

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 – APRIL 12, 2010

**CLOSED SESSION – APRIL 12, 2010
CITY HALL CONFERENCE ROOM - 5:00 P.M.
595 HARBOR ST., MORRO BAY, CA**

CS-1 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY TRANSACTIONS. Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to 1 parcel.

Property: Morro Bay Power Plant Outfall.
Negotiating Parties: Dynegy and City of Morro Bay.
Negotiations: Lease Terms.

CS-2 GOVERNMENT CODE SECTION 54957; PERSONNEL ISSUES. Discussions regarding Personnel issues including the potential dismissal of five (5) public employees.

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

PUBLIC SESSION – APRIL 12, 2010
VETERANS MEMORIAL HALL - 6:00 P.M.
209 SURF ST., MORRO BAY, CA

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

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

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

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

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

A. CONSENT CALENDAR

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

A-1 RESOLUTION NO. 18-10 COMMENDING POLICE VOLUNTEER KEN VESTERFELT; AND, RESOLUTION NO. 19-10 COMMENDING CORINNE BLACK FOR THEIR SWIFT ACTIONS TO HELP CATCH BANK FRAUD SUSPECTS; (POLICE)

RECOMMENDATION: Adopt Resolution Nos. 18-10 and 19-10.

A-2 APPROVAL OF THE MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF MARCH 22, 2010; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 CONSIDERATION OF APPROVAL FOR A SUBLEASE ON A PORTION OF LEASE SITE 113W, LOCATED AT 1215 EMBARCADERO, BETWEEN VIRG'S FISH'N, INC., AND ALAN AND WENDY RACKOV, DOING BUSINESS AS LOST ISLE ADVENTURES; (HARBOR)

RECOMMENDATION: Adopt Resolution No. 20-10.

A-4 AUTHORIZATION TO FILE NOTICE OF COMPLETION FOR THE HARBORWALK PROJECT; (PUBLIC SERVICES)

RECOMMENDATION: Accept the Harborwalk project as completed by Souza Construction, Inc.

A-5 APPROVAL OF THE FINAL MAP FOR A ONE-LOT SUBDIVISION FOR CONDOMINIUM PURPOSES KNOWN AS TRACT 2978 AND LOCATED AT 600 MORRO BAY BOULEVARD; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 17-10.

A-6 AN ORDINANCE OF THE CITY OF MORRO BAY, CALIFORNIA REPEALING ORDINANCE 551 AND ENACTING ORDINANCE 554 ADDING SECTION 10.76.035 TO CHAPTER 10.76 TO PROVIDE RULES AND REGULATIONS FOR THE MORRO BAY SKATE PARK; (RECREATION & PARKS)

RECOMMENDATION: Adopt Ordinance No. 554.

A-7 PROCLAMATION DECLARING APRIL 2010 AS "AUTISM AWARENESS MONTH"; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 CONSIDERATION OF RESOLUTION NO. 21-10 AUTHORIZING ONE-TIME RENT CREDITS FOR CITY TENANTS TO REDUCE VACANCIES ON THE EMBARCADERO AND STIMULATE BUSINESS; (HARBOR)

RECOMMENDATION: Adopt Resolution No. 21-10.

B-2 ORDINANCE NO. 555 TO AMEND MORRO BAY MUNICIPAL CODE CHAPTER 10.44 TO INCLUDE A NEW SECTION 10.44.070 TO REGULATE MUNICIPAL PARKING AND ESTABLISH AUTHORITY TO CHARGE FEES FOR PARKING – INTRODUCTION/ FIRST READING; (HARBOR)

RECOMMENDATION: Approve Ordinance No. 555 for first reading and introduction by number and title only.

B-3 RESOLUTION NO. 15-10 INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR THE CLOISTERS PARK AND OPEN SPACE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution No. 15-10.

B-4 RESOLUTION NO. 16-10 INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR THE NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution No. 16-10.

C. UNFINISHED BUSINESS

C-1 STATUS REPORT ON THE A-FRAME SIGN PROGRAM; (PUBLIC SERVICES)

RECOMMENDATION: Review the various options regarding A-frame sign regulations, and direct staff accordingly.

D. NEW BUSINESS

D-1 CONSIDERATION OF APPROVAL OF WATER AGREEMENT BETWEEN THE CITY OF MORRO BAY AND ROANDOAK OF GOD; (CITY ATTORNEY)

RECOMMENDATION: This item has been pulled from the agenda.

D-2 DISCUSSION ON THE GUIDELINES FOR PUBLIC AREA USE PERMITS; (RECREATION & PARKS)

RECOMMENDATION: Direct staff to continue processing permits allowing use of public property using current guidelines, policies and ordinances; or, amend and direct staff accordingly.

D-3 REVIEW OF CURRENT PROCEDURES FOR AMPLIFIED SOUND DURING EVENTS IN PARKS; (RECREATION & PARKS)

RECOMMENDATION: Direct staff to continue processing permits allowing use of public property using current guidelines, policies and ordinances; or, amend and direct staff accordingly.

D-4 REVIEW OF CO-SPONSORSHIP REQUEST FROM MORRO BAY GARDEN CLUB FOR DAHLIA DAZE EVENT; (RECREATION & PARKS)

RECOMMENDATION: Discuss and direct staff accordingly.

D-5 REQUEST FOR FACILITY FEE WAIVER FOR CANDIDATE FORUM; (MAYOR)

RECOMMENDATION: Discuss and direct staff accordingly.

D-6 ALLOCATION OF FUNDS GENERATED FROM THE FUNDRAISER FOLLIES; (MAYOR)

RECOMMENDATION: This item was pulled from the agenda.

D-7 CONSIDERATION OF MORRO BAY-GIBRALTAR SISTER CITY CORRESPONDENCE; (MAYOR)

RECOMMENDATION: Discuss, approve and/or amend letter to Gibraltar regarding a Sister City Program.

D-8 CONSIDERATION ON SENDING LETTER TO CONGRESSWOMAN LOIS CAPPS OPPOSING FARM FISH LEGISLATION; (CITY COUNCIL)

RECOMMENDATION: This item was pulled from the agenda.

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.

RESOLUTION NO. 18-10

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
COMMENDING POLICE VOLUNTEER KEN VESTERFELT**

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

WHEREAS, on January 5, 2010 at about 1:20 p.m., Morro Bay Police were summoned to Chase Bank for a possible suspect attempting to fraudulently obtain funds with a credit card; and

WHEREAS, Corinne Black, a former Morro Bay Police Dispatcher is an employee of the bank and remembered a security bulletin she previously reviewed from the bank and recognized the suspect's name and method of operation; and

WHEREAS, Corinne followed the suspect out of the bank, watched the suspect enter a vehicle, and saw you standing across the street; and

WHEREAS, Corinne informed you of the suspect vehicle and you then radioed that information to dispatch and patrol units on your police walkie talkie that you carry as a Police Volunteer; and

WHEREAS, officers were able to locate the suspect vehicle based on your description and arrested three suspects; and

WHEREAS, police investigators have determined that these suspects are responsible for bank fraud involving banks up and down the coast in excess of \$150,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that you are to be commended for a job well done and helping bring a string of crimes to a successful close. You are an exemplary Police Volunteer.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 12th day of April, 2010 on the following vote:

AYES:

NOES:

ABSENT:

JANICE PETERS, Mayor

ATTEST:

BRIDGETT KESSLING, City Clerk

RESOLUTION NO. 19-10

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
COMMENDING CORINNE BLACK**

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

WHEREAS, on January 5, 2010 at about 1:20 p.m., Morro Bay Police were summoned to Chase Bank for a possible suspect attempting to fraudulently obtain funds with a credit card; and

WHEREAS, you, an employee of the bank and a former Morro Bay Police Dispatcher, remembered a security bulletin you previously reviewed from the bank and recognized the suspect's name and method of operation; and

WHEREAS, you delayed the suspect in the bank to notify the police department, then followed the suspect out of the bank, watched the suspect enter a vehicle, and saw Police Volunteer Ken Vesterfelt standing across the street; and

WHEREAS, you informed Ken of the suspect vehicle and he then radioed that information to dispatch and patrol units on his police walkie talkie that he carries as a Police Volunteer; and

WHEREAS, officers were able to locate the suspect vehicle as a result of your actions and arrested three suspects and police investigators have determined that these suspects are responsible for bank fraud involving banks up and down the coast in excess of \$150,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that you are to be commended for a job well done and helping bring a string of crimes to a successful close. You are an exemplary member of this community.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 12th day of April, 2010 on the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

JANICE PETERS, Mayor

BRIDGETT KESSLING, City Clerk

AGENDA NO: A-2

MEETING DATE: 4/12/10

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – MARCH 22, 2010
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 Smukler and unanimously carried. (5-0)

Mayor Peters read the Closed Session Statement.

CS-1 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY TRANSACTIONS. Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to one (1) parcel.

- Property: 625 Harbor Street; Library.
Negotiating Parties: SLO County and City of Morro Bay.
Negotiations: Lease Terms and Conditions.

CS-2 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 (1) matter.

The meeting adjourned to Closed Session at 5:00 p.m. and returned to regular session at 5:45 p.m.

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

The meeting adjourned at 5:45 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2010
VETERANS MEMORIAL HALL - 6:00 P.M.

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

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Bridgett Kessler	City Clerk
	Janeen Burlingame	Management Analyst
	John DeRohan	Police Chief
	Genevieve Lehotsky	Associate Planner
	Rob Livick	Acting Public Services Director
	Tim Olivas	Police Commander
	Mike Pond	Fire Chief
	Dylan Wade	Utilities/Capital Projects Manager
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &
PRESENTATIONS

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

PUBLIC COMMENT

Keith Taylor stated a lunch was held by the Eastern Star wherein Myrtle Reid [whose husband Stew was a Morro Bay volunteer firefighter] donated a check to the Friends of the Morro Bay Fire Department in the amount of \$15,000.

The following people expressed support for Item D-2 (Authorization to Hire a Second-In-Command for the Police Department) and requested the City Council authorize the City Manager to proceed with the recruitment and rehiring of the Police Commander position: Brian Millard, President of the Morro Bay Police Association, Mel Bernaisse, Peter Candela, Vicki Landis, Randy Ponder, Manny Silva, Claire Grantham, Bob Schwenowa, and Ken Vesterfelt.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2010

D’Onna Kennedy announced she is a candidate running for City Council in the Primary Election on June 8th, and she will be holding a Town Hall meeting on April 9th from 6-8 pm to allow citizens to voice their concerns and opinions and suggest what actions they would like to see taken.

Debra Franklin, Morro Bay Beautiful, announced the Morro Bay Yard Sale will be held April 10th and 11th with 100 or more yard sales in Morro Bay. She also noted Morro Bay Garbage will be providing free hauling the week after the yard sale.

Peter Candela stated the Visitor Center fulfillments are increasing each month, and because of this activity the Visitor Center will be open on Sundays from 10 am – 2 pm. He said the Lady Washington Tall Ship will be coming in November 22nd and 23rd.

Melody DeMeritt addressed the primary election process and with only four candidates running for two spots on City Council, she suggested suspending the primary election for council members and continues with the mayor position only.

Jamie Irons shared photographs of the trail clean-up held last week noting there were 30 volunteers which equaled to 90 man hours.

Nancy Johnson addressed the issue of medical marijuana dispensaries in the City, and since state and city government is subservient to federal government, she suggested placing an advisory vote on the November 2, 2010 General Election ballot to get the community’s opinion.

Ken Vesterfelt announced the Cruisin’ Morro Bay Car Show is approaching and he thanked Fundraiser Follies for reducing some of the City fees that are involved.

John Barta addressed Item A-3 (Status Report on Water Usage for February 2010) stating the 5% allocation of State Water has been raised to 15%, and may be raised further to 30-45% before the end of the year. He also addressed the primary election process noting there will be elimination of candidates and the citizens will be able to vote for the run-off candidates at the General Election in November.

Amber Alwine, Christina Lefevre and Laura Slauter from San Luis Obispo County Tobacco Control Program, addressed the California Tobacco Retailer License Ordinance and requested Council agendaize the consideration of adopting this Ordinance in Morro Bay to decrease and prevent youth tobacco use.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2010

Joan Solu, PTA President, stated the 4th Annual Art Auction and Barbeque held at Del Mar Elementary School was a great success. She also addressed the proposed combining of the Tourism Business Improvement District (TBID) Advisory Board, Community Promotions Committee and Visitor Center, and noted the TBID is formed of hotels and the assessment on the hotels by adding an additional percentage on top of the transient occupancy taxes for use by the TBID Advisory Board to promote the hotels through advertising and in other ways. Ms. Solu stated the TBID by-laws are approved annually by those that are assessed and the City should be careful if considering changes to the TBID by-laws. She also requested Council allow the new Police Chief to determine if the Police Commander position should be filled.

Mayor Peters closed the hearing for public comment.

Mayor Peters called for a break at 7:11 p.m.; the meeting resumed at 7:21 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 THE MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF MARCH 8, 2010; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR FUNDING TO ADD CLASS II BIKE LANES TO NORTH MAIN STREET; (PUBLIC SERVICES)

RECOMMENDATION: Authorize the Acting Public Services Director to enter into an agreement with the California Department of Transportation for funding to receive \$480,000 of American Resource and Recovery Act funding to add Class II bike lanes to North Main Street.

A-3 STATUS REPORT ON WATER USAGE FOR FEBRUARY 2010; (PUBLIC SERVICES)

RECOMMENDATION: Receive for information and file.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2010

A-4 PROCLAMATION DECLARING APRIL 2010 AS “MONTH OF THE CHILD” AND “CHILD ABUSE PREVENTION MONTH” AND APRIL 10, 2010 AS “DAY OF THE CHILD”; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

A-5 PROCLAMATION DECLARING APRIL AS “FAIR HOUSING MONTH”; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Proclamation.

Councilmember Smukler pulled Item A-2 from the Consent Calendar; Councilmember Grantham pulled Item A-3; and Mayor Peters pulled Item A-4.

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

A-2 AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR FUNDING TO ADD CLASS II BIKE LANES TO NORTH MAIN STREET; (PUBLIC SERVICES)

Councilmember Smukler thanked the Public Services staff for their efforts on this Class II Bike Lane Project on North Main Street.

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

A-3 STATUS REPORT ON WATER USAGE FOR FEBRUARY 2010; (PUBLIC SERVICES)

Councilmember Grantham referred to the water report and asked staff if citizens on dialysis should be concerned, and if reverse-osmosis systems should be considered.

Utilities/Capital Projects Manager Dylan Wade responded those people on dialysis should be aware of the blending of chloraminated water supply and take precautions.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2010

MOTION: Councilmember Grantham moved the City Council approve Item A-3, and direct staff to contact the San Luis Obispo County Kidney Dialysis Services and have them notify Morro Bay dialysis patients of the City's use of chloraminated water to reduce taste and odor, and what the potential risks to kidney dialysis patients could be. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

A-4 PROCLAMATION DECLARING APRIL 2010 AS "MONTH OF THE CHILD" AND "CHILD ABUSE PREVENTION MONTH" AND APRIL 10, 2010 AS "DAY OF THE CHILD"; (ADMINISTRATION)

Mayor Peters pulled this item in order to make a presentation.

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

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

**B-1 CONSIDERATION OF PROPOSED TRANSIT SERVICE CHANGES;
(PUBLIC SERVICES)**

Management Analyst Janeen Burlingame stated since fiscal year 2007/2008, Morro Bay Dial-a-Ride (MBDAR) has lost more than \$171,000 in Local Transportation Fund (LTF) and State Transit Assistance (STA) funds with which to operate MBDAR service, which includes the most recent news of an additional \$24,607 reduction to LTF this fiscal year. As the City begins the budget development process for FY 2010/2011, it must look at what funding will be allocated from the State to determine whether or not existing MBDAR services can be provided beyond the current fiscal year, and if not, what type of transit services can be provided with the available funding. With a current MBDAR operating budget of \$379,154, \$204,009 anticipated LTF for FY 2010/2011 and \$38,000 estimated fares, MBDAR would be short more than \$137,000 to operate existing service levels before additional increases to the operating budget are contemplated for the annual Consumers Price Index increase per the contract for services and fuel as the price per gallon is higher now than when the budget was prepared for this fiscal year. As such, it is apparent that current MBDAR service levels cannot be maintained for FY 2010/2011. Ms. Burlingame recommended the City Council conduct a public hearing on the proposed changes in transit service for MBDAR and trolley, and approves said changes to be effective October 4, 2010.

Mayor Peters opened the hearing for public comment.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2010

Joan Solu offered Option D, which would take the bus fleet that the City has that are in good operating service, and put the entire process out to bid for a private company to come in and run the business as a private service, and not reducing the ridership and service capabilities. She said the City could make money on the rental of the buses and continue to provide the service to the community probably for less than what is being proposed. Ms. Solu also requested Council consider the community's ridership when considering a fixed route system.

Janet Gould, Del Mar Elementary School Principal, stated Dial-a-Ride is a valuable service for students and families. She said a fixed route would not be an option for the student riders who require door-to-door service.

John Barta stated there is a human element to this and this is a valuable service for the elderly in our community.

Barbara Doerr stated Dial-a-Ride users should be issued a notice of pending elimination. She said this is a vital service provided to senior citizens and those who are handicap. Ms. Doerr stated Council should look at demographics and parking in-lieu funds to fund this service.

Nancy Johnson stated Council should consider contracting this service out as suggested by Joan Solu.

Mayor Peters closed the public comment hearing.

Mayor Peters addressed the lack of transit funding county-wide. She said the Cambria district has a senior bus service that is operated by 35 volunteer drivers, Monday – Friday from 9:00 am – 4:30 pm; they have a subsidy from the Regional Transit Authority for fuel and vehicle maintenance, however the vehicles are owned by the volunteers.

Councilmember Grantham stated he is not supportive of using accumulation funds for non-essential services. He said he is supportive of considering contracting with outside services or utilizing volunteer services for the City's transportation use.

Councilmember Smukler stated he is very uncomfortable in prioritizing the trolley concept over the Dial-a-Ride concept. He said a closer look needs to be taken at the Cambria Community Bus service that is operated somewhat like the City's Dial-a-Ride service and has been organized by community groups and operates with some TDA funds from the state and a once a year mail-out fundraiser. Councilmember Smukler stated he does not see the concept of abolishing a demand-based service.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2010

Councilmember Borchard stated she agrees with Councilmember Smukler, and would rather not run the trolleys and maintain the Dial-a-Ride service.

Councilmember Winholtz stated she agrees, this is not a service to cut and it is an essential service. She said a fixed route will not work for the handicap and seniors in the community.

MOTION: Councilmember Smukler moved the City Council direct staff to negotiate with the current contractor or go out to bid and investigate alternative Dial-a-Ride program delivery and service level models including public and private partnerships and volunteer-based concepts while identifying a funding option not utilizing accumulation funds and prioritizing demand response service over the trolley service with the funding to come from the sale of the 1999 trolley to fill the \$24,000 gap for funding in this current year. The motion was seconded by Councilmember Borchard and carried with Councilmember Grantham voting no. (4-1)

B-2 DRAFT ANTENNAS AND WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE; (PUBLIC SERVICES)

City Attorney Robert Schultz stated this draft ordinance was excerpted from the Zoning Ordinance update approved by City Council in 2005. On January 11, 2010, the City Council gave direction to staff to separate the wireless telecommunications facilities portion of the update and bring it forward as an ordinance which can be reviewed and approved. The document required minor revisions to ensure compatibility with the current Zoning Ordinance but no substantial changes were made. Staff has reviewed the proposed ordinance with the Telecommunications Act of 1996 and has determined that the ordinance remains in conformance. Mr. Schultz recommended Council review the proposed ordinance and direct staff to return with the ordinance as proposed or with modifications for first reading and introduction.

Councilmember Winholtz addressed amendments to Chapter 17.27 – Antennas and Wireless Telecommunications Facilities. She said she is not in favor of allowing anything above the height limit. Councilmember Winholtz stated she is concerned with issues such as location and the definition of visual, which is nebulous.

Mayor Peters opened the hearing for public comment.

John Barta stated radar antennas should be included in the discussion due to the potential danger they may cause.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2010

Mayor Peters closed the public comment hearing.

MOTION: Councilmember Winholtz moved the City Council direct staff to take into consideration comments made by Council and public, and return with an Ordinance for first reading and introduction. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

B-3 INTRODUCTION OF AN ORDINANCE OF THE CITY OF MORRO BAY, CALIFORNIA REPEALING ORDINANCE 551 AND ENACTING AN ORDINANCE ADDING SECTION 10.76.035 TO CHAPTER 10.76 TO PROVIDE RULES AND REGULATIONS FOR THE MORRO BAY SKATE PARK REQUIRING ANY PERSON RIDING A PERMITTED COASTING DEVICE AT THE MORRO BAY SKATE PARK TO WEAR A HELMET, ELBOW PADS, AND KNEE PADS; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods stated in August 2009, the City Council adopted Ordinance 551, which requires any person riding a permitted coasting device to wear a helmet, elbow pads and knee pads. Unfortunately, Ordinance No. 551 references and amends an outdated version of Chapter 10, and must be rectified for proper enforcement. Ordinance No. 554 repeals Ordinance No. 551, and amends the newly adopted Chapter 10, specifically 10.76. Council's adoption of this Ordinance is a formality for filing and should not constitute an additional burden on the City. Mr. Woods recommended the City Council open the hearing for public comment, and approve the first reading and introduction of Ordinance No. 554 by number and title only.

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

MOTION: Councilmember Winholtz moved the City Council approve for introduction and first reading of Ordinance No. 554 Repealing Ordinance No. 551 and Enacting an Ordinance Adding Section 10.76.035 to Chapter 10.76 to Provide Rules and Regulations for the Morro Bay Skate Park Requiring any Person Riding a Permitted Coasting Device at the Morro Bay Skate Park to Wear a Helmet, Elbow Pads, and Knee Pads. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

City Manager Andrea Lueker read Ordinance No. 554 by number and title only.

Mayor Peters called for a break at 9:09 p.m.; the meeting resumed at 9:21 p.m.

C. UNFINISHED BUSINESS – NONE.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2010

D. NEW BUSINESS

D-1 CONSIDERATION OF CONTRACT EXTENSION WITH MV
TRANSPORTATION; (PUBLIC SERVICES)

MOTION: Mayor Peters moved the City Council continue this item to the April 26, 2010 City Council meeting. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

D-2 AUTHORIZATION TO HIRE A SECOND-IN-COMMAND FOR THE POLICE
DEPARTMENT; (ADMINISTRATION)

City Manager Andrea Lueker stated the second-in-command provides highly complex staff assistance to the Chief of Police. This work requires considerable experience and judgment in the interpretation and application of rules, regulations, policies, laws and ordinances. The second-in-command is also an important link to the Sergeant and Corporal supervisory staff at the Police Department. The position is responsible for improving operations, decreasing turnaround times, and streamlining work processes by working cooperatively and jointly to provide quality seamless customer service to the community and allied agencies. The second-in-command is also very important for retention and recruitment of staff. As well, the second-in-command is expected to have an open door policy and to possess strong mentoring and coaching skills. These attributes are used to monitor morale and implement opportunities for employees to experience career development and advancement within the command structure of the department. Ms. Lueker stated staff is keenly aware of the financial constraints that are affecting all cities at this time, including the City of Morro Bay. As a result, an extensive review of the second-in-command position has been made to determine the best recommendation to the City Council with the anticipated vacancy. Staff is aware of the financial constraints that are affecting all cities at this time, including the City of Morro Bay. As a result, an extensive review of the second-in-command position has been made to determine the best recommendation to the City Council with the anticipated vacancy. While it does not appear that the substitution of the second-in-command position with a non-management Sergeant or Admin. Sergeant position saves funding, based on comments received, it is clear the City Council may have some further apprehension in regard to the refilling of the position. Based on the discussions that have taken place and the concerns other than fiscal savings, staff presents the following options for the Council to consider: 1) Amend the Commander title to that of a Captain. Routinely, the Captain position is below that of a Commander; 2) require the second-in-command position to live within the same mileage constraints as the new Police Chief. This will be restricted to driving to no more than 30 miles or 30 minutes for purposes of commuting to residence to city limits;

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REGULAR MEETING – MARCH 22, 2010

3) have the second-in-command position report to work in uniform at least two days each week and respond outside the office when there are multiple incidents or a shortage of patrol officers; and/or 4) have the second-in-command alter his/her work schedule periodically to work during the weekend. While staff believes there is a significant need for a second-in-command in the Police Department, it is certainly possible to make some amendments to the existing position in order to respond to the concerns voiced by the City Council. Those options presented above would certainly change the position of second-in-command, not result in additional General Fund costs as well as address the concerns of the City Council. Ms. Lueker recommended the City Council review the information presented along with the options including title, proximity from home to work, patrol time and scheduling, and direct staff in regard to those options and authorizes the hire.

Councilmember Grantham stated in times past there were positions in the Police Department that are no longer on the books. He said there will be a morale issue if there is no upward mobility in the department. Councilmember Grantham stated he is a strong supporter of maintaining a second in command to allow the Police Chief to put his footprint on his department and allow him to do his job.

Councilmember Borchard stated she will support maintaining this position; however, she would like to wait for the new Police Chief to take over and see what his needs might be in filling this position.

Councilmember Smukler stated while trying to stabilize the budget, he is not comfortable to authorize the hiring of this position immediately. He said he would prefer the new Police Chief assume his new role, and then he would be interested in a POST evaluation.

Councilmember Winholtz stated she is sensitive to the budget issues and she is open to a second in command position; the question is when.

Mayor Peters stated morale is a tremendous issue with the Police Department. She said the recruitment period will give Council plenty of time to decide whether or not to proceed with this. Mayor Peters stated the title should remain the same which will affect future hires, and/or a position that current officers could aspire to. She said this is a responsibility the City owes the community.

MOTION: Mayor Peters moved the City Council authorize the City Manager to proceed with the recruitment and rehiring of the Police second-in-command position with the following options: 1) require the second-in-command position to live within the same mileage constraints as the new Police Chief. This will be restricted to driving to no more than 30 miles or 30 minutes for purposes of commuting to residence to city limits;

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2010

2) have the second-in-command position report to work in uniform at least two days each week and respond outside the office when there are multiple incidents or a shortage of patrol officers; and, 3) have the second-in-command alter his/her work schedule periodically to work during the weekend. The motion was seconded by Councilmember Grantham and carried with Councilmember Smukler and Councilmember Winholtz voting no. (3-2)

Councilmember Winholtz stated she feels Council steps away from the reality of the topic when there are emotional pleas. She said she is discouraged this has become an emotional issue rather than a factual issue. Councilmember Winholtz stated she voted no because she felt rushed and needed more time to discuss this issue.

Councilmember Smukler stated although he appreciates Chief DeRohan and Commander Olivas as well as the whole department, his vote was based on his severe concerns with the budget which will need to be addressed.

Councilmember Borchard stated her comments were not based on the emotions of the speakers but based on the facts of the position.

D-3 SELECTION OF TWO COUNCIL MEMBERS TO SERVE ON THE CHORRO AND MORRO VALLEY WATER RIGHTS AD-HOC COMMITTEE; (CITY ATTORNEY)

City Attorney Robert Schultz stated because of the degradation to the water quality and the changes in regulations, the City no longer has the ability to both maintain the pumping of wells in the Chorro Groundwater Basin as well as provide water that meets all state and federal standards to customers in the basin. In order to both provide water to the customers outside the City limits and maintain the Chorro Groundwater resource for the benefit of the customers within the City limits, major modifications to the City's infrastructure would be required. These modifications would be needed to effectively deal with the nitrate contamination while also providing disinfection of the occasional bacteriological contamination events that impact the Chorro Groundwater Basin. These issues are further complicated by Water Right Permits that limit the City's ability to pump water from its wells. In order to fully understand the water issues facing the City, staff recommends the City Council appoint an Ad-Hoc Committee to help develop strategies and solutions to the City's Water Rights issues in the Chorro and Morro Valley. If the City Council decides to form an Ad Hoc Committee, then it should determine which two Council Members should serve on the committee.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 22, 2010

MOTION: Mayor Peters moved the City Council appoint Councilmember Borchard and Councilmember Winholtz to serve on the Chorro and Morro Valley Water Rights Ad-Hoc Committee. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

D-4 SCHEDULE INTERVIEW DATE TO FILL VACANCIES ON TOURISM BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD AND CITIZENS' OVERSIGHT COMMITTEE; (ADMINISTRATION)

The City Council scheduled an interview date for May 10th at 5:30 p.m. to be located at the Veterans Memorial Building.

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Smukler requested to agendize a discussion on General Fund and Risk Management Reserve use; Council concurred.

Councilmember Smukler requested to agendize a discussion on policy relating to City Council input on hiring/evaluation of department heads; Council concurred.

Councilmember Winholtz requested to agendize the consideration of sending a letter to Congresswoman Lois Capps opposing farm fish legislation (Winholtz will prepare report); Council concurred.

Councilmember Winholtz requested to agendize the consideration of sending a letter to State Parks regarding campground fees; Council concurred.

ADJOURNMENT

The meeting adjourned at 10:20 p.m.

Recorded by:

Bridgett Kessling
City Clerk



AGENDA NO: A-3

MEETING DATE: 4/12/2010

Staff Report

TO: Honorable Mayor and City Council **DATE:** April 5, 2010

FROM: Harbor Director

SUBJECT: Consideration of approval for a sublease on a portion of Lease Site 113W, located at 1215 Embarcadero, between Virg's Fish'n, Inc., and Alan and Wendy Rackov, doing business as Lost Isle Adventures

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution #20-10 approving sublease of a portion of Lease Site 113W, located at 1215 Embarcadero, between Virg's Fish'n, Inc., and Alan and Wendy Rackov, doing business as Lost Isle Adventures.

MOTION: I move that the City Council adopt Resolution #20-10 approving sublease of a portion of Lease Site 113W, located at 1215 Embarcadero, between Virg's Fish'n, Inc., and Alan and Wendy Rackov, doing business as Lost Isle Adventures.

FISCAL IMPACT:

No direct Fiscal Impact

SUMMARY:

Virg's Fish'n Inc. leases the dock area at Lease Site 113W and has requested approval of a sublease with Alan and Wendy Rackov, doing business as Lost Isle Adventures. Mr. Rackov plans to operate tours of the Morro Bay Estuary to educate the public on wildlife and estuary habitats. Virg's Fish'n, Inc. has completed the application for sublease, paid the administrative fee, executed the Consent to Sublease document and provided a copy of the sublease agreement between the parties. Virg's Fish'n, Inc. is in compliance with the terms of the master lease agreement for Lease Site 113W. Mr. Rackov has provided a brief statement of his background and proposal.

Prepared By: _____ Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

Most of the City's newer leases allow for administrative approval of subleases. However, the lease agreement for Lease Site 113W requires City Council approval of any sublease on the site. The lease agreement states that approval of assignment/sublease shall not be unreasonably withheld.

CONCLUSION:

The lease agreement for Lease Site 113W requires City Council approval of any assignment or sublease of the premises. The master tenant is in compliance with the terms of the lease agreement, and the tenant and proposed sublessee have completed the required paperwork and paid the sublease application fee. Staff recommends approval of the sublease for a portion of Lease Site 113W between Virg's Fish'n, Inc. and Alan and Wendy Rackov, doing business as Lost Isle Adventures.

RESOLUTION NO. 20-10

**APPROVAL OF A SUBLEASE AGREEMENT FOR A PORTION OF
LEASE SITE 113W (LOCATED AT 1215 EMBARCADERO)
BETWEEN VIRG'S FISH'N, INC. AND ALAN AND WENDY RACKOV,
DOING BUSINESS AS LOST ISLE ADVENTURES**

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

WHEREAS, the City of Morro Bay is the lessor of certain property on the Morro Bay waterfront described as Lease Site 113W; and,

WHEREAS, Virg's Fish'n, Inc. is the lessee of said property; and,

WHEREAS, Virg's Fish'n, Inc. has requested City Council approval of a sublease agreement for a portion of Lease Site 113W between Virg's Fish'n, Inc., and Alan and Wendy Rackov, doing business as Lost Isle Adventures.

WHEREAS, Virg's Fish'n, Inc. has completed the assignment application form, paid the assignment fee and provided background information on the proposed sublessee. The Consent to Sublease agreement has been executed by Virg's Fish'n, Inc., and Wendy Rackov, and a copy of the sublease agreement has been provided to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that sublease of a portion of a sublease agreement for a portion of Lease Site 113W between Virg's Fish'n, Inc., and Alan and Wendy Rackov, doing business as Lost Isle Adventures, is hereby approved, and that the Mayor is hereby authorized to execute the Consent to Sublease document.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting held thereof on the 12th day of April 2010, by the following vote:

AYES:

NOES:

ABSENT:

Janice Peters, Mayor

ATTEST:

Bridgett Kessling, City Clerk



AGENDA NO: A-4

MEETING DATE: April 12, 2010

Staff Report

TO: Honorable Mayor and City Council **DATE:** April 7, 2010

FROM: Dylan Wade, Utilities/Capital Projects Manager

SUBJECT: Authorization to file Notice of Completion for the Harborwalk Project

RECOMMENDATION:

Staff recommends that the City Council accept the Harborwalk project as completed by Souza Construction Inc.

MOTION: I move that the City Council accept the Harborwalk project as completed by Souza Construction Inc.

FISCAL IMPACT:

Project funding was derived from a number of grant sources; Coastal Conservancy, SLOCOG, State Transportation Improvement Program (TIP) and Federal TIP, as well as from parking in lieu fees. A final project accounting has not been prepared at this time and will be postponed until all grant funds have been billed and received. The construction costs for the project from Souza Construction Inc are \$2,278,034.71. Total final project costs including work completed by Souza Construction will be approximately \$3.0 million. Total contributions to date are estimated at; FTIP \$1,468,000, STIP \$190,000, Coastal Conservancy \$825,000, SLOCOG \$150,000, Transit Congestion Relief Fund \$83,000, Bicycle Funds \$10,000, General Fund (from 2005) \$13,000, Water Fund \$60,000, and Memorial Bench Program \$30,000.

DISCUSSION:

At the May 14, 2007 meeting the City Council awarded the construction contract to Souza Construction Inc. for \$1,690,365. Additional authorization to pursue more grant funds and to proceed with the work from Beach Street to the Intake Building occurred at the January 28, 2008 City Council meeting. Change orders were issued to Souza Construction Inc bringing the final construction price to \$2,278,034.71.

A number of unanticipated events occurred during the course of work, the largest of these was a freeze on the project funding due to the State's financial crisis at the end of the 2008

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

calendar year. At this point in time, the project was approximately 98% complete, and was only awaiting some work that could not be completed due to the parking impact moratorium. The State unfroze the project funding just in time for the City's moratorium on construction (City Council Resolution 07-04), that would impact parking during the tourist season of 2009, to take effect. The project was finally resumed in late 2009, and due to weather/rain and other events, was not completed until 2010 when the restriping of the parking lot could be conducted. While Souza Construction Inc. did not request compensation for these start and stop periods, they were granted additional time to complete the contract.

The Harborwalk Project has been effectively completed since the summer of 2008, when the City began to take beneficial occupancy. While the final invoice was received from the contractor, the City has to finalize some of the work on the dunes restoration portion of the project. These efforts will be project costs, but they will be the direct responsibility of the City, and will not impact finalizing the construction contract. These costs are included in the estimated final project costs above.

Staff will continue working with the SLOCOG and Coastal Conservancy staffs to finalize grant reimbursements, and to complete the financial reconciliation. At that point, we will know the precise amount of available funds, and can determine the exact impact to the parking in-lieu fund. Staff will bring this final project accounting to the Council for its review.

The filing of the Notice of Completion starts the one-year warranty period for the facility, and the contractor will remain responsible for any needed repairs, including verification of the effectiveness of repairs performed to date, for that period. After the one year warranty period, the City will be liable for all future maintenance and repairs of this facility.

CONCLUSION:

The Harborwalk project has been completed by Souza Construction Inc., and staff recommends the City Council accept the project, and authorize the filing of a Notice of Completion.

Recording requested by: and
When recorded mail to:
City of Morro Bay
Utilities/Capital Projects Manager
595 Harbor Street
Morro Bay, Ca. 93442-1957

**NOTICE OF COMPLETION
CITY OF MORRO BAY**

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN by the undersigned City Clerk of the City of Morro Bay, 595 Harbor Street, Morro Bay, County of San Luis Obispo, California, 93442, having the sole interest in fee, that the construction of the

MORRO BAY HARBORWALK PROJECT

in the City of Morro Bay, has been completed by

**SOUZA ENGINEERING CONTRACTING INC. DBA SOUZA CONSTRUCTION Inc, P.O. BOX 3810
SAN LUIS OBISPO, CA 93401-3810**

and was accepted on April 12, 2010.

BRIDGETT BAUER, City Clerk
City of Morro Bay, California

The undersigned hereby deposes and says:

That she is the City Clerk of the City of Morro Bay, County of San Luis Obispo, California; that she has read the foregoing Notice and knows the contents thereof and that the same is true of her own knowledge.

I declare the foregoing to be true under penalty of perjury.

Executed at Morro Bay, California, this _____ day of April, 2010.

Bridgett Bauer, City Clerk
City of Morro Bay, California

CITY OF MORRO BAY

CERTIFICATE OF COMPLETION

The undersigned hereby certifies that the construction of

MORRO BAY HARBORWALK PROJECT

by **SOUZA ENGINEERING CONTRACTING INC. DBA SOUZA CONSTRUCTION Inc, P.O.
BOX 3810 SAN LUIS OBISPO, CA 93401-3810**

has been inspected and found to substantially comply with the approved plans and specifications and has been accepted as having been completed in accordance therewith.

It is, therefore, requested that the City Clerk file a Notice of Completion.

By: _____
Dylan Wade, Utilities/Capital Projects Manager

Date: _____

CONCLUSION:

Pursuant to the California Subdivision Map Act (Government Code Section 66474 .1), the approval of a final map is a ministerial act if the final map conforms to the approved tentative map and the subdivider has complied with all the conditions of approval attached to the tentative map. The Interim Director of Public Services/City Engineer has determined that the final map is in substantial conformance with the approved tentative map and those modifications and conditions made or required by the Planning Commission and the City Council. No further discretionary approvals are required. Staff recommends the City Council approve the Tract Map by adopting Resolution No. 17-10.

ATTACHMENTS

Attachment A- Resolution No. 17-10

Attachment B- Copy of Tract 2978, Sheet 2

ATTACHMENT A

RESOLUTION NO. 17-10

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
APPROVING THE FINAL MAP FOR TRACT 2978**

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

WHEREAS, on July 20, 2009, the Planning Commission did hold a public hearing, received public testimony, both written and oral, and after closing the public hearing, fully considered the various issues surrounding the case, including the conditional approval of Vesting Tentative Tract Map 2978 by the City Council at the June 13, 2005 hearing, and those recommendations made by the Planning Commission during the public hearing they held on April 18, 2005; and

WHEREAS, the Planning Commission did conditionally approve the Tentative Map for Tract 2978, and associated development applications, based on certain Conditions of Approval; and

WHEREAS, the City Council and Planning Commission have previously made findings required by the California Environmental Quality Act (CEQA) and the City of Morro Bay procedures for implementation of CEQA; and

WHEREAS, the applicant has since satisfied all Conditions of Approval and requests permission to record the Final Map; and

WHEREAS, the recordation of the final map is a ministerial act pursuant to the City of Morro Bay Subdivision Ordinance and the California Subdivision Map Act;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that the City hereby approves the final map for Tract 2978.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 12th day of April, 2010 on the following vote:

AYES:
NOES:
ABSENT:

JANICE PETERS, Mayor

ATTEST:

BRIDGETT KESSLING, City Clerk

AGENDA NO: A-6

MEETING DATE: 4/12/10

ORDINANCE NO. 554

**AN ORDINANCE OF THE CITY OF MORRO BAY, CALIFORNIA
REPEALING ORDINANCE 551 AND ENACTING ORDINANCE 554 ADDING
SECTION 10.76.035 TO CHAPTER 10.76 TO PROVIDE RULES AND
REGULATIONS FOR THE MORRO BAY SKATE PARK**

**The City Council
City of Morro Bay, California**

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

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

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

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

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

SECTION 1. That new Section 10.76.035 is hereby added to the Morro Bay Municipal Code and shall be codified to read as follows:

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

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

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

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

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

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

SECTION 2. The City shall cause signs to be posted at the Skate Park at 231 Atascadero Road providing notice that any person riding permitted coasting devices in the facility must wear a helmet, elbow pads, and knee pads and that any person failing to do so will be subject to citation and/or prosecution pursuant to Morro Bay Municipal Code Section 10.76.040.

INTRODUCED at a regular meeting the of the City Council of Morro Bay, held on the 22nd day of March, 2010 by motion of Councilmember Winholtz, seconded by Councilmember Grantham.

PASSED AND ADOPTED on the 12th day of April, 2010, by the following vote:

AYES:
NOES:
ABSENT:

JANICE PETERS, Mayor

ATTEST:

BRIDGETT KESSLING, City Clerk

APPROVED AS TO FORM:

ROBERT SCHULTZ, City Attorney

AGENDA NO: A-7

MEETING DATE: 4-12-10

**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DECLARING APRIL 2010 AS
“AUTISM AWARENESS MONTH”**

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

WHEREAS, autism is a complex neurobiological disorder that typically lasts throughout a person’s lifetime. It is part of a group of disorders known as autism spectrum disorders (ASDs); and

WHEREAS, autism affects all persons regardless of race, religion, socio-economic status or geography; and

WHEREAS, the incidence of autism in San Luis Obispo County reflects the national rate of 1 in 110, with rates appearing to have increased similarly around the globe; and

WHEREAS, a child is diagnosed with autism every 20 minutes; and

WHEREAS, ASDs are the fastest growing serious developmental disability, making these disorders more common than pediatric cancer, diabetes, and AIDS combined; and

WHEREAS, many are not adequately informed about ASDs and the value and importance of early identification, assessment, and treatment of these disorders; and

WHEREAS, individuals with ASDs and their families face tremendous and overwhelming challenges in accessing and navigating the complex programs and services for these disorders; and

WHEREAS, parents and family members have made invaluable contributions through their commitment, caring, and advocacy to important advances in research, education, and treatment for individuals with ASDs; and

WHEREAS, individuals with ASDs are valuable and talented citizens; and

WHEREAS, the Central Coast Autism Spectrum Center will celebrate Autism Awareness Month in April 2010; and

WHEREAS, the Central Coast Autism Spectrum Center will celebrate Autism Awareness Month at the WALK for Autism and Autism Awareness Fair on April 25, 2010 in Mission Plaza in San Luis Obispo; and

WHEREAS, Autism Awareness Month and The WALK for Autism and Autism Awareness Fair help to increase and develop knowledge of autism, and are of paramount importance in creating an empathetic and compassionate citizenry.

NOW, THEREFORE, BE IT RESOLVED, that the Central Coast Autism Spectrum Center in cooperation with the City of Morro Bay, affirms its commitment to the important issues described in this proclamation by declaring April 2010 as “Autism Awareness Month” in Morro Bay and emphasizes that each and every individual with an ASD is a valued and important member of our society; and

BE IT FURTHER RESOLVED, that the City of Morro Bay recognizes and commends the talents, abilities and contributions of the individuals in our community diagnosed with ASDs; and

BE IT FURTHER RESOLVED, that the City of Morro Bay recognizes and commends the parents and relatives of individuals with ASDs, the professionals that provide valued services, and the Central Coast Autism Spectrum Center, for their sacrifice and dedication in providing for the special needs of individuals with ASDs.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay does hereby declare April 2010 as “Autism Awareness Month”.

IN WITNESS WHEREOF I have
hereunto set my hand and caused the
seal of the City of Morro Bay to be
affixed this 12th day of April, 2010

JANICE PETERS, MAYOR
City of Morro Bay, California



AGENDA NO: B-1

MEETING DATE: 4/12/2010

Staff Report

TO: Honorable Mayor and City Council **DATE:** April 5, 2010
FROM: Harbor Director
SUBJECT: Consideration of Resolution #21-10 authorizing one-time rent credits for City Tenants to reduce vacancies on the Embarcadero and stimulate business.

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution #21-10 approving a one-time rent credit of up to \$6000 for those City Tenants on modern format master leases subject to percentage of gross sales rent to reduce vacancies and stimulate business on the Embarcadero.

MOTION: I move that the City Council adopt Resolution #21-10 authorizing one-time rent credits for City Tenants to reduce vacancies on the Embarcadero and stimulate business.

FISCAL IMPACT:

Fiscal Impact: At least a \$6-\$12,000 reduction in rental revenues to the Harbor Fund through the 2010-2011 percentage of gross sales reporting period. There is a potential that revenue reduction to the Harbor Fund could be as high as \$36,000, although that higher number is considered unlikely. In addition, the application of the 2009 Consumer Price Index (CPI) adjustment of minus .08 percent will reduce minimum rents approximately \$10,000 in FY10-11.

BACKGROUND:

On September 14, 2009 the City Council held a public hearing (agenda item attached for your review) to discuss strategies to prevent and reduce vacancies on the Embarcadero and stimulate business. On September 28, 2009 the City Council passed Resolution #47-09 to authorize Staff to negotiate payment plans on modern City Lease agreements, allow for quarterly minimum rent payments on modern City leases, to waive the 2009-2010 CPI increase to minimum rent, and approve office uses on the second floor of Lease Site buildings in compliance with City planning and zoning requirements.

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

DISCUSSION:

In September 2009 the City Council also considered other rent concession concepts to promote new business establishment on City Lease Sites, but determined to monitor the situation and review those issues again within six months. Vacancies on Embarcadero Lease Sites continue to be a problem for some Tenants. This agenda item is consideration of taking one more step to encourage new business establishment by offering all Tenants with modern City Lease Agreements (and percentage of gross sales rent) a one-time rent credit of \$3000 per new business established on their Lease Sites, up to a total of \$6000 per Lease Agreement. As proposed by Staff, the rent credit would be taken on the FY09-10 percentage rent payment (due in July 2010) or on the FY10-11 percentage rent payment (due in July 2011). Tenants not subject to percentage rent lease terms (old format leases) or those with new leases whose percentage rent do not exceed their minimum rent would not be eligible for the rent credit. Attached to the September 14, 2009 agenda report in this item is a Schedule B listing Tenants who paid percentage rent in recent years. In order to be considered eligible for the proposed rent credit, an existing business cannot be relocated from other City Lease Sites and must be a “new” business to the Embarcadero. Currently there is one Tenant who will most likely take advantage of this rent credit, Rose’s Landing, Lease Site 82-85/82W-85W and two other Tenants, the Boatyard at Lease Site 89/89W and Mariana Square at Lease Site 71-74/71W-74W who may be eligible if they were to pay percentage rent in this year or next. Two or three other Tenants could become eligible if they have vacancies that are filled before June 30, 2011.

One other technical issue needs to be discussed. Our modern lease agreements have CPI adjustments each year. Last September the City Council took action to waive the CPI increase in FY09-10 minimum rents in most leases. We will need to calculate new minimum rents for FY10-11 in the near future. The CPI actually decreased in calendar year 2009 by .08 percent. The question arises for Staff in calculating the new minimum rents whether we should now go back and recapture the 3.5 percent CPI increase that was waived in FY09-10. It is our assumption that the City Council does not desire to recapture the waived 3.5 percent CPI increase, so we have included language in the proposed Resolution to that effect. If this Resolution is approved most Tenants will see a reduction of approximately 1 percent in their FY10-11 minimum rents due starting in July 2010.

CONCLUSION:

The economy may be on the upswing, but the retail environment remains depressed with many commercial vacancies in the City and countywide. Staff recommends adoption of the proposed Resolution to encourage new business establishment in the next year or so on Embarcadero Lease Sites.

RESOLUTION NO. 21-10

**AUTHORIZATION OF ONE-TIME RENT CREDITS FOR CERTAIN CITY
TIDELANDS LEASE SITE TENANTS TO REDUCE VACANCIES ON
THE EMBARCADERO AND STIMULATE BUSINESS**

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

WHEREAS, the City of Morro Bay manages some 40 ground lease agreements on state granted tidelands, many of which are multi tenant, mixed use developments; and

WHEREAS, retail vacancies on City tidelands leased properties are historically high, and many City tenants are experiencing difficulty finding new sub tenant businesses and must offer drastically reduced rents for those few interested new retail sub-tenants; and

WHEREAS, the City has taken steps to reduce minimum rents, make payment plans, expand allowable uses on certain City tidelands Lease Sites and now desires to offer limited one time rent credits for Tenants to establish new subtenant businesses on said Lease Sites under certain conditions; and

WHEREAS, the City waived a contractual CPI increase of 3.5 percent in the FY09-10 minimum rent based on the 2008 calendar year CPI. The CPI for the 2009 calendar year was -.08 percent. The City could contractually now include the 3.5 percent 2008 calendar year CPI increase for the purposes of calculating FY10-11 minimum rents.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that Staff is authorized to provide certain tidelands Lease Site Tenants a rent credit up to \$6000 under the following conditions:

- 1) The rent credit will be \$3000 per new retail subtenant, up to a total of \$6000 per modern Master Lease Agreement, in a space that is currently vacant or becomes vacant prior to June 30, 2011.
- 2) The rent credit can be taken on the FY09-10 percentage rent payment or the FY-10-11 percentage rent payment. Those tenants who are not paying percentage rent are not eligible. If a tenant pays less than \$3000 percentage rent, or in the case of two rent credits \$6000 percentage rent, then the maximum rent shall be the total percentage rent paid.
- 3) The rent credit is only for “new” businesses on the sites; relocated businesses from elsewhere in the City of Morro Bay, or from other City tidelands Lease Sites, shall not be eligible for the rent credit. Businesses directly operated by the Master Tenant shall be eligible only if they are new businesses in vacant spaces.
- 4) Rent credits for subleased businesses must be passed through to the subtenants in as evidenced in Sublease agreements.

- 5) This rent credit shall expire on June 30, 2011, unless extended by Resolution of the City Council.

BE IT FURTHER RESOLVED, that, consistent with the City Council Resolution #47-09, for the purposes of calculating FY10-11 minimum rent on City modern lease agreements, Staff is directed not to recapture the 2008 calendar year CPI increase of 3.5 percent.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 12th day of April, 2010 on the following vote:

AYES:

NOES:

ABSENT:

Janice Peters, Mayor

ATTEST:

Bridgett Kessling, City Clerk



AGENDA NO: B-2

MEETING DATE: 4/12/2010

Staff Report

TO: Honorable Mayor and City Council **DATE:** April 6, 2010
FROM: Harbor Director

SUBJECT: Adoption of Ordinance No. 555 to amend the Morro Bay Municipal Code, Chapter 10.44 to include a new Section 10.44.070 to regulate municipal parking and establish authority to charge fees for parking, Introduction and First Reading

RECOMMENDATION:

Staff recommends that the City Council hold a public hearing and approve for introduction and first reading of Ordinance No. 555, an amendment to the Morro Bay Municipal Code (MBMC), Chapter 10.44 to include a new Section 10.44.070 to regulate municipal parking and establish authority to charge fees for parking.

MOTION: I move that the City Council approve Ordinance No. 555 for introduction and first reading by number and title only.

FISCAL IMPACT:

Estimated revenues to the Harbor Fund of \$12,000 annually from paid parking at the Tidelands Park boat launch ramp.

BACKGROUND:

Last year Council authorized purchase of one automated parking payment machine for installation at the Tidelands Park Boat Launch Ramp (BLR) and approved in the Harbor Master Fee Schedule a \$1 hour or \$5 daily maximum parking fee for the trailer and towing vehicle spaces at the BLR. The machine has been purchased and will be installed shortly; however the MBMC Chapter 10 must be amended to provide authority for citing users who fail to pay the fee.

CONCLUSION:

Staff recommends that the City Council hold a public hearing and approve for information and first reading Ordinance No. 555 to amend Chapter 10.44 of the Morro Bay Municipal Code regulating municipal parking and to establish authority to charge fees for parking.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

ORDINANCE NO. 555

**AN ORDINANCE OF THE CITY OF MORRO BAY
AMENDING, CHAPTER 10.40 OF THE MORRO BAY MUNICIPAL CODE
TO ADD SECTION 10.44.070 TO REGULATE MUNICIPAL PARKING AND
TO ESTABLISH AUTHORITY TO CHARGE FEES FOR PARKING**

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

10.44.70 Municipal Parking

A. Failure to pay established fee.

No person shall park any vehicle in a municipally owned and/or operated parking lot or parking space, except as otherwise permitted in this chapter, without paying the parking fee, if any, as established by Resolution of the City Council and posted for use of said municipal parking lot or parking space. The fee shall be due upon occupying the parking space with a reasonable time provided to travel to the parking pay station and pay the fee.

B. Speed Limit

It shall be unlawful for any vehicle to exceed a speed limit of 5 miles per hour in a municipally owned parking lot.

C. Breaking, destroying, tampering with, etc., parking devices prohibited.

No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any paid parking device, except by authority of the City Manager or City Council.

D. Parking exceptions.

Vehicles owned or operated by the City or State or Federal agencies may park in municipal parking lots or parking spaces without paying established fees when such vehicles are being used in line of duty.

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

INTRODUCED at a regular meeting of the City Council of the City of Morro Bay held on the 12th day of April 2010, by motion of Councilmember _____ and seconded by Councilmember _____.

PASSED, ADOPTED by the City Council of the City of Morro Bay on the ____ day of _____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Janice Peters, Mayor

ATTEST:

Bridgett Kessling, City Clerk

APPROVED AS TO FORM:

Robert Schultz, City Attorney

After the initial formation of the assessment district, each year beginning in April/May the City must hold a series of three (3) public hearings to confirm the levy of assessment for the upcoming fiscal year. The first public hearing initiates the annual levy process and directs the preparation of an Engineers Report; the second hearing approves the Engineer's Report and notices the intent to levy the assessment and the third public hearing actually levies the assessment for the upcoming fiscal year.

DISCUSSION

Upon adoption of Resolution No. 15-10, which initiates the proceedings to levy the annual assessment, an Engineer's Report will be prepared for review at the May 10, 2010 City Council meeting. The May 10th agenda item will also include a resolution of intention declaring the City Council's intent to levy and collect the assessment. The resolution lists the improvements, names the district and gives its general location, refers to the proposed assessment, gives notice of the time and place for the third and last public hearing regarding the levy of the proposed assessment as well as states whether or not the proposed assessment is an increase from the previous year. The Government Code states that the third and final public hearing must be noticed ten (10) days prior to the actual hearing, which is tentatively scheduled for June 14, 2010. Any interested person may file a written and/or oral protest with the City Clerk stating all grounds of objection for levy of assessment. However, only protests by property owners in the proposed assessment district are used to determine if a majority protest exists. A majority protest would only affect the ability to increase the assessment amount, but would not be effective in dissolving the assessment district.

The Cloisters Landscaping and Lighting Maintenance Assessment District is a separate fund from all other City funds and can only be expended for improvements authorized for the District. Once set, the annual assessment is transmitted to the County Auditor for recordation on the County assessment role. The assessment amount will then appear each year on the parcel owner's property tax bill.

In conformance with proposition 218, The Right to Vote on Taxes Act, passed in 1996 by the voters in the State of California, the Cloisters Landscaping and Lighting Maintenance Assessment District was approved by one hundred percent (100%) of the owners for which the assessment is to be levied. All property owners were fully apprised of the costs and benefits associated with the district, prior to its approval by them.

CONCLUSION

Resolution No. 15-10 has been prepared for City Council review and adoption. The Resolution serves as the initiation of the annual assessment proceedings and orders an Engineer's Report detailing the proposed costs for the maintenance of the Cloisters Park and Open Space for the purpose of assessing private property owners of Tract Map No. 1996 (excluding the City's property). The Resolution also gives notice that a public hearing on the intent to levy the assessment, review and acceptance of the Engineer's Report, will be held on May 10th, 2010.

RESOLUTION NO. 15-10

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT
FOR CLOISTERS LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE
“LANDSCAPING AND LIGHTING ACT OF 1972”
(STREETS AND HIGHWAYS SECTION 22500 ET SEQ.)**

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

WHEREAS, the City Council has placed certain conditions on the development of Tract 1996, The Cloisters, requiring formation of a property Maintenance Assessment District encompassing and coterminous with the proposed subdivision to provide for the maintenance of a public park, bicycle pathway, right-of-way landscaping, coastal access ways, ESH restoration area, and other common area improvements to be held by or dedicated to the City of Morro Bay as required by City Ordinance; and

WHEREAS, these conditions are more specifically identified in Vesting Tentative Tract Map (condition 10e) and Precise Plan (condition 2c) as required by City Ordinance; and

WHEREAS, the Owners of the real property within the proposed district have consented in writing to the formation of the district pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500 et seq.), and are the only owners of property to be subject to assessments within the district; and

WHEREAS, the Owners of real property within the proposed district have offered to dedicate in fee and in perpetuity, Lot 121 (Parcel 1) and Lot 122 of Tract 1996, and the City has agreed to accept said Offer of Dedication, provided that the cost of maintenance of thereof shall be borne by an assessment district as required by the Conditions of Approval of the project; and

WHEREAS, one hundred percent (100%) of the property owners approved formation of the district to assure conformance with the recently enacted “Right to Vote on Taxes Act” (Proposition 218, California Constitution Act XIII C & D); and

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

- a. The City Council of the City of Morro Bay hereby declares its intent to initiate the proceedings to levy and collect assessments pursuant to the “Landscaping and Lighting Act of 1972”. (Streets and Highways Code Sections 22500 et seq.)

- b. The improvements to be subject to assessment for maintenance by such District shall include those enumerated in the conditions of project approval and in Streets and Highways Code Section 22525 which are installed by the developer as a condition of approval of Tract 1996 or which are hereafter installed by developer; pursuant to the Final Improvement Plans for the Cloisters Project as approved by the City.
- c. The Assessment District is a District located in the City of Morro Bay, County of San Luis Obispo. A map showing the boundaries of the proposed District is attached as Exhibit A which is hereby incorporated herein.
- d. An Engineer's Report will be prepared for consideration at the May 10, 2010 City Council meeting.
- e. This District shall be called the "Cloisters Landscaping and Lighting Maintenance Assessment District".

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 12th day of April, 2010 by the following vote:

AYES:

NOES:

ABSENT:

Janice Peters, Mayor

ATTEST:

Bridgett Kessling, City Clerk

TPOB PARCEL 1
Most northerly corner of
Lot 122 of Tract 1996

TPOB PARCEL 2

PARCEL 2

PARCEL 1

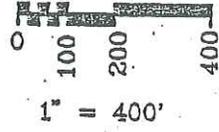


EXHIBIT A

DISCUSSION

Upon adoption of Resolution No.16-10, which initiates the proceedings to levy the annual assessment, an Engineer's Report will be prepared for the second public hearing scheduled for the May 10, 2010 City Council meeting. The May 10th agenda item will also include a resolution declaring the City Council's intent to levy and collect the assessment. The resolution also lists the improvements, names the district and gives its general location, refers to the proposed assessment, gives notice of the time and place for the third and last public hearing regarding the levy of the proposed assessment as well as states whether or not the proposed assessment is an increase from the previous year.

The Government Code states that the third and final public hearing must be noticed ten (10) days prior to the actual hearing, which is tentatively scheduled for June 14, 2010. Any interested person may file a written and/or oral protest with the City Clerk stating all grounds of objection for levy of assessment. However, only protests by property owners in the proposed assessment district are used to determine if a majority protest exists. A majority protest would only affect the ability to increase the assessment amount, but would not be effective in dissolving the assessment district. However, the assessment amount cannot be increased over the highest assessment on record, \$5,645, should a majority protest exist.

The North Point Natural Area Landscaping and Lighting Maintenance Assessment District is a separate fund from all other City funds and can only be expended for improvements authorized for the District. Once set, the annual assessment is transmitted to the County Auditor for recordation on the County assessment role. The assessment amount will then appear each year on the parcel owner's property tax bill.

In conformance with Proposition 218, "The Right to Vote on Taxes Act", passed in 1996 by the voters in the State of California, the North Point Natural Area Landscaping and Lighting Maintenance Assessment District was approved by one hundred percent (100%) of the owners for which the assessment is to be levied. All property owners were fully apprized of the costs and benefits associated with the district, prior to its approval by them.

CONCLUSION

Resolution No. 16-10 has been prepared for City Council review and adoption. The Resolution serves as the initiation to the annual assessment proceedings and orders an Engineer's Report detailing the proposed costs for the maintenance of the North Point Natural Area for the purpose of assessing private property owners of Tract Map No. 2110 (excluding the City's property). The Resolution also gives notice that a public hearing on the intent to levy the assessment, review and acceptance of the Engineer's Report, will be held on May 10, 2010.

RESOLUTION NO. 16-10

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT
FOR THE NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE
"LANDSCAPING AND LIGHTING ACT OF 1972"
(STREETS AND HIGHWAYS SECTION 22500 ET SEQ.)**

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

WHEREAS, the City has placed certain conditions on the development of Tract 2110 "North Point", requiring formation of a property Landscaping and Lighting Maintenance Assessment District encompassing and coterminous with the proposed subdivision to provide for the maintenance of a natural area, parking lot, landscaping, decomposed granite and asphalt walkways, and coastal access stairway and other common area improvements to be held by or dedicated to the City of Morro Bay as required by the Morro Bay Municipal Code 16.16.030; and

WHEREAS, these conditions are more specifically identified in the Precise Plan (condition F1-F7); and

WHEREAS, the Owners of the real property within the proposed district consented to the formation of the district pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22608.2 et seq.), and are the only owners of property to be subject to assessments within the district; and

WHEREAS, the Owners of real property within the proposed district offered in fee and in perpetuity, Lot 11 of Tract 2110, and the City has agreed to said Offer of Dedication, provided that the cost of maintenance of thereof is borne by an assessment district as required by the Conditions of Approval of the project; and

WHEREAS, one hundred percent (100%) of the property owners approved formation of the District to assure conformance with the recently enacted "Right to Vote on Taxes Act" (Proposition 218, California Constitution Act XIII, C & D).

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

1. The City Council of the City of Morro Bay hereby declares its intent to initiate the proceedings to levy and collect assessments pursuant to the "Landscaping and Lighting Act of 1972". (Streets and Highways Code Sections 22500 et seq.)

1. The improvements to be subject to assessment for maintenance by such District shall include those enumerated in the conditions of project approval and in Streets and High ways Code Section 22525 which are installed by the developer as a condition of approval of Tract 2110 or which are hereafter installed by developer; pursuant to the Final Improvement Plans for the North Point Project as approved by the City.
2. The Assessment District is a District located in the City of Morro Bay, County of San Luis Obispo. A map showing the boundaries of the proposed District is attached as Exhibit A which is hereby incorporated herein.
3. An Engineer's Report will be prepared for consideration at the May 10, 2010 City Council meeting.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 12th day of April, 2010 by the following vote:

AYES:

NOES:

ABSENT:

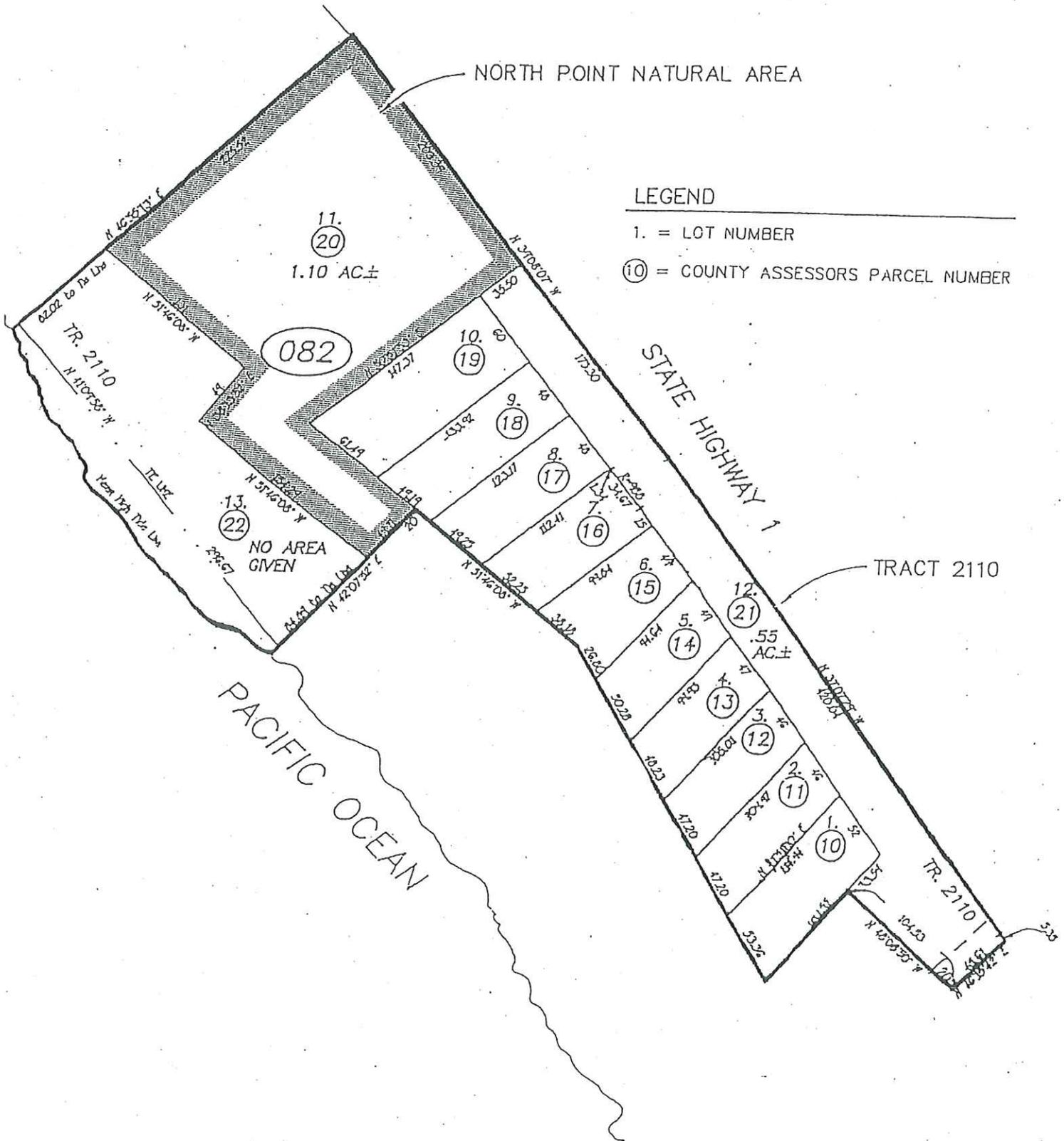
Janice Peters, Mayor

ATTEST:

Bridgett Kessler, City Clerk

NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT

ASSESSMENT DIAGRAM



NORTH POINT NATURAL AREA

LEGEND

1. = LOT NUMBER

⓪ = COUNTY ASSESSORS PARCEL NUMBER

TRACT 2110

STATE HIGHWAY 1

PACIFIC OCEAN



AGENDA NO: C-1

MEETING DATE: April 12, 2010

Staff Report

TO: Honorable Mayor and City Council **DATE** April 12, 2010
FROM: Rob Livick, Acting Public Services Director
Kathleen Wold, Senior Planner
SUBJECT: Status Report on the A-frame Sign Program

RECOMMENDATION:

Staff recommends that the City Council review the various options regarding A-frame sign regulations and give direction to staff as to how staff is to proceed.

FISCAL IMPACT:

This update report on the City's A-Frame sign guidelines will not generate any fiscal impact. The City may experience a negative fiscal impact from the processing of an A-Frame sign exception permits if the fee is not increased to reflect actual expenses incurred from the processing. In 2003 the master fee schedule indicated that a fee of \$307.80 was required, however the fee was reduced to \$25.00 by City Council. Currently the fee for an A-frame sign permit exception is \$20.00 and \$660.00 for other sign permit exceptions.

BACKGROUND:

The City's current Zoning Ordinance was adopted in 1997 and in this ordinance A-Frame signs are specifically prohibited. Over the next 13 years there have been various reviews and modifications to Chapter 17.68 "Signs" with a specific emphasis on A-frame signs. In 1998 the Planning Commission approved revised A-frame sign exception permit guidelines. These guidelines were adopted to address the A-frame sign issue on an interim basis pending adoption of a new sign ordinance, which would permanently modify the A-frame regulations. The time frame given in these guidelines was December 21, 2000. No new sign regulations were adopted by December 31, 2000 therefore the Planning Commission decided to consider sign exception permits on a year-by-year, case-by-case basis issuing permits valid for one year only. In 2005 the city undertook a comprehensive Zoning Ordinance update that included completely revised sign regulations. The new sign regulations permit temporary sidewalk signs (A-frame sign) in commercial, mixed-use and industrial districts. The new Zoning Ordinance was approved by City Council in 2005 and submitted to the California Coastal Commission for certification, to date the document has not been certified resulting in

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

the new sign regulations not being effective. Because of the lack of certification the City must continue to utilize the 1997 sign regulations including the A-frame signs regulations.

In 2009 the City received several complaints regarding unpermitted A-frame signs. In response to concerns regarding unpermitted A-frame signs police volunteer Ken Vesterfelt conducted a field survey within the city documenting all the A-frame signs currently being utilized by businesses. The survey indicated that as of 2009 there were 73 A-frame signs on display within the community. The actual number of A-frame signs may currently with the community may have changed since this survey. The last A-frame sign permit exception granted was in 2004, all those permits would have expired in 2005 resulting in all 73 of the current signs being without benefit of a permit.

DISCUSSION

The City Council requested that the Sign Exception Process be re-evaluated by staff to ensure that the process for approving the A-frame signs has been successful and, if necessary, make recommendations to improve the process.

In evaluating the current A-Frame sign program staff was able to determine that the program is not successful. Currently when a business desires to utilize an A-frame sign they must apply for an A-Frame Sign exception Permit. The processing of an A-Frame sign is more cumbersome than applying for a regular sign to be permanently installed. Most regular sign permits can be reviewed and approved administratively, but A-Frame sign exceptions must have a public hearing before the Planning Commission. The applicant must pay the \$20 application fee and the \$116.00 encroachment permit fee prior to placing the A-Frame Sign within the Public-right-of-way. The City has a history of taking these permits once a year so if a business does not submit prior to the annual review of these permits they must either be taken separately or wait until the next round of permits are taken the following year. This process has proven to be too burdensome on both the public and City staff and therefore over the last few years appears while permits have been accepted with the necessary fee none have been taken for approval.

Staff researched the surrounding cities to find out how other cities are handling A-Frame signs the following matrix provides the details:

City	Process	Permits Needed	Cost
Arroyo Grande	A-frame signs not allowed within public right-of-way allowed only on private property and as part of a comprehensive sign program	Sign Permit	\$100 fee for Sign Program
Atascadero	Allows one sign	When within the Public right-of-way needs encroachment permit.	No planning permit fee. Public Works encroachment permit fee of \$150.
Grover Beach	Prohibits A-Frame Signs		
Paso Robles	Allows for A-frame signs with appropriate permit. Permit taken to the Development Review Committee Signs not allowed on private property or in landscape planters Maximum size of 12 square feet A minimum of 4 feet clearance shall be maintained on the sidewalk at all times. No signs permitted unless the sidewalk is a minimum of 6 feet wide. One sign only on adjacent street frontage.		\$20 fee for A-frame sign permit. No encroachment.
Pismo Beach	Prohibits A-Frame Signs		
San Luis Obispo	Allowed on private property only. No public-right-of way. No planning permit required only building permit sign permit fee		Estimate Building sign permit fee \$200.

After reviewing current city polices, the updated Zoning Ordinance and other City’s policies staff offers the following options:

Option	Pros	Cons
Enforce the current Zoning Ordinance prohibiting A-Frame signs	No additional work load for staff.	Restricts businesses from advertising via A-Frames within the public-right-of-way. Currently there is a minimum of 73 signs which would need to be removed.
Separate the new Zoning Ordinance sign regulations from the remaining ordinance and submit to coastal for separate certification.	Minimal additional staff work. Provides a permanent solution to an ongoing problem. Eliminates the need for serial interim solutions. Allows for A-Frame signs.	Applicant would still incur cost of encroachment permit if the sign is to be placed within the public right-of-way.
Implement guidelines using the Atascadero A-Frame sign program.	User friendly permit process with clear concise procedures. Allows one portable sign per street frontage. Maximum width and height 2 feet by 5 feet. Allowed on private property and within the public right-of-way with encroachment permit.	Interim solution only. Still requires a sign permit exception from the Planning Commission in accordance with Section 17.68.100.
Implement both the Atascadero A-Frame Sign Program and Process the Updated Zoning Ordinance Sign regulations for separate certification from the California Coastal Commission	Will provide complete regulations for A-Frame signs in a clear and concise manner.	Additional staff time to process the Text Amendment and to implement the A-Frame regulations.

CONCLUSION:

In reviewing the processing of A-Frame signs over the last 12-13 years it becomes apparent that current guideline are cumbersome and not a beneficial use of either the business owner’s or city staff’s time. In making recommendations on how to modify or update the process to make it more user friendly and in particular to allow A-Frame signs with minimal effort on the part of the business community and city staff it is apparent that a permanent solution should be pursued to eliminate the need for these types of permits to have a public hearing before the Planning Commission. Staff’s opinion is that the best way to achieve this is to pursue separate certification from CCC for the Updated Zoning Ordinance Sign Regulations. Not only will this remedy the issues with permitting A-Frame signs it will also provide the community with complete updated sign regulations. Staff also recommends implementing the program similar to the Atascadero A-Frame Sign Program, as this would complete the package with a clear concise implementation tool. Staff recommends that if the Council chooses to request certification of the Updated zoning Ordinance Sign Regulations that they grant amnesty for the current A-frame signs to a date specific allowing sufficient time for staff to pursue certification through the CCC.

Attachments:

- Exhibit A-City of Atascadero A-Frame sign Rules
- Exhibit B-2009 list of A-Frame signs within the community
- Exhibit C-Current A-Frame sign application
- Exhibit D-Current Sign Regulations
- Exhibit E-New Sign Regulations excerpted from the 2005 Updated Zoning Ordinance.



AGENDA NO.: D-1
Meeting Date: 4/12/10

THIS ITEM HAS

BEEN PULLED FROM

THE AGENDA



AGENDA NO: D-2

MEETING DATE: 04/12/2010

Staff Report

TO: Honorable Mayor and Council **DATE:** 04/12/2010
FROM: Joe Woods, Recreation and Parks Director
SUBJECT: Discussion on the Guidelines for Public Area Use Permits

RECOMMENDATION:

The Recreation and Parks Commission has reviewed the current guidelines for public area use and recommends to Council no amendments. Furthermore, Staff recommends Council review the current guidelines and procedures for public area use and direct Staff accordingly.

MOTION: I move that the City Council direct Staff to continue processing permits allowing use of public property...

- a) using current guidelines, policies and ordinances.
- b) using current guidelines and policies with the following amendments (add any changes here).

FISCAL IMPACT:

No fiscal impact would be realized through the proposed above action(s).

SUMMARY:

When public properties are not in use by the City, they are made available for use by public groups or individuals for social, cultural or recreational activities. Such use shall require an application, from which a permit is granted provided compliance is met for all adopted guidelines, rules, regulations and conditions. Guidelines are developed by staff and reviewed and adopted by the Recreation and Parks Commission pursuant to MBMC Ch. 24.24.040.B.

Applications are reviewed by the Special Events Team, which consists of the Recreation and Parks Director and City Department Heads or their representatives. If the use application is permitted, the applicant is presented with assessed fees and conditions which must be met prior to actual usage. Any additional City services are invoiced to the applicant post event.

Prepared By: GMW

Dept Review: GMW

City Manager Review: _____

City Attorney Review: _____

BACKGROUND:

Pursuant to Morro Bay Municipal Code 2.24 (MBMC 2.24), all City parks and facilities are intended for the recreational use of the residents in the City of Morro Bay in conjunction with the activities of the Recreation and Parks Department. When not in use for recreation programs or other City business, property may be used by public groups and individuals for social, cultural or recreational activities regardless of race, age, sex, color or creed, in accordance with the rules and policies set forth in the Public Area Use Permit.

The use of public parks and open space is applicant driven and applications for use are processed on a first-come first-serve, case-by-case basis. Once the permit application is found to be in good order and in compliance with guidelines adopted by the Recreation and Parks Commission, the applicant shall be granted use of the park and/or City land requested. If an application is refused, the applicant may appeal such refusal in writing to the Recreation and Parks Commission. The Commission shall consider such appeal at its next scheduled meeting.

The use of public parks and open space which require a person or organization to obtain a permit include the following:

1. Persons or groups proposing to erect or maintain a table, booth or similar structure;
2. Groups of persons exceeding 75 in number;
3. Persons or groups desiring to reserve a park or open area for a limited time for their exclusive use;
4. Any persons or groups desiring to make solicitations or sales;
5. Any person or group desiring to hold a contest, demonstration or exhibit in a park or facility for which admission or entrance fee is charged;
6. Any person or group engaging in the sale or consumption of alcoholic beverages as defined in Chapter 9.18 of the MBMC.

Public Area Use Permit applications are available at the Recreation and Parks Department office as well as on the Department's webpage within the City of Morro Bay website.

DISCUSSION:

Submitted applications are reviewed by Recreation and Parks staff for completeness and availability of requested area. Applications, with draft conditions, are forwarded to each City Departments for review and comments. The conditions are forwarded to the applicant for further discussion. Permission for use of property will be granted provided all conditions are met and all rules governing use are followed.

When the proposed use is large in scale, or complex with programs, City staff invites the applicant to meet with the Recreation and Parks Director and City

Department representatives to discuss the proposed use and potential conditions related to such use. This group of staff members constitutes the Special Events Team (SET). The SET meets monthly to discuss proposed applications for use, as well as to review previous permitted uses to evaluate performance and conditions of both applicant and staff. Conditions for Public Area Use Permits are formulated by staff based on the Morro Bay Municipal Code; Federal, State, and Department rules and regulations, as well as historical data.

The individual or organization, requesting public area use, is required to pay permit and use fees and provide evidence of liability insurance with a Policy Endorsement naming the City as additional insured in the amount of \$1 million, prior to any usage. Furthermore, the individual or organization granted use of City property shall be held responsible for reimbursing the City for staff time incurred during their event, as well as any loss or damage to property caused by use. Such reimbursements are invoiced by the City to the applicant post use, and are required prior to the release of the security deposit. Currently, the City does not require reimbursement for City equipment operated by City staff.

CONCLUSION:

The use of public parks, open space and equipment is regulated by the Recreation and Parks Department in conjunction with all other City Departments. All public groups and individuals using public property for social, cultural or recreational activities are required to have a permit and comply with all applicable rules, policies and regulations.

Attachments:

- Morro Bay Municipal Code 2.24
- Public Area Use Permit Application
- Master Fee Schedule

Morro Bay Municipal Code
Chapter 2.24 RECREATION AND PARKS DEPARTMENT*

Sections:

[2.24.010 Recreation and parks department established.](#)

[2.24.020 Recreation and parks director.](#)

[2.24.030 Use of parks/facilities.](#)

[2.24.040 Uses of parks/facilities requiring permits.](#)

[2.24.050 Use of personal property--Recreational equipment.](#)

[2.24.060 Enforcement.](#)

[2.24.070 Damage of parks/facilities.](#)

[2.24.080 Harassment of others prohibited.](#)

[2.24.090 Hours of use established.](#)

[2.24.100 Violations and penalties.](#)

* For statutory provisions regarding parks and playgrounds, see Gov. Code § 38000 et seq.; for provisions regarding municipal control of certain parks, see Public Resources Code § 5181 et seq.

Prior history: Prior code §§ 2621 -- 2625, 2626.1 -- 2626.5, 2627.12, 2628, 2629.

2.24.010 Recreation and parks department established.

A recreation and parks department is established for the city. The functions of this department are to provide opportunities for wholesome, year-round public recreation service for all age groups. The recreation and parks department shall further be responsible for development and maintenance of park and recreation facilities, and the planning of facilities and standards in the city.

(Ord. 471 § 1 (part), 1998; Ord. 276 (part), 1986)

2.24.020 Recreation and parks director.

The city administrator shall appoint a recreation and parks director to administer the recreation and parks department under the direction of the city administrator. The recreation and parks director, or his duly appointed representative, shall be responsible for permitting use of parks and facilities by persons or organizations provided such person or organization makes application as required.

(Ord. 471 § 1 (part), 1998; Ord. 276 (part), 1986)

2.24.030 Use of parks/facilities.

All city parks and facilities are intended for the recreational use of the residents of the city of Morro Bay. When not in use for city business or recreation programs, the parks and facilities may be used by local groups and individuals for social, cultural and recreational activities.

(Ord. 471 § 1 (part), 1998; Ord. 276 (part), 1986)

2.24.040 Uses of parks/facilities requiring permits.

A. Any persons or organizations must obtain a permit for use of any portion of any public recreational facilities, parks or other public property of the city for the purposes provided in this chapter, in the manner set forth by the recreation and parks commission.

B. If application for permit is found in good order and in compliance with guidelines adopted by the recreation and parks commission, the persons or organizations shall be granted use of the facility, park and/or city land as requested.

C. In the event the director or their duly appointed representative refused to grant the permit, the applicant may appeal such refusal in writing to the recreation and parks commission by filing notice thereof in writing with the director within thirty days following refusal of the permit. The commission shall consider such appeal at its next meeting following the filing of such appeal. The commission, by majority vote, may affirm or overrule the action of the director and may, in overruling, impose such conditions or changes as the commission deems reasonable.

D. Uses requiring a person or organization to obtain a permit include the following:

1. Persons or groups proposing to erect or maintain a table, booth or similar structure;
2. Groups of persons, exceeding seventy-five in number;
3. Persons or groups desiring to reserve a facility or park for a limited time for their exclusive use;
4. Any persons or groups desiring to make solicitations or sales;
5. Any person or group desiring to hold a contest, demonstration or exhibit in a park or facility for which an admission or entrance fee is charged.
6. Any person or group engaging in the sale or consumption of an alcoholic beverage as defined in Chapter 9.18 of this code.

E. All permits issued pursuant to this chapter are to be honored by all persons or groups when presented with a valid copy of this permit.

(Ord. 471 § 1 (part), 1998; Ord. 462 § 1, 1997; Ord. 276 (part), 1986)

2.24.050 Use of personal property--Recreational equipment.

Personal property, specifically play or recreational equipment, may be issued to any group or individual for a period not exceeding four consecutive days from the date of issuance by the director of recreation and parks or his duly appointed representatives, in accordance with regulations for use of such equipment.

(Ord. 471 § 1 (part), 1998; Ord. 276 (part), 1986)

2.24.060 Enforcement.

All park or facility use rules and regulations will be enforced by appropriate enforcement authorities of the city.

(Ord. 471 § 1 (part), 1998; Ord. 276 (part), 1986)

2.24.070 Damage of parks/facilities.

No person shall cut, break, move, take or otherwise injure, destroy or deface any trees, shrubs, plants, turf, rock or any building, fence, bridge, sign or other structure; or foul any stream or dump any earth, rubbish or other substance or material in or upon any park without permission of the director of recreation and parks. Any such damage shall be a misdemeanor.

(Ord. 471 § 1 (part), 1998; Ord. 276 (part), 1986)

2.24.080 Harassment of others prohibited.

No person, group or organization using any parks or facilities or being adjacent thereto shall molest or harass any other person on or within said park or facility.
(Ord. 471 § 1 (part), 1998; Ord. 276 (part), 1986)

2.24.090 Hours of use established.

No persons are permitted in any park or facility during hours specified by the director of recreation and parks unless written permission is obtained from the director for these programs.
(Ord. 471 § 1 (part), 1998; Ord. 276 (part), 1986)

2.24.100 Violations and penalties.

Any person violating Sections 2.24.150, 2.24.190 or 2.24.200 of this chapter shall be guilty of an infraction and shall be fined by:

- A. A fine not exceeding fifty dollars for a first violation;
- B. A fine not exceeding one hundred dollars for a second violation of the same section within one year;
- C. A fine not exceeding two hundred fifty dollars for each additional violation of the same section within one year.

(Ord. 471 § 1 (part), 1998; Ord. 276 (part), 1986)

PUBLIC AREA USE PERMIT

City of Morro Bay Recreation and Parks Department
1001 Kennedy Way, Morro Bay, CA 93442 (805) 772-6278 FAX (805) 772-2693

APPLICATION FOR USE OF PARK FACILITIES AND EQUIPMENT

PERMIT #: _____

Applicant Person/Group: _____

Name of person in charge of event: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: (Work) _____ (Home) _____ email _____

Is Applicant Group Resident Non-resident Non-profit Profit

If Non-profit, IRS Number: _____

DATE AND TIME REQUESTED (Please fill out a separate application for each date)

Month _____ Day _____ Year _____ Time _____ to _____
(INCLUDE SET UP AND CLEAN UP)

FACILITY REQUESTED:

Del Mar Park Hillside Area Meadow Area Creekside Area Hockey Rink
Lila Keiser Park BBQ Area East Field West Field
Monte Young Park Court 1 Court 2
Centennial Park Giant Chessboard
Other Park Please Specify _____
Public Open Space Please Specify _____

SITE INFORMATION:

Electricity required Yes No
City streets and/or parking areas must be closed for this event* Yes No
Temporary structures are to be built for this event Yes No
Open flames, refueling of vehicles or other fire hazards exist for this event Yes No

*If closures of City streets and/or parking areas are requested the permit must be submitted at least 15 working days in advance. Closures of City streets and/or parking areas will require additional conditions of approval and/or fees.

EQUIPMENT REQUESTED:

Volleyball Set Horseshoes Softball Set Bocce Ball Other _____

EVENT INFORMATION:

Purpose: _____

Estimated Attendance: # Adults _____ # Youth _____ # Total _____

Will a fee be charged: Yes No If Yes, please explain: _____

Do you plan to have amplified music/sound (i.e. band, D.J., P.A. system, etc.)? Yes No
If yes, please explain: _____

Will alcohol be served? Yes No Will alcohol be sold? Yes No

Will a bouncing house or other attraction be provided at this event? Yes No
If yes, what will be provided? _____

AGREEMENT FOR USE OF CITY PROPERTY:

"The undersigned, herein known as the applicant, understands and agrees that he/she and/or the organization that he/she represents shall assume all risks for loss, damage, liability, injury, cost or expense that may occur during or as a result of use listed above; the applicant further agrees that in consideration of permission to use City property above, he/she and/or the organization will defend, indemnify, and hold harmless the City of Morro Bay and the City's officials, employees and agents from and against all claims, liability, damages, and/or injuries to persons and property (including demands, losses, actions, causes of action, damages, liabilities, expenses, charges, assessments, fines or penalties of any kind, and costs including attorney fees and litigations expenses) from any cause arising out of or relating (directly or indirectly) to this Permit for use of City property. The applicant further agrees to be personally responsible for any damage sustained to the grounds, building, fixtures or equipment, as a result of their use of City property. The applicant further certifies that he has read (or had interpreted), understands and agrees to abide by any and all attached reservation policies of the City of Morro Bay Recreation and Parks Department."

GENERAL LIABILITY INSURANCE WILL BE REQUIRED FOR ALL EVENTS

Applicant Signature: _____ Date: _____

POLICIES FOR USE OF PARK FACILITIES, PUBLIC OPEN SPACE AND EQUIPMENT

All City parks and facilities are intended for the recreational use of the residents of the City of Morro Bay in conjunction with the activities of the Recreation and Parks Department. When not in use for recreation programs or other City business, etc., property may be used by public groups and individuals for social, cultural or recreational activities regardless of race, age, sex, color or creed, in accordance with the following rules:

- A. Use of City property shall not be granted, when for any reason as determined by the Recreation and Parks Department, such use may not be in the best interest of the Department, or the City of Morro Bay.
- B. The City of Morro Bay is **NOT** responsible for accidents, injury or loss of individual property in any of its facilities or parks.
- C. The individual or organization granted use of the property shall be held responsible for reimbursing the City for any loss, cost incurred or damage to City property caused by use.
- D. Permission for use of property will be granted upon the condition that all rules governing use of open space below will be followed. **PERMISSION MAY BE REVOKED AT ANY TIME FOR FAILURE TO DO SO.** These rules are subject to change by the Recreation and Parks Commission of the City of Morro Bay.

I. RULES FOR OPEN SPACE AND PUBLIC PROPERTY USE

- A. Individuals or groups desiring use of public space must complete a Public Area Use Permit with the Recreation and Parks Department no more than four (4) months prior to the date requested and at least fifteen (15) working days prior to the date of use. **(ADDITIONAL TIME IS REQUIRED FOR LARGE EVENTS)** Any request more than four (4) months in advance must be accompanied by a letter requesting waiver of the four (4) month policy.
- B. **A minimum Security Deposit of \$150 will be required with the filing of this application. **For Multi-Area, Entire Park or Multi-Day Events and any Event where alcohol is served or there is live music a Security Deposit of \$500 will be required. The deposit is refundable if the property is left clean and undamaged.**
- C. No use shall be granted in such a matter as to constitute a monopoly for the benefit of any person or organization.
- D. If the application for use is found in good order, after review by the Director or appointed representative, the use permit shall be granted. The application shall serve as a permit upon signature of the Director, payment of all fees, compliance with any conditions of approval and submittal of all required documents. **PERMITS WILL BE ISSUED TO ADULTS ONLY.**
- E. The sale or consumption of alcoholic beverages is hereby prohibited unless permission has been granted by the Recreation and Parks Department

Office. Any sales and/or consumption of alcoholic beverages in parks or public open space shall be subject to the rules and regulations of the Alcoholic Beverage Control Board. A liquor license is due five (5) days prior to the event.

- F. Groups conducting sales will be assessed a percentage of the gross or a flat fee.
- G. No advertising shall be exhibited and no solicitations or sale made on open space or on the grounds of a park without prior written permission from the Recreation and Parks Director and in some instances a Business License.
- H. Users will be required to present evidence of liability insurance with a Policy Endorsement naming the City as additional insured in the amount of \$1 million.
- I. Any group finding it necessary to cancel its reservation should do so at least five (5) calendar days prior to the date reserved. Failure to do so will result in assessment of a 20% administration fee to group or individual.
- J. Reservations may be cancelled by the Recreation and Parks Director upon two (2) days notice to the group or permit holder. **INCLEMENT WEATHER CANCELLATIONS MAY BE MADE AT ANY TIME.**
- K. Keys, when approved for checkout, must be obtained in advance from the Recreation and Parks Office, and must be returned by the next business day after use.
- L. Cleanup must be accomplished within the time established in the agreement. Cleanup services and use fees are **NOT** provided as part of the permit fee. Any cleanup by City Staff will be charged to the organization or group. All trash generated by the event should be put into the trashcans and/or dumpsters.
- M. **NO CAMPING OR OVERNIGHT PARKING IS ALLOWED IN CITY PARKS.**

II. RULES FOR SPORT FACILITY RENTAL

- A. Individuals or groups desiring use of sports facilities must complete a Public Area Use Permit with the Recreation and Parks Department no more than four (4) months prior to the date(s) requested and at least twenty (20) working days prior to the date(s) of use. Any request more than four (4) months in advance must be accompanied by a letter requesting waiver of the four (4) month policy.
- B. **A Security Deposit of \$500 will be required with the filing of the application. The deposit is refundable if the facilities and equipment are left clean and undamaged.**
- C. Ball diamond preparation may be completed by the applicant if the following requirements are adhered to:
 - ⌚Preps must be done at the beginning of the day and every three (3) games thereafter.
 - ⌚No dragging of field surfaces off the field (grass or paths) should occur.

ⓄThe plates, pitching or rubber or base posts will not be driven over or dragged over.

ⓄNo substance or material will be added to the field surface at any time.

- D. Field preparation by City employees will require the payment of a fee by the applicant prior to the tournament or activity.
- E. All activities or events scheduled for City sports facilities may require a tournament director assigned by the City. This rule can only be waived by the Director of Recreation and Parks. Applicant shall pay the fee for the cost of the tournament director.
- F. City employed umpires and scorekeepers will not be scheduled by the Recreation and Parks Department. However, they may be contacted by the applicant to work at the activity or event.
- G. Groups conducting sales will be assessed a percentage of the gross or a flat fee.
- H. Trash containers will be provided for the applicant. The applicant will be responsible for emptying of trashcans and facility cleanup. Dumpsters are located proximate to all facilities for the applicants use.
- I. No vehicles, other than service vehicles, are allowed to drive on parkland or open space areas.
- J. The application shall serve as a permit upon signature of the Director, payment of all fees, compliance with any conditions of approval and submittal of all required documents. **PERMITS WILL BE ISSUED TO ADULTS ONLY.**
- K. Any group finding it necessary to cancel its reservation should do so at least five (5) calendar days prior to the date reserved. Failure to do so will result in assessment of a 20% administration fee to the group or individual.
- L. Reservations may be cancelled by the Director upon two (2) days notice to the group or permit holder. **INCLEMENT WEATHER CANCELLATIONS MAY BE MADE AT ANY TIME.**

III. RULES FOR BOUNCE HOUSES

- A. Groups or individuals planning to provide a bounce house or other attraction must indicate so on the application.
- B. The applicant must provide a copy of the certificate of liability insurance for the company providing the equipment or attraction.
- C. The applicant must pay a special use deposit of \$50 to the Recreation and Parks Department. If no damage occurs as a result of the special use, the deposit will be refunded in full.
- D. Applicants providing bounce houses must provide their own generators (generators are available from the bounce house companies for a small charge). Bounce houses may not be operated from the power sources available at the reserved park



AGENDA NO: D-3

MEETING DATE: 4/12/10

Staff Report

TO: Honorable Mayor and Council **DATE:** 04/12/2010
FROM: Joe Woods, Recreation and Parks Director
SUBJECT: Review of Current Procedures for Amplified Sound during Events in Parks.

RECOMMENDATION:

The Recreation and Parks Commission has reviewed the current procedures and ordinances for amplified sound during events in public parks and recommends to Council no amendments. Furthermore, Staff recommends Council review the current procedures and ordinance for amplified sound during events in parks and direct Staff accordingly.

MOTION: I move that the City Council direct Staff to continue processing permits allowing amplified sound during events in public parks...

- a) using current guidelines, policies and ordinances.
- b) using current guidelines and policies with the following amendments (add any changes here).

FISCAL IMPACT:

No fiscal impact would be realized through the proposed above action(s).

SUMMARY:

When City parks and open areas are not in use for recreational programs or other City businesses, City property may be used by public groups and individuals for social, cultural and recreational activities. Such use shall be in accordance with adopted rules, policies and regulations. Morro Bay Municipal Code 9.28., Prohibited Conduct provides guidelines for amplified noise and live music. These guidelines are incorporated into the Public Area Use Permit as conditions for compliance by the applicant.

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

DISCUSSION:

When amplified music is requested through a Public Area Use application, staff includes sections of MBMC 9.28 as conditions to the permit. The condition on the permit is usually MBMC 9.28.030.C. and is generally stated as:

1. Live or amplified music during the event between the hours of 7:00pm and 7:00am shall not be audible 50 feet from where the structure is located.

Parks hosting events which have included amplified sound have been Del Mar, Lila Keiser, City, Coleman, Cloisters, Tideland and Centennial Parkway.

Applicants are required to notify adjacent neighbors of their planned use prior to the event date. Notification methods vary depending on the location and type of usage. When driveway access is limited, the applicant is required to contact each potential impact property and obtain signature acknowledgement of the event and any mitigating actions or procedures. This has occurred successfully in past at Skateboard Slalom events hosted on downtown streets and at the Cloisters Park. When event venues are adjacent to residential housing, the applicant is required to notify residents by flyer, with event information.

CONCLUSION:

Permits allowing use of public facilities by public groups and/or individuals for social, cultural and recreational activities are conditioned with the communities' interest at the forefront. Staff has not received any pattern of complaints in regards to amplified sound in public parks, therefore would anticipate a continuance of the current procedures without major amendments.

Attachments:

MBMC 9.28 Prohibited Conduct

MORRO BAY MUNICIPAL CODE
Chapter 9.28 PROHIBITED CONDUCT

Sections:

[9.28.010 Necessity for antinoise regulations.](#)

[9.28.020 Prohibited conduct.](#)

[9.28.030 Description of representative offensive conduct.](#)

[9.28.040 Necessity for security guards at live music dances.](#)

[9.28.050 Live music dances, security guard to be present.](#)

[9.28.060 Violations and penalties.](#)

9.28.010 Necessity for antinoise regulations.

A. The making and creation of loud, unnecessary or unusual noises within the limits of the city is a condition which has existed for some time and the extent and volume of such noises is increasing.

B. The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the city; and

C. The necessity in the public interest for the provisions and prohibitions contained and enacted in the ordinance codified in this chapter, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained and enacted in the ordinance codified in this chapter are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the city and its inhabitants.

(Ord. 210 § 1 (part), 1981)

9.28.020 Prohibited conduct.

It is unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitiveness residing in the neighborhood. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

A. The audible volume of the noise;

B. The intensity of the noise;

C. Whether the nature of the noise is usual or unusual;

D. Whether the origin of the noise is natural or unnatural;

E. The volume and intensity of the background noise, if any;

F. The proximity of the noise to residential sleeping facilities;

G. The nature and zoning of the area within which the noise emanates;

H. The density of the inhabitation of the area within which the noise emanates;

I. The time of the day or night the noise occurs;

J. The duration of the noise;

- K. Whether the noise is recurrent, intermittent, or constant; and
 - L. Whether the noise is produced by a commercial or noncommercial activity.
- (Ord. 210 § 1 (part), 1981)

9.28.030 Description of representative offensive conduct.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

A. Horns, Signaling Devices, Etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the city except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

B. Radios, Phonographs, Etc. The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operating and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of seven p.m. and seven a.m. in a residential district or between two a.m. and seven a.m. in a business or commercial district in such a manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

C. Live Music. Amplified music, being performed by any live band of two or more persons or by any solo performer between the hours of seven p.m. and seven a.m. in a residential district or between two a.m. and seven a.m. in a business or commercial district, in such a manner as to be plainly audible at a distance of fifty feet from the building or structure in which it is located shall be prima facie evidence of a violation of this section.

D. Loud Speakers, Amplifiers for Advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure for commercial purposes.

E. Yelling, Shouting, Etc. Yelling, shouting, hooting, whistling or singing on the public streets between the hours of two a.m. and seven a.m. in a business or commercial district or at any place in a residential district between the hours of seven p.m. and seven a.m. for an unnecessary, unreasonable period of time so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence or of any persons in the vicinity.

F. Steam Whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.

G. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

H. Loading, Unloading, Opening Boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

I. Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the community development department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration and repair of any building or the excavation of streets and highways within the hours of seven p.m. and seven a.m. on weekdays and seven p.m. and eight a.m. on weekends and if he further determines that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of seven p.m. and seven a.m. on weekdays and seven p.m. and eight a.m. on weekends upon application being made at the time the permit for the work is awarded or during the progress of the work.

J. Schools, Courts, Churches and Hospitals. The creation of any excessive noise other than that resulting from construction or excavation work on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

K. Pile Drivers, Hammers, Etc. The operation between the hours of seven p.m. and seven a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector or the director of public services authorizing such devices to be operated during the otherwise prohibited hours while the emergency continues.

L. Blowers and Motor-driven Cycles. The operating of any noise-creating blower or power fan or any cycle powered by an internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is properly muffled and such engine is equipped with a muffler device sufficient to reduce such noise to a level which will not disturb the surrounding

neighborhood. The noise limits set forth in Section 23130 of the California Vehicle Code shall be deemed to be the applicable standard for noise emissions; provided, however, the basis for measuring such limits for devices operated on private property shall be a distance of fifty feet from the property line of the parcel of real property on which the device is located or where the neighboring property is lawfully devoted to residential complies with the required yard setbacks as established in the zoning regulations for the applicable district.

(Ord. 532, 2007; Ord. 210 § 1 (part), 1981)

9.28.040 Necessity for security guards at live music dances.

A. As assaults, batteries, assaults with weapons and miscellaneous lesser offenses frequently tend to occur at those establishments serving alcohol, live music and dancing;

B. That the frequency and degree of such violence is on the increase;

C. The necessity in the public interest for the provisions and prohibitions contained and enacted in the ordinance codified in this chapter, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained and enacted in the ordinance codified in this chapter are in pursuant of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity and the peace of the city and its inhabitants.

(Ord. 210 § 1 (part), 1981)

9.28.050 Live music dances, security guard to be present.

Any public building rented, leased or otherwise retained for the purpose of providing live music entertainment by two or more musicians, whether a private or public function, for the purpose of dancing shall provide a uniformed security officer or guard certified by the state and licensed with the city to be posted in a conspicuous place within such businesses and buildings.

(Ord. 210 § 1 (part), 1981)

9.28.060 Violations and penalties.

Any person who is convicted of violation of any provision of this chapter is guilty of an infraction punishable as set forth in Title 1 of this code.

(Ord. 311 Exh. A (part), 1987; Ord. 226 § 2, 1982)

u/j/admin/paupnoiseordreporttocommission032310



AGENDA NO: D-4

MEETING DATE: 4/12/10

Staff Report

TO: Honorable Mayor and City Council **DATE:** 04/12/2010
FROM: Joe Woods, Recreation and Parks Director
SUBJECT: Review of Co-sponsorship Request from Morro Bay Garden Club for Dahlia Daze Event

RECOMMENDATION:

Staff recommends City Council reviews and discusses the possibility of co-sponsoring the Morro Bay Garden Club's annual Dahlia Daze event and direct staff appropriately.

This agenda item is in reference to the Council's established goal to foster proactive action and communication between staff, Council and the community.

MOTION: I move that the City Council (*support or not support*) the co-sponsorship of the City and the Morro Bay Garden Club with their annual Dahlia Daze event on August 27-28, 2010 at the Morro Bay Community Center.

FISCAL IMPACT:

The financial impact to the City would be the difference of the non-profit rate schedule and direct cost rate schedule. However, indirect revenues may be realized by an increase of participation at this year's event. Rental of the Community Center as requested by the Garden Club at the current non-profit rate would be \$772.50. If Co-sponsorship is granted, staff would apply only direct costs for facility use, reducing the invoiced amount to \$353.25. The difference between co-sponsored or not is \$419.25.

Prepared By: JEMW

Dept Review: JEMW

City Manager Review: _____

City Attorney Review: _____

BACKGROUND:

The Morro Bay Garden Club requested co-sponsorship in May 2009, for the fourth annual Dahlia Daze celebration, that request was denied by City Council. Furthermore, City Council requested staff review the guidelines for co-sponsorship with RPC and present the item at their October 12th, 2009 regular meeting. Attached are the staff reports and minutes related to the review of the City's co-sponsorship policy. Results are summarized in the motion by City Council:

Councilmember Borchard moved the City Council continue the co-sponsorship of events, with the following conditions:

- 1) event is off-season (November 1 through April 30);
- 2) event multi-day, or one day with financial return to the City;
- 3) requesting party is a nonprofit organization.

DISCUSSION:

The Morro Bay Garden Club has recently requested co-sponsorship from the City of Morro Bay to support their annual Dahlia Daze event scheduled for August 27-28, 2010. Staff has reviewed the request and has presented the application to the Recreation and Parks Commission at their regular meeting on March 23, 2010.

After discussion, the Recreation and Parks Commission was in favor of co-sponsorship. The RPC found that the request for co-sponsorship met two of the three co-sponsorship conditions, and is recommending City Council waive the time of year condition based on the nature of the event. The RPC unanimously voted to pass the following motion:

The Recreation and Parks Commission supports the co-sponsorship of the City and the Morro Bay Garden Club with their annual Dahlia Daze event on August 27-28, 2010 at the Morro Bay Community Center and ask staff to present the request to City Council to waive condition number one based on the uniqueness of the event.

Staff agrees with RPC, the Morro Bay Garden Club's request for co-sponsorship does meet two of the three conditions, therefore Staff cannot approve the request based on current policy. Policy protocol warrants further review by City Council for final decision.

REQUEST INFORMATION:

The Morro Bay Garden club has requested co-sponsorship from the City of Morro Bay. The purpose of the Morro Bay Garden Club is to promote gardening and civic beautification. Co-sponsorship is desired because the Dalia has been the City flower for over 40 years and the Morro Bay Garden Club is too small of a group to provide the type of celebrations that the City flower and community deserves. Dahlia Daze is entering its fifth year as an annual event, and the Garden Club seeks

support for the City flower as well as club exposure to entice new members with hopes of more gardeners growing dahlias within the City.

The Garden Club feels the City would benefit from the Dalia Daze great positive publicity. Dahlia Daze is a two day event, estimating 200-300 participants and is scheduled in August due to the blooming Dahlias. Any other time of year would not be feasible based on the nature of this event.

The event is advertised outside both San Luis Obispo County as well as the State of California. The Morro Bay Garden Club plans on advertising at the State Dahlia Show in San Francisco, with other California Garden clubs, several magazines and locally on TV and radio as well as advertising at the Mid-State fair.

Attachments:

- Recreation and Parks Commission minutes of March 23, 2010
- City Council regular meeting minutes August 10, 2009
- Recreation and Parks Commission staff report October 1, 2009
- City Council staff report October 12, 2009
- City Council regular meeting minutes October 12, 2009

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AGENDA NO:

MEETING DATE: 10/12/2009

Staff Report

TO: Honorable Mayor and City Council **DATE:** October 12, 2009
FROM: Joseph M. Woods, Recreation and Parks Director
SUBJECT: Continued Consideration of the City's Co-sponsorship of Events

RECOMMENDATION:

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

Option 1 - MOTION: I move that the City Council continue with the existing co-sponsorship program without amendments.

Option 2 - MOTION: I move that the City Council approve the City's co-sponsorship of events with the following conditions (include conditions).

Option 3 - MOTION: I move that the City Council no longer support the City's co-sponsorship of events.

FISCAL IMPACT:

The financial impact would vary depending on the availability of a Co-Sponsorship program and the conditions stated within each agreement. Specific details on the financial impact, related to current co-sponsored events, are stated in the attached August 10, 2009 Staff Report addressed to City Council. The City does receive some marketing benefits from the events as well as indirect revenues via sales tax and possibly transient occupancy tax.

SUMMARY:

The City's co-sponsorship currently includes two special events: the Morro Bay Winter Bird Festival and the Teach Foundation Telethon Fundraiser. Both events were approved by the City Administrator and are well beyond 10 years in existence. The City Council has requested the Recreation and Parks Commission (RPC) to review the current policy and recommend any improvements such as guidelines for qualifications, application review procedures, and event logistics.

Through discussion, the RPC has agreed on the desire to continue with a co-sponsorship program, and the need to qualify requesting agencies based on various criteria. Information received from the requesting agency's application for co-sponsorship should be reviewed and approved by the RPC and Recreation and Parks Director.

BACKGROUND/ DISCUSSION:

After reviewing the staff report on August 10, 2009, Council directed staff to review the co-sponsorship program with the RPC, and return with recommendations. The RPC met on September 3, 2009, as well as October 1, 2009 to review and discuss the current co-sponsorship program. Minutes from the September 3, 2009 meeting are attached for your review.

The RPC agreed on the desire to continue with a co-sponsorship program and have formulated the attached application for Council's review and consideration. Staff feels that groups requesting co-sponsorship must meet the minimum of criteria consisting of the following:

- (1) Event is off-season, meaning between November 1 through April 30;
- (2) Event is multi-day, or one day with financial return to the City.
- (3) Requesting party is a nonprofit organization.

Furthermore, Staff feels co-sponsored events should be reviewed on an annual basis along with their re-submittal of a Facility Use Application. Additionally, current co-sponsored events would need to reapply under any new policies or procedures which may be adopted.

CONCLUSION

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



AGENDA NO: C-1

MEETING DATE: 10/1/2009

Staff Report

TO: Recreation and Parks Commission DATE: 10/1/2009
FROM: Joe Woods, Recreation and Parks Director
SUBJECT: Continued Discussion and Recommendation of the City Co-Sponsorship Program for Special Events.

RECOMMENDATION:

The RPC discuss and forward to City Council recommended policies and/or procedures for future co- sponsorship of events as well as the continuation of the existing co-sponsorship agreements.

FISCAL IMPACT:

The financial impact would vary depending on the availability of a co-sponsorship program and the conditions stated within each agreement. Specific details on the financial impact, related to current co-sponsored events, are stated in the attached August 10, 2009 Staff Report addressed to City Council, titled "Consideration of the City's Co-Sponsorship of Events".

SUMMARY:

The City's co-sponsorship currently includes two special events: the Morro Bay Winter Bird Festival and the Teach Foundation Telethon Fundraiser. Both events were approved by the City Administrator. The City Council is requesting the RPC review the current policy and recommend any improvements such as guidelines for qualifications, application review procedures, and event logistics. Through discussion the RPC may find other elements worthy of inclusion in a co-sponsorship program.

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

BACKGROUND:

From time to time Staff has been requested by outside organizations to waive fees for special events they intend to host. Staff has routinely directed those requesting organizations to City Council, who have the sole authority to waive fees. At their regular meeting of August 10, 2009 Council reviewed the current co-sponsored special events and a new request from the Morro Bay Photo Expo. The staff report and minutes of that meeting are attached for your review. Council has directed Staff to present the co-sponsorship program to the RPC for review, with the expectations of returning to Council with recommendations on proceeding with co-sponsoring special events.

On September 3, 2009, the RPC reviewed and discussed the current co-sponsorship program as directed by City Council. During the discussion, there was consensus among the commission that all were in favor of continuing a co-sponsorship program to some degree. The minutes of the September 3, 2009 RPC meeting are in tonight's packet for review and approval.

Commissioner Mahan made a motion which outlined three criteria to be included in the review process. The criteria to be included would be:

- (1) Is the event off-season? November 1 through April 30;
- (2) Is the event multi-day, or one day with financial return to the City?
- (3) Is the requesting party a nonprofit organization?

These recommendations are included in the attached draft version of a possible co-sponsorship request form.

DISCUSSION:

Co-sponsorship of events is of interest to the RPC, and guidelines and procedures must be established to ensure consistent application of the policy. The information regarding a specific special event would be captured in the facility use application, but may require more specific questions and the creation of a co-sponsorship request form may be most efficient. Staff has included a draft request form which includes the three desired criteria from the RPC, as well as additional questions/criteria for discussion.

**REQUEST CONSIDERATION FOR
CITY CO-SPONSORSHIP**

**PLEASE COMPLETE THIS FORM AND SUBMIT WITH YOUR EVENT
APPLICATION**

(To be attached to Permit Application – Retain in City files)

Name and Address of requesting Organization:

Non-Profit ____ Resident ____ Non-Resident ____ Profit ____

If Non-Profit, please provide tax exempt # _____

Contact Person: _____ Daytime Phone: _____
(Authorized to sign all documents)

Event Date(s): _____ Time: (include setup and take down) _____

Location(s): _____

Detailed Description of Event: _____

Why is your group requesting City Co-Sponsorship? _____

What are your group's expectations of a City Co-Sponsorship?

How does the City benefit from Co-Sponsoring your event? _____

Describe the type of Vendors/Exhibitors/Concessionaires? _____

Describe any food service to be provided at the event: _____

Caterer? ____ Alcohol Beverages Served? ____ Sold? ____



List Entertainment Activities?

On Site: _____

Off Site: _____

Is the event schedule between November 1 thru April 30? _____

Will the event be offered more than one day?

Total Attendance (per day) including all participants, spectators, guests, exhibitors, performers, entertainers, volunteers and employees:

Day 1 _____ **Day 2** _____ **Day 3** _____ **Day 4** _____ **Day 5** _____

Who is the target audience for the event? _____

Will the event be advertising for participants from outside the San Luis Obispo County?

—

Will the event be advertising for participants from outside the State of California? ___

----- City Review -----

-

Possible Checklist of required submittal:

Department Head review: _____

City Manager review: _____

RPC/Council review: _____

And/or

Department Head approval: _____

City Manager approval: _____

RPC/Council approval: _____

AGENDA NO:

MEETING DATE: 09/03/2009

Staff Report

TO: Recreation and Parks Commission **DATE:** 09/03/2009
FROM: Joe Woods, Recreation and Parks Director
SUBJECT: Discussion and Recommendation of the City Co-Sponsorship Program for Special Events.

RECOMMENDATION:

Staff recommends the Recreation and Parks Commission discuss and recommend to City Council policies or procedures for future co- sponsorship of events as well as the continuation of the existing co-sponsorship agreements.

FISCAL IMPACT:

The financial impact would vary with each co-sponsorship agreement. Some events require less city services therefore the impact is less. Some events require more time, or days, which increases the invoiced amount based on quantity of usage. Factors such as time, space, and available resources have direct and indirect financial impacts on the general fund. The most direct impact would be reducing the invoiced amount based on direct fees and not nonprofit rates. All current agreements use direct cost rates.

SUMMARY:

The City's co-sponsorship currently includes two special events: the Morro Bay Winter Bird Festival and the Teach Foundation Telethon Fundraiser. Both events were approved by the City Administrator and are well beyond 10 years in existence. The City Council is requesting the RPC review the current policy and recommend any improvements such as guidelines for qualifications, application review procedures, and event logistics. Through discussion the RPC may find other elements worthy of inclusion in a co-sponsorship program.

BACKGROUND:

Approval of co-sponsoring a special event has been and still is the authority of the City Manager. Staff is aware of three specific events that have been included in co-sponsorship: The Morro Bay Winter Bird Festival, the Morro Bay Jazz Festival, and the Teach Foundation Telethon Fundraiser. Each special event had an

agreement with the City and conditions varied.

From time to time staff has been requested by outside organizations to waive fees for special events they intend to host. Staff has routinely directed those requesting organizations to City Council, who have the sole authority to waive fees. At their regular meeting of August 10, 2009 Council reviewed the current co-sponsored special events and a new request from the Morro Bay Photo Expo. The staff report and minutes of that meeting are attached for your review.

DISCUSSION:

A co-sponsorship program could be beneficial to the City of Morro Bay, local residents and businesses, and visitors, if the conditions of the program created opportunity for parties to meet their expectations of the special event. Having special events co-sponsored by the City allows groups to allocate more of the generated funds back into the special event budget for future events.

The City of Morro Bay could realize a benefit by direct payments and through indirect revenue streams. Direct payments would come from invoiced fees based on the master fee schedule. Those indirect revenue accounts could be the Transient Occupancy Tax and or Sales Tax. When special events occur in the city of Morro Bay certain economical factors could be used to calculate the estimated revenues generated in relationship to the planned special event. When special events occur over multiple days, requiring lodging and meals for participants, the indirect revenue streams benefit proportionally.

When organizations are not co-sponsored, they are required to submit a Facility Use Application. The rental of City facilities is regulated by Department policy and the City's Master Fee Schedule, both of which were recently reviewed by the Commission.

If the co-sponsorship of events is of interest, then guidelines and procedures must be established. The information regarding a specific special event would be captured in the facility use application, but may require more specific questions and the creation of a co-sponsorship request form may be most efficient. The request form could have a series of questions which funnel potential co-sponsored events through the eligibility criteria into either an agreement or a denial.



AGENDA NO:

MEETING DATE:

Staff Report

TO: Honorable Mayor and City Council **DATE:** August 10, 2009
FROM: Joseph M. Woods, Recreation and Parks Director
SUBJECT: Consideration of the City's Co-sponsorship of Events

RECOMMENDATION:

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

Option 1 - MOTION: I move that the City Council send this issue to the Recreation and Parks Commission for review and a recommendation returning it to the City Council by September.

Option 2 - MOTION: I move that the City Council approve the City's co-sponsorship of events with the following conditions (include conditions).

Option 3 - MOTION: I move that the City Council no longer support the City's co-sponsorship of events.

FISCAL IMPACT:

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

SUMMARY:

In the mid-1990's the City Administrator approved the co-sponsorship of three events held in City Facilities. Those events included the Morro Bay Winter Bird Festival, the Morro Bay Jazz Festival and the Teach Foundation Telethon Fundraiser. The co-sponsorship "conditions" varied from event to event. At one time, the City had the ability to extend their liability coverage to other non-City events which was a significant contribution to new and sometimes fledgling events. It is important to note this practice was changed in mid-2000 with the City no longer able to extend their liability coverage to other events. The initial thought with co-sponsorship was

to help start annual events and attract visitors to Morro Bay during the slower months of the year. There has been success with the Morro Bay Winter Bird Festival as the event attracts visitors from out of the area, during the winter months, and for multiple night stays.

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

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

DISCUSSION:

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

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

The City in turn received:

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

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

Morro Bay Photo Expo-2009

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

Morro Bay Winter Bird Festival-2009

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

Morro Bay Dahlia Daze-2009

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

In their consideration, the City Council may want to consider co-sponsorship of newly established events/first time events that are multi-day and likely to encourage an overnight stay in Morro Bay and thus positively affecting the transient occupancy tax and sales tax revenues.

CONCLUSION

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



AGENDA NO: D-5

MEETING DATE: 4/12/10

Council Report

TO: Mayor and City Council **DATE:** April 7, 2010
FROM: Janice Peters/Noah Smukler
SUBJECT: Facility Fee Waiver for Candidate Forum

RECOMMENDATION:

Waive the Veterans' Memorial Building facility fee for a candidates' forum.

FISCAL IMPACT:

Non-profit rental rate for 3-hour event would be waived.

SUMMARY:

The Morro Bay Chamber of Commerce, Business & Community Forum, and Lion's Club have volunteered to arrange a candidates' forum for the primary election to be held on June 8, 2010.

Such forums present a valuable public service in acquainting the voters with the views and goals of the candidates for Morro Bay Mayor and City Council. The volunteering organizations are requesting that the City Council waive the fee for the Veterans' Memorial Building for a 3-hour event to be held on May 4, 2010.

Prepared By: J.Peters/N. Smukler

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____



AGENDA NO.: D-6
Meeting Date: 4/12/10

THIS ITEM HAS

BEEN PULLED FROM

THE AGENDA



AGENDA NO: D-7

MEETING DATE: 4/12/10

Council Report

TO: Mayor and City Council **DATE:** April 7, 2010
FROM: Janice Peters/John Sorgenfrei
SUBJECT: Morro Bay/Gibraltar Sister City Letter

RECOMMENDATION:

Discuss, amend and/or approve letter.

FISCAL IMPACT:

No cost. Potential future tourism business.

SUMMARY:

Our advertising agent, John Sorgenfrei, has asked us to send the attached letter. His e-mail of explanation is as follows:

We are trying to form a relationship with the Rock of Gibraltar and do a Sister City program with them. Karen and Harold Biaggini, by chance are planning on being there on April 29th in Gibraltar. Karen has been very nice to say she and Harold would make the effort to reach out to them during that day. It sounds like they want this effort to be more city to city official rather than just from me, so the letter coming from the council would be great. It would be great if we could get a meeting with the Mayor and Karen.

Thank you,

John Sorgenfrei

Prepared By: J.Peters

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

April 12, 2010

Yvette Zarb Bensusan
PA to HW the Mayor of Gibraltar
c/o Gibraltar Tourist Board
Duke of Kent House, Cathedral Square
yvette.zarb@tourism.gov.gi

Dear Ms. Bensusan:

The City Council of Morro Bay is interested in the idea of Morro Bay becoming a Sister City or Twin City to Gibraltar, since we both have picturesque rock landmarks.

Like Catalan Bay, the city of Morro Bay is a small town (population 10,000) with a rich history of commercial fishing. Thousands of travelers visit us each year to enjoy our unique shops, gourmet restaurants and a variety of comfortable and welcoming accommodations.

As Sister or Twin cities, we could implement an art exchange, with scenes from Gibraltar exhibited here and scenes of Morro Bay exhibited in your galleries. We would also like to arrange visits to each of our destinations, feature each other on our web sites (perhaps with live web cams), and encourage other cross-promotional activities. We hope you are interested in this Sister or Twin City affiliation and see it as a mutually beneficial promotional opportunity.

Ms. Karen Biaggini, a Morro Bay hotel owner, will be visiting Gibraltar on April 29, 2010, for a one-day stop on a cruise. We hope that she could schedule a short meeting on that date with you, and perhaps your Mayor, to present you with gifts from our city and provide more details and information on how we might work together.

We look forward to hearing from you in regard to Ms. Biaggini's visit and the potential of becoming Sister or Twin cities.

Sincerely,

Janice Peters
Mayor of Morro Bay



AGENDA NO.: D-8
Meeting Date: 4/12/10

THIS ITEM HAS

BEEN PULLED FROM

THE AGENDA