds for the appeal. The Harbor Advisory Board shall provide the permit holder an opportunity to present evidence on his behalf and to challenge the determination of the Harbor Director. Formal rules of evidence or procedure need not be followed. If the Harbor Advisory Board is unable to approve any formal motion regarding the appeal after two (2) publicly held hearings on the appeal then the revocation shall become effective three days following the second public meeting. If the appeal is denied revocation shall become effective three (3) days following the Harbor Advisory Board's decision.

15.40.060 TRANSFERABILITY OF LIVEABOARD PERMIT: No transfer of liveaboard permits between individuals is allowed. Under no circumstances will the sale of a vessel or any interest therein maintain any associated liveaboard permit with the vessel for the benefit of the new owner or interested party. Should a new owner or interested party wish to liveaboard a vessel purchased from a prior liveaboard permittee, said party must apply for a new liveaboard permit for the vessel in their name.

In the event that a permitted liveaboard shall purchase a new vessel, they may retain their liveaboard permit and level of seniority providing that the new vessel is inspected within 60 days and that the inspection fee is paid for the new vessel.

15.40.070 TEMPORARY LEAVES, RETENTION OF PERMIT: Absence of either the vessel, the permit holder or both from Morro Bay harbor or failure to maintain residency aboard the vessel shall result in revocation of the liveaboard permit. The liveaboard permit may be retained up to five years without meeting these minimum residency requirements provided that:

A. All fees are kept current.

B. The absence has been requested in writing and approved by the Harbor Director in advance of absence; or if the absence is related to vessels of a commercial nature actively fishing in areas away from Morro Bay.

15.40.080 OCCUPANCY BY NON-OWNER:
Rental or sublease of vessels resulting in liveaboard uses are prohibited. "Boat sitting", caretaking, maintenance or any other activity related to vessels resulting in liveaboard use either for compensation or no compensation are prohibited. Only the person(s) named on the application for liveaboard permit or as amended and approved are permitted to reside on the vessel.

15.40.090 USE OF PUMPOUT FACILITIES: Permittees shall use pumpout facilities on a regular basis or otherwise discharge greywater, human waste and sewage in a legal manner.

15.040.100 ENFORCEMENT
The Harbor Director shall be responsible for enforcing the provisions of this chapter. Enforcement guidelines shall be developed and made available to the public at the Harbor Office.

15.040.110 APPLICABILITY OF ORDINANCE: This ordinance shall not apply to vessels in the State Park Marina or any vessels berthed outside the City of Morro Bay limits.

15.40.120 FEES: Permit application fees, renewal fees and service fees shall be set forth in the City of Morro Bay Master Fee Schedule. Fees are non-refundable and permits may be revoked at any time under the terms and conditions of this ordinance. A 10% late payment fee will apply for failure to pay fees when due. Service fees will apply to any liveaboard permittee in City mooring areas or slips. Service fees shall not apply to those permittees berthed at leased sites or moorings where the leaseholder is providing restroom, water and trash services to the permittee at no cost to the City.

This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall be published once, with the names of the City Council members voting for and against the same, in a newspaper of general circulation published in the City of Morro Bay.

INTRODUCED at a regular meeting of the City Council of the City of Morro Bay held on the 13^{th} of July 2009, by motion of Councilmember Grantham and seconded by Councilmember Borchard.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morro Bay on the 10th day of August, 2009 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

____
Janice Peters, Mayor

ATTEST:

____
Bridgett Bauer, City Clerk

APPROVED AS TO FORM:

____
Robert Schultz, City Attorney

AGENDA NO: A-5

MEETING DATE: August 10, 2009

Staff Report

TO: **Honorable Mayor and Council** **DATE: August 3, 2009**
FROM: **Janeen Burlingame, Management Analyst**

SUBJECT: **Approval of San Luis Coastal Unified School District Request for City Public, Education and Government Access Funds in Support of Educational Access Programming/Video Production Curricular at Del Mar Elementary and Morro Bay High Schools**

RECOMMENDATION:

Approve the San Luis Coastal Unified School District's July 14, 2009 request for $54,579 in Public, Education and Government (PEG) Access funds for equipment/facilities projects for its educational access programming/video production curricular at Del Mar Elementary and Morro Bay High Schools.

MOTION: I move that the City Council do the following:

1. **Approve the San Luis Obispo Coastal Unified School District's July 14, 2009 request for City Public, Education and Government Access funds for equipment/facilities related projects for its educational access programming/video production curricular at Del Mar Elementary and Morro Bay High schools as outlined in the request; and**
2. **Authorize the release of Public, Education and Government Access funds in an amount up to $54,579 to San Luis Coastal Unified School District on a reimbursement basis based on actual costs incurred.**

FISCAL IMPACT:

There is no fiscal impact to the general fund. Approval of the request would reduce the PEG Access fund by $54,579, leaving a balance of $79,537 before additional quarterly PEG Access payments are received by Charter Communications.

DISCUSSION:

Pursuant to the Cable System Franchise Agreement, Charter Communications pays the City quarterly 1% of gross annual cable service revenues to support PEG Access. Per the agreement, these funds are to be used for PEG Access equipment and facilities and cannot be used for operations.

The City received a letter dated July 14, 2009 from Mary Matakovich, Assistant Superintendent Educational Services, for San Luis Coastal Unified School District with a request for the release of City PEG Access funds for use at Del Mar Elementary and Morro Bay High schools for projects related to their educational access programming/video production curricular (Attachment 1).

Prepared By: ________ **Dept Review:**_____

City Manager Review: ________

City Attorney Review: ________

This is part of a countywide educational access programming/video production curricular for all of the schools in the district with funding for the schools not in Morro Bay coming from the City of San Luis Obispo's PEG Access funds it receives from Charter Communications. Per its developed operating plan, the school district shall provide the following services:

- Educational access programming for the citizens of Morro Bay; and
- Training and video production opportunities to the students of San Luis Coastal Unified School District.

Since the equipment and facilities upgrade costs are estimates, staff recommends that the requested funds be disbursed on a reimbursement basis based on actual costs up to the requested amount with the school district submitting to the City either monthly or quarterly reimbursement requests supported with paid invoices. The City will then have a full accounting of the PEG Access funds used.

CONCLUSION:

Prior to the receipt of the school district request in July 2009, no previous requests for PEG Access funds have been made by the school district. These funds have been used by the City for the recent City website redesign as well as computer equipment and software upgrades for the local government channel (Channel 20) insertion point. There is adequate funding available in the PEG Access Fund for this request, leaving ample funds remaining for planned City projects that use this funding source.

The request from the school district falls within the PEG Access fund usage requirements of the Cable System Franchise Agreement as it is for equipment and facilities upgrades in support of educational access with no requested funding to be used for operations.

Attachment 1

San Luis Coastal Unified School District

1500 Lizzie Street
San Luis Obispo, CA 93401-3062
(805) 549-1200

RECEIVED
JUL 15 2009
City of Morro Bay
Public Services Department

July 14, 2009

Janeen Burlingame
Public Services – City of Morro Bay
959 Shasta
Morro Bay, CA 93442

RE: Public, Education and Government Access Funds

Dear Janeen,

On behalf of San Luis Coastal Unified School District, we are requesting Public, Education and Government (PEG) funds. Our district would like to request the release of your funds to cover the curricular projects' equipment for Del Mar Elementary School and Morro Bay High School. We are presenting the cost breakdown of the project: Del Mar Elementary School - $4,578.88 and Morro Bay High School - $50,000.00. I have included a copy of their budgets respectively. We appreciate your consideration in the releasing of these funds to accomplish our goal for our students of Del Mar Elementary School and Morro Bay High School.

I have enclosed a copy of a letter sent to you by our attorney as a reference to the funds from the City of Morro Bay.

Please contact me with your decision.

Respectfully,

Mary Matakovich

Mary Matakovich, Ed.D
Assistant Superintendent -
Educational Services

MM:vh

cc: Janet Gould, Principal – Del Mar Elementary School
Dan Andrus, Principal – Morro Bay High School

Attachments: Del Mar Elementary School Budget
Morro Bay High School Budget
San Luis Coastal Unified School District Action Plan
Correspondence from Thomas Green, SLCUSD Attorney

Public, Education, Government (PEG) Action Plan

Performance Goal: Education Technology: Video Production

Planned Improvement in Student Performance in Technology:
All students will demonstrate their skills in Arts, Media, Entertainment, Engineering and Video Production by producing and editing videos.

2009-2010	Professional Development will be provided for K-12 teachers.
	Middle school course, Media C^3, will be piloted.
	ROP-Electronic Media students will broadcast their videos.
2010-2011	All middle school students will have access to the Media C^3, elective course.
	All high school students will have access to ROP – Video Production.
2011-2012	All secondary students will have access to video technology courses.

Description of Specific Actions to Improve Education Practice	Persons Involved	Timeline
1. Receive administrative direction to develop a plan to use PEG funds.	Central Admin. Principals Director – Inst'l Services	1/5/09-1/13/09
2. Establish PEG Committee with reps from all schools.	Interested Teachers Principals TOSA – Ed Tech Director- Inst'l Serv. Asst. Sup't	Ongoing meetings – 1/09 – 6/11
3. Discuss PEG background and requirements.	Central Admin. PEG Committee	1/09

Public, Education, Government (PEG) Action Plan

Description of Specific Actions to Improve Education Practice	Persons Involved	Timeline
4. Discuss vision for the program.	PEG Committee	1/09
5. Discuss draft of multi-year plan.	PEG Committee	1/09
6. Develop an articulated curriculum plan for CTE: Arts, Media and Entertainment strand.	Secondary Teachers	1/09
7. Consult with other video production educational programs.	PEG Committee	1/09
8. Establish video production skills in the Ed Tech Plan.	Rita Delkeskamp Eric Jarvis	2/09
9. Develop course outline for middle school video production class Media C^3.	Diane Frost Greg Wilcox	2/09
10. Present new course, Media C^3, for Principals' approval.	Rita Delkeskamp Diane Frost Principals	2/10

Public, Education, Government (PEG) Action Plan

Description of Specific Actions to Improve Education Practice	Persons Involved	Timeline
11. Present District Plan for use of PEG funds to Central Admin.	Mary Matakovich	2/17/09
12. Meet with SLOCOE to establish broadcasting agreement.	Mary Matakovich Brad Schultz (SLOCOE)	2/09
13. Establish equipment needs for middle school Media C^3, high school ROP: Electronic Media and SLOCOE.	Diane Frost Cherie Jones Liz Moore Brad Schultz Greg Wilcox	2/09
14. Present to SLO City Clerk the plan, with proposed budget.	Mary Matakovich	2/24/09
15. Finalize plan for approval to SLO City Council.	Mary Matakovich	6/09
16. Present new '09-'10 middle school course and budget for Board approval.	Rita Delkeskamp	6/23/09
17. Implement middle school Media C^3course.	Diane Frost Greg Wilcox	9/09 - 6/10

Public, Education, Government (PEG) Action Plan

Description of Specific Actions to Improve Education Practice	Persons Involved	Timeline
18. Implement professional development plan and equipment to train K-12 teachers with student teams.	Eric Jarvis	9/09 - 6/10
19. Provide updated equipment for ROP – Electronic Media classes at both high schools.	Cherie Jones Liz Moore	9/09 - 6/10
20. Develop the CTE curricular strand of the Arts/Media/Entertainment/Engineering.	Diane Frost Eric Jarvis Cherie Jones Gene Miller Liz Moore Greg Wilcox	9/09-6/11
21. Establish video production course and determine whether it can be implemented at LAMS.	Diane Frost Gene Miller	9/09 - 6/10
22. Determine curricular offerings.	Secondary Staff	9/09 - 6/11
23. Meet with the CTE/ROP Advisory Committee: Arts, Media/Entertainment.	PEG Committee	4/09 - 6/10

Public, Education, Government (PEG) Action Plan

24. Adopt and implement ROP Video Production course at each high school.	Cherie Jones Liz Moore	9/10 - 6/12	

Elementary PEG Equipment				
Del Mar Elementary School PEG Equipment Budget				
Item	**Cost Each**	**Qty**	**Sub-Total**	**w/tax**
Hardware				
Panasonic AG-DVC20 3CCD Video Cam	$ 1,409.95	1	$ 1,409.95	$ 1,533.32
Tripods	$ 95.95	1	$ 95.95	$ 104.35
Computer w/upgraded video card & TCO 4 years	$ 1,325.00	1	$ 1,325.00	$ 1,440.94
Adjunct Equipment for Cameras	$ 125.00	1	$ 125.00	$ 135.94
Azden Wireless Combo Mics	$ 825.00	1	$ 825.00	$ 897.19
Software				
Premiere Elements	$ 75.00	1	$ 75.00	$ 81.56
		Sub Total		**$ 4,193.29**
		Estimated Shipping		**$ 385.59**
		TOTAL		**$ 4,578.88**

Morro Bay High School (MBHS) PEG Equipment

Item	Cost	Number	Subtotal	w/tax
Hardware				
Canon XL-2 1/3 inch 3-CCD Widescreen MiniDV	$3,399.00	2	$ 6,798.00	$ 7,392.83
Roller Case bag for Canon XL2 (Case for Cam)	$ 325.00	2	$ 650.00	$ 706.88
Canon ZR960 MiniDV Student Camcorder	$ 249.00	5	$ 1,245.00	$ 1,353.94
LowPro Edit 100 Camera Shoulder Bag	$ 17.95	5	$ 89.95	$ 97.82
Davis & Sanford Pro Vista Video Tripod with FM 18 Fluid Head - Supports 18 lbs	$ 199.99	5	$ 999.95	$ 1,087.45
Rode Mini Boompole-Compact Microphone Boom Pole for Remote Audio Capturing-Length 33 - 81"	$ 129.00	1	$ 129.00	$ 140.29
SM3-On-Camera Shockmount for shotgun Mics	$ 49.95	1	$ 49.95	$ 54.32
ipower 9v LiPlymer for mics	$ 26.95	4	$ 107.80	$ 117.23
Extensions for Mics, 8 ft.	$ 100.00	5	$ 500.00	$ 543.75
Starlite Medium Digital Kit 1 - Photo Flex (Light)	$ 899.00	1	$ 899.00	$ 977.66
Headphone/Microphone Set for Computers	$ 10.89	25	$ 272.25	$ 296.07
Extra Hard Drives for Computers	$ 150.00	10	$ 1,500.00	$ 1,631.25
Comprehensive mini male to mini female cable 10' (Cords)	$ 3.39	5	$ 16.95	$ 18.43
Contribution to Centrally Located Storage Area Network	$5,000.00			$ 5,000.00
Textbooks/Teaching Materials				
Video Communications and Production Textbook by Jim Stinson	$ 51.00	26	$ 1,020.00	$ 1,109.25
Filmography DVD Volume 1 MFR#162142	$ 49.95	$ 1.00	$ 49.95	$ 54.32
Upgrades to Existing Construction & Materials				
Studio Construction				$ 22,243.91
Motion Security Camera (Installation part of construction cost)	$ 200.00			$ 200.00
Storage Cabinet Locking -HON Steel Storage Cabinet with 5 Adjustable Shelves, 71 3/4" H x 36" W x 24 1/4" D, Putty	$ 349.00	1	$ 349.00	$ 379.54
Backdrop 10' x 12' Chroma green - Photo Flex	$ 99.00	2	$ 198.00	$ 215.53
Pearstone SACD-7562 Acrylic Dry Erase Capboard with Color Sticks	$ 29.95	4	$ 119.80	$ 130.28
Software				
CS4 Software Upgrade	$4,000.00	1	$ 4,000.00	$ 4,350.00
			Sub Total	$ 48,100.55
			Est. Shipping	$ 1,899.45
			Total Y1	$ 50,000.00

ADAMSKI MOROSKI
MADDEN & GREEN LLP
ATTORNEYS AT LAW

POST OFFICE BOX 3835
SAN LUIS OBISPO, CA 93403-3835

TELEPHONE: (805) 543-0990
FACSIMILE: (805) 543-0980

www.ammglaw.com
info@ammglaw.com

June 15, 2009

Janeen Burlingame
Management Analyst
City of Morro Bay
595 Harbor Street
Morro Bay, California 93442

VIA EMAIL AND U.S. MAIL

Re: Public Education and Government Access Funds

Dear Ms. Burlingame:

We represent the San Luis Coastal Unified School District. The District is in the process of obtaining cable television public, education, and government access ("PEG") funds from the City of San Luis Obispo in order to establish broadcasting facilities for educational purposes. The facilities, which will be located at Los Osos Middle School, will benefit all District students including those from Morro Bay.

The purpose of this letter is to inquire as to whether the City has PEG funds available and whether they would be willing to consider contributing to the District's broadcasting facilities. If there are funds available, we would certainly be willing to meet with City representatives to provide more information.

Thank you for your attention to this matter.

Very truly yours,

ADAMSKI MOROSKI MADDEN & GREEN LLP

THOMAS D. GREEN

TDG:kjc
G:\SLCUSD\PEG Contract\Cor\Burlingame, Janeen 061509.doc

PASO ROBLES OFFICE: 1948 SPRING STREET ❖ PASO ROBLES, CA 93446-1620 ❖ TELEPHONE (805) 238-2300 ❖ FACSIMILE (805) 238-2322

AGENDA NO: A-6

MEETING DATE: 8/10/09

Staff Report

TO: Honorable Mayor and City Council **DATE: July 30, 2009**

FROM: Dylan Wade, Utilities/Capital Projects Manager

SUBJECT: **Entering into a Memorandum of Understanding with San Luis Obispo County for the preparation of an Integrated Regional Water Management Plan.**

RECOMMENDATION:

It is recommended that the City Council authorize the Utilities/Capital Projects Manager to enter into a Memorandum of Understanding (MOU) with San Luis Obispo County and to represent the City in preparing the Integrated Regional Water Management Plan (IRWMP).

FISCAL IMPACT:

The Water, Wastewater, and General Funds will all provide some staff time for this effort. These funds all stand to benefit if the respective projects included in the IRWM are selected for grant funding. There are no other cost impacts anticipated from this change.

BACKGROUND:

The IRWMP is the regional interagency water resources management planning function for the county. The IRWMP is also the funding mechanism through which many of the grants related to Propositions 50 & 84 are distributed. The County of San Luis Obispo has been the lead agency in preparing the IRWMP. To be considered for Proposition 84 funding a formal MOU is required from the participating agencies.

Prepared By: ________ **Dept Review:**_____

City Manager Review: ________

City Attorney Review: ________

CONCLUSION:

It is recommended that the City Council authorize the Utilities/Capital Projects Manager to enter into a Memorandum of Understanding (MOU) with San Luis Obispo County and to represent the City in preparing the Integrated Regional Water Management Plan (IRWMP).

San Luis Obispo County
Integrated Regional Water Management Plan
Memorandum of Mutual Understandings

1. PURPOSE

The purpose of this MEMORANDUM OF UNDERSTANDING (MOU) is to establish the mutual understandings between San Luis Obispo County Region partners with respect to their joint efforts towards developing an Integrated Regional Water Management Plan (IRWMP) for the San Luis Obispo County Region that will establish a unified vision of the relationships between individual goals of water quality improvement, ecosystem preservation, water supply protection, ground water management, and flood management.

2. DEFINITIONS

2.1 Integrated Regional Water Management Plan (IRWMP). A comprehensive plan for a defined geographic area, in this case the San Luis Obispo County Region, the specific development, content, and adoption of which shall satisfy requirements of California's IRWM Program and relevant codes. At a minimum, an IRWMP describes the major water-related objectives and conflicts within a region, considers a broad variety of water management strategies, identifies the appropriate mix of water demand and supply management alternatives, water quality protections, and environmental stewardship actions to provide long-term, reliable, and high-quality water supply and protect the environment, and identifies disadvantaged communities in the region and takes the water-related needs of those communities into consideration.

2.2 San Luis Obispo County Region (Region). The geographic area, which is coterminous with the San Luis Obispo County and the San Luis Obispo County Flood Control and Water Conservation District boundary, covered by the IRWMP.

2.3 Local Agency. Any city, county, city and county, special district, joint powers authority, or other political subdivision of the state, a public utility as defined in Section 216 of the Public Utilities Code, or a mutual water company as defined in Section 2725 of the Public Utilities Code.

2.4 Regional Water Management Group (RWMG). A group in which three or more local agencies, at least two of which have statutory authority over water supply or water management, as well as those other persons who may be necessary for the development and implementation of an IRWMP, participate by means of a joint powers agreement, memorandum of understanding, or other written agreement, as appropriate, that is approved by the governing bodies of those local agencies. The Region's RWMG Members are signatories to this MOU and may designate a representative to participate in RWMG activities.

2.5 Regional Projects or Programs. Projects or programs to be implemented by signatories of this MOU identified in an IRWMP that accomplish any of the following:

(a) Reduce water demand through agricultural and urban water use efficiency.

(b) Increase water supplies for any beneficial use through the use of any of the following, or other, means:

(1) Groundwater storage and conjunctive water management.
(2) Desalination.
(3) Precipitation enhancement.
(4) Water recycling.
(5) Regional and local surface storage.
(6) Water-use efficiency.
(7) Stormwater management.

(c) Improve operational efficiency and water supply reliability, including conveyance facilities, system reoperation, and water transfers.

(d) Improve water quality, including drinking water treatment and distribution, groundwater and aquifer remediation, matching water quality to water use, wastewater treatment, water pollution prevention, and management of urban and agricultural runoff.

(e) Improve resource stewardship, including agricultural lands stewardship, ecosystem restoration, flood plain management, recharge area protection, urban land use management, groundwater management, water-dependent recreation, fishery restoration, including fish passage improvement, and watershed management.

(f) Improve flood management through structural and nonstructural means, or by any other means.

2.6 Local Projects or Programs. Cooperative agreements between specific RWMG members for implementation of specific projects or programs that are approved by the RWMG are included in the definition of Regional Projects or Programs.

2.6 Regional Reports or Studies. Reports or studies relating to any of the matters described in 3.5 (a) to (f), that are identified in the IRWMP.

2.7 Service Function. A water-related individual service function provided by an agency, i.e. water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning, and aquatic habitat protection and restoration.

2.8 Integration. Assembling into one document the water-related management strategies, projects and plans in the Region. The first phase would be to identify water management strategies for the region and the priority projects that demonstrate how these strategies work together to provide reliable water supply, protect or improve water quality, provide watershed protection and planning, and provide environmental restoration protection. Projects and plans would be categorized and opportunities to identify regional benefits of linkages between multiple water management strategies among projects and plans of separate service functions and to see where projects and plans of separate service functions may further interrelate, e.g. wastewater treatment and water recycling or habitat restoration.

2.9 Water Resources Advisory Committee (WRAC). This is the committee comprised of water purveyor, resource conservation district, environmental and agricultural representatives that was originally established in the 1940's to advise the Board of Supervisors for the San Luis Obispo County Flood Control and Water Conservation District (District) on water resource issues. The WRAC meets monthly, with the exception of July and August, and is subject to the Brown Act. The members of the WRAC with the authority to enter into an MOU are the same agencies that would comprise a RWMG to support the region's IRWM planning efforts. Therefore, RWMG Members and other regional stakeholder groups participate in the IRWMP development process by way of presentations to the Water Resources Advisory Committee (WRAC).

3. GOALS OF THE IRWMP

The goals of the IRWMP are to without unfairly burdening communities, neighborhoods, or individuals:

3.1 Protect and improve water quality for beneficial uses consistent with regional interests and the Basin Plan in cooperation with local and state agencies and regional stakeholders.

3.2 Improve regional water supply reliability and security, reduce dependence on imported water, reduce water rights disputes and protect watershed communities from drought with a focus on interagency conjunctive use of regional water resources.

3.3 Protect, enhance and restore the region's natural resources including open spaces; fish, wildlife and migratory bird habitat; special status and native plants; wetlands; estuarine, marine, and coastal ecosystems; streams, lakes, and reservoirs; forests; and agricultural lands.

3.4 Monitor, protect, and improve the regions groundwater through a collaborative approach designed to reduce conflicts.

3.5 Develop, fund, and implement an integrated, watershed approach to flood management through a collaborative and community supported process.

4. IRWMP PROJECT PARTICIPANTS

Development and implementation of the Region's IRWMP is a collaborative effort undertaken by the RWMG. The RWMG is being led by the District, in partnership with other signatories to this MOU. The IRWMP will be developed in coordination with the WRAC. However, only regional projects and programs to be implemented by signatories to this MOU will be eligible for grant applications. The signatories entering into this MOU are specifying their shared intent to coordinate and collaborate on water management issues as expressed in Section 3. Goals of the IRWMP and in accordance with Section 5. Mutual Understandings. The signatories anticipate the potential need for future agreements on specific projects or programs that may be considered for grant applications.

5. MUTUAL UNDERSTANDINGS

5.1 Need for the Region's IRWMP

5.1.1 To improve communication and cooperation between public and private agencies and minimize conflict-generated solutions.

5.1.2 To enhance our existing water management efforts by increasing stakeholder awareness of important issues, providing more opportunities for collaborative efforts and improving efficiencies in government and water management.

5.13 To qualify for state grants and other funding opportunities only available to those regions which have developed an IRWMP.

5.2 Subject matter scope of the IRWMP. The IRWMP focuses on water supply, water quality protection and improvement, ecosystem preservation and restoration, groundwater monitoring and management, and flood management as these are the most prevalent water resource issues facing the Region.

5.3 Geographical scope of the IRWMP. The Region for this memorandum is coterminous with the boundary of San Luis Obispo County. This is an appropriate geographic region for integrated regional water management planning because it encompasses all aspects of water management generally within the same physical, political, environmental, social, and economic boundaries.

The Salinas Valley Integrated Regional Water Management Plan region borders the Region to the north and the Santa Barbara County IRWMP region border the Region on the South. Coordination with agencies in Kern County developing an IRWMP region at the time of initial execution of this MOU will be important for identifying any water resources issues overlapping with the Region in the future.

Water resources issues that overlap with neighboring regional boundaries are either covered by existing cooperative water management plans (i.e. Nacitone Watershed Management Plan), adjudication (i.e. Santa Maria Groundwater Basin), and operational agreements (i.e. Nacimiento and Salinas Reservoirs), or there is no defining water resource management issue at this time (i.e. Kern County region boundary). All of these items are to be included in the Region's IRWM Plan consistent with the IRWMPs of neighboring regions. The RWMG will continue to coordinate with neighboring regions to address additional water resources issues in our respective IRWMPs.

5.4 Approach to developing and implementing the IRWMP

5.4.1 Signatories. Signatories to this MOU, including the District, that make up the RWMG are responsible for the development of the IRWMP.

5.4.2 Lead Agency. The District will act as the lead agency, ultimately responsible for the final production of the Region's IRWMP, presentations to stakeholders, submittal of IRWM grant applications, execution of grant agreements with the State, and execution of agreements with RWMG members responsible for the implementation of projects that are awarded grants.

5.4.3 RWMG Member Responsibilities. All members, in a timely fashion, will provide information sufficient to meet State guidelines for their regional projects and programs to be included in the IRWMP and participate in the review of the IRWMP. All Members will participate in the process to select IRWMP regional projects and programs for grant applications. Members responsible for the implementation of regional projects and programs awarded grant funding will be responsible, through contract with the District, for complying with the provisions of the District's grant agreement with the State. Members will provide the District with their designated representative's contact information. Members will adopt the IRWMP in accordance with 5.5 and 5.6 below.

5.4.4 Stakeholder Participation. RWMG Members and other regional stakeholder groups participate in the IRWMP development process by way of presentations to the Water Resources Advisory Committee (WRAC). Stakeholders that are not WRAC members will be notified of when an IRWMP item will be reviewed by the WRAC. Sub-regional meetings may be required to ensure all stakeholders, including disadvantaged communities, who may not necessarily be able to attend WRAC meetings, can participate in IRWMP development.

5.4.5 IRWMP Development and Implementation. The Region's IRWMP that was adopted by the District, developed in coordination with and approved by stakeholders in 2005, and updated in 2007, will be the basis for the next and subsequent adopted IRWMPs for the Region. The RWMG will propose changes to the previous versions of the IRWMP to comply with new State guidelines and incorporate new information and projects, for review and approval in accordance with 5.5 and 5.6 below. Since a key element of the IRWM Program is integration, the RWMG will work with other WRAC Members to identify water management strategies for the region and the priority projects that demonstrate how these strategies work together to protect and improve water quality; improve regional water supply reliability and security; protect, enhance and restore the region's natural resources; monitor, protect, and improve the region's groundwater; and develop, fund, and implement an integrated, watershed approach to flood management. Regional projects and programs would be categorized and opportunities to identify regional benefits of linkages between multiple water management strategies among projects and programs of separate service functions and to see where projects and programs of separate service functions may further interrelate, e.g. wastewater treatment and water recycling or habitat restoration.

5.5 Decision-making. The WRAC will serve as the main advisor to the RWMG on decisions to be made on the IRWMP. Written consensus will be sought between the representatives of RWMG members in the event the need for a decision arises that cannot be brought forth to the WRAC before a decision needs to be made.

5.6 Adoption of the IRWMP. IRWMP approval and adoption will occur by the governing bodies of RWMG Members. IRWMP updates to meet new State guidelines, add new RWMG Members, add or remove regional projects and programs, or other updates to information do not require IRWMP re-adoption. Significant changes to the IRWMP, including revised goals and objectives, revised regional boundaries, or other changes deemed significant by the RWMG, will require re-adoption of the IRWMP.

5.7 Non-binding nature. This document and participation in this IRWMP effort are nonbinding, and in no way suggest that a RWMG Member may not continue its own planning and undertake efforts to secure project funding from any source. An agency may withdraw from participation at any time.

5.8 Personnel and financial resources. It is expected that RWMG members will contribute the resources necessary to fulfill the responsibilities in 5.4.3 above.

5.9 Other on-going regional efforts. Development of the IRWMP is separate from efforts of other organizations to develop water-related plans on a regional basis. As the IRWMP is developed, work products can be shared with these separate efforts to provide them with current information. Cooperative agreements between specific RWMG members for implementation of specific projects or programs are included as attachments to this MOU.

5.10 Reports and communications. The WRAC, an IRWM contact list and the District's website will serve as the forum for updates and correspondence relating to the development of the IRWMP.

5.11 Termination. Because the IRWMP will require periodic review and updating for use into the future, it is envisioned that the joint efforts of those involved will be ongoing in maintaining a living document. Thus this MOU will remain as a reflection of the understandings of the RWMG Members. As indicated, individual signatories of this MOU may terminate their involvement at any time.

6. SIGNATORIES TO THE MEMORANDUM OF MUTUAL UNDERSTANDINGS

We, the undersigned representatives of our respective agencies, acknowledge the above as our understanding of how the San Luis Integrated Regional Water Management Plan will be developed.

__________________________ signature
__________________________ printed name
__________________________ agency
__________________________ date

AGENDA NO: A-7

MEETING DATE: 8/10/09

Staff Report

TO: **Honorable Mayor and City Council** **DATE: August 5, 2009**

FROM: **Andrea K. Lueker, City Manager**

SUBJECT: **Status Report on Applications for Economic Stimulus Funding**

RECOMMENDATION:

Staff recommends the City Council review this information and accept this report.

> **MOTION: I move the City Council accept the Status Report on Applications for Economic Stimulus Funding for file.**

FISCAL IMPACT:

Not Applicable.

SUMMARY:

In order to keep the City Council, staff and residents of Morro Bay informed regarding the City's efforts in attracting Economic Stimulus funds, staff will be presenting a status report to the City Council on a monthly basis outlining the applications to date.

On July 13, 2009, John Knight of J. Knight Consulting provided a brief presentation on the Region 5 Economic Stimulus Plan that he prepared. The plan is the State of California's effort to keep track of what projects are planned/submitted/will be submitted for Economic Stimulus funding. Mr. Knight was extremely complimentary of the City of Morro Bay, relaying that staff had submitted all required information on a number of projects for Morro Bay. He stated the City staff had understood and had adhered to the process. He also noted that City staff was willing to apply for competitive grants, when other jurisdictions had decided not to take the effort to apply. To date, Mr. Knight he cited the success rate for project applications for the City of Morro Bay was significant.

Prepared By: ________ **Dept Review:_____**

City Manager Review: ________

City Attorney Review: ________

<u>BACKGROUND</u>:
On February 17, 2009 President Barack Obama signed into law the American Recovery and Reinvestment Act (ARRA) of 2009. The stated purpose of the ARRA is:
(1) To preserve and create jobs and promote economic recovery.
(2) To assist those most impacted by the recession.
(3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health.
(4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.
(5) To stabilize state and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

The ARRA provides funds for investments in many programs, including health care, energy, infrastructure, education, and public safety. The total cost of the package is $787 billion, and consists of nearly $355 billion for upgrades to transportation, infrastructure, construction, health care programs, education and housing assistance, and energy efficiency projects, $144 billion in state and local fiscal relief, and $288 billion in personal and business tax credits.

Specifically in California, the League of California Cities has compiled a "City Funding Book" to assist cities in their pursuit for funding. There will be regular updates made available on the League's website at www.cacities.org as more information becomes available.

<u>DISCUSSION:</u>
Attached is a chart of the applications that have been submitted to date for funds related to the Economic Stimulus funding. **The programs listed represent only those which funding has been requested and or applications have been submitted.** Staff is tracking a number of other programs through a spreadsheet as well as "grant tracking report" form whose application dates are forthcoming.

u.w.council.status report economic stimulus 8 10 09

AGENDA NO: A-8

MEETING DATE: 8/10/09

Staff Report

TO: **Honorable Mayor and City Council** **DATE: August 4, 2009**

FROM: **Rob Schultz, City Attorney**

SUBJECT: **Approval of Settlement Agreement in Wallick v. City of Morro Bay**

RECOMMENDATION:

Staff recommends that the City Council approve the settlement agreement between the City and Joseph Wallick.

MOTION: I move the City Council approve the settlement agreement between the City and Joseph Wallick.

FISCAL IMPACT:

Pursuant to the Settlement Agreement, the City will expend approximately $20,000 from the Risk Management Fund to install curb, gutter, sidewalk and other improvements in front of the Wallick's property at 225 Atascadero Road.

FACTUAL SUMMARY:

This lawsuit involved public works of improvement on Atascadero Road in the City of Morro Bay. The plaintiff resides at 225 Atascadero Road. As part of the approval of an RV park development located on the property immediately to the west of the plaintiff's property, the City of Morro Bay and the Coastal Commission required certain conditions for approval. One of these conditions included widening a portion of Atascadero Road in front of the plaintiff's property and the installation of concrete curb, sidewalks and gutters in front of the RV Park.

During the course of construction, when the pavement and base were removed, three rainstorms hit the Morro Bay area. The plaintiff maintained that the first two rainstorms caused flooding to his garage area and the third rainstorm caused flooding to his residence. As a result of the combination of these three floods, the plaintiff claimed $1,000,000 damage against the City to both real property and personal property.

The CJPIA viewed Plaintiff's damage claims as unsupported by facts, science or law. It viewed the lawsuit as questionable liability, questionable causation and even more questionable damages. It

Prepared By: ________ **Dept Review:**_____

City Manager Review: ________

City Attorney Review: ________

offered Plaintiff $10,000 to settle the lawsuit. The Plaintiff refused this settlement offer and the case was scheduled for trial in September 2009.

In order to avoid the attendant cost and time associated with a trial, my office stepped in and negotiated a settlement agreement outside of the CJPIA. Pursuant to the attached settlement agreement, the City agrees to install concrete sidewalk and gutter improvements in front of Plaintiff's property, install a gate (not to exceed $2,000) on Plaintiff's property, install a memorial bench in memory of Charlotte Wallick, and allow Plaintiff to pursue a project on Plaintiffs' property with a narrower than normally required driveway to accommodate the location of Plaintiffs' current garage because the City's concrete wall and fence encroaches on the eastern strip of Plaintiff's property.

Our agreement with CJPIA does not allow for the payment of funds for public improvements so the costs pursuant to the settlement agreement must come out of our Risk Management Fund. The costs will not exceed $20,000. However, estimated costs for trial were over $50,000 and the City ultimately would have had to pay these costs, even if it prevailed at trial. Therefore, this settlement allows the City to at least use its funds for public improvements. In addition, the City has an indemnification agreement with the developer of the adjacent property and will pursue recovery of the funds expended pursuant to the settlement agreement and costs associated with the litigation.

CONCLUSION:

Staff recommends that the City Council approve the settlement agreement between the City and Joesph Wallick.

AGENDA NO: A-9

MEETING DATE: 8/10/09

Staff Report

TO: Mayor and City Council **DATE:** August 4, 2009

FROM: Bridgett Bauer, City Clerk

SUBJECT: Acceptance of Letter of Resignation from Planning Commissioner Bill Woodson

RECOMMENDATION:
Receive and accept the letter of resignation from Bill Woodson who serves on the Planning Commission.

DISCUSSION:
The City received a letter of resignation from Bill Woodson on August 4, 2009. Mr. Woodson serves on the Planning Commission and his term would have expired on January 31, 2012.

Prepared By: ___BB_____ Dept Review:_____

City Manager Review: ________

City Attorney Review: ________

AGENDA NO: A-10

MEETING DATE: August 10, 2009

Staff Report

TO: Mayor and Councilmembers **DATE:** August 4, 2009

FROM: Bruce Ambo, Public Services Director

SUBJECT: Authorization to Fill the Associate Planner Position

RECOMMENDATION:

It is recommended that the City Council authorize the hiring of the recently vacated position of the Associate Planner.

> **MOTION: I move that the City Council authorize the hiring of the recently vacated position of the Associate Planner.**

FISCAL IMPACT:

The Associate Planner position has been budgeted in the 2009-2011 Adopted Biennial Budget.

BACKGROUND:

The City Council instituted a hiring freeze when the FY 04-05 budget was adopted. The policy set forth in the hiring freeze requires Council approval for the filling of any new or vacant positions while the freeze is in effect. A vacancy now exists with the release of the former Associate Planner during the probationary period.

DISCUSSION:

There is only one planner, the Senior Planner, administering the duties of the Planning Division. It is literally impossible to continue operating under these conditions without placing the City at considerable risk due to a number of factors including, but not limited to, compliance with the State Permit Streamlining Act, timeframes set forth in the California Environmental Quality Act (CEQA), analysis of development proposals, plan check accuracy, planning inspections, code compliance, and general public assistance.

Several times in the past the concept of outsourcing planning services has come up as a potential solution. In this regard, staff has obtained a proposal from a notable planning consultant that has familiarity and experience with Morro Bay to handle the processing on four (4) projects of varying complexity, two (2) fairly easy and straightforward cases, and two (2) more complex development proposals (Attachment 1). The estimated cost for just 4 cases was $29,340. Using a very conservative and in fact low basis of comparison across the entire caseload of remaining the

Prepared By: ________	**Dept Review:**_____
City Manager Review: ________	
City Attorney Review: ________	

36 projects that have been submitted of similarly varying complexity would easily amount to over $260,000. Even for the few months that consultant “on-premises” staff support was necessary, the cost was approximately $9,000 a month for only 25 hours a week. The purpose of providing this comparison is not to get a more favorable hourly rate estimate from a consultant, of whom there are many, but to underscore the obvious financial disadvantages in not securing in-house professional planning staff. Furthermore, staff strongly believes that professional qualifications, familiarity with the community, development policies and regulations, are the most important basis of comparison.

Attachments:

1. Pacific Municipal Consultants (PMC) Proposal for Contract Staff Assistance

AGENDA NO: B-1

MEETING DATE: August 10, 2009

Staff Report

TO: Honorable Mayor and City Council **DATE:** August 10, 2009

FROM: Joe Woods, Recreation and Parks Director

SUBJECT: Introduction of Ordinance 551 to amend the Morro Bay Municipal Code Chapter 10.54 to include a new Section 10.54.065 requiring any person riding a permitted coasting device at the Morro Bay Skate Park to wear a helmet, elbow pads, and knee pads.

RECOMMENDATION:

Staff recommends City Council review and amend the Morro Bay Municipal Code Chapter 10.54 to include a new Section 10.54.065 requiring any person riding a permitted coasting device at Morro Bay Skate Park to wear a helmet, elbow pads and knee pads.

MOTION: I move for introduction and first reading of Ordinance No. 551 by number and title only.

FISCAL IMPACT:

By eliminating direct supervision at the Morro Bay Skate Park, the City will save $19,900 annually. Some revenues may be realized if citations are administered; the exact amount is unknown at this time.

BACKGROUND:

The current Skate Park is located at Coleman Park at the intersection of Embarcadero and Coleman Drive. The Skate Park elements have deteriorated over the course of several years and Staff felt the need for a Manufacturer's representative to inspect the elements. Skate Wave company determined all the elements were deficient and would need to be replaced under the current warranty. Staff is in the process of receiving the new elements. The timing of replacement is opportune for Staff to relocate the Park to a milder environment.

Prepared By: ___JW_____ Dept Review:_____

City Manager Review: ________

City Attorney Review: ________

A new location for the Skate Park would at the Teen Center, 231 Atascadero Road, which would offer the City different opportunities and realize significant savings to the General Fund. Placing the Skate Park at Rockies, the Morro Bay Teen Center located at 231 Atascadero Road, would allow Teen Center Staff to open and close the gates to the Skate Park. The plan to use the front parking lot is based on a Temporary Use Permit and the Skate Park will be located in such a way as to allow access during the construction phase of the Teen Center Master Plan. The Skate Park will eventually be relocated in the rear of the property.

DISCUSSION:

It is the City's intent to relocate the Skate Park to the Teen Center and to operate the Skate Park as an unsupervised park. As an incorporated City, Morro Bay is mandated to adhere to California Health and Safety Code, Section 115800 (attachment 2). The California Health and Safety Code, Section 115800 prohibits any operator of a skateboard park to permit any person to ride a skateboard in its skate park, unless that person is wearing a helmet, elbow pads, and knee pads. The code allows cities operating unsupervised facilities to comply with its obligation to enforce the helmet, elbow pads, and knee pads requirements by adopting an ordinance requiring the use of such safety equipment and posting signage advising users of the safety requirements.

CONCLUSION:

Mandating those who skate in the Skate Park to wear a helmet, elbow pads, and knee pads not only benefits the participants but also fulfills a State mandate. Additionally, Staff will be able to combine activities and reduce program staff costs to save General Fund monies.

ORDINANCE NO. 551

AN ORDINANCE OF THE CITY OF MORRO BAY, CALIFORNIA REQUIRING ANY PERSON RIDING A PERMITTED COASTING DEVICE AT MORRO BAY SKATEBOARD PARK TO WEAR A HELMET, ELBOW PADS, AND KNEE PADS

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, the City of Morro Bay owns and operates a skateboard park available for the use by the public at the Morro Bay Teen Center; and

WHEREAS, the City of Morro Bay lacks the financial resources to provide staff supervision of the use of the skateboard park during its hours of operation; and

WHEREAS, California Health and Safety Code Section 115800 prohibits any operator of a skateboard park from permitting any person to ride a skateboard in its skateboard park unless that person is wearing a helmet, elbow pads, and knee pads; and

WHEREAS, Section 115800 allows cities operating unsupervised facilities to comply with their obligation to enforce the helmet, elbow pads, and knee pads requirement by adopting an ordinance requiring the use of such safety equipment and posting of signage advising users of the safety requirements.

NOW, THEREFORE, the City Council of the City of Morro Bay does ordain as follows:

SECTION 1. That new section10.54.065 of the Morro Bay Municipal Code is hereby added and shall be code to find to read as follows:

10.54.065 Rules and regulations applicable to the Morro Bay Skate Park.

A. It shall be unlawful and a violation of this section for any person to engage in, or for any adult responsible for the supervision of a minor child to permit a minor child to engage in, any activity prohibited under this section.

B. The Morro Bay Skate Park is an unsupervised facility. Riding or otherwise using a skateboard or any other permitted coasting device in the skate park, or entering into the skate park for the purpose of engaging in such activity, without wearing a helmet, elbow pads, and knee pads is prohibited.

C. Use or occupation of the skate park during non-open hours is prohibited and constitutes trespassing.

D. Use of alcoholic beverages, tobacco, and/or drugs at the skate park is strictly prohibited.

E. The use of coasting devices, including skateboards and in-line skates, is considered a hazardous recreational activity that creates a substantial risk of serious injury or death to participants, those assisting participants, and spectators of such activities. All users of the skate park voluntarily assume the risk of serious injury or death in use of the skate park facility.

SECTION 2. Prior to the Morro Bay Skate Park becoming an unsupervised facility, the City shall cause signs to be posted at the Skate Park at 231 Atascadero Road providing notice that any person riding permitted coasting devices in the facility must wear a helmet, elbow pads, and knee pads and that any person failing to do so will be subject to citation and/or prosecution pursuant to Morro Bay Municipal Code Section 10.54.070.

INTRODUCED at a regular meeting the of the City Council of Morro Bay, held on the 10th day of August, 2009 by motion of Councilmember ___________, seconded by Councilmember ____________.

PASSED AND ADOPTED on the 10th day of August, 2009, by the following vote:

AYES:
NOES:
ABSENT:

____
Janice Peters, Mayor

ATTEST:

____
Bridgett Bauer, City Clerk

APPROVED AS TO FORM:

____
Robert Schultz, City Attorney

AGENDA NO: C-1

MEETING DATE: August 10, 2009

Staff Report

TO: Honorable Mayor and City Council **DATE:** August 5, 2009

FROM: Bruce Ambo, Public Services Director

SUBJECT: Status Report on Appeal Fees

RECOMMENDATION:

It is recommended that the City Council receive and file this report or provide further direction.

MOTION: I move that the City Council receive and file this report.

FISCAL IMPACT:

Since April 2008, there has only been one project appealed to the City Council, and that was the addition to the residence at 560 Bernardo Avenue. The fixed appeal fee of $250 was charged to the appellant. The estimated staff time in processing, analyzing, working with the appellant and applicant, writing and presenting the report is estimated at 30 hours. Based upon a fully loaded staff rate of $80 per hour, the actual cost in processing this appeal was approximately $2,400. The resulting net cost (including the $250 fee) is $2,150. This cost is in actual dollars, and does not account for any effect on workload efficiency and/or other work that may also have been accomplished in that same amount of time on other projects, plan checks, public assistance, and the like.

BACKGROUND/DISCUSSION:

The City Council lowered the appeal fees to a set amount of $250 in October 2007. Prior to that, the Council established a policy where the appeal fee would be returned to the appellant if they were successful in reversing the decision and the appeal was upheld by the Council. The last update on the appeal fees was provided to the Council on April 14, 2008 (Attachment 1) and Council directed that another annual update be provided.

For a historical perspective and purposes of comparison, the appeal fee used to be 50% of the base fee of the project. For example, the base fees for the 560 Bernardo project included a Conditional Use Permit (house in excess of 2,400 sq. ft.) at $3,600 and a parking exception (tandem parking spaces) at $113 for a total fee of $3,713. At 50% of the base fee of $3,713, the old appeal fee would have been $1,856.50.

Prepared By: ________ **Dept Review:**_____

City Manager Review: ________

City Attorney Review: ________

AGENDA NO: C-2

MEETING DATE: 8/10/09

Staff Report

TO: **Honorable Mayor and City Council** **DATE: August 4, 2009**

FROM: **Andrea K. Lueker, City Manager**

SUBJECT: **Presentation on Implementation on Goals A & B from the Management Partners Goal Setting Workshop**

RECOMMENDATION:

Staff recommends the City Council review Goals A and B as well as the "What Success Looks Like" and "Timeline" sections from the Goal Setting Workshop Outcomes for 2009 document (attached) and provide further direction to staff.

> **MOTION: I move that the City Council prioritize the implementation of Goals A and B in the following manner and in the following time line (insert specifics).**

FISCAL IMPACT:

Unable to determine at this time.

SUMMARY:

During the Goal Setting Workshop held in February, staff and the City Council discussed the breadth of the items the City Council indicated they were interested in exploring in the "What Success Looks Like" section of the Goal Outcomes document. During the workshop, staff indicated that any research or information provided would be completed following the 2009/2010 budget adoption. At that time, the City Council asked staff to come back with time lines/schedules for completion of the tasks. The time lines were based on the parameters established by the City Council at the Goal Setting Workshop, divided into short-term, medium-term, long-term and on-going. In late April, staff provided to the City Council a document entitled Goal Setting Workshop Outcomes for 2009 that outlined details to accomplish the "What Success Looks Like" section as well as proposed time lines for completion. The item was agendized for the May 26th City Council meeting and following discussion was tabled. The item was again agendized at the June 29th Special Budget Workshop and where the Council briefly discussed the item and then asked staff to amend the timelines and bring back the item to the July 13th regular City Council meeting. Due to time constraints at the July 13, 2009 meeting, the item was continued to the August 10, 2009 City Council meeting.

Prepared By: ________ **Dept Review:_____**

City Manager Review: ________

City Attorney Review: ________

<u>BACKGROUND</u>:
In November 2007, the City Council determined that conducting an annual Goal Setting Process was an important part of strategic planning for the City of Morro Bay. As a result, in June 2008, the City Council held their first such workshop, facilitated by Amy Paul of Management Partners, which resulted in the establishment of six Priority Goals (accompanied by success factors for those goals) and 13 Other Goals.

The City Council held their second Goal Setting Workshop on February 17 & 18, 2009, which entailed reviewing the progress made on the goals established last year as well as progress toward the Management Partners Recommendations from the August 2008 meeting. The 2009 Goal Setting Workshop concluded with the City Council identifying five priority goals, nine other goals and two other carryover goals from last year's process. Finally, the City Council, at their March 9, 2009 meeting unanimously adopted the Goal Setting Workshop Outcomes for 2009 as designated priorities by the City Council of the City of Morro Bay.

<u>DISCUSSION:</u>
In the attached document <u>Goal Setting Workshop Outcomes for 2009</u>, staff has further identified those tasks that have been completed (highlighted in yellow). Presented below is a list of the pending items for Council further discussion and/or prioritization.

Goal A: Develop and Maintain a Structurally Sustainable Budget

1.

What Success Looks Like	Timeline	Who is Responsible	Resources
10. Develop a schedule for assessing departments	City Manager, Department Heads	Short-term (4/09-7/09)	Staff research and time

Staff has developed the follow schedule for assessing Departments:

<u>Department</u>	<u>Time Needed</u>	<u>Date</u>
Police Department w/ Sheriff's Proposal		Completed 6/09
Harbor Department	(3 months	09/09 - 12/09
Public Services Department	(3 months)	01/10 - 04/10
Recreation and Parks Department	(2 months)	05/10 - 07/10
Information Technology & City Attorney	(2 months)	08/10 – 10/10
Administrative Services Department	(2 months)	11/10 – 01/11
Fire Department	(2 months)	02/11 – 04/11

As a guideline for the departmental assessment, staff will be using the items listed under Goal B for an assessment template.

2.

What Success Looks Like	Timeline	Who is Responsible	Resources
2. Provide information so that Council can decide whether to establish tiered benefits for new hires.	City Manager, Administrative Services Director	Medium-term (7/09-3/10. In progress, on 6/22, staff directed to contact employee units to meet and confer.	Staff research and time

This item is in progress, on June 22, 2009, the City Council met in Closed Session to continue their efforts to cut personnel costs through labor negotiations. The action out of that meeting was the City Council directed staff to contact Morro Bay's represented employee groups; the Police Officers Association, the Fire Fighters Association and the Service Employees International Union, and ask them to meet and confer in regard to their contracts. Potential discussion issues include 2-tied PERS retirement formulas, health care dollars, reduction of the work week, extended closure on holidays and mandatory furloughs as well as other items. Staff has contacted all three groups with two of the groups declining to meet and confer at this time. The third group, SEIU has not yet responded to the City.

3.

What Success Looks Like	Timeline	Who is Responsible	Resources
a. Present to the City Council a variety of opinions and corresponding costs for assessing the public's opinion on services and service levels which could include a website survey, a survey through a service such as Survey Monkey, neighborhood meetings, water bill survey, staff determination, council determination as well as others.	City Manager, Department Heads, City Council	Medium-term (7/09-3/10	Staff research and time

Staff will provide a report with a variety of options for the City Council to consider designed to assess the public's opinion on City Services and service levels and the associated costs of those survey options. Anticipated presentation to City Council by 2/10.

4.

What Success Looks Like	Timeline	Who is Responsible	Resources
a. The City Council reviewed the Management Partners report in August 2008 and will meet again in August/September 2009 for an update.	City Manager, Department Heads, City Council	Medium-term (7/09-3/10	Staff research and time

The City Council will be polled to determine a date for a City Council Workshop to discuss the Management Partners Report to look at progress to date and future work. Anticipated date confirmation by 09/09.

5.

What Success Looks Like	Timeline	Who is Responsible	Resources
a. Review the trolley program and Recreation and Parks Department Programs	City Manager, Department Heads	Medium-term (7/09-3/10	Staff research and time

Review of the Recreation and Parks programs was also a recommendation in the Management Partners report. The City Council's direction in the Management Partners report review was to work on this item in 2-3 years. As such, staff recommends studying these programs during the 2010/2011 fiscal year. Anticipated presentation to City Council by 01/11-02/11.

The 2009/2010 budget portrays the trolley program as a non-general fund supported program with funding coming from revenue from advertisements and sponsorships, fares and a parking in-lieu contribution. The City Council may want to provide further direction to staff in regard to the funding scenario for 2010/2011, specifically the contribution from the parking in-lieu fund. Anticipated discussion by City Council by 04/10 (during the budget process).

Goal B: Reduce Overall Administrative Costs

1.

What Success Looks Like	Timeline	Who is Responsible	Resources
1. Calculate benefits and other personnel expenses.	City Manager, Department Heads	Medium-term (7/09-3/10	Staff time and research
2. Explore alternative work schedules and work weeks	City Manager, Department Heads	Medium-term (7/09-3/10	Staff time and research
3. Provide total staffing costs (with service reductions).	City Manager, Department Heads	Medium-term (7/09-3/10	Staff time and research

4. Provide a list of potential early retirements and the implications of replacement costs/or whether some positions remain vacant.	City Manager, Department Heads	Medium-term (7/09-3/10	Staff time and research
5. Explore job sharing.	City Manager, Department Heads	Medium-term (7/09-3/10	Staff time and research
6. Explore ways that inter-agency collaboration might help reduce administrative costs.	City Manager, Department Heads	Medium-term (7/09-3/10	Staff time and research

In the assessment of each Department (Goal A, item 10), the above items will be addressed.

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AGENDA NO:
MEETING DATE:

Staff Report

TO: Honorable Mayor and City Council **DATE: August 3, 2009**

FROM: Joseph M. Woods, Recreation and Parks Director

SUBJECT: Consideration of the City's Co-sponsorship of Events

RECOMMENDATION:
Staff recommends the City Council consider one of the three options in regard to the future co-sponsorship of events as well as the continuation of the existing co-sponsorship agreements.

> **Option 1 - MOTION: I move that the City Council send this issue to the Recreation and Parks Commission for review and a recommendation returning it to the City Council by September.**
>
> **Option 2 - MOTION: I move that the City Council approve the City's co-sponsorship of events with the following conditions (include conditions).**
>
> **Option 3 - MOTION: I move that the City Council no longer support the City's co-sponsorship of events.**

FISCAL IMPACT:
There is a fiscal impact to the City with the co-sponsorship of events as the rental fees received are reduced down to direct costs for services. In turn, the City does receive some marketing benefits from the events as well as indirect revenues via sales tax and possibly transient occupancy tax.

SUMMARY:
In the mid-1990ôs the City Administrator approved the co-sponsorshop of three events held in City Facilities. Those events included the Morro Bay Winter Bird Festival, the Morro Bay Jazz Festival and the Teach Foundation Telethon Fundraiser. The co-sponsorship ñconditionsò varied from event to

Prepared By: ________	**Dept Review:**_____
City Manager Review: ________	
City Attorney Review: ________	

event. At one time, the City had the ability to extend their liability coverage to other non-City events which was a significant contribution to new and sometimes fledgling events. It is important to note this practice was changed in mid-2000 with the City no longer able to extend their liability coverage. The initial thought with co-sponsorship was to help start annual events and attract visitors to Morro Bay during the slower months of the year. There has been success with the Morro Bay Winter Bird Festival as the event attracts visitors from out of the area, during the winter months, and for multiple night stays.

Currently, the Winter Bird Festival and the Teach Foundation Telethon Fundraiser are the only two events that continue to be co-sponsored by the City. The City also co-sponsored the Morro Bay Jazz Festival for one or two years, but the event did not continue. In recent months the City has received two additional requests for co-sponsorship of events including the Dahlia Daze event, which was not approved by the City Council and the Morro Bay Photo Expo (request attached). It is important to note these co-sponsorship arrangements pertain to outside agencies holding events in City of Morro Bay facilities versus an event such as the Rock to Pier Run which is a City event run by City staff.

In consideration of the May 2008, Management Partners Report, the February 2009 Goal Setting Workshop and based on the current economic conditions, City staff felt it important to bring forward the existing co-sponsorships for discussion. Staff is asking City Council to make a determination on the continuation and the possibility of co-sponsoring additional events, which will include a subsidy (direct revenue lost) from the City.

DISCUSSION:

When co-sponsorship agreements initially began, the City provided:

1. Liability coverage for the events
2. Decreased facility rental fee ï charging only direct room rental rates
3. Staffing for set-up, tear-down

The City in turn received:

1. Listing as a co-sponsor for the event on all promotional items, press releases, posters, radio and TV spots, etc.
2. Advertising banners at the events

Over the years, the co-sponsorship benefits diminished with the groups now required to provide their own liability insurance, rental fees charged include the direct cost of all the facilities used and full costs for any staffing assigned to the event including set-up and tear down. As a point of discussion, with the following events, if the City were to continue with the current practice in the co-sponsorhsip, the cost difference for the event would be as follows:

Morro Bay Photo Expo-2009

Normal costs for the event (non-profit rate):	$1,359.00
Costs for the event with co-sponsorship:	$ 513.50
Difference	**$ 845.50**

Morro Bay Winter Bird Festival-2009

Normal costs for the event (non-profit rate):	$3,530.00
Costs for the event with co-sponsorship:	$1,025.25
Difference	**$2,504.75**

Teach Foundation Telethon-2009

Normal costs for the event (non-profit rate):	$1,040.00
Costs for the event with co-sponsorship:	$ 340.00
Difference	**$ 700.00**

Morro Bay Dahlia Daze-2009

Normal costs for the event (non-profit rate):	$228.00
Costs for the event with co-sponsorship:	$100.50
Difference	**$127.50**

In their discussion, the City Council may want to consider co-sponsorhip of newly established events/first time events that are multi-day and likely to encourage an overnight stay in Morro Bay and thus positively affecting the transient occupancy tax and sales tax revenues. Additionally, staff recommends regardless of changes for the future, the events that are currently co-sponsored (Morro Bay Winter Bird Festival and the Teach Foundation Telethon) be afforded the agreed upon conditions for their next scheduled event.

CONCLUSION

The City of Morro Bay has had some long term co-sponsorship arrangements that would benefit from being reviewing and an overriding policy established by the City Council. This will enable City staff to equally and consistently relay the policy to requesting user groups.

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AGENDA NO: D-2
MEETING DATE: 8/10/09

Staff Report

TO: **Mayor and City Council** **DATE: July 29, 2009**

FROM: **Bridgett Bauer, City Clerk**

SUBJECT: **Designation of Voting Delegate and Alternate Voting Delegate at League of California Cities 2009 Annual Conference Business Meeting**

RECOMMENDATION:

In order to vote at the League of California Cities 2009 Annual Conference Business Meeting, the City Council must select a voting delegate. In the event that the designated voting delegate is unable to serve in that capacity, the City Council may appoint up to two alternative voting delegates.

MOTION: **I move that the City Council appoint ____ to serve as the City's voting delegate, and appoint ___ to serve as alternate(s) voting delegate(s) at the 2009 League of California Cities Annual Conference Business Meeting.**

BACKGROUND:

The League of California Cities 2009 Annual Conference is scheduled for September 16-18, 2009 in San Jose, California. An important part of the Conference is the Annual Business Meeting, which is scheduled for Friday, September 18th at 3:15 p.m. at the San Jose Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

Attached is further information provided by the League of California Cities.

Prepared By: ___BB_____	**Dept Review:_____**
City Manager Review: ________	
City Attorney Review: ________	