

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 – JUNE 22, 2009

**CLOSED SESSION – JUNE 22, 2009
CITY HALL CONFERENCE ROOM - 5:00 P.M.
595 HARBOR ST., MORRO BAY, CA**

- CS-1 GOVERNMENT CODE SECTION 54957.6; CONFERENCE WITH LABOR NEGOTIATOR.** Conference with the City's Designated Representative, for the purpose of reviewing the City's position regarding the terms and compensation paid to employees groups and giving instructions to the Designated Representative.
- CS-2 GOVERNMENT CODE SECTION 54956.9(a); CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION.**
- Wallick v. City of Morro Bay
- CS-3 GOVERNMENT CODE SECTION 54956.9(C); CONFERENCE WITH LEGAL COUNSEL DUE TO ANTICIPATED LITIGATION.** Initiation of litigation exists based upon existing facts and the advice of legal counsel as to one (1) matter.
- Parties: City of Morro Bay and Y. Hayashi & Sons Farms
Issue: Determining whether to file litigation for nitrate contamination in groundwater.
- CS-4 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY TRANSACTIONS.** Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to two (2) parcels.
- Property: Lease Site 82-85/ 725 Embarcadero/ Rose' Landing
Negotiating Parties: 725 Embarcadero LLC and City of Morro Bay
Negotiations: Lease Terms and Conditions.
 - Property: Lease Site 71-72/699 Embarcadero/Marina Square.
Negotiating Parties: Morro Bay Marina and City of Morro Bay
Negotiations: Lease Terms and Conditions

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

**PUBLIC SESSION – JUNE 22, 2009
VETERANS MEMORIAL HALL - 6:00 P.M.
209 SURF ST., MORRO BAY, CA**

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

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

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

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

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

A. CONSENT CALENDAR

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

A-1 APPROVAL OF MINUTES FOR THE SPECIAL CITY COUNCIL MEETING OF MAY 26, 2009, AND THE REGULAR CITY COUNCIL MEETING OF JUNE 8, 2009; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF RESOLUTION NO. 30-09 CONTINUING THE 2008/09 ANNUAL BUDGET; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 30-09.

A-3 RESOLUTION NO. 34-09 ADOPTING REVISIONS TO THE MASTER FEE SCHEDULE; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 34-09.

A-4 AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL (RFP) FOR TRANSIENT OCCUPANCY TAX AUDIT SERVICES; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Authorize the issuance of an RFP for Transient Occupancy Tax audit services.

A-5 RESOLUTION NO. 33-09 AUTHORIZING SAN LUIS OBISPO COUNTY ASSESSOR TO ASSESS AMOUNTS DUE ON DELINQUENT SOLID WASTE COLLECTION ACCOUNTS AS TAX LIENS AGAINST THE PROPERTIES; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 33-09.

A-6 STATUS REPORT ON APPLICATIONS FOR ECONOMIC STIMULUS FUNDING; (ADMINISTRATION)

RECOMMENDATION: Receive report for information.

A-7 RESOLUTION NO. 35-09 SUPPORTING THE “SAVE CALIFORNIA’S STATE PARKS” CAMPAIGN; (ADMINISTRATION)

RECOMMENDATION: Adopt Resolution No. 35-09.

A-8 RESOLUTION NO. 36-09 AUTHORIZING THE CITY ATTORNEY TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY’S STREET MAINTENANCE FUNDS; (ADMINISTRATION)

RECOMMENDATION: Adopt Resolution No. 36-09.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 RESOLUTION NO. 31-09 DIRECTING THE LEVY OF THE ANNUAL ASSESSMENT FOR THE CLOISTERS LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution No. 31-09.

B-2 RESOLUTION NO. 32-09 DIRECTING THE LEVY OF THE ANNUAL ASSESSMENT FOR THE NORTH POINT LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution No. 32-09.

B-3 CONSIDERATION OF THE REDEVELOPMENT FEASIBILITY STUDY; (PUBLIC SERVICES)

RECOMMENDATION: Discuss and direct staff accordingly.

C. UNFINISHED BUSINESS

D. NEW BUSINESS

D-1 DISCUSSION OF EXTENDING THE HIRING FREEZE TO ALL CITY POSITIONS AND AUTHORIZATION TO RECRUIT FOR A FIREFIGHTER AND A WATER SYSTEMS SUPERVISOR; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Extend the hiring freeze and consider authorizing the commencement of the recruitment process for the Firefighter and Water Systems Supervisor positions.

D-2 PARKING METERS IMPLEMENTATION; (PUBLIC SERVICES)

RECOMMENDATION: Discuss 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.

MORRO BAY CITY COUNCIL
SPECIAL MEETING – MAY 26, 2009
VETERANS MEMORIAL HALL - 5:00 P.M.

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

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

ESTABLISH QUORUM AND CALL MEETING TO ORDER

INTERVIEW OF APPLICANTS FOR THE CITY'S TOURISM BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD

The City Council conducted interviews to fill vacancies on the Tourism Business Improvement District Advisory Board. The Advisory Board is to consist of:

Four (4) members from the Morro Bay lodging industry:

- One (1) member representing hotels with less than 22 rooms
- One (1) members representing hotels with 50 or less rooms
- Two (2) member representing hotels with 51 or more rooms; and

Two (2) members from the community-at-large who must be residents and registered voters of the City of Morro Bay during the term of appointment

The City Council interviewed the following applicants:

Karen Biaggini
Mike Casola
Michele Jacquez
Joan Solu

MOTION: Mayor Peters moved the City Council make the following appointments:
1) Karen Biaggini to represent hotels with 50 or less rooms and serve a four-year term; 2) Mike Casola to represent hotels with 51 or more rooms and serve a two-year term; 3) Michele Jacquez to represent hotels with 51 or more rooms and serve a four-year term; and 4) Joan Solu to represent as member-at-large and serve a three-year term. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

There still remains one member representing hotels with less than 22 rooms, and one member-at-large to appoint to the advisory board.

The meeting adjourned to the regular City Council meeting.

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – JUNE 8, 2009
CITY HALL CONFERENCE ROOM - 5:00 P.M.

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

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

CLOSED SESSION

MOTION: Councilmember Grantham moved the meeting be adjourned to Closed Session. The motion was seconded by Councilmember Borchard 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 the City's Designated Representative, for the purpose of reviewing the City's position regarding the terms and compensation paid to employees groups and giving instructions to the Designated Representative.

CS-2 GOVERNMENT CODE SECTION 54956.9(a); CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION:

- City of Morro Bay v. Martony
- Linker v. City of Morro Bay

CS-3 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY TRANSACTIONS: Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to two (2) parcels.

- Property: Lease Site 82-85/ 725 Embarcadero/ Rose' Landing
Negotiating Parties: 725 Embarcadero LLC and City of Morro Bay
Negotiations: Lease Terms and Conditions.
- Property: Lease Site 71-72/699 Embarcadero/Marina Square.
Negotiating Parties: Morro Bay Marina and City of Morro Bay
Negotiations: Lease Terms and Conditions

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – JUNE 8, 2009

The meeting adjourned to Closed Session at 5:00 p.m. and returned to regular session at 5:50 p.m.

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

The meeting adjourned at 5:50 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 8, 2009
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 Bauer	City Clerk
	Rick Algert	Harbor Director
	Bruce Ambo	Public Services Director
	Rob Livick	City Engineer
	Mike Pond	Fire Chief
	Christine Rogers	Housing Programs Coordinator
	Susan Slayton	Administrative Services Director
	Dylan Wade	Utilities/Capital Projects Manager
	Christine Wold	Senior Planner
	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

Hank Roth announced there would be a Car Seat Check-Up on June 17th from 10:00 a.m. – 2:00 p.m. at Spencer’s Market.

Joyce Lundy reviewed the statistics for the Visitors Center, and shared upcoming events, such as the Quarterly Small Business Networking Breakfast on June 17th and the Chamber Mixer at Bayshore Event Center on June 18th.

Cathy Novak stated the Governor is proposing to close several State Parks in California, some on the Central Coast as part of his budget cuts. She urged citizens to take action by writing local legislators in opposition to the closure of State Parks.

Maureen and Phil Kispersky stated they are in the process of opening a restaurant on the Embarcadero and addressed the in-lieu parking fees. They expressed concern that the money from any future sale of the Brannigans’ property would go into the City’s General Fund instead of returning the half million dollars back to the parking fund. Mr. and Mrs.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 8, 2009

Kispersky stated in-lieu parking fees are extremely expensive and they would be more comfortable if these fees would be working toward permanent parking on the Embarcadero.

Peter Candela invited the public to the 4th of July celebration at Tidelands Park on the Embarcadero, and watch the first laser light show.

Dan Glessman addressed Item C-1 (Amendment to the General Funds 2009/10 Budget and Resolution No. 30-09 to Adopting the 2009/10 Operating Budgets) and expressed opposition to staff's amendments to this report. He requested Council send the budget back for actual spending reduction.

Stuart McElhenny showed a video of what the laser show on the 4th of July will look like. He also said he read an analysis on closing State Parks, and it would save \$150 million, but cost \$230 million to close the parks.

Dani Nickelson from Pacific Wildlife thanked the Chamber of Commerce and the City for canceling the fireworks because it will be more peaceful for the wildlife. She also expressed thanks for the signs alerting those for not feeding birds and what to do if birds are entangled in fishing line.

Michael Durick addressed Item C-1 noting it is the same budget structure as the previous report that went to Council on May 26th. He said the salaried employees should take a pay cut and the rest of the employees may follow. Mr. Durick addressed the Visitor Center contract with the City, and said this contract should be reviewed thoroughly and should be placed in the budget as a subsidy.

Mayor Peters closed the hearing for public comment.

Mayor Peters called for a break at 7:15 p.m.; the meeting resumed at 7:25 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 SPECIAL CITY COUNCIL BUDGET MEETINGS OF MAY 6, 2009 AND MAY 13, 2009, AND THE REGULAR CITY COUNCIL MEETING OF MAY 26, 2009; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 8, 2009

A-2 APPROVAL OF RESOLUTION NO. 27-09 ADOPTING THE IDENTITY THEFT PREVENTION PROGRAM; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 27-09.

A-3 REVISIONS TO THE WATER SYSTEM SUPERVISOR JOB DESCRIPTION; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Accept the revised job description for the Water System Supervisor position.

A-4 APPROVAL OF SETTLEMENT AGREEMENT IN CITY OF MORRO BAY V. MARTONY/PEKAREK; (CITY ATTORNEY)

RECOMMENDATION: Approve the settlement agreement between the City and William Martony and Bernadette Pekarek.

A-5 PROCLAMATION THANKING PETE ZOTOVICH FOR HIS LEADERSHIP ROLE AS PRINCIPAL OF MORRO BAY HIGH SCHOOL; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

Councilmember Winholtz pulled Items A-1 and A-2 from the Consent Calendar; Councilmember Smukler pulled Item A-3; and Mayor Peters pulled Item A-5.

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

A-1 APPROVAL OF MINUTES FOR THE SPECIAL CITY COUNCIL BUDGET MEETINGS OF MAY 6, 2009 AND MAY 13, 2009, AND THE REGULAR CITY COUNCIL MEETING OF MAY 26, 2009; (ADMINISTRATION)

Councilmember Winholtz made the following amendment to the minutes of the regular City Council meeting of May 26, 2009, page 3, Item A-2 (Resolution To Authorize A Six-Month License Agreement For Use Of City Facilities With Big Rock Charters/Chablis): “Councilmember Winholtz withdrew her requested amendments, but stated she would want to charge \$500 per month for dockage slip fees.”

MOTION: Councilmember Winholtz 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 – JUNE 8, 2009

A-2 APPROVAL OF RESOLUTION NO. 27-09 ADOPTING THE IDENTITY
THEFT PREVENTION PROGRAM; (ADMINISTRATIVE SERVICES)

There was no discussion on this item.

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

A-3 REVISIONS TO THE WATER SYSTEM SUPERVISOR JOB DESCRIPTION;
(ADMINISTRATIVE SERVICES)

Councilmember Smukler referred to the job qualification of residency permitting a 20-minute response time for call backs, and noted he would like to shorten that time period due to the potential nature of emergencies in that position.

Public Services Director Bruce Ambo stated there is a difficulty in recruiting close to our area, which is not unique in the county. He said they are very conscientious of the 20-minute response time, and are aware that it has not been a problem as of yet.

Councilmember Winholtz stated she is in opposition to filling this position because the City is still in a hiring freeze and still needs to consider some restructuring in the organization.

MOTION: Councilmember Grantham moved the City Council approve Item A-3 of the Consent Calendar. The motion was seconded by Councilmember Smukler and carried with Councilmember Winholtz voting no. (4-1)

A-5 PROCLAMATION THANKING PETE ZOTOVICH FOR HIS LEADERSHIP
ROLE AS PRINCIPAL OF MORRO BAY HIGH SCHOOL;
(ADMINISTRATION)

Mayor Peters pulled this item in order to present this Proclamation to Morro Bay High School Principal Peter Zotovich.

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

Mayor Peters called for a break at 9:00 p.m.; the meeting resumed at 9:10 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 8, 2009

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 RESOLUTION APPROVING AN APPLICATION, FUNDING AND THE EXECUTION OF A GRANT AGREEMENT FROM THE GENERAL ALLOCATION OF THE STATE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; (PUBLIC SERVICES)

Housing Programs Coordinator Christine Rogers stated the State Community Development Block Grant (CDBG) program distributes funds from the Federal Department of Housing and Urban Development to assist communities by providing housing and essential public services and community facilities to meet the urgent needs of low-income persons. The California Department of Housing and Community Development (HCD) recently released a Notice of Funding Availability for the “2009/10 CDBG General Allocation”. This year’s allocation is \$15 million, and HCD expects applications will exceed available funding and the award process will be highly competitive. Ms. Rogers recommended the City Council adopt Resolution No. 28-09 directing staff to prepare an application to include the following activities: 1) General Program Administration for \$49,500; 2) Public Improvements – Sewer Repairs for \$400,000; 3) Public Improvements - Public Access Improvements for \$200,000; and 4) Set-Aside – Public Facilities and Improvements for \$60,000. It was also recommended the City Council authorize the Public Services Director to act on the City’s behalf in all matters pertaining to this application, including but not necessarily limited to executing the grant agreement and any subsequent amendments with the State of California for the purposes of this grant.

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 Resolution No. 28-09 approving an application, funding and the execution of a Grant Agreement from the General Allocation of the State Community Development Block Grant Program. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

B-2 REVIEW AND APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MORRO BAY AND THE MORRO BAY PUPS FOR THE CONSTRUCTION AND MAINTENANCE OF THE DEL MAR PARK OFF-LEASH DOG AREA; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods stated an off-leash dog park located in Morro Bay has been a topic of discussion for several years. The last action taken by City Council was on March 23, 2009, the Morro Bay City council amended the Del Mar Park Master Plan and approved Special Use Permit 243 for the development of the off-leash dog park, including perimeter fencing of approximately one-acre area within the southwesterly portion of Del Mar Park. In order to proceed with the project, an

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 8, 2009

agreement between the City and the Morro Bay Pups for the dog park construction, operation, and maintenance must be established. On May 21, 2009 the Recreation & Parks Commission reviewed the Memorandum of Understanding (MOU) and recommended the City Council review and approves to allow the project to continue. Mr. Woods recommended the City Council review and approve the MOU between the City of Morro Bay and the Morro Bay Pups for the construction, operation, and maintenance of the off-leash dog park at Del Mar Park. This will reflect the City Council's goal to encourage community involvement, volunteerism, participation and contributions.

Mayor Peters opened the hearing for public comment.

Joe Hoefflich from Morro Bay Pups stated he is available for questions from the Council.

Mayor Peters closed the public comment hearing.

Councilmember Smukler suggested removing the following words on page 4, under Section 2. (Maintenance), paragraph one, of the Memorandum of Understanding:

..... The City shall perform the regular mowing of the turf ~~at least once every two weeks~~, watering, fertilizing, and pest control of the turf, and trimming and care of the trees on the same schedule as the other turf and trees in Del Mar Park. ...

Councilmember Winholtz expressed concern with the use of herbicides and pesticides on the surrounding areas.

MOTION: Councilmember Borchard moved the City Council approve the Memorandum of Understanding between the City of Morro Bay and the Morro Bay Pups for the construction, operation, and maintenance of the off-leash dog park at Del Mar Park, with the amendment to remove the words on page four, under Section 2. (Maintenance) paragraph one, "at least once every two weeks". The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

B-3 REVIEW OF THE DRAFT HOUSING ELEMENT; (PUBLIC SERVICES)

Public Services Director Bruce Ambo stated according to State law, each jurisdiction must update its Housing Element approximately every five to seven years, with specific deadlines established by the State Department of Housing and Community Development. The City of Morro Bay is required to have a certified updated Housing Element by August 2009. The Housing Element is considered the primary policy document for any given jurisdiction to guide the development, rehabilitation, and preservation of housing for all economic segments of the City's population. Accordingly, the City's Housing Element includes the identification and analysis of the existing and projected housing needs of the City. The document also contains goals, policies, and objectives along with implementation programs for the preservation, improvement, and development of the

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range of housing needs. Mr. Ambo recommended the City Council approve the Draft Housing Element and direct staff to submit the document to the State Department of Housing and Community Development for a mandatory pre-review prior to final adoption and certification.

Mayor Peters opened the hearing for public comment.

Michael Durick requested Council not allow single-family residential homes in multi residential zones without a conditional use permit process with public input in a public hearing.

Mayor Peters closed the public comment hearing.

Councilmember Winholtz reviewed amendments to various sections of the Draft Housing Element with Council commenting and/or concurring with the amendments.

MOTION: Councilmember Winholtz moved the City Council approve the Draft Housing Element with the amendments made by Council, and direct staff to submit the document to the State Department of Housing and Community Development for a mandatory pre-review prior to final adoption and certification. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

B-4 ADOPTION OF THE SEWER SYSTEM MANAGEMENT PLAN; (PUBLIC SERVICES)

Utilities/Capital Projects Manager Dylan Wade stated in 2006 the State Water Resources Control Board adopted Order No. 2006-003 General Waste Discharge Requirements for Wastewater Collections Agencies. One requirement of this order is that all public wastewater collections systems in the State of California are required to reduce the risks to Public Health and the environment by creating a Sewer System Management Plan (SSMP). The purpose of the SSMP is to implement a set of Best Management Practices into the operations of all the collection systems in the State. Approved SSMP's are to be completed by August 2009. Mr. Wade recommended the City Council adopt the Sewer System Management Plan as completed.

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

MOTION: Councilmember Borchard moved the City Council adopt the Sewer System Management Plan as completed. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 8, 2009

B-5 EXTENSION OF AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY 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. Such an interim urgency measure requires a 4/5 vote of the city council for adoption. The council may extend such an interim urgency ordinance for 10 months and 15 days and, subsequently, it may further extend the interim urgency ordinance for an additional one-year period. The City Council initially granted an Interim Urgency Ordinance for 45 days and then for 10 months and 15 days. Staffs is now recommending that 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. 549, which would extend the previously enacted 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.

Mayor Peters opened the hearing for public comment.

Trisha Night representing MetroPCS, expressed objection to the proposed extension of the moratorium on wireless facilities within the City of Morro Bay. She said this proposed extension would put a burden on wireless telecommunications companies to move forward with applications.

Mayor Peters closed the public comment hearing.

MOTION: Councilmember Winholtz moved the City Council adopt Interim Urgency Ordinance No. 549 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 code. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

City Manager Andrea Lueker read Interim Urgency Ordinance No. 549 by number and title only.

MINUTES - MORRO BAY CITY COUNCIL
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C. UNFINISHED BUSINESS

C-1 AMENDMENT TO THE GENERAL FUNDS 2009/10 BUDGET AND
RESOLUTION NO. 30-09 TO ADOPTING THE 2009/10 OPERATING
BUDGETS

City Manager Andrea Lueker stated at the May 26, 2009 regular City Council meeting, Council members voiced their dissatisfaction with the fiscal year 2009/10 General Fund operating budget as related to the loan from the Water Revenue Fund. The loan was to cover two expenditure categories:

1. Approximately \$160,000 was the annual estimated cost of the water that General Fund departments used. These water costs have traditionally been paid by the water fund. However, this year in an effort for increased clarity, staff portrayed the amount as a loan with the intent to reflect the amount as a true General Fund liability.
2. The second amount is approximately \$228,000, and represents salaries that were transferred in 2005 to the Water Revenue Fund. These salaries have continued to be paid by the Water Fund since that time.

The total amount of the loan is \$388,000. After discussion at the May 26th meeting, the City Council directed staff to meet and confer with the unrepresented employee groups in an effort to find the funds, as well as locating the funds from any other available resources. Ms. Lueker recommended the City Council accept one of the recommended amendments to the General Fund's 2009/10 budget and adopt Resolution No. 30-09.

Councilmember Winholtz stated staff has done an exceptional job in providing a balanced budget; however, there is still a structural deficit and cuts need to be made.

Councilmember Borchard stated it is appropriate to look at the City Attorney's time in the Enterprise Fund, and she would like to revisit the Visitor Center contract.

Councilmember Smukler stated there still should be expenditure cuts. He said he would like to consider tiered benefits before any new employees are hired. Councilmember Smukler stated he would like to save jobs and keep services at a level as high as possible.

Councilmember Grantham stated he supports staff's proposal of Option #1 and passage of the budget.

Mayor Peters stated there is not an immediate emergency, with opportunity to make changes for fiscal year 2010/11. She said she supports staff's proposal of Option #1 and passage of the budget.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 8, 2009

MOTION: Mayor Peters moved the City Council accept staff's amendment, Option # 1 to the General Fund's 2009/10 budget which eliminates the \$388,000 loan from the Water Fund, adopt Resolution No. 30-09, and direct staff to make the appropriations for the 2009/10 fiscal year. The motion was seconded by Councilmember Grantham and failed with Councilmember Borchard, Councilmember Smukler and Councilmember Winholtz voting no. (2-3)

City Manager suggested the City Council set a date for a budget workshop.

The City Council had consensus to accept the Enterprise Fund on City Attorney time.

Councilmember Borchard suggested staff consider furloughs, golden handshake retirement plans, closing the teen center, the website including the Visitor Center, the Informational Technician Department.

Councilmember Winholtz suggested staff consider layoffs and restructuring the Public Services and Police Departments.

The City Council scheduled a workshop for Monday, June 29th at 5:00 p.m.

No further action was taken on this item.

D. NEW BUSINESS

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

City Manager Andrea Lueker stated the City has received Official Assessment Ballots for City-owned property to either approve the proposed assessment for mosquito, vector and disease control services, or to not approve the services. The ballots are to be returned to the San Luis Obispo County Clerk by June 23, 2009. Ballots are weighted by the proposed amount of assessment and will be tabulated accordingly. The assessment shall not be imposed if, at the conclusion of the public hearing, weighted ballots submitted in opposition to the assessment exceed the weighted ballots submitted in favor of the assessment. Ms. Lueker recommended the City Council consider the Vector Control Assessment District and approve or not approve the City's participation.

Councilmember Grantham expressed support in participating in the Vector Control Assessment District due to the transmitting of diseases by insects or rodents to humans.

MOTION: Councilmember Winholtz moved the City Council not approve the City's participation in the Vector Control Assessment District. The motion was seconded by Councilmember Borchard and carried with Councilmember Grantham voting no. (4-1)

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 8, 2009

D-2 CONSIDERATION OF FUNDING ALLOCATION FOR THE EXECUTIVE
DIRECTOR OF THE HOMELESS SERVICES OVERSIGHT COUNCIL;
(ADMINISTRATION)

City Manager Andrea Lueker stated on January 26, 2009, the City Council received a presentation from Dana Lilley, representing the Transition Team on the 10-Year Plan to End Homelessness in San Luis Obispo County. Following the presentation, the City Council, by unanimous vote approved the following: 1) receive the 10-Year Plan to End Homelessness in San Luis Obispo County; 2) endorse its guiding principles; 3) use the plan to guide future decisions; and 4) appoint Councilmember Grantham as the City's representative on the governing body. The Leadership Council is requesting a financial contribution from the City as well as a number of other organizations to help pay for a staff person who would support and guide the proposed Homeless Services Oversight Council. The fiscal impact for the City of Morro Bay is \$1,268.50 for fiscal year 2009/10 and \$1,268.50 for fiscal year 2010/11 to the Housing In-Lieu Fund. Ms. Lueker recommended the City Council consider funding the position of Executive Director of the Homeless Services Oversight Council.

MOTION: Councilmember Grantham moved the City Council approve the City's funding allocation in the amount of \$2,537 for a two-year period, funded out of the Housing In-Lieu Fund for the Executive Director of the Homeless Services Oversight Council. The motion was seconded by win and carried unanimously. (5-0)

D-3 RESOLUTION NO. 29-09 OPPOSING THE PASSAGE OF ASSEMBLY BILL 761
WHICH WOULD ESTABLISH STATEWIDE VACANCY DECONTROL FOR ALL
MOBILEHOME RENT CONTROL; (COUNCIL)

City Attorney Robert Schultz stated residents in mobilehome parks own the homes in which they reside, but pay rent for the park space on which the home is physically located. In Morro Bay, the space rent is subject to our local rent control ordinance. However, Assembly Bill (AB) 761 would allow the owners of privately owned parks to raise to market-rate levels the space rent beneath a home on the sale of that home by the owner. This vacancy decontrol, as it is called, would occur whether or not the community has a rent control ordinance. AB 761 has been re-submitted to the State Assembly Committee on Housing and Community Development where it passed last month on a vote of 4-2. This is an opportunity for the City to express its support for mobilehome rent control and to influence the vote to go the other way. Mr. Schultz recommended the City Council adopt Resolution No. 29-09 opposing the passage of AB 761, which would establish statewide vacancy decontrol for all mobilehome rent control.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 8, 2009

MOTION: Councilmember Grantham moved the City Council adopt Resolution No. 29-09 opposing the passage of AB 761, which would establish statewide vacancy decontrol for all mobilehome rent control with the following addition: Whereas . The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Borchard requested to agendize a discussion on extending a hiring freeze on the Enterprise Fund to include all City employees.

Councilmember Grantham requested to agendize a discussion on the closure of State Parks.

ADJOURNMENT

The meeting adjourned at 10:47 p.m.

Recorded by:

Bridgett Bauer
City Clerk

RESOLUTION NO. 30-09

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MORRO BAY, CALIFORNIA
CONTINUING THE 2008/09 BUDGET**

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

WHEREAS, the City Council has duly passed the 2008/09 budget; and

WHEREAS, the City Council has delayed passage of the 2009/10 operations budget pending further information and/or amendments; and

WHEREAS, the 2008/09 budget ends on June 30, 2009; and

WHEREAS, the City Council deems it appropriate to continue the operation of City services until the passage of the 2009/10 budget; and

WHEREAS, Government Code Section 29088(b) allows entities to pass a Resolution, continuing the prior year's operating budget for up to 60 days.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that the 2008/09 operating budget is continued for 60 days (August 30, 2009) or until the 2009/10 operating budget is adopted, whichever occurs first.

PASSED AND ADOPTED by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 22nd day of June 2009, on the following vote:

AYES:

NOES:

ABSENT:

Janice Peters, Mayor

Bridgett Bauer, City Clerk



Staff Report

AGENDA NO: A-3

MEETING DATE: 06/22/09

TO: Honorable Mayor and City Council **DATE:** June 12, 2009

FROM: Susan Slayton, Administrative Services Director

SUBJECT: Resolution No. 34-09 Adopting Revisions to the Master Fee Schedule

RECOMMENDATION:

Council to approve Resolution No. 34-09.

MOTION: I move that the City Council approve Resolution No. 34-09 which adopts the revisions to the Master Fee Schedule and any amendments made at this meeting.

FISCAL IMPACT:

Increased revenue as a result of fee changes – amount unknown.

SUMMARY:

Staff has prepared a Resolution for the annual adoption of the Master Fee Schedule, as revised. A red-lined version of the 2008 schedule is attached for consideration.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

Page 1 of 2

RESOLUTION NO. 34-09

**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 August 11, 2008, the City Council adopted Resolution No. 49-08, which stated that "the Master Fee Schedule will be brought back in its entirety for review annually."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that the Master Fee Schedule be revised and published as amended.

PASSED, AND ADOPTED, by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 22nd day of June 2009, by the following vote:

AYES:

NOES:

ABSENT:

Janice Peters, Mayor

Bridgett Bauer, City Clerk



AGENDA NO: A-5

MEETING DATE: June 22, 2009

Staff Report

TO: Honorable Mayor and Council **DATE:** June 15, 2009
FROM: Susan Slayton, Administrative Services Director
SUBJECT: Resolution No. 33-09 Authorizing San Luis Obispo County Assessor to Assess Amounts Due on Delinquent Solid Waste Collection Accounts as Tax Liens Against the Properties

RECOMMENDATION

Adopt Resolution No. 33 -09.

MOTION: I move that the City Council adopt Resolution No. 33-09.

FISCAL IMPACT

The City will receive the 10% franchise fee on all liens paid in addition to a 2% administrative fee for costs associated with the processing of the liens with the San Luis Obispo County Assessor. Total revenue to be received will be \$751.81.

SUMMARY

Morro Bay Municipal Code §8.16 addresses delinquent solid waste accounts held by the City's franchisee, and the methodology related to collecting those debts. Morro Bay Garbage has followed the appropriate steps, and staff is requesting permission to file tax liens on the remaining delinquent debtors.

DISCUSSION

Morro Bay Municipal Code §8.16.170 and 8.16.375 establish that all places and premises in the City in or on which solid waste is created, accumulated or produced must use the solid waste collection and disposal service provided by the City's franchisee and that the franchisee is responsible for collecting fees for the service.

Municipal Code §8.16.170 also states that for the purposes of establishing responsibility for the payment of fees and charges, the person who has applied for water service to each place or premises within the City is responsible for paying for the service. The owner of the property which is furnished service and the customer, who applies for service, if different from the property owner, shall jointly be responsible for the payment of all rates, charges and fees including penalties, and that unpaid obligations shall run with the land and lead to delinquency for the property involved.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

Municipal Code §8.16.385 provides a method by which the franchisee may take actions to collect fees from the owners of developed properties involved in delinquent solid waste collection and disposal accounts. Morro Bay Garbage Services has taken the actions prescribed within the Municipal Code to collect delinquent solid waste collection and disposal accounts, which are:

- 1) present to the City a list of property owners whose accounts are more than 120 days past due,
- 2) send certified letters to these property owners requesting payment, and
- 3) present to the City a list of property owners that have failed to make the requested payment.

The City is now authorized to process liens with the County against those delinquent debtors. Staff is presenting Resolution No. 33-09 to accomplish the task.

RESOLUTION NO. 33-09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY,
CALIFORNIA AUTHORIZING THE SAN LUIS OBISPO COUNTY
ASSESSOR TO ASSESS AMOUNTS DUE ON DELINQUENT
SOLID WASTE COLLECTION AND DISPOSAL ACCOUNTS AS
TAX LIENS AGAINST THE PROPERTIES**

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

WHEREAS, Sections 8.16.170 and 8.16.375 of the Morro Bay Municipal Code establish that all places and premises in the City in or on which solid waste is created, accumulated or produced must use the solid waste collection and disposal service provided by the City's franchisee and that the franchisee is responsible for collecting fees for the service; and

WHEREAS, Section 8.16.170 of the Municipal Code also states that for the purposes of establishing responsibility for the payment of fees and charges, the person who has applied for water service to each place or premises within the City is responsible for paying for the service, and that the owner of the property which is furnished service, and the customer who applies for service, if different from the property owner, shall jointly be responsible for the payment of all rates, charges and fees including penalties and that unpaid obligations shall run with the land and shall lead to delinquency for the property involved; and

WHEREAS, Section 8.16.385 of the Municipal Code further provides a method by which the franchisee may take actions to collect fees from the owners of properties involved in delinquent solid waste collection and disposal accounts which includes requesting the City to file a tax lien; and

WHEREAS, the franchisee, Morro Bay Garbage Service, has taken the actions required within the Municipal Code to collect fees from delinquent accounts as certified by franchisee and incorporated herein, and has provided the required list of debtors whose account is still delinquent.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that the San Luis Obispo County Assessor is hereby authorized to assess the amounts due on delinquent accounts as established and certified by the franchisee Morro Bay Garbage Service as liens against the properties listed below:

Property Owners	Parcel Number	Amount
Bell, Maridee	066-163-022	\$ 226.79
Bennett Lois P Heirs of	066-204-021	\$ 636.62
Curaza, Dolly	068-291-009	\$ 212.18
Curtis, Chandelle	068-218-009	\$ 74.42
Eisenzimmer, Dave	065-092-075	\$ 201.55
Gairan, Juana	068-156-016	\$ 901.50
Howell, Nicholas J	068-231-020	\$ 425.92
Hughes, Roger	066-091-012	\$ 124.34
Margon, Carolyn	068-156-024	\$ 389.52
Property Owners	Parcel Number	Amount
Osborn, Lillia	068-340-014	\$ 167.96
Portillo, Gilbert & Enedina	066-164-025	\$ 81.60
Rankin, John R	068-249-025	\$ 89.52
Rheimnschild, Gary	066-391-030	\$ 164.26
Rojo, Debi	066-023-012	\$ 398.37
Rybnikar, Billie	066-092-009	\$ 271.14
Segovia, German & Natalie	066-082-030	\$ 367.36
Tartaglia 1991 Trust	066-265-014	\$ 330.54
Thompson, James C & Aurora	068-263-015	\$ 189.27
Viana Development LLC	068-251-040	\$ 87.68
Victor Graziano Trust	066-066-005	\$ 473.58
Walls, Emerson B.	068-256-034	\$ 199.70
Williams, Cathy	068-249-007	\$ 153.47

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 22nd day of June 2009 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JANICE PETERS, Mayor

ATTEST:

BRIDGETT BAUER, City Clerk



AGENDA NO: A-6

MEETING DATE: 6/22/09

Staff Report

TO: Honorable Mayor and City Council **DATE:** June 22, 2009
FROM: Andrea K. Lueker, City Manager
SUBJECT: Status Report on Applications for Economic Stimulus Funding

RECOMMENDATION:

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

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

FISCAL IMPACT:

Not Applicable.

SUMMARY:

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

BACKGROUND:

On February 17, 2009 President Barack Obama signed into law the American Recovery and Reinvestment Act (ARRA) of 2009. The stated purpose of the ARRA is:

- (1) To preserve and create jobs and promote economic recovery.*
- (2) To assist those most impacted by the recession.*
- (3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health.*
- (4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.*
- (5) To stabilize state and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.*

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

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

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

DISCUSSION:

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

u.w.council.status report economic stimulus 6 22 09

RESOLUTION NO. 35-09

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
SUPPORTING THE
“SAVE CALIFORNIA’S STATE PARKS”
CAMPAIGN**

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

WHEREAS, the California state park system is home to 279 state parks, beaches, historic parks, recreation areas, and other park units;

WHEREAS, California’s economy is dependent on \$9.6 billion annually in travel and tourism revenues, a large portion of which are derived from visitation to the state’s unmatched state park system;

WHEREAS, in our area, Morro Bay State Park, Montana de Oro State Park, Morro Strand State Park, Pismo State Beach, Estero Bluffs State Park, Hearst Memorial State Park which also included the Museum of Natural History at Morro Bay, The Pismo Nature Center and The Monarch Butterfly Grove are a significant draw for tourism and economic activity attributed to state park visitation;

WHEREAS, State Parks are an important economic engine to the local communities in which they are located and studies have shown that every \$1 invested in the state park system returns \$2.35 to the state’s General Fund, largely in the form of economic activity in local economies;

WHEREAS, the Governor’s May Revisé proposes to eliminate state funding for the state park system, resulting in the closing of 220 state parks;

WHEREAS, such a proposal creates considerable harm for local governments that rely on state parks for their community’s livelihood and community identity;

WHEREAS, closing state parks will forgo millions of dollars of fee revenue, park-generated concessions and revenues, volunteer hours, and private support intended to enhance the system and help shore up park needs;

WHEREAS, the closure of Morro Bay State Park, Montana de Oro State Park, Morro Strand State Park, Pismo State Beach, Estero Bluffs State Park, Hearst Memorial State Park which also included the Museum of Natural History at Morro Bay, the Pismo Nature Center and the Monarch Butterfly Grove will **cause the loss of over \$104 million dollars to the local economy per year and \$9.6 billion to the State of California’s economy**, the loss of jobs, loss of protection of endangered species, loss of scientific research and will also cause increased crime and fire danger.

WHEREAS, the need for available, affordable vacation destinations and travel spots is on the increase in California, given that camping reservations for 2009 have logged 25,000 reserved nights, compared to slightly over 20,000 nights in 2008 and over 19,000 in 2007;

WHEREAS, this proposal will severely impact Californians, particularly in these tough economic times;

WHEREAS, California's state parks were set aside precisely to safeguard resources and opportunities that would not otherwise be available without the strong support of the public sector;

WHEREAS, it is recognized that the administration of State Parks by local counties and municipalities is more expensive than most of these organizations can realistically absorb including infrastructures of water, sewer and road systems as well as services and enforcement provided by State Park personnel. It is recognized that the Department of California State Parks is the best-qualified entity to administer State Parks.

THEREFORE BE IT RESOLVED, that the Central Coast Natural History Association and citizens of the California's Central Coast hereby urges the Legislature to reject the proposal to eliminate General Fund funding for the state park system and close 220 state parks, to recognize the immense and disastrous economic domino effect that would result in the closure of the state parks, uphold the public's trust in protecting and preserving public access to the treasures in the state park system, and to identify funding to enable all state parks to remain open for the public's access and enjoyment.

IN WITNESS WHEREOF, the City of Morro Bay does hereby adopt this resolution this, the 22nd day of June 2009. Copies of this resolution will be transmitted to our local elected officials and the Governor.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 22nd June 2009 by the following vote:

AYES:
NOES:
ABSENT:

JANICE PETERS, Mayor

ATTEST:

BRIDGETT BAUER, City Clerk

RESOLUTION NO. 36-09

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
AUTHORIZING THE CITY ATTORNEY TO COOPERATE WITH THE
LEAGUE OF CALIFORNIA CITIES, OTHER CITIES AND COUNTIES IN
LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY
SEIZURE BY STATE GOVERNMENT OF THE
CITY'S STREET MAINTENANCE FUNDS**

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

WHEREAS, the current economic crisis has placed cities under incredible financial pressure and caused them to make painful budget cuts, including layoffs and furloughs of city workers, decreasing maintenance and operations of public facilities, and reductions in direct services to keep spending in line with declining revenues; and

WHEREAS, since the early 1990s the state government of California has seized over **\$10 billion** of city property tax revenues statewide, now amounting to over \$900 million each year, to fund the state budget even after deducting public safety program payments to cities by the state; and

WHEREAS, in his proposed FY 2009-10 budget the Governor has proposed transferring \$1 billion of local gas taxes and weight fees to the state general fund to balance the state budget, and over \$700 million in local gas taxes permanently in future years, immediately jeopardizing the ability of the City to maintain the City's streets, bridges, traffic signals, streetlights, sidewalks and related traffic safety facilities for the use of the motoring public; and

WHEREAS, the loss of almost all of the City's gas tax funds will seriously compromise the City's ability to perform critical traffic safety related street maintenance, including, but not limited to, drastically curtailing patching, resurfacing, street lighting/traffic signal maintenance, payment of electricity costs for street lights and signals, bridge maintenance and repair, sidewalk and curb ramp maintenance and repair, and more; and

WHEREAS, some cities report to the League of California Cities that they will be forced to eliminate part or all of their street maintenance operations while others will be forced to cut back in other areas (including public safety staffing levels) to use city general funds for basic street repair and maintenance. Furthermore, cities expect that liability damage awards will mount as basic maintenance is ignored and traffic accidents, injuries and deaths increase; and

WHEREAS, in both Proposition 5 in 1974 and Proposition 2 in 1998 the voters of our state overwhelmingly imposed restriction on the state's ability to do what the Governor has proposed, and any effort to permanently divert the local share of the gas tax would violate the state constitution and the will of the voters; and

WHEREAS, cities and counties maintain 81% of the state road network while the state directly maintains just 8%; and

WHEREAS, ongoing street maintenance is a significant public safety concern. A city's failure to maintain its street pavement (potholes filling, sealing, overlays, etc.), traffic signals, signs, and street lights has a direct correlation to traffic accidents, injuries and deaths; and

WHEREAS, according to a recent statewide needs assessment¹ on a scale of zero (failed) to 100 (excellent), the statewide average pavement condition index (PCI) is 68, or "at risk." Local streets and roads will fall to "poor" condition (Score of 48) by 2033 based on existing funding levels available to cities and counties.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MORRO BAY hereby directs the City Attorney to take all necessary steps to cooperate with the League of California Cities, other cities and counties in supporting litigation against the state of California if the legislature enacts and the governor signs into law legislation that unconstitutionally diverts the City's share of funding from the Highway Users Tax Account (HUTA), also known as the "gas tax," to fund the state general fund; and

RESOLVED FURTHER, that the City Manager or Clerk shall send this resolution with an accompanying letter from the Mayor to the Governor and each legislator, informing them in the clearest of terms of the City's adamant resolve to oppose any effort to frustrate the will of the electorate as expressed in Proposition 5 (1974) and Proposition 8 (1998) concerning the proper use and allocation of the gas tax; and

RESOLVED FURTHER, that a copy of this Resolution shall be sent by the city manager or clerk to the League of California Cities, the local chamber of commerce, and other community groups whose members are affected by this proposal to create unsafe conditions on the streets of our City for pedestrians, bicyclists and motorists.

Resolution No. 36-09
Page Three

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 22nd day of June 2009 on the following vote:

AYES:
NOES:
ABSENT:

JANICE PETERS, Mayor

ATTEST:

BRIDGETT BAUER, City Clerk

¹ *California Statewide Local Streets and Roads Needs Assessment*, Nichols Consulting Engineers, Chtd. (2008), sponsored by the League of California Cities, California State Association of Counties and County Engineers Association of California.

RESOLUTION NO. 31-09

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DIRECTING THE LEVY OF THE ANNUAL ASSESSMENT
FOR THE CLOISTERS LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT**

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

WHEREAS, on May 11, 2009 the City Council did adopt Resolution No. 21-09 declaring the Council's intent to levy an assessment for the annual maintenance of the Cloisters Park and Open Space and approving the Engineers Report; and

WHEREAS, a public hearing to hear all protests as to the levy of the annual assessment of said district was scheduled for June 22, 2009 at 6:00 p.m. in the Veteran's Memorial Building; and

WHEREAS, notices were mailed to one hundred percent (100%) of the property owners on record in the district regarding the proposed assessment and listing the date, time and location of the protest hearing, as well as being published in the local newspaper; and

WHEREAS, the City Council did hear objections of all interested parties as to the levy of the annual assessment for the Cloisters Landscaping and Lighting Maintenance Assessment District on June 22, 2009 at the Veteran's Memorial Building.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that the annual levy for the maintenance of Cloisters Landscaping and Lighting Maintenance Assessment District generally located as shown on Exhibit "A" attached hereto is hereby ordered and the assessment of \$148,944 to be equally distributed per assessable parcel for the Fiscal Year 2009-10 is hereby confirmed.

BE IT FURTHER RESOLVED by the City Council of the City of Morro Bay that adoption of this resolution shall constitute the levy of an assessment for the Fiscal Year 2009-10 and the City Clerk shall file the diagram and assessment with the County of San Luis Obispo Auditor.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held this 22nd day of June 2009 by the following roll call vote:

AYES:

NOES:

ABSENT:

JANICE PETERS, MAYOR

ATTEST:

BRIDGETT BAUER, CITY CLERK



AGENDA NO: B-2

Meeting Date: June 22, 2009

Staff Report

TO: Honorable Mayor and City Council

DATE: June 22, 2009

FROM: Joe Woods, Recreation and Parks Director

SUBJECT: Resolution No. 32-09 Directing the Levy of the Annual Assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District.

RECOMMENDATION

Staff recommends the City Council hold a public hearing on the annual levy of assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District and then adopt Resolution No. 32-09 confirming the levy of assessment for Fiscal Year 2009-10.

FISCAL IMPACT

By adopting Resolution No. 32-09, \$5,645 will be collected through an assessment of all parcel owners in the North Point subdivision for the maintenance of the North Point Natural Area.

SUMMARY

At the May 11, 2009 City Council meeting, the Council adopted Resolution No. 22-09 approving the Engineer's Report describing the annual maintenance to be completed at the North Point Natural Area, and declaring the City's intent to levy an annual assessment to finance this maintenance. The assessment, projected at \$564.50 per assessable lot in the North Point subdivision, will be collected by the County Assessor. As part of the assessment process, the City ordered the preparation of an Engineer's report, adopted a resolution of intention to levy an assessment, set June 22, 2009 as the hearing date on the proposed levy of assessment, and finally, noticed all property owners on record via first class mail of the hearing, as well as published the notice in the local newspaper. The Council must hold a protest/public hearing before considering the levy of the annual assessment.

Prepared By: JMW Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

Page 1 of 3

RESOLUTION NO. 32-09

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DIRECTING THE LEVY OF THE ANNUAL ASSESSMENT
FOR THE NORTH POINT NATURAL AREA
LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT**

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

WHEREAS, on May 11, 2009 the City Council did adopt Resolution No. 22-09 declaring the Council's intent to levy an assessment for the annual maintenance of the North Point Natural Area and approving the Engineers Report; and

WHEREAS, a public hearing to hear all protests as to the levy of the annual assessment of said district was scheduled for June 22, 2009 at 6:00 p.m. in the Veteran's Memorial Building; and

WHEREAS, notices were mailed to one hundred percent (100%) of the property owners on record in the district regarding the proposed assessment and listing the date, time and location of the protest hearing, as well as being published in the local newspaper; and

WHEREAS, the City Council did hear objections of all interested parties as to the levy of the annual assessment for the North Point Landscaping and Lighting Maintenance Assessment District on June 23, 2008 at the Veteran's Memorial Building.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that the annual levy for the maintenance of North Point Natural Area Landscaping and Lighting Maintenance Assessment District generally located as shown on Exhibit "A" attached hereto is hereby ordered and the assessment of \$5,645 to be equally distributed per assessable parcel for the Fiscal Year 2009-10 is hereby confirmed.

BE IT FURTHER RESOLVED by the City Council of the City of Morro Bay that adoption of this resolution shall constitute the levy of an assessment for the Fiscal Year 2009-10 and the City Clerk shall file the diagram and assessment with the County of San Luis Obispo Auditor.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held this 22nd day of June 2009 by the following roll call vote:

AYES:

NOES:

ABSENT:

JANICE PETERS, MAYOR

ATTEST:

BRIDGETT BAUER, CITY CLERK



AGENDA NO.: B-3

Meeting Date: 6-22-09

**THIS IS AN ORAL
PRESENTATION -**

**THE REDEVELOPMENT
FEASIBILITY STUDY IS
LOCATED ON THE CITY
WEBSITE LOCATED AT**

www.morro-bay.ca.us



AGENDA NO: D-1

MEETING DATE: 06/22/09

Staff Report

TO: Honorable Mayor and City Council **DATE:** June 16, 2009

FROM: Andrea Lueker, City Manager
Susan Slayton, Administration Services Director

SUBJECT: Discussion of Extending the Hiring Freeze to all City Positions and
Authorization to Recruit for a Firefighter and a Water Systems Supervisor

RECOMMENDATION:

Staff recommends that Council consider extending the hiring freeze and consider authorizing the commencement of the recruitment process for the Firefighter and Water Systems Supervisor positions.

FISCAL IMPACT:

No direct impact on the General Fund.

SUMMARY:

At the June 8th City Council meeting, staff was directed to amend the budget Resolution, Item #6, to include all positions in the City workforce in the hiring freeze. Since 2006/07, only General Fund positions, with the exception of safety, have been subject to the hiring freeze. Staff has concerns about including safety and the Enterprise Funds' personnel in the hiring freeze. Additionally, staff is requesting authorization to begin the recruitment process for the Firefighter, which was included in the 2009 /10 Measure Q budget discussions on May 6th and 13th, and the Water Systems Supervisor, whose job description was approved at the June 8th meeting.

BACKGROUND:

With the passage of the 2005/06 budget Resolution No. 29-05, Council directed a hiring freeze be implemented on all positions in the workforce, with the right to review each on a case-by-case basis. Council made a change in philosophy with the passage of the 2006/07 Resolution No. 25-06, changing the language to read: "...continue for those positions funded within the General Fund..." This revision remained a component of each ensuing year's budget Resolution. While not specifically stated in the Resolutions, staff recalls council direction to exclude police and fire from the hiring freeze.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

DISCUSSION:

At the June 8th council meeting, staff was directed to amend the 2009/10 budget Resolution to expand the scope of the hiring freeze to all positions in the City. This means that safety and Enterprise Funds' personnel would be affected by the hiring freeze. Staff is concerned that the inclusion of these positions in the hiring freeze could negatively jeopardize the health and safety of the community through the delay in the hiring process.

When the hiring freeze was changed in 2006/07, it was directed at the General Fund only, due to its financial difficulties. Although not documented, staff believes that safety positions were excluded because:

1. Both the public and Council felt that they were mission-critical positions related to the safety of our citizens; and
2. While the Fire Department had not gained or lost positions for many years, the Police Department had just lost its Code Enforcement Officer, as well as two grant-funded Police Officer positions, which left them at a staffing level lower than it had been in years.

Enterprise Funds were excluded because:

1. They are self-supporting; and
2. The Water, Sewer and Wastewater Treatment Plant have mission-critical positions related to the health and safety of our citizens, and have legal minimum staffing numbers and/or certification requirements.

By including safety and Enterprise Funds' personnel in the hiring freeze, the hiring process could be delayed by a minimum of two weeks based on the timing of ensuing City Council meetings.

Included in this staff report, permission is requested from Council to begin the recruitment process for the Firefighter and the Water Systems Supervisor. The discussion on the new Firefighter took place during the May 6th and 13th budget workshops, and was approved unanimously by Council. The Water Systems Supervisor's job description was approved at the June 8th meeting; authorization to fill the job was not requested at that time because staff was operating under the assumption that Enterprise Funds' personnel were not subject to the hiring freeze.



AGENDA NO: D-2

MEETING DATE: June 22, 2009

Staff Report

TO: Honorable Mayor and City Council
FROM: Rob Livick, PE/PLS – City Engineer
SUBJECT: Parking Meters Implementation

DATE: June 15, 2009

RECOMMENDATION:

Staffs recommends the City Council review this information and provide direction to staff.

MOTION: I move the City Council accept this report on parking meter implementation; and

1. Direct staff not to pursue a paid parking implementation plan at this time, OR
2. Direct staff to return to City Council with a preliminary paid parking implementation plan for the Embarcadero and Downtown study areas identified in the *2007-Parking Management Plan*.

FISCAL IMPACT:

The fiscal impact of installing, maintaining, collecting fees and enforcing parking meter zones is unknown at this time. Typically, paid parking is an enterprise fund and as such the funds can only be used for those uses approved in the formation of that enterprise fund.

BACKGROUND:

On October 8, 2007 the City Council adopted Resolution 48-07, implementing the Parking Management Plan and recommendations. The adopted study area boundary included the Embarcadero and downtown areas.

DISCUSSION:

Under certain circumstances, pay-for-parking systems can create a revenue stream that can be utilized to fund enforcement efforts or provide additional parking. In other circumstances it could be argued that charging for parking in selected locations is a technique used to discourage parking by certain users, such as employees.

Charging for parking was considered for use in the study area for Morro Bay in the *2007-Parking Management Plan*. However, paid-parking was determined to be ineffectual as a component of the

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

parking management strategy for the following reasons:

1. The most critical demands for parking in Morro Bay occur for very brief periods (over 1 hour periods mid-day) and in very limited locations (the core blocks within the Embarcadero). When utilized in areas of relatively low critical needs such as these, metered or paid parking can create the unintended consequence of actually deterring needed commerce.
2. Pay-for-parking may not off-set the costs associated with the acquisition and maintenance of devices and equipment, or related personnel and operational resources, and as such, with only limited utilization could have negative impacts on the City budget.

Many cities elect to charge for parking either through individual parking space meters or parking permits paid for in advance. A local coastal city that has implemented paid parking is Pismo Beach. Metered parking has been very successful on a very limited basis in a small geographic area of downtown Pismo Beach. The difference between downtown Pismo Beach and the City of Morro Bay's parking study area is in Pismo the parking demand exceeds the supply for more than just the few hours identified in the *Morro Bay 2007-Parking Management Plan*.

The City's Harbor Department is applying for a Coastal Development Permit for paid parking at Tidelands Park boat launch parking area. This paid parking is proposed to only include the long trailer spots. This may be an opportunity to gauge opinions from customers before pursuing a more structured and intensive paid parking program.

CONCLUSION:

Staff agrees with the conclusions in the *2007-Parking Management Plan* and does not recommend pursuing paid parking in Morro Bay at the present time.