

# 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 – SEPTEMBER 27, 2010**

**CLOSED SESSION – SEPTEMBER 27, 2010  
CITY HALL CONFERENCE ROOM - 5:00 P.M.  
595 HARBOR ST., MORRO BAY, CA**

- CS-1 GOVERNMENT CODE SECTION 54956.9(a); CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION.** Status Report on All Pending Litigation. This is a report on status and no action may be taken on any matter not specifically listed. Council may request a specific matter be agendized in the future for action.

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

**PUBLIC SESSION – SEPTEMBER 27, 2010  
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 REGULAR CITY COUNCIL MEETING OF SEPTEMBER 13, 2010; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 ADOPTION OF ORDINANCE NO. 562 INCREASING THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT ASSESSMENT FROM 2% TO 3%; (CITY ATTORNEY)

**RECOMMENDATION: Adopt Ordinance No. 562.**

A-3 RESOLUTION 46-10 AMENDING COUNCIL POLICIES AND PROCEDURES MANUAL SECTIONS IN REGARD TO CALLING CLOSED SESSION MEETINGS; IN REGARD TO ALL REAL PROPERTY CONTRACTS GOING TO CLOSED SESSION PRIOR TO OPEN SESSION; IN REGARD TO COUNCIL LIAISONS TO ADVISORY BOARDS; AND, IN REGARD TO CITY COUNCIL INPUT ON HIRING AND EVALUATION OF DEPARTMENT HEADS; (CITY ATTORNEY)

**RECOMMENDATION: Adopt Resolution No. 46-10.**

A-4 AUTHORIZATION TO ACCEPT A GRANT FROM THE NATURE CONSERVANCY IN SUPPORT OF FISHERIES TRANSITION AND COMMUNITY OUTREACH; (HARBOR)

**RECOMMENDATION: Authorize acceptance of a grant of \$70,000 from The Nature Conservancy to provide staff support for commercial fishing transitioning strategies and outreach.**

A-5 ACCEPTANCE OF RESIGNATION FROM COMMUNITY PROMOTIONS COMMITTEE MEMBER; (ADMINISTRATION)

**RECOMMENDATION: Accept resignation.**

A-6 PROCLAMATION DECLARING OCTOBER 2010 AS "RIDESHARE MONTH"; (ADMINISTRATION)

**RECOMMENDATION: Adopt Proclamation.**

**B. PUBLIC HEARINGS, REPORTS & APPEARANCES**

B-1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 563 ADDING A LANDMARK TREE SECTION TO CHAPTER 12.08 OF THE MORRO BAY MUNICIPAL CODE; (PUBLIC SERVICES)

**RECOMMENDATION: Approve Ordinance No. 563 for first reading and introduction by number and title only.**

**C. UNFINISHED BUSINESS**

C-1 STATUS REPORT ON WATER USAGE FOR AUGUST 2010; (PUBLIC SERVICES)

**RECOMMENDATION: Review status report and direct staff on ending mandatory water conservation.**

D. NEW BUSINESS

- D-1 REQUEST FOR FACILITY USE FEE WAIVER FOR A MAYORAL/CITY COUNCIL CANDIDATES FORUM SPONSORED BY THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN (AAUW) AND LEAGUE OF WOMEN VOTERS; (ADMINISTRATION)

**RECOMMENDATION:** Discuss the possibility of waiving facility rental fees for the AAUW and the League of Women Voters candidates' forum, and direct staff accordingly.

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.**

MINUTES - MORRO BAY CITY COUNCIL  
CLOSED SESSION – SEPTEMBER 13, 2010  
CITY HALL CONFERENCE ROOM - 5:00 P.M.

AGENDA NO: A-1  
MEETING DATE: 09/27/10

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

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney

CLOSED SESSION

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

Mayor Peters read the Closed Session Statement.

**CS-1 GOVERNMENT CODE SECTION 54957.6; CONFERENCE WITH LABOR NEGOTIATOR.** Conference with City Manager, the City's Designated Representative, for the purpose of reviewing the City's position regarding the terms and compensation paid to the City Employees and giving instructions to the Designated Representative.

**CS-2 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY TRANSACTIONS.** Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to 4 parcels.

- Property: Salt Building - Lease Site 65-66/65W-66W  
Negotiating Parties: Imani and City of Morro Bay.  
Negotiations: Lease Terms and Conditions.
- Property: Virg's Landing - Lease Site 113W  
Negotiating Parties: Moore and Neil and City of Morro Bay.  
Negotiations: Lease Terms and Conditions.
- Property: Embarcadero Grill - Lease Site 86-86W  
Negotiating Parties: Caldwell and City of Morro Bay.  
Negotiations: Lease Terms and Conditions.
- Property: Outrigger - Lease Site 87-88/87W-88W  
Negotiating Parties: V. Leage and City of Morro Bay.  
Negotiations: Lease Terms and Conditions.

The meeting adjourned to Closed Session at 5:00 p.m. and returned to regular session at 5:30 p.m.

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

The meeting adjourned at 5:30 p.m.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 13, 2010  
VETERANS MEMORIAL HALL - 6:00 P.M.

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

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Bridgett Kessling	City Clerk
	Eric Endersby	Harbor Operations Manager
	Susan Lichtenbaum	Harbor Business Manager
	Rob Livick	Public Services Director
	Tim Olivas	Police Chief
	Susan Slayton	Administrative Services Director
	Dylan Wade	Utilities/Capital Projects Manager
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &  
PRESENTATIONS

CLOSED SESSION REPORT - City Attorney Robert Schultz reported the City Council met in Closed Session, and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

Natalia Merzoyan stated she toured the “PERC” facility in Santa Paula, and explained its process which she found to be brilliant. Ms. Merzoyan said she is mystified that this process is not being chosen for Morro Bay.

Robert Davis, San Luis Bicycle Club, reported on the 39<sup>th</sup> Annual Lighthouse Bicycle Run along Highway One on September 25<sup>th</sup>.

William Yates clarified the City Council is reviewing both the PERC facility and the plans presented for the upgrade to the City’s Wastewater Treatment Plant. He also referred to Items D-1 (Authorization to Replace a Wastewater Collections Systems Operator III) and D-2 (Authorization to Fill the Associate Planner Position at the Assistant Planner Level) acknowledging the importance of replacing these positions and noting they already are budgeted positions. Mr. Yates encouraged the City Council to approve filling the Wastewater Collections Systems Operator III and Assistant Planner positions.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 13, 2010

John Barta referred to Item D-3 (Review of Draft Amendment to Chapter 12.08 of the Morro Bay Municipal Code Adding a Landmark Tree Section and Approval of a Revised Master Street Tree List) stating people love trees but do not like regulations, and what is proposed are more regulations. He also referred to the PERC facility noting there is no hard offer on the table from PERC.

Taylor Newton referred to Item D-3 stating this report is based on recommendation from the tree sub-committee. He said he does not consider the recommendations to be regulations but to be guidelines. Mr. Newton stated the goal was to get people involved with the City and the environment and try to put a positive in this current world we live in.

Jim Hayes referred to Item D-1 stating the Wastewater Collections Systems Operator III position is one of the most environmentally responsible positions in the City, and must be filled based on laws and guidelines that are set by the State.

Dorothy Cutter expressed support for Item D-3.

Grant Crowl read a political satire referring to the Wastewater Treatment Plant upgrade.

Mayor Peters closed the hearing for public comment.

Mayor Peters called for a break at 6:41 p.m.; the meeting resumed at 6:50 p.m.

A. CONSENT CALENDAR

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

A-1 APPROVAL OF MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF AUGUST 23, 2010; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

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

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 562 INCREASING THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT ASSESSMENT FROM 2% TO 3%; (CITY ATTORNEY)

City Attorney Robert Schultz stated in order to initiate the process of increasing the assessment from 2% to 3%, the City Council on July 12, 2010 adopted a Resolution of Intention indicating its intention to increase the assessment for the benefit of tourism

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 13, 2010

promotion and marketing in the City of Morro Bay. Following the adoption of the Resolution of Intention and consistent with statutory requirements, notification was published and mailed to area businesses and property owners, notifying the owners and other interested members of public key actions, such as a public meeting, a protest hearing, introduction of Ordinance to establish the assessment, and the final adoption of Ordinance to increase the assessment. Mr. Schultz recommended the City Council move for introduction and first reading of Ordinance No. 562, by number and title only.

Mayor Peters opened the hearing for public comment.

Joan Solu, Tourism Business Improvement District Chair and hotelier, stated the hoteliers are supportive and interested in helping with their fair share. She said transient occupancy tax reports show there has been a slight increase, which is encouraging. Ms. Solu stated the hoteliers continue to support local events and festivals as well as the Visitors and Conference Bureau, which is the #1 referral to the website morrobay.org.

Mayor Peters closed the public comment hearing.

MOTION: Councilmember Grantham moved the City Council approve Ordinance No. 562 increasing the Morro Bay Tourism Business Improvement District assessment from 2% to 3% for first reading and introduction. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

City Manager Andrea Lueker read Ordinance No. 562 by number and title only.

C. UNFINISHED BUSINESS – None.

D. NEW BUSINESS

D-1 AUTHORIZATION TO REPLACE A WASTEWATER COLLECTIONS SYSTEMS OPERATOR III; (PUBLIC SERVICES)

Utilities/Capital Projects Manager Dylan Wade stated at the August 23, 2010 Council meeting, authorization to replace the Collection System Operator III was brought forward and rejected by the majority of the Council. The functions performed by the Collection System Operator III are a critical part of maintaining the system. With this position being an important succession planning step to the Division, filling this position becomes even more critical to ensure adequate management and supervision of the day to day activities. By making the choice to delay this hiring, either the functions that are legally required to perform do not occur, or the City must look to outsource these activities. Under fiscal impacts, even at the Collections System Operator III level, there are significant cost savings to be had by performing these activities in-house versus contracting them out at prevailing wage. Operating while potentially pulling resources from other Divisions and foregoing leave can only be seen as a stop gap measure, but will not work as a long term solution.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 13, 2010

Staff is also preparing an on-call contract with a local firm that can provide a qualified Collections System Operator. Mr. Wade recommended the City Council authorize the replacement of the Wastewater Collections Systems Operator III.

Councilmember Borchard stated she would like to authorize this replacement; however, she would like to start negotiating with the employee units now instead of later, and would like to consider tiered-benefits.

Councilmember Smukler agreed he would also support negotiations to begin with the employee units. He said he would have preferred a more moderate option to consider assisting with staff's pressures in obtaining their goals, but also allowing Council to stay responsive to its citizens' and budget demands.

Councilmember Grantham stated he was supportive the last time to fill this vacancy. He said there are mandates to be upheld, and it is imperative that Council supports replacing this vacant position. Councilmember Grantham agreed that a tiered-benefit package needs to be addressed.

Councilmember Winholtz stated she would like to postpone hiring this person until negotiations have begun.

Mayor Peters stated the citizens expect public health and safety. She said this department needs the manpower to maintain an aging facility, and this position has been budgeted. Mayor Peters stated she is supportive of opening up negotiations.

**MOTION:** Mayor Peters moved the City Council authorize the replacement of the Wastewater Collections Systems Operator III. The motion was seconded by Councilmember Grantham.

Councilmember Winholtz stated this is not about the Wastewater Treatment Plant it is about the Collection System, which operated with four people prior to adding the fifth person and she would like to wait a few months before replacing that fifth position.

Councilmember Borchard requested the motion include to direct staff to begin the negotiation process.

Mayor Peters stated she would make a separate motion.

**VOTE:** The motion carried with Councilmember Winholtz voting no. (4-1)

**MOTION:** Mayor Peters moved the City Council direct staff to begin negotiations for new contracts. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 13, 2010

D-2 AUTHORIZATION TO FILL THE ASSOCIATE PLANNER POSITION AT THE ASSISTANT PLANNER LEVEL; (PUBLIC SERVICES)

Public Services Director Rob Livick stated with only one permanent planner, the Planning Manager, administering the duties of the Planning Division and the Building 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, Coastal Development Permits, analysis of development proposals, plan check accuracy, planning inspections, code compliance, business license review, zoning inquires and general public assistance. Several times in the past the concept of outsourcing planning services has come up as a potential solution. Several times in the past the concept of outsourcing planning services has come up as a potential solution. In this regard, last year staff obtained a proposal from a consultant that has familiarity and experience with Morro Bay to handle the processing on four projects of varying complexity, which estimated cost was \$29,340. Recently there have been a number of advanced planning projects under consideration. Generally current planning projects take priority over advance projects as they are applicant sponsored and represent immediate development or new business opportunities. As such it is often difficult to find windows of time to work on advance projects and many times the projects become fractionalized and take many years to complete. Staffing the Planning Division with two full-time planners would help in providing a fixed number of hours available for both current and advanced projects. Mr. Livick recommended the City Council authorize the hiring of the recently vacated position of the Associate Planner at the Assistant Planner level.

Councilmember Winholtz stated she would be more likely to support this if it was a promotion.

Councilmember Grantham stated he is supportive of authorizing the hiring of the Assistant Planner position.

Councilmember Smukler stated it is difficult to support this position because he is aware of potential customers who were not well-received by the planning department. He said he will reluctantly support authorizing this position.

Councilmember Borchard agreed that she has also received comments from members in the community who are being challenged in getting things accomplished in the planning department. Councilmember Borchard stated she is concerned if it is a timing issue, and does not want to slow the process down so she will support the hiring of this position; however, she does want to expedite the negotiation process to address benefits.

Mayor Peters stated it is important to encourage the positive attitude in the working environment of the planning department right now and to have someone that may be interested and has one year experience is vital. Mayor Peters said she will support to authorize the hiring of this position.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 13, 2010

MOTION: Councilmember Grantham moved the City Council authorize the hiring of the recently vacated position of the Associate Planner at the Assistant Planner level. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

D-3 REVIEW OF DRAFT AMENDMENT TO CHAPTER 12.08 OF THE MORRO BAY MUNICIPAL CODE ADDING A LANDMARK TREE SECTION AND APPROVAL OF A REVISED MASTER STREET TREE LIST; (PUBLIC SERVICES)

Public Services Director Rob Livick stated an ad-hoc volunteer tree committee was formed to review and update the City's policies and procedures as they relate to trees. The tree committee has been working on revisions to the Master Street Tree list, and other tree lists along with a revision to the City's Municipal Code to include provisions for the recognition and preservation of landmark trees. The committee is currently discussing regulations regarding trees on private property, and has also proposed an update to the Master Street Tree list. The committee has reviewed the subject of landmark trees and has made recommendations for modifying the City's Municipal Code to recognize and protect these landmark trees. The committee has concluded that trees have an essential role supporting Morro Bay's economic and physical health and are a key element in Morro Bay's famous scenic beauty and wildlife habitat. Landmark tree recognition, designation, protection, and proactive maintenance is an important step in establishing valuable control measures to preserve our history as the City of Morro Bay evolves in the future. A new definition "Specimen Tree" is also being suggested, which would be defined as a tree that obviously belongs to a particular category but is of particular interest due to its individual distinguishing characteristics, such as color, texture, scent, or other pleasures it provides. Mr. Livick recommended the City Council approve the revised Master Street Tree list, endorse the other lists as suggestions, and review the proposed modifications to the Municipal Code, and direct staff to return with an ordinance as proposed or with modifications for first reading and introduction.

Councilmember Winholtz expressed concern with eliminating the Blue-Gum Eucalyptus from the Open Space and Park Area list because that is what dominates our State Park and it is within the City boundaries. She also does not want to eliminate the Monterey Pine from the Open Space and Park Area list because those that are still remaining still have some resilience. Councilmember Winholtz read a determination on the Monterey Pine from Richard Holly President of Green Space in Cambria who also came up with a variety that was hardy enough to resist the pitch canker disease.

Councilmember Smukler would like to add Coast Live Oak (*Quercus agrifolia*) and Channel Islands Oak (*Quercus tomentella*) to the Private Residence list. He said the City does not have the resources to cut down trees that are not on the list, especially healthy trees. Councilmember Smukler stated it is important that there is a canopy tree growing in the downtown district of the City, which will take years to accomplish.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 13, 2010

Mayor Peters stated she does agree removing the Blue Gum Eucalyptus from the Open Space and Park Area list because it does create problems and it is not native; however, she would like to maintain the Monterey Pine on the Master Tree list if planted in the right place.

MOTION: Councilmember Winholtz moved the City Council accept the changes to the Ordinance as presented with the addition of the definition of Specimen Tree as Item (H); and, the mandatory list be accepted as is, and the second list include the Monterey Pine and Blue Gum Eucalyptus. The motion failed due to lack of a second.

MOTION: Councilmember Borchard moved the City Council accept the changes to the Ordinance as presented with the addition of the definition of Specimen Tree as Item (H); and, the mandatory list be accepted as is, and the second list include the Monterey Pine. The motion was seconded by Councilmember Grantham.

Councilmember Smukler requested to amend the motion to include the Monterey Pine (*Pinus radiata*) to the Parks and Open Space and Master Tree lists; and, add the Coast Live Oak (*Quercus agrifolia*) and Channel Islands Oak (*Quercus tomentella*) Private Residence and Greywater Tree lists; the amendment was accepted by Councilmember Borchard and Councilmember Grantham.

VOTE: The motion carried with Councilmember Winholtz voting no. (4-1)

D-4 REQUEST TO APPROVE A RESPONSE TO THE GRAND JURY REGARDING  
SOLAR ENERGY; (ADMINISTRATION)

City Manager Andrea Lueker stated on June 22 2010, the City received a report prepared by the San Luis Obispo County Grand Jury entitled “To Go Solar or Not To Go Solar”. The Grand Jury report originated from a perceived lack of information and direction in the County on the topic of renewable energy, with the appearance that the County and surrounding cities are not utilizing the full potential of solar energy. Ms. Lueker recommended the City Council direct staff to send the attached letter to the Presiding Judge of San Luis Obispo County Superior Court responding to the Grand Jury reports entitled “To Go Solar or Not to Go Solar”.

Council reviewed the draft letter and made some amendments.

MOTION: Mayor Peters moved the City Council direct staff to send the letter as amended by Council to the Presiding Judge of San Luis Obispo County Superior Court responding to the Grand Jury reports entitled “To Go Solar or Not to Go Solar”. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 13, 2010

D-5 AUTHORIZATION FOR THE CITY OF MORRO BAY TO ACT AS THE LEAD APPLICANT FOR THE JOINT SUSTAINABLE COMMUNITIES PLANNING GRANT (PROPOSITION 84) FOR THE GRANT APPLICATION ENTITLED “SMALL CITIES OF SAN LUIS OBISPO COUNTY CLIMATE ACTION PLAN”; (PUBLIC SERVICES)

Public Services Director Rob Livick stated through Proposition 84 and the State’s Strategic Growth Council, grant funds are available for a variety of local sustainable planning projects. In a cooperative effort the cities of Arroyo Grande, Atascadero, Grover Beach, Paso Robles, Pismo Beach and Morro Bay have developed a proposal entitled “Small Cities of San Luis Obispo County Climate Action Plan”. The scope of the work includes developing a model Climate Action Plan toolbox, developing a CAP for each city tailored to their individual issues, developing and conducting a regional public engagement program and developing model General Plan amendment policies. The grant application guidelines indicate that collaborative, regional applications will have a competitive edge and thus all the small cities agreed to utilize a collaborative approach. However, one city does need to step forward and become the applicant for the application. The group has requested that the City of Morro Bay take this role. Mr. Livick recommended the City Council adopt Resolution 45-10 authorizing the City of Morro Bay to act as the lead agency for the Joint Sustainable Communities Planning Grant for the grant application entitled “Small Cities of San Luis Obispo County Climate Action Plan”.

MOTION: Councilmember Grantham moved the City Council adopt Resolution 45-10 authorizing the City of Morro Bay to act as the lead agency for the Joint Sustainable Communities Planning Grant for the grant application entitled “Small Cities of San Luis Obispo County Climate Action Plan”. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

D-6 DISCUSSION ON AMENDING COUNCIL POLICIES AND PROCEDURES IN REGARD TO CALLING CLOSED SESSION; TO ALL REAL PROPERTY CONTRACTS GOING TO CLOSED SESSION PRIOR TO OPEN SESSION; IN REGARD TO COUNCIL LIAISONS TO ADVISORY BOARDS; AND, IN REGARD TO CITY COUNCIL INPUT ON HIRING AND EVALUATION OF DEPARTMENT HEADS; (CITY ATTORNEY)

City Attorney Robert Schultz stated the City Council requested staff to provide a report on adding to and amending sections of the Council Policies and Procedures Manual regarding calling closed session, real property contracts going to closed session prior to open session, Council appointments to advisory boards and City Council input on hiring and evaluation of Department Heads. Mr. Schultz recommended the City Council review the amendments provided, and direct staff to return to the City Council with a resolution amending the Council Policies and Procedures Manual in regard to calling closed session; to all real property contracts going to closed session prior to open session; in regard to Council liaisons to Advisory Boards; and, in regard to City Council input on hiring and evaluation of Department Heads.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 13, 2010

The City Council discussed the following procedures:

CALLING CLOSED SESSION

1.3.10 CLOSED SESSION MEETINGS (closed to the public)

- 1.3.10.1 Closed Session Meetings may be called by the majority of the Council and are regulated pursuant to the Brown Act. The most common purpose of a closed session is to avoid revealing confidential information that may, in specified circumstances, prejudice the legal or negotiating position of the City or compromise the privacy interests of employees. Closed sessions should be conducted keeping those narrow purposes in mind.

Councilmember Winholtz and Councilmember Smukler stated they would prefer a Closed Session meeting be called by two members of Council.

Councilmember Borchard and Councilmember Grantham stated they prefer a Closed Session meeting be called by a majority of Council

MOTION: Mayor Peters moved the City Council approve Section 1.3.10 (Closed Session Meetings) of the Council Policies and Procedures Manual as presently written. The motion was seconded by Councilmember Borchard and carried with Councilmember Smukler and Councilmember Winholtz voting no. (3-2)

REAL PROPERTY TRANSACTIONS

4.2.8 CLOSED SESSIONS MAY BE HELD TO DISCUSS:

- 4.2.8.1 Real Property. The purchase, sale, exchange or lease of real property with the City's negotiator; the real property and the person(s) with whom the City may negotiate must be announced in open session prior to the closed session. (GC54956.8). Prior to any final closed session on Real Property, Council will be provided with a copy of the draft agreement.

Councilmember Winholtz stated she would like it to be mandatory for all real property transactions to go to Closed Session meeting prior to being heard in open session.

Council agreed that all real property transactions shall come before them in Closed Session.

COUNCIL LIAISONS TO ADVISORY BOARDS

6.2 OTHER COUNCIL REPRESENTATION, SUBCOMMITTEES

6.2.1 COUNCIL LIAISON ASSIGNMENTS

~~The Mayor shall have discretion to assign individual Members of Council to a liaison role with Community organizations or events. At the Mayor's discretion, an additional Council Member can be appointed for each such liaison assignment.~~ A **The City Council shall assign a** Council liaison ~~shall be assigned~~ to each of the following advisory boards: Recreation & Parks Commission, Harbor Advisory Board, Public Works Advisory Board, Community Promotions Committee, and Tourism Business Improvement District Advisory Board.

The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, members ~~may elect to~~ **should either** attend commission meetings ~~periodically to observe the activities of the advisory body or simply~~ **or watch the meeting broadcasts, and** maintain communication with the commission ~~chair~~ on a regular basis.

Members should be sensitive to the fact that they are not participating members of the commission, but are there rather to create a linkage between the City Council and the commission. In interacting with commissions, Council Members are to reflect the views of the Council as a body. Being a Commission liaison bestows no special right with respect to Commission business.

MOTION: Mayor Peters moved the City Council approve Section 6.2 (Council Liaisons to Advisory Boards) of the Council Policies and Procedures Manual as amended. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

6.3.3 COUNCIL MEETINGS

6.3.3.1 Members of an advisory board are free to appear and give testimony before Council using the public microphone, after identifying whether they are speaking as a representative of the advisory board or as a private citizen.

6.3.3.2 Reports to Council must be in written form.

6.3.3.3 Advisory boards will provide quarterly **written or oral** reports to the City Council on a rotating member basis.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 13, 2010

MOTION: Mayor Peters moved the City Council approve Section 6.3.3 (Council Meetings) of the Council Policies and Procedures Manual as amended. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

COUNCIL INPUT ON HIRING DEPARTMENT HEADS

The Morro Bay Municipal Code Section 2.12.090 provides the following:

*It shall be the duty and responsibility of the city manager to and he/she shall appoint, remove, promote and demote any officers and employees of the city, except the city attorney, subject to the provisions of Chapter 2.32 and resolutions, rules and regulations adopted pursuant thereto.*

However, in the past there has been City Council input in both the hiring of Department Heads and evaluations of Department Heads. Staff presents the following verbiage for inclusion in the Council Policies and procedures:

5.5 INPUT ON HIRING AND EVALUATION OF DEPARTMENT HEADS

5.5.1 HIRING

In an outside recruitment situation where the City Manager is hiring a Department Head, the City Council, as a group will be invited to an informal social setting, such as lunch, to meet the top candidates for the position. Following the event, Council members will provide the City Manager with any comments regarding the candidates prior to the final decision of the City Manager.

Councilmember Grantham stated he is in opposition of placing this section in the Council guidelines because the City Council is not a part of the hiring process and it is micromanaging.

Councilmember Winholtz stated she does not agree with Councilmember Grantham's request to remove section 5.5.1 (Hiring) because it is valuable for Council to know what kind of candidates are coming to the City.

Councilmember Smukler agreed with Councilmember Winholtz that the department head positions are prominent positions in the community, and this is an informal way for the City Council to have interaction with candidates and to offer the City Manager with comments.

In an internal recruitment situation, the City Manager will provide the hiring plan to the City Council in a closed session, and Council members will have an opportunity for comments, prior to final hiring.

Councilmember Borchard requested to remove the words "In an internal recruitment situation," in this paragraph.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 13, 2010

5.5.2 INPUT ON EVALUATION OF DEPARTMENT HEADS

Prior to the City Manager's completion of the annual evaluation of each Department Head (usually in December of each year), the City Council will be asked to submit in writing any comments, **that will remain confidential**, they would like the City Manager to consider in regard to the performance of the Department Head.

MOTION: Mayor Peters moved the City Council approve 5.5 (Input on Hiring and Evaluation of Department Heads) of the Council Policies and Procedures Manual as amended. The motion was seconded by Councilmember Winholtz and carried with Councilmember Borchard and Councilmember Grantham voting no. (3-2)

D-7 LETTER REGARDING THE REGISTRATION FEE TO ATTEND THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING; (COUNCIL)

Councilmember Winholtz stated the League of California Cities holds its annual business meeting at the end of its annual conference each September. The annual business meeting is an opportunity for cities to vote on resolutions that form policy. To attend the annual meeting and participate in voting, a city's designated voter must pay to attend at least the last day of the conference. Councilmember Winholtz stated the fee to vote should be eliminated or greatly reduced, and suggested sending a letter to the County Mayors monthly meeting for discussion. If it is received favorably, then a similar letter or resolution should be sent onto the Channel Counties Division of the League of California Cities to be discussed at a quarterly meeting.

MOTION: Councilmember Winholtz moved the City Council send the proposed letter to the San Luis Obispo County Mayors for their review. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Winholtz requested to agendaize a discussion on amending the City tree list.

ADJOURNMENT

The meeting adjourned at 9:13 p.m.

Recorded by:

Bridgett Kessling  
City Clerk



AGENDA NO: A-2

MEETING DATE: September 27, 2010

# Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** September 22, 2010  
**FROM:** Rob Schultz, City Attorney  
**SUBJECT:** Adoption of Ordinance No. 562 Increasing the Morro Bay Tourism Business Improvement District Assessment from 2% to 3%

**RECOMMENDATION:**

Staff recommends that the City Council adopt Ordinance No. 562

**SUMMARY:**

Ordinance 562 was introduced at the Council meeting held on September 13, 2010. This is the second reading, after which the Ordinance is adopted and will become effective on the 31<sup>st</sup> day after its passage.

Prepared By: \_\_\_\_\_      Dept Review: \_\_\_\_\_  
City Manager Review: \_\_\_\_\_  
City Attorney Review: \_\_\_\_\_

**ORDINANCE NO. 562**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY AMENDING  
THE MORRO BAY MUNICIPAL CODE SECTION 3.60.050  
REGARDING INCREASING THE ASSESSMENT TO THE  
MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, on July 12, 2010, the City of Morro Bay Council adopted Resolution No. 40-10 entitled, “**Resolution of the City Council of the City of Morro Bay, California Declaring its Intention to Adopt an Ordinance Increasing the Assessment on Lodging Businesses Within the Morro Bay Tourism Business Improvement District, and Fixing the Time and Place of a Public Meeting and a Public Hearing Thereon and Giving Notice Thereof**”; and

**WHEREAS**, as specified in such Resolution, the City Council declared its intention to consider adopting an ordinance to increase the amount of the Morro Bay Tourism Business Improvement District’s assessment from 2% to 3%; and

**WHEREAS**, said Resolution was published and copies thereof were duly mailed and posted, all as provided by State law and specified in the Resolution; and

**WHEREAS**, pursuant to Resolution a public meeting concerning the increase in the assessment was held before the City Council on August 9, 2010 at 6 p.m. in the City Council Chambers at the Veteran’s Hall located at 209 Surf Street in Morro Bay; and

**WHEREAS**, pursuant to Resolution a public hearing concerning the increase in the assessment was held before the City Council on September 13, 2010 at 6 p.m. in the City Council Chambers at the Veteran’s Hall located at 209 Surf Street in Morro Bay; and

**WHEREAS**, all written and oral protests made or filed were duly heard, and testimony for and against the proposed action was received and considered; and

**WHEREAS**, the City Council determined that there was no majority protest within the meaning of Streets and Highways Code Section 36525, as written protests were not received from owners of businesses in the proposed district which would pay fifty percent (50%) or more of the assessments proposed to be levied; and

**WHEREAS**, protests are weighted based on the assessment proposed to be levied on each hotel. For purposes of the initial formation of the district, the proposed assessment to be levied was calculated based on the assessment rate multiplied by the most recent available data for the hotels’ rental revenues.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Morro Bay that Morro Bay Municipal Code Section 3.60.050 be amended as follows:

**3.60.050 Levy of assessment and exemptions.**

The MBTBID shall include all hotel businesses located within the MBTBID boundaries. Commencing June 1, 2009, the assessment to be levied on all hotel businesses within the MBTBID boundaries shall be based upon 3% of the rent charged by the operator per occupied room per night for all transient occupancies. Commencing on June 1, 2010, and from year to year thereafter, the assessment to be levied on all hotel businesses within the MBTBID boundaries shall be based upon 2% of the rent charged by the operator per occupied room per night for all transient occupancies. The assessment shall be collected monthly, based on percent (%) of the rent charged by the operator per occupied room per night in revenues for the previous month. New hotel businesses within the boundaries shall not be exempt from the levy of assessment authorized by Section 36531 of the law. Assessments pursuant to the MBTBID shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax. The value of extended stays of more than thirty (30) consecutive calendar days shall be exempt from the levy of assessment. Any other exclusion shall be based on benefit and the policies and ordinances of the collecting agency.

A summary of this ordinance, together with the names of Council members voting for and against it, shall be published at least five (5) days prior to its final adoption, in The Tribune, a newspaper published and circulated in the City of Morro Bay. This ordinance shall go into effect on November 1, 2010.

**INTRODUCED** at the regular meeting of the City Council of the City of Morro Bay held on the 13<sup>th</sup> day of September 2010, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2010 by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**

\_\_\_\_\_  
JANICE PETERS, Mayor

**ATTEST:**

\_\_\_\_\_  
BRIDGETT KESSLING, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
ROBERT SCHULTZ, City Attorney



**RESOLUTION NO. 46-10**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
AMENDING THE COUNCIL POLICIES AND PROCEDURES MANUAL  
IN REGARD TO CALLING CLOSED SESSION MEETINGS;  
IN REGARD TO ALL REAL PROPERTY CONTRACTS GOING  
TO CLOSED SESSION PRIOR TO OPEN SESSION;  
IN REGARD TO COUNCIL LIAISONS TO ADVISORY BOARDS;  
AND, IN REGARD TO CITY COUNCIL INPUT ON HIRING AND  
EVALUATION OF DEPARTMENT HEADS**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the Council Policies and Procedures Manual for the City of Morro Bay is a combination of City Council actions, policies references and information regarding the City Council; and

**WHEREAS**, to ensure that all Council members are familiar with and understand the City of Morro Bay's philosophies and policies regarding serving on the City Council, the City of Morro Bay adopted Resolution No. 42-02 and its Council Policies and Procedures Manual on August 12, 2002; and

**WHEREAS**, the City desires to amend section 1.3.10 in regard to Calling Closed Session Meetings; amend section 4.2.8 in regard to Real Property Transactions; amend section 6.2.1 regarding Council Liaison Assignments to advisory boards/commissions; add section 6.3.3.3 in regard to quarterly verbal reports from the advisory boards/commissions to the City Council; and add section 5.5 regarding Council input on hiring and evaluation of department heads.

**1.3.10 CLOSED SESSION MEETINGS** (closed to the public)

1.3.10.1 Closed Session Meetings may be called by the majority of the Council and are regulated pursuant to the Brown Act. The most common purpose of a closed session is to avoid revealing confidential information that may, in specified circumstances, prejudice the legal or negotiating position of the City or compromise the privacy interests of employees. Closed sessions should be conducted keeping those narrow purposes in mind.

**4.2.8 CLOSED SESSIONS MAY BE HELD TO DISCUSS:**

4.2.8.1 Real Property. The purchase, sale, exchange or lease of real property with the City's negotiator; the real property and the person(s) with whom the City may negotiate must be announced in open session prior to the closed session. (GC  $\alpha$  54956.8). All Real Property transactions shall be held in closed session prior to final

decision in open session and Council shall be provided with a copy of the draft real property agreement.

## **6.2 OTHER COUNCIL REPRESENTATION, SUBCOMMITTEES**

### **6.2.1 COUNCIL LIAISON ASSIGNMENTS**

The City Council shall assign a Council liaison to each of the following advisory boards: Recreation & Parks Commission, Harbor Advisory Board, Public Works Advisory Board, Community Promotions Committee, and Tourism Business Improvement District Advisory Board.

The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, members should either attend commission meetings or watch the meeting broadcasts and maintain communication with the commission on a regular basis.

Members should be sensitive to the fact that they are not participating members of the commission, but are there rather to create a linkage between the City Council and the commission. In interacting with commissions, Council Members are to reflect the views of the Council as a body. Being a Commission liaison bestows no special right with respect to Commission business.

### **6.3.3 COUNCIL MEETINGS**

- 6.3.3.1 Members of an advisory board are free to appear and give testimony before Council using the public microphone, after identifying whether they are speaking as a representative of the advisory board or as a private citizen.
- 6.3.3.2 Reports to Council must be in written form.
- 6.3.3.3 Advisory boards will provide quarterly written or oral reports to the City Council on a rotating member basis.

**5.5 INPUT ON HIRING AND EVALUATION OF DEPARTMENT HEADS**

**5.5.1 HIRING**

In an outside recruitment situation where the City Manager is hiring a Department Head, the City Council, as a group will be invited to an informal social setting, such as lunch, to meet the top candidates for the position. Following the event, Council members will provide the City Manager with any comments regarding the candidates prior to the final decision of the City Manager.

In an internal recruitment situation, the City Manager will provide the hiring plan to the City Council in a closed session, and Council members will have an opportunity for comments, prior to final hiring.

**5.5.2 INPUT ON EVALUATION OF DEPARTMENT HEADS**

Prior to the City Manager's completion of the annual evaluation of each Department Head (usually in December of each year), the City Council will be asked to submit in writing, that will remain confidential, any comments they would like the City Manager to consider in regard to the performance of the Department Head.

**WHEREAS**, the City Council approved these additions by a majority vote at their September 13, 2010 meeting.

**NOW, THEREFORE**, be it resolved that the City Council of the City of Morro Bay does hereby add or amend sections 1.3.10, 4.2.8, 6.2.1, 6.3.3.3 and 5.5 of the Council Policies and Procedures Manual to reflect the above amendments.

**PASSED AND ADOPTED**, by the City Council, City of Morro Bay at a regular meeting thereof held on the 27<sup>th</sup> day of September by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JANICE PETERS, Mayor

ATTEST:

\_\_\_\_\_  
BRIDGETT KESSLING, City Clerk



AGENDA NO:     A-4    

MEETING DATE:     9/27/10    

## Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** September 27, 2010

**FROM:** City Manager

**SUBJECT:** Authorization to Accept a Grant from the Nature Conservancy in Support of Fisheries Transition and Community Outreach

**RECOMMENDATION:**

That the City Council move to authorize acceptance of a grant of \$70,000 from The Nature Conservancy (TNC) to provide staff support for commercial fishing transitioning strategies and outreach.

**MOTION:** I move that the City Council authorize acceptance of a grant of \$70,000 from The Nature Conservancy (TNC) to provide staff support for commercial fishing transitioning strategies and outreach.

**FISCAL IMPACT:**

There will be no direct fiscal impact associated with acceptance of this grant. The City will supply some in-kind services during the course of the grant such as providing office space, telephone and computer use and limited clerical support services.

**BACKGROUND:**

Since incorporation the City of Morro Bay has adopted numerous policy resolutions to support commercial fishing as an important part of our economy and culture. The City provides a reduced rate for slips for commercial fishing vessels and in recent years has provided some limited lease rental reductions to maintain remaining marine dependent infrastructure such as ice and fuel services and unloading docks.

The federal agency that manages west coast fisheries is in the final stages of a major transition in groundfish management to an Individual Quota system. Morro Bay Harbor historically had large groundfish landings that supported many processing plants, two fuel docks and many other ancillary businesses. Reductions in groundfish landing began in the early 1990's and continued until the early 2000's. By 2005 landings in Morro Bay

**Prepared By:** \_\_\_\_\_      **Dept Review:** \_\_\_\_\_

**City Manager Review:** \_\_\_\_\_

**City Attorney Review:** \_\_\_\_\_

fell to almost negligible amounts due to increasingly precautionary regulations for trawlers and the purchase of the final 6 trawl permits in our area by TNC. Since 2005 City staff became more actively involved in federal management and with TNC in trying to reestablish access to groundfish stocks that could support remaining marine infrastructure in the harbor. There has been some success, landings, primarily Sablefish, have increased from an ex-vessel value in 2006 of \$2.7 million to \$4.8 million in 2009 and projecting to double that number at the end of 2010. In addition the City of Morro Bay has gained a reputation for representing coastal community issues and positions and for innovative work with conservation interests and fishermen on improving fishery management for community benefit. .

**DISCUSSION:**

After eight years of work the Pacific Fisheries Management Council (PFMC), the federal agency for fishery regulations, is scheduled to adopt an IQ system for West Coast groundfish trawl sector management on January 1, 2011. TNC owns 6 local trawl permits that will be granted access privileges under the new system and has committed to attempt to transfer those privileges to local interests to anchor the landings in this area. Certain conditions have to be met in the regulatory system and in our area to accomplish that. The PFMC must adopt a Community Fishing Association (CFA) trailing amendment to allow local groups to collaborate in managing quota, PFMC must implement some cost effective Electronic Monitoring System (EMS) and negotiations between fishermen and TNC must be concluded for financial arrangements that are workable. With the recent retirement of the Harbor Director, TNC approached the City to see if staff support to continue assisting in this process could be dedicated to these issues in the future. This resulted in the offer of a grant from TNC under the attached Scope of Work (Attachment A) for \$70,000 over a period of two years to hire Rick Algert on an hourly basis (temporary employee status) to do the work. Some of these funds will be used to attend meetings such as PFMC which typically go for an entire week. The City will provide Mr. Algert use of a desk part-time in the Public Services building and office support. Part of the scope of work of the grant is to do additional outreach in this community and other interested coastal communities, and to complete an annual report on activities that will fulfill the grant reporting requirements for TNC.

**CONCLUSION:**

Staff recommends that the City Council accepts a grant of \$70,000 from The Nature Conservancy (TNC) to provide staff support for commercial fishing transitioning strategies and outreach.



AGENDA NO: A-5

MEETING DATE: 9/27/10

## Staff Report

**TO: Mayor and City Council**

**DATE: September 21, 2010**

**FROM: Bridgett Kessler, City Clerk**

**SUBJECT: Acceptance of Resignation from Community Promotions Committee Member**

**RECOMMENDATION:**

Receive and accept the letter of resignation from Daniel Kraycik who served on the City's Community Promotions Committee.

**DISCUSSION:**

The City received a letter of resignation from Daniel Kraycik on September 15, 2010. Mr. Kraycik served on the Community Promotions Committee as a Member-at-Large representative and his term would have expired on January 31, 2014.

Prepared By: **B. Kessler**

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

**AGENDA NO: A-6**

**MEETING DATE: 9/27/10**

**A PROCLAMATION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY  
DECLARING OCTOBER 2010 AS “RIDESHARE MONTH”**

**CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the City of Morro Bay recognizes that 78 percent of commuters in San Luis Obispo County commute to work by driving alone, which significantly contributes to air pollution, road congestion and decreased quality of life locally and throughout the state; and

**WHEREAS**, the City of Morro Bay recognizes transportation choices including carpooling, vanpooling, taking the bus, walking, biking or working from home serve to preserve air and water quality, improve personal health, reduce road congestion, reduce commute costs, reduce parking demand and reduce demand on foreign oil; and

**WHEREAS**, SLO Regional Rideshare, as a division of the San Luis Obispo Council of Governments, provides information, programs and services on sustainable transportation choices for people living, working and visiting San Luis Obispo County; and

**WHEREAS**, Rideshare Month 2010 - Commute for Cash Challenge is executed by SLO Regional Rideshare and sponsored by RTA, Paso Express, North County Shuttle, SLO Transit, SCAT, Morro Bay Transit, APCD, Ride-On Transportation, Enterprise Vanpool, VPSI, FunRide and the SLO County Bicycle Coalition to encourage people to use sustainable transportation; and

**WHEREAS**, Rideshare Month will include cash incentives and Ride the Bus Week where participants can ride free, Vanpool Week where new vanpools receive discounts, Carpool Week where carpools can win free gas and Ride Your Bike and Walk Week with Bike Breakfasts and Energizer Stations.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Morro Bay does hereby declare October 2010 as “Rideshare Month” in the City of Morro Bay.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the City of Morro Bay to be affixed this 27th day of September 2010

---

JANICE PETERS, Mayor  
City of Morro Bay, California



AGENDA NO: B-1

MEETING DATE: September 27, 2010

## Staff Report

**TO:** Honorable Mayor and City Council **DATE:** September 21, 2010  
**FROM:** Rob Livick, PE/PLS – Public Services Director/City Engineer  
**SUBJECT:** Introduction and First Reading of Ordinance No. 563 adding a Landmark Tree Section to Chapter 12.08 of the Morro Bay Municipal Code.

### **RECOMMENDATIONS:**

Staff recommends that the City Council conduct a public hearing to receive testimony regarding the Council's Landmark Trees and introduce Ordinance No. 563 adding a Landmark Tree section to the Morro Bay Municipal Code.

### **MOTION:**

**I move for introduction and first reading of Ordinance No. 563 by number and title only.**

### **FISCAL IMPACT:**

The cost of proactively maintaining a landmark tree would require additional expenditures for consulting arborist, tree maintenance services and engineering contractor services for concrete removal and replacement. These costs could be up to \$4,000 per landmark tree over a ten year period (\$400 per year per landmark tree).

### **BACKGROUND:**

An ad-hoc volunteer tree committee was formed to review and update the City's policies and procedures as they relate to trees. The committee's membership is not fixed and currently consists of Wally McCray, Ann Reisner, Cory Paul, Noah Smukler, Sean Ellis, Gabriel Frank, Taylor Newton, Susan Shaw, Melinda Elster, Gene Schellenger, Joseph Hurni, and June Krystoff-Jones with Rob Livick and Joe Woods assisting when needed as city staff. These folks represent a broad mix of the community including arborists, landscape professional as well as interested citizens.

The Morro Bay Citizens Tree committee has reviewed the subject of Landmark trees and has made recommendations for modifying the City's Municipal Code to recognize and protect these landmark trees. The tree committee has concluded that trees have an essential role supporting Morro Bay's economic and physical health and are key element in Morro Bay's famous scenic beauty and wildlife habitat.

The proposal for the addition of a Landmark Tree section to the Morro Bay Municipal Code has been previously reviewed by the Public Works Advisory Board and the Planning Commission.

**Prepared By:** \_\_\_\_\_ **Dept Review:** \_\_\_\_\_  
**City Manager Review:** \_\_\_\_\_  
**City Attorney Review:** \_\_\_\_\_

Both of these aforementioned bodies recommended approval of the addition.

**DISCUSSION:**

At their September 13, 2010 meeting the Morro Bay City Council discussed the revisions to the Master Street Tree List. They also discussed the draft revision to the Street Tree section of the Morro Bay Municipal Code (12.08), which would add the ability to declare Landmark Trees. Council approved the Master Street Tree List revision. During the discussion regarding adding the Landmark Tree section to Chapter 12.08 of the Morro Bay Municipal, the definition of a *Specimen Tree* was added to the definitions section and requested the change come back for “first reading”.

The Morro Bay Citizens Tree Committee’s recommendations, in regards to Landmark Trees, are to protect the trees in our city, and are designed to work for the betterment of our present and future. Landmark Tree recognition, designation, protection, and proactive maintenance is an important step in establishing valuable control measures to preserve our history as the City of Morro Bay evolves in the future. Recognized Landmark Trees give our community another opportunity to reflect and celebrate our heritage, environment and the City’s future. These recommendations include the following:

- Landmark Tree definition: any tree existing within city limits, which has been so designated by resolution of the City Council, after review by the City’s Public Works Advisory Board and Planning Commission.
- Specimen tree/grove definition: a unique tree/grove that may or may not be common, but exemplifies a Landmark Criteria
- Possible Landmark Trees in City of MB, should be less than 20 (City of SLO has 22).
- Establish a Landmark Tree addendum to MB City Tree Regulations; City Staff draft code language to be added to ‘Chapter 12 City Tree Regulations’ and ‘Major Vegetation Removal, Replacement and Protection Guidelines’.
- On public land, recognized Landmark Trees will be protected and proactively maintained for long-life/health, under the authority of the Director of Public Services. Private property land owners may volunteer to have trees on their property recognized as Landmark Trees, but trees on their property will still be their responsibility to maintain and protect.

The tree committee has also provided the following examples of potential Landmark Trees:

- Monterey Cypress and Blue Gum Eucalyptus planted around the Cloister’s Resort by EG Lewis, in the area of San Jacinto and Sandalwood, or original settlement area South of Harbor Street.
- The Palms on Monterey and MB Blvd, marking the site of the US Post Office of 1928.
- Monterey Pines on Piney that may be seedlings of original pines planted by Parker.
- Specimen Channel Island Oaks planted at MB Library courtyard near new Peace Pole.

**CONCLUSION:**

Staff recommends that Council move for introduction and first reading of Ordinance No. 563, by number and title only.

Attachments

1. Ordinance # 563
2. Draft revisions to 12.08 MBMC

**ORDINANCE NO. 563**

**AN ORDINANCE OF THE CITY OF MORRO BAY, CALIFORNIA AMMENDING  
CHAPTER 12.08 OF THE MORRO BAY MUNICIPAL CODE ESTABLISHING POLICIES  
AND PROCEDURES FOR LANDMARK TREE DESIGNATION**

**THE CITY COUNCIL  
CITY OF MORRO BAY, CALIFORNIA**

**WHEREAS**, the City of Morro Bay (“City”) has adopted Local Policies and Procedures for the regulations of Trees within the Public Right of Way; and

**WHEREAS**, said policies and procedures are Codified in Chapter 12.08 of the Morro Bay Municipal Code; and

**WHEREAS**, the community through the Morro Bay Citizens tree Committee recognizes that trees have an essential role supporting Morro Bay’s economic and physical health and are key element in Morro Bay’s famous scenic beauty and wildlife habitat; and

**WHEREAS**, the Morro Bay Citizens Tree Committee has made recommendations to protect the trees and vegetation in our city, are designed to work for the betterment of our present and future; and

**WHEREAS**, Landmark Tree recognition, designation, protection, and proactive maintenance is an important step in establishing valuable control measures to preserve our history as the City of Morro Bay evolves in the future; and

**WHEREAS**, recognized Landmark Trees give our community another opportunity to reflect and celebrate our heritage, environment and the City’s future; and

**WHEREAS**, City staff made recommended amendments to Chapter 12.08 of the Morro Bay Municipal Code and presented those amendments to City Council at their September 13 2010, City Council meeting for review and comment; and

**WHEREAS**, the City Council provided staff with direction and recommended changes to the draft ordinance and City staff has since made these changes.

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

**SECTION 1.** That Chapter 12.08 of the Morro Bay Municipal Code is hereby modified and shall be coded and found to read as follows:

A. The following definitions shall be added to section 12.08.020 Definitions:

*G. "Landmark tree" is any tree existing within city limits, which has been so designated by resolution of the City Council, after review and recommendation by the City's Public Works Advisory Board.*

*H. "Specimen Tree" is a tree that obviously belongs to a particular category but is of particular interest due to its individual distinguishing characteristics, such as color, texture, scent, or other pleasures it provides.*

B. The following paragraph shall be added to Section 12.08.060:

*Recognized Landmark Trees will be protected and proactively maintained for long-life/health, under the authority of the Director of Public Services. Landmark Trees may also be identified with a sign or plaque, as approved by the public services director. The sign or plaque shall be provided and maintained by the nominee at no expense to the City of Morro Bay.*

C. The following section shall be added to Chapter 12.08:

***12.08.150 – Landmark Trees***

*Any Morro Bay resident may nominate a tree to be considered for Landmark Tree designation. The nominated tree shall meet at least 3 of the 7 criteria listed below. All nominated Landmark Trees shall be reviewed by the Public Works Advisory Board. The recommendation of the Public Works Advisory Board shall be forwarded to the City Council for official landmark tree designation.*

*Landmark Tree Criteria:*

- a) Any Specimen Tree or grove of significant size, beauty, cultural heritage or habitat value.*
- b) Specimen tree or grove of significant habitat value for migratory birds and butterflies.*
- c) Native trees or groves of historical significance to local indigenous cultures.*
- d) Specimen tree or grove of agricultural significance and history.*
- e) Specimen tree or grove older than 80-100 years.*
- f) Any Trees playing very important functional role in city parks or for city planning and maintenance.*
- g) Specimen Trees or groves of significance planted by early settlers of Morro Bay.*

**INTRODUCED** at a regular meeting the of the City Council of Morro Bay, held on the th day of , 2010 by motion of Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_.

**PASSED AND ADOPTED** on the day of , 2010, by the following vote:

AYES:  
NOES:  
ABSENT:

---

JANICE PETERS, Mayor

ATTEST:

---

BRIDGETT KESSLING, City Clerk

APPROVED AS TO FORM:

---

ROBERT SCHULTZ, City Attorney

**Chapter 12.08 - CITY TREE REGULATIONS\***

Sections:

- 12.08.010 - Purpose.
- 12.08.020 - Definitions.
- 12.08.030 - Enforcing authority.
- 12.08.040 - Master tree list.
- 12.08.050 - Powers of director of public services.
- 12.08.060 - Tree care, planting, removing and replacement.
- 12.08.070 - Tree removal by city for cause.
- 12.08.080 - Appeal of the determination of the director of public services.
- 12.08.090 - Tree removal cost and replacement.
- 12.08.100 - Replanting tree after removal.
- 12.08.110 - Utility permit to trim, brace or remove trees.
- 12.08.120 - Business permit to trim, brace or remove trees.
- 12.08.130 - Tree destruction or attachments prohibited.
- 12.08.140 - Inspection by director of public services.
- 12.08.150 – Landmark Trees

**12.08.010 - Purpose.**

It is in the best interest of the city and of the citizens of Morro Bay that a comprehensive plan for the planting and maintenance of trees in, on or within the public right-of-way (R/W) within the city should be established. This chapter is adopted for the purpose of developing and providing for such a plan and program, and for the purpose of establishing rules and regulations relating to the planting, care and maintenance of such trees. (*Ord. 490 (part), 2002*)

**12.08.020 - Definitions.**

- A. "Director of public services" means the director of public services of the city.
- B. "Owner" includes the legal owner of real property fronting on any street of the city, and any lessee of such owner.
- C. "Person" means an individual, firm, an association, a corporation, a co-partnership, and the lessees, trustees, receivers, agents, servants and employees of any such person.
- D. "Planning commission" means the planning commission of the city.
- E. "Public streets" or "streets" includes all roads, streets, avenues, boulevards, alleys, parkways, sidewalks, walkways and public rights-of-way, or any portion thereof, of the city.
- F. "Drip line" is the shape drawn on the soil or ground surface around a tree which is directly under its outermost branch tips, exclusive of the influence of mechanical trimming. (*Ord. 490 (part), 2002*)

- G. "Landmark tree" is any tree existing within city limits, which has been so designated by resolution of the City Council, after review and recommendation by the City's Public Works Advisory Board.
- H. "Specimen Tree" is a tree that obviously belongs to a particular category but is of particular interest due to its individual distinguishing characteristics, such as color, texture, scent, or other pleasures it provides.

Formatted: Default Paragraph Font, Font: (Default) +Body, 12 pt

Formatted: Font: Not Italic

**12.08.030 - Enforcing authority.**

The director of public services or his/her duly authorized representative shall be charged with the enforcement of this chapter. *(Ord. 490 (part), 2002)*

**12.08.040 - Master tree list.**

The planning commission is charged with the duty of determining the types and species of trees suitable and desirable for planting within the city, and the areas in which such trees shall be planted. Such determination shall be made by the planning commission who may consult with those familiar with the subject of such plantings, such as landscape architects, arborists, nurserymen and park executives. After such determination has been made, the planning commission shall report its findings in writing to the city council. When approved by the city council, said report, to be known as the master tree list, shall be placed on file in the office of the city clerk, and shall thereafter be the official determination of the planning commission. Revisions or changes in the master tree list may be made from time to time by the planning commission, in the manner described in this section for the development, approval and filing of the original master tree list.

All trees planted in the public rights-of-way of the city after the filing of the original master tree list must be specified on the master tree list, unless a written permit from the director of public services shall have first been obtained to deviate from said list. Such permit may be granted by the director of public services upon the showing of evidence that an alternate tree would best serve the public interest. *(Ord. 490 (part), 2002)*

**12.08.050 - Powers of director of public services.**

The director of public services, or his duly authorized representative, shall have jurisdiction and control of the planting, setting out, location and placement of all trees in the public rights-of-way of the city, and shall likewise have supervision, direction and control of the care, trimming, removal, relocation and replacement thereof. *(Ord. 490 (part), 2002)*

**12.08.060 - Tree care, planting, removing and replacement.**

No person other than the director of public services or his or her duly authorized agent or deputy shall cut, trim, prune, spray, brace, plant, move or remove, or replace any tree in any public right-of-way (R/W) within the city, or shall cause the same to be done, unless and until a written permit to do so shall have been first obtained from the director of public services. Any such permit may be declared void by the director of public services if its terms are violated.

In addition to any measures allowable by the laws of the state of California, any person, persons, corporations or similar parties which perform, direct or otherwise cause to be

performed, any trimming, cutting, pruning, spraying, moving or removing of any tree, or portions thereof, within the public right-of-way, without having first obtained a written permit from the director of public services, or failing to comply with any terms of the permit, shall pay to the city a fee based upon tree valuation criteria established by the International Society of Arboriculture (ISA). This fee shall be calculated by the director of public services based upon the most current ISA criteria and shall further acknowledge the environmental benefits afforded by the urban forest.

Any and all fees collected by the city from the enforcement of the requirements of this section shall be deposited and used for the sole and exclusive purposes of propagation, maintenance, and nurturing of trees within the public rights-of-way and parks of the city. (*Ord. 490 (part), 2002*)

Recognized Landmark Trees will be protected and proactively maintained for long-life/health, under the authority of the Director of Public Services. Landmark Trees may also be identified with a sign or plaque, as approved by the public services director. The sign or plaque shall be provided and maintained by the nominee at no expense to the City of Morro Bay.

Formatted: Font: Not Italic

**12.08.070 - Tree removal by city for cause.**

No tree shall be removed from a public right-of-way unless it interferes with the necessary improvement of the public right-of-way, the installation of public utilities or is a hazard to person or property outside the drip line of the tree at maturity, or creates such a condition as to constitute a hazard or an impediment to the progress or vision of anyone traveling on or within the public right-of-way. If, in the opinion of the director of public services, a tree is determined to meet the above criteria, posted for a minimum of ten days and all property owners and residents within three hundred feet shall be notified of the scheduled tree removal. If an appeal is not filed pursuant to Section 12.08.080 then the tree shall then be removed and a new tree planted in the same location or in close proximity to the location where the tree was removed. The replacement tree shall be of the type as specified in the master tree list for that particular location, and the cost of removal and replacement shall be at the expense of the city. Except in the case of an emergency as determined by the director of public services, no tree shall be trimmed or removed during nesting season, which is February 1st through June 30th. (*Ord. 531, 2007; Ord. 498, 2003; Ord. 490 (part), 2002*)

**12.08.080 - Appeal of the determination of the director of public services.**

Any person aggrieved by the determination of the director of public services may file an appeal to the planning commission following the payment of the applicable fee. A public hearing shall be held following public notice of property owners within three hundred feet per Section 17.60.110. Said public notice shall also include posting of the subject tree(s) with two placards that are clearly visible indicating the purpose, time, date and location of the hearing. The appellant shall submit a report prepared by a certified arborist or landscape architect describing the condition of the tree(s) and the reason(s) for the removal of the tree(s) from the public right-of-way. Trees shall not be removed solely for the preservation of private views.

A tree(s) shall not be removed unless authorized by the proper review authority within the scope of a construction project. Said removal shall be appropriately mitigated on a not less

than two-to-one tree replacement. Said tree(s) shall be maintained in a healthy, live condition for a period of five years.

Following the public hearing, the planning commission shall grant or deny the appeal. The granting of the appeal by the planning commission may be subject to conditions deemed appropriate to mitigate the impacts to the community and neighborhood due to the removal of the tree(s). Any person aggrieved by the decision of the planning commission may file an appeal to the city council. The city council shall then conduct a public hearing under the same provisions as stated above. *(Ord. 490 (part), 2002)*

**12.08.090 - Tree removal cost and replacement.**

In the event the planning commission or city council grants an appeal to remove a tree(s) per Section 12.08.080, all costs of the removal shall be at the expense of the appellant. All street surfaces, curbs, gutters, sidewalks and other public improvements damaged by the removal of said tree(s) shall be repaired and/or replaced by the property owner in a condition acceptable to the director of public services. The director may require a performance bond in an amount sufficient to cover the costs of repair and replacement of the public improvements per the adopted city standards. *(Ord. 490 (part), 2002)*

**12.08.100 - Replanting tree after removal.**

Any person removing a tree under the provisions of Sections 12.08.080 and 12.08.090 shall, at their own expense and within thirty days after such removal, plant another tree of the type and species specified in the master tree list for such area in a location designated by the director of public services. If such person fails to plant the replacement tree or fails to comply with the requirements of the planning commission or this section within the time specified, the director of public services may perform such tasks as are required, and the cost thereof shall be assessed to such person. This remedy is in addition to all other measures, including punitive measures, available to city arising out of such noncompliance. *(Ord. 490 (part), 2002)*

**12.08.110 - Utility permit to trim, brace or remove trees.**

Any person doing business as a public utility subject to the jurisdiction of the Public Utilities Commission of the state and any constituted public agency authorized to provide, and providing utility service, shall be given a permit from the director of public services valid for one year from the date of issuance, permitting such person to trim, brace, remove or perform such other acts with respect to trees growing adjacent to the public streets of the city, or which grow upon private property to the extent that they encroach upon such public streets as may be necessary to comply with the safety regulations of the commission and as may be necessary to maintain the safe operation of its business. See Master Fee Schedule. *(Ord. 490 (part), 2002)*

**12.08.120 - Business permit to trim, brace or remove trees.**

No person shall be entitled to apply for a permit under Section 12.08.070 other than an owner of property abutting the portion of the street upon which a tree is located and on the same side of the centerline of the street as the tree which is the subject of the permit application or a public utility. No person may perform any act pursuant to a permit issued under Section

12.08.070, except a person whose principal business is tree surgery, trimming or maintenance and who, in the opinion of the director of public services, is qualified for such business, and who has obtained a permit to carry on such business in the city from the director of public services. Prior to the issuance of such a permit, a valid business license must be secured from the city clerk. Permits issued pursuant to this section may be granted for a period of one year from the date of issuance. See Master Fee Schedule. (Ord. 490 (part), 2002)

**12.08.130 - Tree destruction or attachments prohibited.**

It is unlawful for any person to break, injure, deface, mutilate, kill or destroy any tree or set fire or permit any fire to burn where such fire or the heat thereof will injure any portion of any tree in any public right-of-way in the city. Nor shall any person place, apply, attach or keep attached to any such tree or to the guard or stake intended for the protection thereof any wire, sign, paint or any other substance, structure, thing or device of any kind or nature whatsoever without having first obtained permission from the director of public services. See Master Fee Schedule. (Ord. 490 (part), 2002)

**12.08.140 - Inspection by director of public services.**

The director of public services may inspect any tree within or overhanging any public right-of-way in the city to determine whether the same or any portion thereof is in such a condition as to constitute a hazard or impediment to the progress or vision of anyone traveling on such public street or within the public R/W. Any tree or part thereof growing upon private property, but overhanging or interfering with the use of any street that, in the opinion of the director of public services, endangers the life, health, safety, or property of the public shall be declared a public nuisance. If the owner of such private property does not correct or remove such nuisance within thirty days after receipt of written notice thereof from the director of public services, he shall cause the nuisance to be corrected or removed and the cost shall be assessed to such owner.

Nothing contained herein shall be deemed to impose any liability upon the city, its officers, or employees, nor to relieve the owner of any private property from the duty to keep any tree upon his property or under his control in such a condition as to prevent it from constituting a public nuisance as defined in this chapter. (Ord. 490 (part), 2002)

**12.08.150 – Landmark Trees**

Any Morro Bay resident may nominate a tree to be considered for Landmark Tree designation. The nominated tree shall meet at least 3 of the 7 criteria listed below. All nominated Landmark Trees shall be reviewed by the Public Works Advisory Board. The recommendation of the Public Works Advisory Board shall be forwarded to the City Council for official landmark tree designation.

Landmark Tree Criteria:

- a) Any Specimen Tree or grove of significant size, beauty, cultural heritage or habitat value.

Formatted: Numbered + Level: 1 +  
Numbering Style: a, b, c, ... + Start at: 1 +  
Alignment: Left + Aligned at: 0.25" + Indent  
at: 0.5"

- b) Specimen tree or grove of significant habitat value for migratory birds and butterflies.
- c) Native trees or groves of historical significance to local indigenous cultures.
- d) Specimen tree or grove of agricultural significance and history.
- e) Specimen tree or grove older than 80-100 years.
- f) Any Trees playing very important functional role in city parks or for city planning and maintenance.
- g) Specimen Trees or groves of significance planted by early settlers of Morro Bay.

Formatted: Font: 12 pt

Formatted: Normal



AGENDA NO: C-1

MEETING DATE: September 27, 2010

# Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** September 21, 2010

**FROM:** Dylan Wade, Utilities/Capital Projects Manager

**SUBJECT:** Status Report on Water Usage for August 2010

## **RECOMMENDATION:**

It is recommended that the City Council review this status report, and direct staff on ending mandatory water conservation.

## **FISCAL IMPACT:**

The water enterprise fund operating budget is only a small percentage of the overall water division budget. The water division uses the operating budget to offset the cost of operating the various supplies of water. Depending on the mix and cost of the various water sources delivered these expenditures may lead to over spending the operating budget.

## **BACKGROUND:**

The City of Morro Bay has four main sources of water supply. Water sources in order of supplied quantities are; the State Water Project, Chorro groundwater, Morro groundwater, and a Desalination Plant. Deliveries of water from the State water Project started this year at the lowest level that they have ever been in the history of the project. Since the primary water supply source for the City of Morro Bay was unavailable at the beginning of the year, the City has been forced to rely more heavily on the other sources.

Contamination with nitrates of both the Chorro and Morro groundwater resources by agricultural activities has greatly impacted our water supplies. During periods of reduced State Water Project deliveries it is necessary to blend our other sources of water to reduce nitrate levels in the distribution system. The Desalination Plant is undergoing a series of upgrades to restore the operation of that facility which has most recently been used to remove nitrates from the Morro Groundwater.

## **DISCUSSION:**

### August Water Usage

Total August Water production was 128 af with 3.4 af of water from the Morro groundwater

<b>Prepared By:</b> _____	<b>Dept Review:</b> _____
<b>City Manager Review:</b> _____	
<b>City Attorney Review:</b> _____	

basin receiving treatment through the BWRO process, 124.6 af of State water delivered, and 0 af of groundwater direct from the Morro and Chorro Basins.

Current Water Usage During the Month of August, the City has used water from the Brackish Water Reverse Osmosis (BWRO) Treatment train to supplement water deliveries from the State Water Project by running the BWRO treatment process as necessary.

State Water Project Deliveries State Water Project deliveries are sufficient to meet water demands for all periods except during the State Water shutdown without continuing mandatory water conservation measures. Therefore staff is recommending cessation of mandatory water conservation at this time.

#### Recent Division Activities

Staff has been able to focus on the Distribution system and is working on the replacement of service lines and old water meters. The Public Services Department has started compiling a new set of water maps. Historically there are very limited records showing where the water mains are routed. This can lead to problems when shut offs are necessary. Staff will be working on pulling the often conflicting records together producing a map that shows the likely location of the infrastructure, and in many cases potholing to confirm locations and condition of these facilities. Creating accurate maps will be a multiyear effort.

#### Future Water Usage

It is anticipated that in the month of October the water system will rely on the State Water Project deliveries and will decrease the use of the BWRO to augment those deliveries as our demands fall. Prior to the upcoming State Water shutdown it will be necessary to petition the State Water Resources Control Board for permission to use well 11A in the Romero well field if stream flows fall below the 1.4 cfs requirement.

#### **CONCLUSION:**

It is recommended that the City Council review this status report, and direct staff on ending mandatory water conservation.



AGENDA NO: D-1

MEETING DATE: 9/27/2010

## Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** 9/27/2010

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

**SUBJECT:** Request for Facility Use Fee Waiver for a Mayoral/City Council candidates Forum Sponsored by the American Association of University Women and League of Women Voters

**RECOMMENDATION:**

Staff recommends the City Council review and discusses the possibility of waiving facility rental fees for the AAUW and League of Women Voters candidates' forum and direct staff accordingly.

**MOTION:** I move that the City Council (*support or not support*) the fee waiver for the candidates' forum sponsorship by the AAUW and League of Women Voters scheduled for October 5, 2010 at the Morro Bay Veteran's Memorial Building.

**FISCAL IMPACT:**

The financial impact to the City would be the loss of revenue from assessed fees for a non-profit organization to utilize the Veterans Memorial Building for 2 ½ hours, in the amount of \$147.50.

**DISCUSSION:**

The AAUW and League of Women Voters have sponsored candidate forums in the past which benefitted the citizens of Morro Bay.

u.w.council.feewavier 9 2010

Prepared By: \_\_\_\_\_ Dept Review: \_\_\_\_\_

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_