

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 11, 2008

**CLOSED SESSION – AUGUST 11, 2008
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**
- **SPRINT PCS ASSETS V CITY OF MORRO BAY
TRAVERS AND NORDIN V CITY OF MORRO BAY**

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

**PUBLIC SESSION – AUGUST 11, 2008
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.

COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

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 REGULAR CITY COUNCIL MEETING OF JULY 14, 2008; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 RESOLUTION NO. 48-08 AUTHORIZING THE ANNUAL TRANSFER OF EXCESS OPERATING CASH TO ACCUMULATION FUNDS; (FINANCE)

RECOMMENDATION: Adopt Resolution No. 48-08.

A-3 RESOLUTION NO. 49-08 ADOPTING REVISIONS TO THE MASTER FEE SCHEDULE; (FINANCE)

RECOMMENDATION: Adopt Resolution No. 49-08.

A-4 AUTHORIZATION TO FILE FEDERAL LITIGATION AGAINST VANCE AND LOLA JONES IN REGARD TO THEIR DERELICT AND ABANDONED VESSEL, THE ST. JOSEPH; (HARBOR)

RECOMMENDATION: Authorize litigation to ensure removal of the derelict and abandoned vessel, the St. Joseph, and obtain a judgment for delinquent mooring/docking fees.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 RESOLUTION NO. 53-08 SUPPORTING THE ESTABLISHMENT OF AN OFF LEASH DOG PARK AT DEL MAR PARK AND AUTHORIZING STAFF TO PROCESS GENERAL PLAN AND MASTER PLAN AMENDMENTS ON BEHALF OF MORRO PUPS; (CITY ATTORNEY)

RECOMMENDATION: Adopt Resolution No. 53-08.

B-2 CONTINUED PUBLIC HEARING FROM AUGUST 4, 2008 ON THE RECONSIDERATION OF THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL AND THE CITY COUNCIL'S DENIAL OF A CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR A WIRELESS TELECOMMUNICATIONS FACILITY AT 545 SHASTA AVENUE. (CITY ATTORNEY)

RECOMMENDATION: The City Council should rescind any and all previous action taken by City Council in regard to this project and approve the project subject to the Findings, Conditions of Approval and Mitigated Negative Declaration.

C. UNFINISHED BUSINESS – NONE.

D. NEW BUSINESS

D-1 CONSIDERATION OF PARTICIPATION IN THE VECTOR CONTROL BENEFIT ASSESSMENT DISTRICT; (ADMINISTRATION)

RECOMMENDATION: Review information and make decision on participation in the County Vector Control Program.

D-2 RESOLUTION NO. 50-08 DETERMINING ISSUANCE OF AN ALCOHOL BEVERAGE CONTROL PERMIT FOR A WINE TASTING ROOM LOCATED AT 307 MORRO BAY BOULEVARD; (ADMINISTRATION)

RECOMMENDATION: Adopt Resolution No. 50-08.

E. 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 6 JULY 14, 2008
CITY HALL CONFERENCE ROOM - 5:00 P.M.

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

PRESENT:	Janice Peters	Mayor
	Melody DeMeritt	Councilmember
	Rick Grantham	Councilmember
	William Peirce	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Andrea Lueker	Interim City Manager
	Robert Schultz	City Attorney

CLOSED SESSION

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

Mayor Peters read the Closed Session Statement.

CS-1 GOVERNMENT CODE SECTION 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 one (1) parcel.

- Property: Nutmeg Water Tank Parcel, APN 73-084-013.
Negotiating Parties: Clarice Righetti and City of Morro Bay.
Negotiations: Voluntary Purchase and Sale or Lease.

CS-3 GOVERNMENT CODE SECTION 54956.9(B); CONFERENCE WITH LEGAL COUNSEL DUE TO ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 as to one matter:

- Ann Travers and Barbara Nordin vs. CITY OF MORRO BAY

CS-4 GOVERNMENT CODE SECTION 54957; PERSONNEL ISSUES.
Discussions regarding Personnel Issues including one (1) public employee regarding appointment, specifically the City Manager.

The meeting adjourned to Closed Session at 5:00 p.m. and returned to regular session at 5:55 p.m.

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

The meeting adjourned at 5:55 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó JULY 14, 2008
VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Peters called the meeting to order at 6:12 p.m.

PRESENT:	Janice Peters	Mayor
	Melody DeMeritt	Councilmember
	Rick Grantham	Councilmember
	William Peirce	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Andrea Lueker	Interim City Manager
	Robert Schultz	City Attorney
	Bridgett Bauer	City Clerk
	Rick Algert	Harbor Director
	Bruce Ambo	Public Services Director
	John DeRohan	Police Chief
	Rob Livick	City Engineer
	Kimberly Peeples	Housing Programs Coordinator
	Mike Pond	Fire Chief
	Susan Slayton	Finance Director
	Dylan Wade	Senior Civil Engineer
	Joe Woods	Acting Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR'S REPORTS & ANNOUNCEMENTS

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.

The City Council and public received a video presentation on homelessness in San Luis Obispo County.

PUBLIC COMMENT

Ani Lyn, Membership Director of the Chamber of Commerce, reviewed the monthly Visitor Center and website statistics for the month of June 2008.

Keith Taylor addressed the Cal Fire workshop that was held on Saturday, July 12th noting it was beneficial for the public, and encouraged those who could not attend to watch it on Channel 20.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó JULY 14, 2008

Cathy Novak addressed Item A-7 (Resolution No. 45-08 Approving Final Abandonment of an Undeveloped Portion of Palm Avenue Right-Of-Way) stating the proposed resolution does not address liability and safety issues. She noted at the last meeting Council expressed concern with safety issues in conjunction with the pedestrian path. Ms. Novak requested Council clarify this issue and add any necessary language to the resolution addressing these concerns.

Joan Solu stated the Morro Bay Community Pool Foundation is a grassroots organization interested in building a competition-sized and therapy pool at Morro Bay High School. She said an information meeting would be held on July 30th at 6:00 p.m. at the high school.

Lynda Merrill stated she is happy to have Andrea Lueker appointed as City Manager. She also thanked Bill Boucher for his years of service to the City. Ms. Merrill also remembered Margaret Mehring who was known for her civic service and who passed away on July 3, 2008.

Nancy Johnson addressed Dahlia Days that will be held on August 23, 2008 at St. Timothy's Church. She said there would be a contest between the Planning Commission and City Council on who can grow the best Dahlia.

Anita Ayoob commended the Police Department for catching those who egged her house.

Nancy Castle gave a Chess Live update stating there would be Chess Live on the second and fourth Sundays of the month.

John Barta addressed Council comments at their July 23, 2008 meeting regarding Measure öSö. He shared the language put forward to the voters on Measure öSö at the November 2006 election.

Mayor Peters closed the hearing for public comment.

Mayor Peters called for a break at 7:00 p.m.; the meeting resumed at 7:08 p.m.

DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Grantham requested to agendize a discussion on placing monies obtained from the Dynegy lease agreement into the Reserve Fund next fiscal year; Councilmember Peirce and Mayor Peters concurred.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING 6 JULY 14, 2008

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 REGULAR CITY COUNCIL MEETING OF JUNE 23, 2008; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 RESOLUTION NO. 47-08 CALLING THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2008 AND REQUESTING CONSOLIDATION WITH THE COUNTY OF SAN LUIS OBISPO; (ADMINISTRATION)

RECOMMENDATION: Adopt Resolution No. 47-08.

A-3 RESOLUTION NO. 46-08 APPOINTING ANDREA LUEKER AS CITY MANAGER AND APPROVAL OF EMPLOYMENT AGREEMENT; (CITY ATTORNEY)

RECOMMENDATION: Adopt Resolution No. 46-08.

A-4 REVISIONS TO THE MASTER FEE SCHEDULE; (FINANCE)

RECOMMENDATION: Approve the changes to the Master Fee Schedule.

A-5 RESOLUTION NO. 43-08 DESIGNATING AND AUTHORIZING INVESTMENT TRANSACTION OFFICERS; (FINANCE)

RECOMMENDATION: Adopt Resolution No. 43-08.

A-6 RESOLUTION NO. 44-08 AUTHORIZING THE SUBMITTAL OF A HOME FUNDING APPLICATION; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 44-08.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó JULY 14, 2008

A-7 RESOLUTION NO. 45-08 APPROVING FINAL ABANDONMENT OF AN UNDEVELOPED PORTION OF PALM AVENUE RIGHT-OF-WAY; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 45-08.

A-8 AMENDMENT OF THE CAPITAL PROJECTS MANAGER JOB DESCRIPTION AND AUTHORIZATION TO FILL VACANCIES FOR THE CAPITAL PROJECTS MANAGER AND FILL THE SENIOR CIVIL ENGINEER VACANCY AT A LOWER LEVEL; (PUBLIC SERVICES)

RECOMMENDATION: Approve the amended job description of the Capital Projects Manager and authorize staff to fill the Senior Civil Engineer vacancy at a lower level of an Engineering Technician or Assistant Civil Engineer position.

Mayor Peters pulled Item A-1 of the Consent Calendar; Councilmember DeMeritt pulled Items A-3, A-4, A-7 and A-8.

MOTION: Councilmember Winholtz moved the City Council approve Items A-2, A-5 and A-6 of the Consent Calendar. The motion was seconded by Councilmember DeMeritt and carried unanimously. (5-0)

A-1 APPROVAL OF MINUTES FOR REGULAR CITY COUNCIL MEETING OF JUNE 23, 2008; (ADMINISTRATION)

Mayor Peters requested the following correction to her comments on page 17:

Mayor Peters stated the primary election process was confusing being that it was the first one, and it over-politicizes discussions and decisions. She said she did not like the extra cost to both the city and the candidates, and so many forums; however, those concerns could be addressed in the future. She stated that placing a repeal of this process on the ballot should come from the citizens, just as the initial measure did.

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

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó JULY 14, 2008

A-3 RESOLUTION NO. 46-08 APPOINTING ANDREA LUEKER AS CITY
MANAGER AND APPROVAL OF EMPLOYMENT AGREEMENT; (CITY
ATTORNEY)

Councilmember DeMeritt requested the City Council continue the approval of the City Manager Employment Agreement to the August 11, 2008 City Council meeting because she would like more time to discuss some issues with the contract in Closed Session.

MOTION: Councilmember DeMeritt moved the City Council continue consideration of this item to the August 11, 2008 City Council meeting. The motion was seconded by Councilmember Winholtz and failed with Councilmember Grantham, Councilmember Peirce and Mayor Peters voting no. (2-3)

Councilmember Winholtz requested the following amendments to the City Manager Employment Agreement:

Section 3 (B) - Salary Increases as follows: øThe City Council shall evaluate Manager performance semi-annually beginning November 2008 í ö; and

Exhibit-A (Benefits) 1. - Retirement: øMANAGER shall be covered by the State of California Public Employee Retirement System (PERS). The CITY shall add the applicable PERS 7% to MANAGERø salary í ö.

MOTION: Councilmember Grantham moved the City Council approve Item A-3 of the Consent Calendar as amended by Council. The motion was seconded by Councilmember Peirce.

Councilmember DeMeritt stated although she has great respect for Andrea Lueker, she would be voting in opposition to the motion.

Councilmember Winholtz stated she previously spoke with Ms. Lueker regarding her opposing vote to this motion.

Councilmember Grantham, Councilmember Peirce and Mayor Peters expressed their support in appointing Ms. Lueker as City Manager.

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

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó JULY 14, 2008

A-4 REVISIONS TO THE MASTER FEE SCHEDULE; (FINANCE)

Councilmember DeMeritt stated she takes exception to the proposed utility deposit of \$150 per water meter. She said she would like to propose reducing this deposit; not have it be retroactive to current customers, and suggested it be applied to new customers applying for a new water hook-up.

Councilmember Peirce suggested it start with new hook-ups and when water is shut-off, the customer pays a turn-on fee and a deposit that may be paid within 30 days.

Councilmember Grantham stated a deposit should be applied to customers who do not pay their water bills.

Councilmember Winholtz stated she does not support a retroactive fee and suggested the deposit be lowered to \$90-\$100 for new water hook-ups.

MOTION: Councilmember Grantham moved the City Council approve the revisions to the Master Fee Schedule with an amendment that the utility deposit is charged as \$100, will not be retroactive, and will be refunded when a customer moves. The motion was seconded by Councilmember Peirce and carried unanimously. (5-0)

A-7 RESOLUTION NO. 45-08 APPROVING FINAL ABANDONMENT OF AN UNDEVELOPED PORTION OF PALM AVENUE RIGHT-OF-WAY; (PUBLIC SERVICES)

Councilmember DeMeritt stated a resolution could be changed with future Council, and asked if there would be a deed guaranteeing the pedestrian walkway.

City Engineer Rob Livick responded this Resolution would run with the property and at another point in time someone could petition the City Council to change this Resolution.

The City Council discussed the liability of the abandoned property.

MOTION: Mayor Peters moved the City Council adopt Resolution No. 45-08 approving the final abandonment of an undeveloped portion of Palm Avenue right-of-way with a deed restricted easement that the property owners will construct and maintain the sidewalk on the easement portion of the property, and the City will maintain liability on the sidewalk. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó JULY 14, 2008

A-8 AMENDMENT OF THE CAPITAL PROJECTS MANAGER JOB DESCRIPTION AND AUTHORIZATION TO FILL VACANCIES FOR THE CAPITAL PROJECTS MANAGER AND FILL THE SENIOR CIVIL ENGINEER VACANCY AT A LOWER LEVEL; (PUBLIC SERVICES)

Councilmember DeMeritt asked for clarification on the title.

Councilmember Winholtz requested this position be strictly a Utilities Manager which is funded through an Enterprise Fund, and capital projects be handled by each department which is funded through the General Fund.

MOTION: Councilmember DeMeritt moved the City Council approve Item A-8 of the Consent Calendar. The motion was seconded by Councilmember Grantham and carried with Councilmember Winholtz voting no. (4-1)

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 CONSIDERATION OF A CDBG PLANNING AND TECHNICAL ASSISTANCE (ECONOMIC DEVELOPMENT) GRANT APPLICATION FOR A REDEVELOPMENT FEASIBILITY STUDY AND ADOPTION OF A RESOLUTION APPROVING THE APPLICATION AND GRANT AGREEMENT; (PUBLIC SERVICES)

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

MOTION: Mayor Peters moved the City Council continue this Public Hearing to a Special Meeting on August 4, 2008. The motion was seconded by Councilmember Peirce and carried unanimously. (5-0)

B-2 CONSIDERATION OF A CDBG PLANNING AND TECHNICAL ASSISTANCE (GENERAL ALLOCATION) GRANT APPLICATION FOR A REDEVELOPMENT FEASIBILITY STUDY AND ADOPTION OF A RESOLUTION APPROVING THE APPLICATION AND GRANT AGREEMENT; (PUBLIC SERVICES)

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

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó JULY 14, 2008

MOTION: Mayor Peters moved the City Council continue this Public Hearing to a Special Meeting on August 4, 2008. The motion was seconded by Councilmember Peirce and carried unanimously. (5-0)

B-3 EXTENSION OF AN INTERIM URGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS AND PERMITS TO CONSTRUCT, MODIFY OR PLACE WIRELESS COMMUNICATIONS FACILITIES PENDING COMPLETION OF STUDIES AND THE PREPARATION OF AN UPDATE TO THE CITY'S ZONING ORDINANCE CODE; (CITY ATTORNEY)

City Attorney Robert Schultz stated Government Code Section 65858 authorizes a city to adopt, as an urgency measure, an interim ordinance prohibiting a use that may be in conflict with a general plan, specific plan, or zoning proposal that a city is considering, without following the procedures otherwise required for the adoption of a zoning ordinance. The City Council initially granted an Interim Urgency Ordinance for 45 days and staff is now recommending the City Council hold a public hearing and extend the period in order for staff to develop regulations for Wireless Communications Facilities. Mr. Schultz recommended the City Council adopt Interim Urgency Ordinance No. 542, which would extend the previously enacted 45-day Ordinance establishing a temporary moratorium on Wireless Communications Facilities pending completion of studies and the preparation of an update to the City's Zoning Ordinance.

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

MOTION: Councilmember Grantham moved the City Council adopt Interim Urgency Ordinance No. 542, which would extend the previously enacted 45-day Ordinance establishing a temporary moratorium on Wireless Communications Facilities pending completion of studies and the preparation of an update to the City's Zoning Code. The motion was seconded by Councilmember Peirce and carried unanimously. (5-0)

Interim City Manager Andrea Lueker read Ordinance No. 542 by number and title only.

C. UNFINISHED BUSINESS ó NONE.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó JULY 14, 2008

D. NEW BUSINESS

D-1 DISCUSSION ON ZERO-BASED BUDGETS FOR THE 2009-2011 BIENNIAL BUDGET; (FINANCE)

Finance Director Susan Slayton stated the 2008 Management Partnersø *Assessment of City Organization and Financial Options* study clearly points out that the City needs to take action in order to remain solvent, and zero-based budgeting is a step in that direction. While department directors justify certain line items when preparing their budgets, this is not done for every budgeted line and zero-based budgeting accomplishes this task. Zero-based budgeting for a department starts the process with all line items at zero. The preparer must gather actual salary and benefit information, contract amounts, historical costs of services and utilities, and anticipated supplies spending to come to an estimated need for the upcoming fiscal year; the change will be in justifying those amounts. Ms. Slayton recommended the City Council consider this form of budgeting and direct staff accordingly.

MOTION: Councilmember Peirce moved the City Council direct staff to move all City Departments to a zero-based budget for fiscal years 2009-2011 biennial budget. The motion was seconded by Councilmember DeMeritt and carried unanimously. (5-0)

D-2 DISCUSSION REGARDING THE RECURRING TRANSFER OF EXCESS CASH TO ACCUMULATION FUNDS AT FISCAL YEAR END; (FINANCE)

Finance Director Susan Slayton stated excess cash at the end of the fiscal year should be transferred to the accumulation funds so that it is readily identifiable as extra money. Currently, excess cash from the enterprise funds transfers to their respective accumulation funds. Ms. Slayton recommended the City Council direct staff to return with a resolution to adopt the practice of transferring excess cash to the accumulation funds at every fiscal year end.

MOTION: Councilmember Peirce moved the City Council direct staff to return with a resolution to adopt the practice of transferring excess cash to the Accumulation Funds from the General Fund and Enterprise Funds at every fiscal year end. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

MINUTES - MORRO BAY CITY COUNCIL
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D-3 CONSIDERATION OF FUNDING FOR THE ECONOMIC VITALITY CORPORATION FOR A COUNTYWIDE TOURISM INDUSTRY STUDY AND A COMMUNITY SPECIFIC STUDY; (ADMINISTRATION)

Interim City Manager Andrea Lueker introduced Michael Manchak, President and CEO of the Economic Vitality Corporation who made a presentation regarding funding for a County-wide Study and Community Specific Study regarding tourism. The General Fund fiscal impact for the tourism studies is \$2,100 for the County-wide Study and \$12,000 for the Community Specific Study.

Councilmember Winholtz stated she does not feel the City should invest in the \$12,000 Community Specific Study, and is willing to consider funding the \$2,100 Countywide Study.

Councilmember Grantham stated he supports funding the Countywide Study. He said he would like to take \$2,100 from the Visitors and Conference Bureau funding and pay it towards the Economic Vitality Corporation.

Councilmember Peirce stated he supports funding \$2,100 towards the Countywide Study.

Councilmember DeMeritt stated the City has the support of the Community Promotions Committee and the Visitors and Conference Bureau and does not support funding for either study.

Mayor Peters stated she supports the Community Promotions Committee's previously action in rejecting the funding for either of these studies.

MOTION: Councilmember Winholtz moved that Councilmember Grantham, Councilmember Peirce and herself donate \$350 each from their contingency funds and challenge the Community Promotions Committee and/or Chamber of Commerce to fund the remaining \$1,050 for the County-wide Study. The motion was seconded by Councilmember Grantham and carried with Councilmember DeMeritt and Mayor Peters voting no. (3-2)

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó JULY 14, 2008

D-4 SPACE NEEDS STUDY ON THE CORPORATION YARD; (PUBLIC SERVICES)

Senior Civil Engineer Dylan Wade stated the City commissioned RRM Design Group to assess the space needs of the existing Corporation Yard users both now and into the future. This was the first planning effort for the Corporation Yard that the City has every undertaken. In preparing this document RRM has interviewed the majority of the users of the Corporation Yard and has determined what functions can share common facilities and what functions require separate spaces. This information was used to allocate square footage demands of the different operational responsibilities, which was then configured to determine what building footprints would be required. Once the size and number of buildings had been determined, RRM prepared four alternate configurations for the anticipated facilities in separate site plans. Mr. Wade recommended the City Council provide staff direction on which option, or combination of options to consider in future efforts; and, forward recommendations included in this study to the Joint Powers Authority for discussions regarding the location of the Oxidation ditches.

Councilmember Winholtz stated she does not want to lose any tax revenue by compromising the trailer park or cement company property. She said the City should negotiate with the Cayucos Sanitary District regarding the joint facilities. Councilmember Winholtz stated the proposed conference room and break room should be one room, and the restrooms could be reduced in size. She said Council should consider continuing discussion on this item at the August 13th Special Meeting.

Councilmember Peirce stated he could support Option 3 with a modification that the concrete plant could continue operating more efficiently, and the revenues from the trailer park are not affected.

Councilmember Grantham stated he supports Option 3.

Councilmember DeMeritt stated she supports Option 3 with further discussion with the concrete plant about their perception of the plan. She said there should be a consolidation of departmental equipment.

Mayor Peters stated she supports Option 3 and working with the concrete plant to make it work for all.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó JULY 14, 2008

MOTION: Councilmember Peirce moved the City Council direct staff to work with the owners of the concrete plant and create an option that maintains their business and preserves the current footprint of the recreational vehicle park. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

D-5 DISCUSSION ON HARBOR LEASE MANAGEMENT POLICY; (HARBOR)

Harbor Director Rick Algert stated the City Council last reviewed the Harbor Lease Management Policy on October 16, 2006 and made no amendments to the Policy at that time. He recommended the City Council review the Policy and direct staff accordingly.

Councilmember Winholtz recommended amendments to Page 2 (General Policy) adding language regarding the protection of the resource; and Page 4-B (Specific Policies for Contract Administration) regarding size of the lease site and the level of private investment. She also requested discussion on going from ground leases to building leases.

Councilmember Grantham recommended language for Page 4-B regarding public benefit.

Councilmember DeMeritt recommended language on Page 5 (Lease Renewal).

Consensus of the City Council was that this return as a Consent Calendar item with amendments made by Council.

No further action was taken on this item.

D-6 CONSIDERATION OF THE USE OF GLOBAL ELECTRIC MOTOR CARS;
(CITY COUNCIL)

Councilmember DeMeritt reviewed a report written by students in November 2007 on how to save money by using electric trucks in the City, and requested Council comments.

Councilmember Grantham expressed concern with safety issues and reliability of the batteries used to power these vehicles; however, he said perhaps the City could purchase one and see how it works.

Councilmember Winholtz expressed support for purchasing two GEM trucks for the Parks and Recreation Department.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING 6 JULY 14, 2008

Councilmember Peirce expressed concern with the speed of a GEM truck and the liability of dangerous intersections.

Mayor Peters stated it is a good idea and should be researched.

MOTION: Councilmember DeMeritt moved the City Council direct staff to contact Iversen Dodge regarding information on two GEM trucks for the Park & Recreation Department including information on safety issues and warranties, and return to Council prior to purchasing two gasoline trucks. The motion was seconded by Councilmember Winholtz.

Councilmember Peirce stated he would like information on the City's use of a GEM truck prior to purchasing one.

Councilmember DeMeritt amended her motion to direct staff to list possible uses and limits on the use of a GEM truck; Councilmember Winholtz accepted the amendment to her second.

VOTE: The motion carried unanimously. (5-0)

D-7 DISCUSSION ON SETTING A DATE FOR A WORKSHOP ON THE MANAGEMENT PARTNERS REPORT ON ASSESSMENT OF CITY ORGANIZATION AND FINANCIAL OPTIONS; (ADMINISTRATION)

MOTION: Mayor Peters moved the City Council schedule a workshop for August 13, 2008 to discuss the recommendations made in the Management Partners report. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

D-8 RESCISSION OF COUNCIL ACTION OF JUNE 9, 2008 PERTAINING TO GRANTING ANY PERMIT OR ENTITLEMENT FOR THE CONSTRUCTION OF A WIRELESS TELECOMMUNICATIONS FACILITY AT 545 SHASTA AVENUE AND SCHEDULING A PUBLIC HEARING FOR THE RECONSIDERATION OF THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A WIRELESS TELECOMMUNICATIONS FACILITY AT 545 SHASTA AVENUE; (CITY ATTORNEY)

City Attorney Robert Schultz stated on July 8, 2008 the City received a letter from an attorney for Ann Travers and Barbara Nordin alleging that the City violated the Brown Act at the June 9, 2008 City Council meeting. The letter alleges the City failed to give proper notice for the approval of the construction of a wireless telecommunications facility at 545 Shasta Avenue. Although I disagree that any violation of the Brown Act

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó JULY 14, 2008

has occurred, the Brown Act allows the City an opportunity to cure or correct a challenged action within 30 days. It appears that it is in the City's best interest to rescind its previous action and re-notice this item instead of fighting a costly legal battle. Mr. Schultz recommended the City Council rescind Council action of the June 9th action pertaining to granting any permit or entitlement for the construction of a wireless telecommunications facility at 545 Shasta Avenue, and schedule a public hearing for the reconsideration of the appeal of the Planning Commission's approval of a wireless telecommunications facility at 545 Shasta Avenue on a date prior to August 8, 2008.

MOTION: Councilmember Winholtz moved the City Council rescind Council action of June 9, 2008 pertaining to granting any permit or entitlement for the construction of a Wireless Telecommunications Facility at 545 Shasta Avenue and schedule a public hearing for the reconsideration of the appeal of the Planning Commission's approval of a Wireless Telecommunications Facility at 545 Shasta Avenue on August 4, 2008. The motion was seconded by Councilmember Peirce and carried unanimously. (5-0)

D-9 AUTHORIZATION TO HIRE TWO PART-TIME POLICE OFFICER RECRUITS PENDING RESIGNATIONS OF TWO EXISTING POLICE OFFICERS; (ADMINISTRATION)

Interim City Manager Andrea Lueker stated there is an impending loss of two existing police officers that are currently in the background phase of testing with other law enforcement agencies. Ms. Lueker recommended the City Council authorize the Police Chief to hire two police recruits on a part-time, non-benefited basis, who can start the local police academy on July 28, 2008 without the actual resignations from the two existing officers.

MOTION: Councilmember Peirce moved the City Council authorize the hiring of two part-time Police Officer Recruits pending resignations of two existing Police Officers. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

ADJOURNMENT - The meeting adjourned at 10:34 p.m.

Recorded by:

Bridgett Bauer
City Clerk



Staff Report

AGENDA NO: _____

Meeting Date: 08/11/08 Action: _____

TO: Honorable Mayor and City Council **DATE:** July 15, 2008
FROM: Susan Slayton, Finance Director
SUBJECT: RESOLUTION NO. 48-08 AUTHORIZING THE ANNUAL TRANSFER OF
EXCESS OPERATING CASH TO ACCUMULATION FUNDS

RECOMMENDATION: Approve Resolution No. 48-08

FISCAL IMPACT: The accumulation funds have the potential for increased interest earnings.

SUMMARY: Based on direction received at the July 14, 2008 City Council meeting, Staff has prepared a Resolution that formally authorizes the annual transfer of excess operating cash to accumulation funds.

DISCUSSION: At the July 14, 2008 City Council meeting, Staff prepared a report at Council's direction regarding the transfer of excess operating cash to the accumulation funds. At that meeting, Council agreed that the excess cash from the General Fund, Water Revenue Fund, Sewer Revenue Fund and Harbor Operating Fund should be transferred to their accumulation funds at the end of each fiscal year to identify the excess cash and maximize interest earnings. Presented herewith is a Resolution, authorizing that decision.

Prepared By: _____

Dept Review: _____

City Manager Review:

City Attorney Review: _____

Page 1 of 2

RESOLUTION NO. 48-08

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MORRO BAY, CALIFORNIA
AUTHORIZING THE ANNUAL TRANSFER OF EXCESS
OPERATING CASH TO ACCUMULATION FUNDS**

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

WHEREAS, the City of Morro Bay's operating funds generally have positive cash remaining at the end of each fiscal year; and

WHEREAS, the City of Morro Bay desires to identify that excess operating cash by moving it to an accumulation fund; and

WHEREAS, moving the excess cash to the accumulation fund has the potential to increase interest earnings in that fund.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that all excess operating cash will be moved to an associated accumulation fund including, but not limited, to the following fund list:

<u>OPERATING FUND</u>	<u>ACCUMULATION FUND</u>
General Fund	General Fund Accumulation
Water Revenue	Water Accumulation
Sewer Revenue	Sewer Accumulation
Harbor Operations	Harbor Accumulation

PASSED, APPROVED, AND ADOPTED, by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 11th day of August 2008, by the following vote to wit:

AYES:
NOES:
ABSENT:

Janice Peters, Mayor

Bridgett Bauer, City Clerk



Staff Report

AGENDA NO: _____

Meeting Date: 08/11/08 Action: _____

TO: Honorable Mayor and City Council **DATE:** July 15, 2008

FROM: Susan Slayton, Finance Director

SUBJECT: RESOLUTION NO. 49-08 ADOPTING REVISIONS TO THE MASTER FEE SCHEDULE

RECOMMENDATION: Approve Resolution No. 49-08

FISCAL IMPACT: Increased revenue as a result of fee changes ó amount unknown.

SUMMARY: Based on direction received at the July 14, 2008 City Council meeting, Staff has prepared a Resolution, adopting the revisions to the Master Fee Schedule and reaffirming its annual reevaluation.

DISCUSSION: At the July 14, 2008 City Council meeting, Staff presented proposed revisions to the Master Fee Schedule. At that meeting, Council agreed with most of the revisions. The proposed Utility deposit amount and methodology was amended from the proposed \$150 to \$100 and no retroactive collection from existing tenants unless their water is turned off subsequent to the passing of this Resolution. Council also wishes to have the entire Master Fee Schedule brought to them on an annual basis for adjustment, as opposed to each department preparing and presenting their own fees. The Resolution presented tonight establishes these revisions.

Prepared By: _____

Dept Review: _____

City Manager Review:

City Attorney Review: _____

Page 1 of 2

RESOLUTION NO. 49-08

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MORRO BAY, CALIFORNIA
ADOPTING REVISIONS TO THE MASTER FEE SCHEDULE**

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

WHEREAS, the City Council finds that fees and charges for City services are annually in need of review for possible updating to reflect changes in the cost of providing those services; and

WHEREAS, the California Constitution, in Article 13B Government Spending Limitation Section 8(c), states that proceeds in excess of user charges and user fees that exceed the costs reasonably borne by the City in providing the regulation, product or service are considered proceeds from taxes that are subject to the annual appropriation limit; and

WHEREAS, the City has reviewed these fees and finds that they do not exceed the actual costs of providing related services; and

WHEREAS, the City's Municipal Code Section 3.34.020 provides for the annual review of the Master Fee Schedule and revision; and

WHEREAS, on April 13, 1998, the City Council expressed its desire to only review the fees one fee at a time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that:

1. The Master Fee Schedule be revised as follows:

CATEGORY	CURRENT FEE	APPROVED FEE
Duplicate tape of City Council meetings	\$12	Delete-no longer providing service
Utility deposit ó tenants only	\$0	\$100 as new tenant signs up or transfers service \$100 if tenant's water is turned off and a deposit has not been previously paid
Returned check charge	\$16	\$25 for the first check \$35 for each subsequent check
Physical posting of shut-off notice	\$20	\$50 + annual CPI factor
Building/Construction Permits	\$0 - \$2,200 \$2,201 and up \$48	\$0 - \$3,000 \$3,001 and up \$75 + annual inflation factor
Encroachment permits:		

CATEGORY	CURRENT FEE	APPROVED FEE
Encroachment permits:		
Regular	\$72	\$110 + annual inflation factor
Special ó Engineered Structures	\$139	\$242 + annual inflation factor
Special ó Non-Engineered Structures	\$36	\$110 + annual inflation factor
Annual utility	\$114	\$170 + annual inflation factor

2. The Master Fee Schedule will be brought back in its entirety for review annually.

PASSED, AND ADOPTED, by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 11th day of August 2008, by the following vote to wit:

AYES:

NOES:

ABSENT:

Janice Peters, Mayor

Bridgett Bauer, City Clerk



AGENDA NO: _____

Meeting Date: 8/11/08 Action: _____

Staff Report

TO: Honorable Mayor and City Council **DATE:** August 5, 2008

FROM: Rob Schultz, City Attorney

SUBJECT: Authorization to File Federal Litigation Against Lockland (Vance) and Lola Jones in Regard to Their Derelict and Abandoned Vessel, The Saint Joseph

RECOMMENDATION:

Staff recommends that the City Council authorize litigation to ensure removal of the derelict and abandoned vessel, the St. Joseph, and obtain a judgment for delinquent mooring/docking fees.

FISCAL IMPACT:

The City has expended a minimal amount of funds up to this point on seeking legal advice from various legal experts. The City Attorney will prepare and file the Federal Complaint but ultimately will need to expend further sums on various legal experts. Before that occurs, The City Attorney would request an allocation of funds from the City Council.

DISCUSSION:

There are a number of reasons for vessel abandonment. In some cases, severe storms have a large impact. Derelict and sunken vessels are a common problem in ports around the U.S. that are subject to hurricanes and tropical storms. Vessels that are commercially obsolete may also be abandoned, especially in areas with boom and bust fisheries or oil exploration. Regardless of the underlying reasons for abandonment, these vessels can have significant and diverse impacts on the coastal environment including increased oil pollution, marine debris, and wildlife entrapment. They become hazards to navigation, sources of illegally dumped waste oils and hazardous materials, and general public health hazards.

Prepared By: _____ Dept Review: _____

City Manager Review:

City Attorney Review: _____

Page 1 of 2

The vessel Saint Joseph is a 1968, steel-hulled vessel of approximately 131 gross and 89 net register tons and approximately 72.7 feet in register length, built in Mobile, Alabama. The Saint Joseph is documented as a vessel of the United States by the United States Coast Guard and endorsed for use in the commercial fishery. Basically, the Saint Joseph is an old gulf coast shrimper that lost its spot prawn trawl permit about 5 years ago and has been unsuccessful in attempting to convert to trapping, and has incurred and is continuing to incur mooring/docking fees. The owners of the Saint Joseph, Vance and Lola Jones, now live in Oregon and have abandoned the vessel at our facilities. The only solution for the City at this time is to file a federal lawsuit to arrest the vessel so that it can be destroyed before it causes any general public health hazards. Rough drafts of the Federal Complaint and accompanying documents are attached hereto.

CONCLUSION:

It is very important that we begin litigation of the abandoned vessel before it causes any general public health hazards. There are sufficient funds budgeted in the Harbor Fund to begin this process. Staff recommends that the City Council authorize litigation in this matter.



AGENDA NO: _____

Meeting Date: 8/5/08 Action: _____

Staff Report

TO: Honorable Mayor and City Council **DATE:** August 5, 2008

FROM: Rob Schultz, City Attorney

SUBJECT: Resolution 53-08 of the City Council of the City of Morro Bay Supporting the Establishment of an Off Leash Dog Park at Del Mar Park and Authorizing Staff to Process General Plan and Master Plan Amendments on Behalf of Morro Bay Pups

RECOMMENDATION:

It is recommended that the City Council hold a public hearing and then adopt Resolution No. 53-08 supporting the establishment of an off leash dog park at Del Mar Park and authorizing staff to process General Plan and Master Plan Amendments on behalf of Morro Bay Pups.

FISCAL IMPACT:

At this time, the fiscal impact has been the tremendous amount of staff time for meetings and preparation of staff reports over the past years.

DISCUSSION:

An off leash dog park located in Morro Bay has been a topic of discussion for several years. A timeline, which will provide background information, is attached for your review. The last action taken by City Council was on April 28, 2008 when it adopted a Memorandum of Understanding with Morro Bay Pups. Pursuant to the MOU with Morro Bay Pups, on June 5, 2008 the Recreation and Parks Commission reviewed and approved the proposed design concept for an off leash dog area within Del Mar Park and directed staff to forward a recommendation to amend the Master Plan for Del Mar Park directly to City Council. In addition, Staff has met with Morro Bay Pups regarding the application process. The next step is to hold a public hearing and adopt Resolution No. 53-08.

RECOMMENDATION:

It is respectfully requested that the City Council adopt Resolution 53-08.

Prepared By: _____ Dept Review: _____

City Manager Review:

City Attorney Review: _____

Page 1 of 6

RESOLUTION NO. 53-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY SUPPORTING THE ESTABLISHMENT OF AN OFF LEASH DOG PARK AT DEL MAR PARK AND AUTHORIZING STAFF TO PROCESS GENERAL PLAN AND MASTER PLAN AMENDMENTS ON BEHALF OF MORRO BAY PUPS

WHEREAS, the City of Morro Bay owns and operates a public City park commonly known as Del Mar Park; and

WHEREAS, a group of City and San Luis Obispo County residents known as the Morro Bay Pups, a Community Volunteer Organization, has been using a portion of the Del Mar Park as a de-facto off leash dog park area; and

WHEREAS, the use of Del Mar Park as an off lease dog park area is inconsistent with the City's General Plan and Del Mar Master Plan; and

WHEREAS, Morro Bay Pups has requested the City formally designate a portion of Del Mar Park as an off leash dog park for human and canine recreation and has agreed to improve at its sole cost and to assist in the operation and maintenance of the dog park area, pursuant to the terms of a Memorandum of Understanding approved by the City Council on April 28, 2008; and

WHEREAS, the Recreation and Parks Commission has reviewed and approved the proposed design concept for an off leash dog area within Del Mar Park on June 5, 2008; and

WHEREAS, the Recreation and Parks Commission has directed staff to forward a recommendation to amend the Master Plan for Del Mar Park and approved the design concept for an off leash dog park area at Del Mar Park directly to City Council; and

WHEREAS, the City Council finds that it is in the best interests of the City and the community to support the establishment of an off leash dog park at Del Mar Park and to authorize staff to process General Plan and Master Plan amendments on behalf of Morro Bay Pups; and

WHEREAS, the proposed action is not subject to CEQA since prior to formal approval of any project that may be developed as a result of this action, a full CEQA analysis will be performed and appropriate CEQA documentation will be prepared and processed in accordance with the State CEQA Guidelines; and

WHEREAS, the Morro Bay City Council considered supporting the establishment of a dog park area on a portion of Del Mar Park as set forth in Exhibit A and authorizing staff to process the proposed General Plan amendments, Del Mar Master Plan and CEQA Documentation at a public meeting on August 11, 2008.

NOW THEREFORE, the City Council of the City of Morro Bay hereby resolves to support the establishment of a dog park area on a portion of Del Mar Park as set forth in Exhibit "A" and authorizes staff to process the proposed General Plan amendments, Del Mar Master Plan and CEQA Documentation.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 11th day of August, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JANICE PETERS, Mayor

ATTEST:

BRIDGETT BAUER, City Clerk

Off Leash Dog Area Timeline

March 2001: City Council indicated that an off leash dog park was an important City goal.

Spring/Summer 2001: Both the Recreation and Parks Commission and City Council heard presentations regarding the establishment and operation of the off leash dog park in El Chorro Regional Park.

Fall 2001: Recreation and Parks Commission began research to select a suitable site for an off leash dog park in Morro Bay. The Commission reviewed how areas in existing parks were used and the importance of retaining open space and/or open turf areas in existing parks. Based on their review, numerous public comments provided during the Commission and City Council meetings, and consideration of the information in the SLO4PUPS presentation, the following criteria were used in reviewing potential sites:

1. Accessibility of the area to those with disabilities
2. Availability of water on site
3. Ability to fence the area
4. Surrounding area must be able to support parking
5. Restrooms in close proximity
6. A minimum of a ½ acre, with more land if possible
7. Ability to have two areas (big dogs/small dogs or social/non-social dogs)

November 2002: The Recreation and Parks Commission held a public hearing on the site issue. The Commission recommended to the City Council that either the southwest section of Del Mar Park or an area at the Rock parking lot be selected. The Commission forwarded the recommendation to the City Council in January 2003.

January 2003: The City Council referred the issue to City staff to work toward siting an off leash dog park at the Cloisters sub-division rather than either of the two areas recommended by the Recreation and Parks Commission.

March-September 2003: A sub-committee of the Recreation and Parks Commission was formed to begin research for an off leash area at Cloisters. In the third meeting of the sub-committee, several Cloisters homeowners raised concerns about that location. These concerns were forwarded in writing to the Recreation and Parks Department. Staff requested that the City Attorney review the issue to determine whether the City could indeed use a portion of Lot 121 (the area between Coral Avenue and Highway 1) as the location of an off leash dog park. The City Attorney concluded that using this site would present several legal challenges.

November 2003 : The Recreation and Parks Commission took note of this development at their November meeting. They then recommended that the northwest corner of Del Mar Park be the primary site for the off leash dog area. The Recreation and Parks Commission recommendation reached the City Council at their November 24, 2003 meeting.

November 2003: The City Council concurred with the Commission's new recommendation.

December 2003: The Dog Park sub-committee was reconvened with new member Commissioner Angela Ludy. The sub-committee reviewed the Del Mar site and was informed the Master Plan for

the park would require amendment to provide for this new use. It was estimated that the Master Plan amendment process could begin as soon as January 2004 at the Recreation and Parks Commission meeting.

January 2004: The Recreation and Parks Commission reviewed and approved the amended Master Plan in their January meeting. The change was then forwarded to the Planning Commission for their review in February.

February 2004: After hearing the item, the Planning Commission provided the Recreation and Parks Commission with some input regarding the project.

February 2004: The Recreation and Parks Commission approved the amended Master Plan on February 19, 2004 and forwarded it to the City Council in April 2004 for final approval.

April 2004: The Master Plan amendment for Del Mar Park was presented to the City Council. A number of residents residing near Del Mar Park spoke against the revision and the dog park project at the meeting. The City Council at that time rejected the revised Master Plan but reaffirmed their support for an off leash dog park. The City Council at that time expressed support for the Commission's continuing efforts to look for a site. The Commission further discussed the issue and asked staff to contact Chevron/Texaco regarding possible use of the land east of Del Mar Park. Representatives from Chevron informed staff they would make a site visit.

June 2005: Chevron/Texaco informed the City that they were evaluating alternatives for the property in question. They declined the City's request to use a portion of the site for an off leash dog area.

September 2005: The Recreation and Parks Commission discussed the issue prior to staff reporting back to the City Council. The Recreation and Parks Commission commented that after four years of research it seemed unlikely that any site within the City of Morro Bay could be programmed for functions like a dog park without some objection from the public. The Commission also commented that the Master Plan process for Coleman Park might include an off leash dog park, should the Harbor Walk project move forward.

December 2005: The Public Area Use Permit for the 5-6 year Del Mar Doggie Social Group expired and was not renewed. Off leash use continued at the park.

February 2006: City Council motioned the following: Councilmember Winholtz moved the City Council officially designate the northwest corner of Del Mar Park for an off leash dog park; in the interim, use the tennis court site; and direct staff to look into insurance methods and forming a non-profit group. The motion was seconded by Council member DeMeritt and carried unanimously.

April 2006: City Council agendaized "Reconsideration of Long-Term Off Leash Dog Park Site within Del Mar Park". After significant public comment, the City Council motioned the following: Mayor Peters moved the City Council direct staff to investigate and return to Council with information on what is required from CEQA and other regulations to construct a temporary fenced dog park where the tennis courts are proposed at Del Mar Park in the future. The motion was seconded by Councilmember Peirce and carried unanimously.

May 2006: Staff presented a staff report concerning the development process for establishing an off leash dog park at the site master planned for tennis courts at Del Mar Park. After discussion, City Council passed the following motion "City Council approve the Morro Bay Pups to start the permit

process for a temporary fenced dog park at the Del Mar Park proposed tennis court site while continuing to look for an alternative site. The motion passed 4-1, with Councilmember Baxley voting no.

February 2007: City Council established the Del Mar dog park as a City project, directed that a Memorandum of Understanding be established between Morro Bay Pups and the City establishing responsibilities for the dog park, and directed that the Master Plan be amended to address these changes.

April 2008: A Memorandum of Understanding with Morro Bay Pups was approved by the City Council for an off leash dog park at Del Mar Park.

June 2008: The Recreation and Parks Commission reviewed and approved the proposed design concept for an off leash dog area within Del Mar Park, directed staff to forward a recommendation to amend the Master Plan for Del Mar Park, and approved the design concept for an off leash dog park area at Del Mar Park directly to City Council.



AGENDA NO.: B-2
Meeting Date: 8/11/08
Action: _____

THIS STAFF REPORT
WAS CONTINUED
FROM THE AUGUST 4, 2008
SPECIAL CITY COUNCIL
MEETING

THERE ARE HARD COPIES
AVAILABLE FOR REVIEW AT
CITY HALL, LIBRARY AND
MILLS COPY CENTER



AGENDA NO: _____

Meeting Date: 08/11/2008 Action: _____

Staff Report

TO: Honorable Mayor and City Council

DATE: 07/18/2008

FROM: Andrea K. Lueker, City Manager

SUBJECT: Consideration of Participation in the Vector Control Benefit Assessment District

RECOMMENDATION

Staff recommends the City Council review the following attachments:

1. Review the letter to the City of Morro Bay-05/01/2008
2. Review the San Luis Obispo County Board of Supervisor staff report-11/27/2007
3. Review the San Luis Obispo County Board of Supervisor staff report-04/01/2008
4. Receive the verbal report from Curtis Batson, Director of Environmental Health

and then make a decision on participation in the County Vector Control Program.

FISCAL IMPACT

The fiscal impact to property owners is outlined in the attached letter dated May 1, 2008.

SUMMARY

On April 1, 2008, the San Luis Obispo County Board of Supervisors authorized the Health Agency's Environmental Health Division to proceed with a property owner assessment ballot measure to create a benefit assessment intended to provide permanent annual funding for a vector control program. A vector of disease is an insect or rodent that is capable of transmitting diseases to humans. The proposed vector control services will consist of public education, surveillance, abatement and response to disease outbreaks for all vectors and vector-borne diseases. The program will primarily focus on mosquitoes, ticks, fleas and rodents. The County expects to conduct the ballot measure in May 2009. Each City has the option of participating in the vector control program. If a City does not participate in the program, then property owners in that City will not be sent a ballot, will not participate in the ballot proceedings and will not receive services from the program should the ballot measure pass.

u.w.council.vector control assessment

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

Page 1 of 1



AGENDA NO: D-2

Meeting Date: 8/11/08 Action: _____

Staff Report

TO: Honorable Mayor and City Council DATE: 07/22/2008

FROM: Andrea K. Lueker, City Manager

**SUBJECT: Resolution Determining Issuance of an Alcoholic Beverage Control
Permit for a Wine Tasting Room Located at 307 Morro Bay Boulevard**

RECOMMENDATION

Staff recommends the City Council review and approve Resolution No. 50-08.

FISCAL IMPACT

Not applicable.

SUMMARY

Two individuals applied for a permit from the Department of Alcoholic Beverage Control to operate a Wine Tasting Room at 307 Morro Bay Boulevard. The Department of Alcoholic Beverage Control (ABC) automatically denies permits to sell alcoholic beverages if there is an undue concentration of licenses in the census tract (Business and Professions Code Section 23958). In order for the ABC to issue the license, they require the local governing body to determine (within 90 days) that the "public convenience and necessity" would be served by issuance of the license. The ABC requires the governing board/council to pass a resolution or a signed letter on official letterhead stating whether or not the issuance of the applied license would serve as a public convenience or necessity.

The Police Department has reviewed this application and has no significant concerns at this time in regard to a wine tasting room being located at this location. Furthermore, in support of new business in Morro Bay and in support of the goals the City Council recently set (develop ways to be attractive to businesses) the attached resolution is provided for approval.

Prepared By: _____

Dept Review: _____

City Manager Review:

City Attorney Review: _____

Page 1 of 1

RESOLUTION NO. 50-08

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DETERMINING THAT ISSUANCE OF AN ABC PERMIT
FOR A WINE TASTING ROOM
LOCATED AT 307 MORRO BAY BOULEVARD
WOULD SERVE AS A PUBLIC CONVENIENCE OR NECESSITY**

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

WHEREAS, Gregory Victor Meyers and Brenda Joy Meyers applied for a Department of Alcoholic Beverage Control Permit for a Wine Tasting Room located at 307 Morro Bay Boulevard; and

WHEREAS, the permit was automatically denied by the Department of Alcoholic Beverage Control due to an undue concentration of alcohol licenses in this census tract; and

WHEREAS, in order for the Department of Alcoholic Beverage Control to issue the license, the local governing body must determine that the public convenience or necessity would be served by issuance of the license and pass a resolution stating such; and

WHEREAS, after review by the Police Department there are no significant concerns in regard to the opening of a Wine Tasting Room at this location.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that the public convenience or necessity will be served by issuance of license from the Department of Alcoholic Beverage Control for a wine tasting room at 307 Morro Bay Boulevard.

BE IT FURTHER RESOLVED by the City Council of the City of Morro Bay that this action supports new business in Morro Bay and is in conformance with the goals set by the Morro Bay City Council during their goal-setting workshop held on June 30, 2008, specifically to develop ways to be attractive to new businesses.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held this 11th day of August 2008 by the following roll call vote:

AYES:

NOES:

ABSENT:

JANICE PETERS, MAYOR

ATTEST:

BRIDGETT BAUER, CITY CLERK