

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.

**PUBLIC SESSION – MAY 10, 2010
VETERANS MEMORIAL HALL - 6:00 P.M.
209 SURF ST., MORRO BAY, CA**

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCILMEMBERS ANNOUNCEMENTS & PRESENTATIONS

CLOSED SESSION REPORT

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

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

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

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

A. CONSENT CALENDAR

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

A-1 APPROVAL OF MINUTES OF THE APRIL 26, 2010 CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Adopt minutes as submitted.

A-2 APPROVAL OF JOINT CITY COUNCIL/PLANNING COMMISSION MINUTES FOR THE MARCH 15, 2010 MEETING; (PUBLIC SERVICES)

RECOMMENDATION: Adopt minutes as submitted.

A-3 PROCLAMATION OF THE CITY OF MORRO BAY DECLARING MAY 23 TO MAY 29, 2010 AS "2010 NATIONAL BEACH SAFETY WEEK"; (RECREATION & PARKS)

RECOMMENDATION: Adopt Proclamation.

A-4 SECOND READING AND ADOPTION OF ORDINANCE NO. 556 AMENDING MORRO BAY MUNICIPAL CODE ADDING CHAPTER 17.27 REGULATING ANTENNAS AND WIRELESS TELECOMMUNICATIONS FACILITIES; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Ordinance No. 556.

A-5 SECOND READING AND ADOPTION OF ORDINANCE NO. 557 AMENDING MORRO BAY MUNICIPAL CODE SECTION 2.16.080 PERTAINING TO THE DUTIES OF THE CITY ATTORNEY; (CITY ATTORNEY)

RECOMMENDATION: Adopt Ordinance No. 557.

A-6 APPROVE COMPENSATION RATES FOR A SIX MONTH CONTRACT EXTENSION WITH MV TRANSPORTATION; (PUBLIC SERVICES)

RECOMMENDATION: Approve compensation rates outlined in the Fiscal Impact section of the staff report for the six month contract extension of the current Morro Bay Dial-a-Ride and Trolley Operations Management Agreement with MV Transportation.

A-7 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY SUPPORTING THE PROTECTION OF WHALES AND OPPOSING THE RESUMPTION OF COMMERCIAL WHALING AND TEN-YEAR QUOTAS FOR GRAY WHALES AS PROPOSED BY THE INTERNATIONAL WHALING COMMISSION; (ADMINISTRATION)

RECOMMENDATION: Adopt Resolution 24-10.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 RESOLUTION APPROVING THE ENGINEERS REPORT AND DECLARING THE INTENT TO LEVY THE ANNUAL ASSESSMENT FOR THE CLOISTERS LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution No. 22-10 declaring the intent to levy the annual assessment for the maintenance of the cloisters Park and Open Space and approving the Engineers Report.

B-2 RESOLUTION APPROVING THE ENGINEERS REPORT AND DECLARING THE INTENT TO LEVY THE ANNUAL ASSESSMENT FOR THE NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution No. 23-10 declaring the intent to levy the annual assessment for the maintenance of the North Point Natural Area and approving the Engineers Report.

B-3 INTRODUCTION AND FIRST READING OF ORDINANCE NUMBER 558 AMENDING MORRO BAY MUNICIPAL CODE CHAPTER 2.24 REGARDING RECREATION AND PARKS DEPARTMENT; (RECREATION & PARKS)

RECOMMENDATION: Move for introduction and first reading of Ordinance No. 558 by number and title only, amending Morro Bay Municipal Code Section 2.24.

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS

D-1 ALLOCATION OF FUNDS GENERATED FROM THE FUNDRAISER FOLLIES; (CITY COUNCIL)

RECOMMENDATION: Accept and implement the recommendations as submitted.

D-2 CONSIDERATION OF CORRESPONDENCE SUPPORTING HR 4844 TO ENSURE 100% FEDERAL FUNDING OF HARBOR MAINTENANCE WITH THE HARBOR MAINTENANCE TRUST FUND; (HARBOR)

RECOMMENDATION: Approve the attached letter.

D-3 DISCUSSION OF A RESOLUTION TO ESTABLISH A PROCEDURE FOR REQUESTING MEASURE Q FUNDING DURING THE BUDGET PROCESS; (ADMINISTRATION)

RECOMMENDATION: Review the staff report regarding setting procedure for staff to follow in submitting Measure Q funding requests during the budget process and direct staff accordingly.

D-4 RESOLUTION ON GENERAL FUND ACCUMULATION FUND USE; (ADMINISTRATION)

RECOMMENDATION: Review the staff report regarding setting a policy on the use of the General Fund (Accumulation) Reserve, provide further direction to staff and direct staff to bring back a resolution at a future meeting for adoption.

D-5 DISCUSSION REGARDING DEVELOPMENT OF CRITERIA AND MEASUREMENTS OF SUCCESS FOR THE WWTP PROJECT; (CITY COUNCIL)

RECOMMENDATION: Discuss Council's interests for the Morro Bay / Cayucos Wastewater Treatment Plant Upgrade and clearly define the project criteria and measurements of success. It is further recommended that the discussion topic and City Council's project criteria be introduced for discussion and adoption with the Cayucos CSD Board at the June 10th JPA meeting.

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

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

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

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

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – APRIL 26, 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 Borchard moved the meeting be adjourned to Closed Session. The motion was seconded by Councilmember Grantham and unanimously carried. (5-0)

Mayor Peters read the Closed Session Statement.

CS-1 GOVERNMENT CODE SECTION 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.

Property: 699 Embarcadero; Lease Site 75-77/75W-77W
Negotiating Parties: City of Morro Bay and Morro Bay Marina, Inc.
Negotiations: Lease Terms and Conditions.

CS-2 GOVERNMENT CODE SECTION 54957; PERSONNEL ISSUES.
Discussions regarding Personnel Issues related to the reorganization of City Public Services Department.

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

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

The meeting adjourned at 5:55 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 26, 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
	Jamie Boucher	Deputy City Clerk
	Rick Algert	Harbor Director
	Rob Livick	Acting Public Services Director
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Joe Woods	Recreation & Parks Director
	Janeen Burlingame	Management Analyst
	Kathleen Wold	Senior Planner

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

Claire Grantham introduced members of the board of the Friends of the Morro Bay Police Department, who presented Police Chief Tim Olivas with a Cross pen set and plaque which had the Morro Bay police shield and was inscribed to Police Chief Tim Olivas from the Friends of the Morro Bay Police Department.

Cathy Novak announced that the Morro Bay Business & Community Forum, Lion's Club, and the Morro Bay Chamber of Commerce are hosting a Mayoral and Council Candidates Forum on Tuesday, May 4, at the Vets Hall, to be moderated by Stuart McElhinney. She said there will be a "meet and greet the candidates" from 5:00 p.m. to 5:30 p.m. The Forum will start at 5:30 p.m. AGP Video will tape the Forum and re-broadcast it on Channel 20.

D'Onna Kennedy stated she is a candidate for City Council. She said she wanted to commend City staff, as they have been very helpful to her. She said she was very appreciative of both Dylan Wade and Bruce Keogh who explained everything very thoroughly to her. She thanked everyone for all their help. She mentioned with regard to the City budget, there are important priorities that compete with each other for proper funding: public safety, education, public health, and transportation. She said the City has a strong volunteer base of citizens willing to step up and fulfill these needs, and the City should take advantage of this and give those individuals recognition.

Ken Vesterfelt said the Morro Bay Car Show starts on Thursday of this week and that 500 cars have registered for the event. He said Days Inn and Estero Inn are sponsors for the Car Show. He stated the Car Show is a non-political venue and hopes it remains that way. Next, Ken said he received a call from the Planning Department saying he must take down the feather flags that said "For Sale" in front of his business due to an ordinance. He complied, although he said that after looking at the ordinance and seeing some loopholes, he actually could have those flags up. He went on to state there are real estate for sale flag signs at Market and Pacific. He wondered why those signs could remain up and he has to take his down. He then said 60% to 70% of the political signs around the city are on City property. He said people should be allowed to put up the advertising flags/signs, especially in light of the tough economic times, explaining that forcing people to take down these signs is hurting businesses.

Nancy Johnson stated she is a candidate for City Council because she cares about Morro Bay. She said she is conscientious, accountable, responsible, has experience, and is sensible. She said her experience comes from having sat on the Planning Commission and other City boards and commissions, and she is familiar with the issues in the City. She said she has a good understanding of the structure of municipal government and the responsibilities of those who serve. She talked about the duties of the City Manager, who is appointed by the City Council. She said she feels the City Manager is doing a very good job. She concluded by thanking the City staff who put up the big plaque on Chuck's bench across from the power plant. She said it is beautiful.

Joan Solu talked about D-1, regarding tourism. She said there is a public hearing later tonight regarding tourism and promotions. She said she is speaking in her official capacity as the chair of T-BID. She said the hoteliers have asked her to step forward and represent them tonight. She asked that when the Council looks at the Community Promotions Board that they recognize the important job and the important work they are doing in conjunction with the T-BID, the Chamber of Commerce, and the Visitor Center, and that they recognize the business they are bringing into the city. She requested the City Council not cut funding for Community Promotions, keep them at the current level. She stated the funding is already being cut by one third by the reduction of the T-BID funds.

Bill Yates, candidate for mayor, said the City should not be hassling Ken Vesterfelt. He said this is not business friendly at all. He said there is a resolution on the books that we are a business-friendly city and he said he sees things that are definitely not business friendly. He spoke of another man who applied for a permit to put some booths up and

was hassled by staff, he said getting a permit should be easy. He said the City needs to have a “get it done” attitude instead of a “no” attitude. He feels a change needs to be made soon. He concluded by talking about pink slips. He said this should be the City Manager’s job, and the Council should not have a public hearing regarding pink slips.

Ani Lyn suggested a compromise, that the tall waving advertising signs/flags be allowed during down economic times. However, she said that A-frame signs in the backs of trucks not close to their business should be discouraged. She suggested those signs be closer to the business they are advertising.

Mayor Peters closed public comment.

A. CONSENT CALENDAR

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

A-1 ARBOR DAY PROCLAMATION; (RECREATION & PARKS)

RECOMMENDATION: Adopt Proclamation.

A-2 PROCLAMATION DECLARING BIKE MONTH; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

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

RECOMMENDATION: Review and file status report.

A-4 SECOND READING AND 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 LOTS AND ESTABLISH AUTHORITY TO CHARGE FEES FOR PARKING; (HARBOR)

RECOMMENDATION: Adopt Ordinance No. 555

A-5 APPROVAL OF MINUTES OF THE APRIL 12, 2010 CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Adopt minutes as submitted.

Mayor Peters pulled both A-1 and A-2 in order to make presentations.

A-1 ARBOR DAY PROCLAMATION; (RECREATION & PARKS)

A-2 PROCLAMATION DECLARING BIKE MONTH; (ADMINISTRATION)

MOTION: Councilmember Borchard moved to approve A-1 and A-2. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

Councilmember Winholtz pulled Items A-3 and Item A-4 from the Consent Calendar;

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

Dylan Wade responded to Councilmember Winholtz's questions with the following information: regarding Morro and Chorro groundwater, he said during the month of March they used water from both Morro and Chorro without treatment and blended it with water from the brackish process to fill the tanks. Not all the Morro water received treatment through the brackish system. The brackish system is used to pull the nitrates down, which lets them blend with their other sources. Regarding how March compares with previous months, this was more than in the month of February since February was a very wet month. The usage in February was one of the lowest on record. However, the use is 25% lower than last year. This has to do with conservation measures and with the weather pattern. Regarding why no State water was used during the month of March, they delayed using State water as long as possible to maximize using the local resources. Regarding what deliveries will be received for the rest of the year, deliveries have been increased 20% on the State Water Project. He said even at 20%, we will get more water than we normally would at a higher delivery percentage. Therefore, for the remainder of this year, we will receive more water than we would have under a normal delivery year, with the exception of November and December. November is traditionally a shutdown, and December we don't meet all of our allocation. Regarding flow rates in Chorro Creek, flow rates during the month of March did exceed the 1.4, which authorizes them to extract from that resource.

Councilmember Smukler requested any updates on the State water components regarding dates.

Councilmember Winholtz went on to ask about residents' complaints about the taste of the water, will the ammonia, when it is in effect, change the flavor of the water. Dylan responded by saying there really shouldn't be any change in the taste of the water. Dylan also suggested if anyone has any complaints about the water to contact them at 772-6261, and they will go out to investigate the problem.

MOTION: Councilmember Winholtz moved the City Council approve Item A-3 of the Consent Calendar. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

A-4 SECOND READING AND 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 LOTS AND ESTABLISH AUTHORITY TO CHARGE FEES FOR PARKING; (HARBOR)

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

A-5 APPROVAL OF MINUTES OF THE APRIL 12, 2010 CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Adopt minutes as submitted.

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

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 CONSIDERATION OF REPLACING MORRO BAY DIAL-A-RIDE SERVICE WITH A FLEX FIXED ROUTE SERVICE

Management Analyst Janeen Burlingame stated that we must look at what transit 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. In March, the City Council held a budget goals setting workshop and stated that City reserves would not be used to balance the budget. At this time there are no general funds available to allocate to transit without having to take it from other general fund activities or services. Transit funding from the State has been cut repeatedly over the past three fiscal years; with a current fiscal year MBDAR operating budget of \$379,154; \$204,000 anticipated TDA for FY 2010/2011, and \$38,000 in estimated fares, MBDAR would be short more than \$137,000 to operate at existing service levels. As such, the current MBDAR service levels cannot be maintained for FY 2010/2011. In March, staff presented for consideration to the PWAB and City Council proposed changes to transit service to replace the MBDAR service with a fixed route service as there was no viable option available to retain some type of local dial-a-ride type service that did not result in a funding shortfall to operate or achieve a farebox ratio well below the State required 10% in order to continue receiving funding. The City Council did not take action at its March 22 meeting regarding the proposed transit service changes and directed staff to come back to the Council in April after investigating alternative dial-a-ride program delivery models, including public private partnerships and volunteer based concepts, such as the Cambria Community Bus. Staff evaluated additional options for local transit service to consider implementing July 1, 2010: reduce MBDAR service hours and restrict to one vehicle only; or, establish year round flex fixed route service; or, establish community volunteer bus service. With the "reduction of MBDAR service hours and restrict service to one vehicle" option, approximately 75% of current passengers would not be provided local transit service. In addition, the farebox ratio is estimated to be 6.6%, well below the Transportation

Development Act required 10%. A year round flex fixed route is a hybrid transit system combining fixed route service with limited dial-a-ride service. The flex route operates with a fixed route structure (specified transit stops) but can also “flex” (or “deviate”) off route to pick up/drop off passengers who have called the day before to schedule a trip that is within a half mile of the fixed route. While the flex fixed route service provides for less dial-a-ride type service than is currently provided, it does provide limited dial-a-ride type service for those senior or disabled individuals who might not be eligible to become ADA certified to use Runabout paratransit service and would address the Council’s concern to provide those individuals with some dial-a-ride type service until they can become ADA certified. With this option, there would be no funding shortage anticipated after fare revenue is factored in. In addition, the flex fixed route farebox ratio would be estimated at 13.6%, well above the TDA required 10%. This option is viable and is recommended for implementation July 1, 2010. As far as establishing a community volunteer bus system, during the March 22 City Council meeting, there was discussion of looking into the community bus service that is offered in Cambria as a way to provide dial-a-ride type trips to seniors. The concept of a volunteer community bus service as structured how the service is operated in Cambria, is appealing as it is a way to provide specialized dial-a-ride type service at a much reduced operating cost because of the almost exclusively volunteer framework as the only operating costs are the half time dispatcher, insurance, fuel, maintenance, utilities and promotion. In addition, the service could be a good complement to the proposed changes to replace the MBDAR service with a flex fixed route service as it could provide for additional transit service opportunities for senior and disabled individuals in addition to the flex fixed route, Call-A-Ride flex trip, Ride-On Senior Shuttle and Runabout paratransit. In conclusion, due to the recession and changes in the State budget regarding transit funding, the existing MBDAR service levels cannot be maintained in FY 2010/2011 and after. Staff recommends funding a pilot volunteer community bus project in FY 2010/2011 to determine the long term viability of such service to provide an additional transit service option for senior and disabled individuals.

Mayor Peters opened up the hearing for public comment.

Nancy Mason said the Dial-A-Ride is a most beautiful thing and has heard others say the same thing. She said it is a saving grace for her, as a senior, as she does not have a car anymore. She knows others who are in the same position as she is. She hopes the same service can be continued.

Barry Brannon mentioned that he understands that the budget for the “bus system” is \$30,000 a month and he feels this is a perfect place for outsourcing this service.

Barbara Door said she supports Nancy Mason in trying to keep the Dial-A-Ride program. She commended staff for coming up with the flex fixed route system. She hoped it would go the three-quarter mile and that students could be added. She had three questions. She wondered about the dollar amount, the annual cost for the flex fixed route and the anticipated dollar amount used for the feasibilities. She also asked what the City is going to receive in State funds that are anticipated for the flex fixed route plan.

Nancy Johnson had a couple of procedural questions about the report. She asked if there was help for people who do not have access to a computer or do not know how to get to a website. She talked about liability insurance which covers the volunteers for Meals on Wheels. She was disappointed that there was nothing in the report about looking at a new vendor where money could possibly be saved.

Pauline Stansbury, president of Morro Bay Seniors, said she probably has a resource for volunteers to help with driving.

Mayor Peters closed the public comment.

Janeen answered questions from public comment. She said the cost for the flex fixed route is approximately \$255,000. The TDA funds to be received is approximately \$104,000. The STA has not been allocated yet.

Councilmember Borchard said it looks like there are plenty of pick-up points on the schedule of the fixed route to pick up students if that is needed occasionally. She mentioned that the high cost of running the service is not a luxury the City can afford right now. She is fine with some of the aspects of the flex route but not with the cost.

Councilmember Smukler feels grateful that staff came up with the flex fixed route program. He is interested in the pilot program. He said that with feedback from the community, adjustments can be made. As far as students riding, he does not feel that is a necessity at this time. He would like to see staff take a closer look at the half mile versus three-quarter mile flex to see if there really a better coverage opportunity and make sure we're not omitting any important components of the current ridership who depend on the service and not be able to use it in the half-mile option.

Councilmember Grantham said he feels giving the funding to the flex route is the best option.

Councilmember Winholtz would like to see the two hour call-in period expanded to at least three hours. She feels it is too limited. She feels it is a financial opportunity not to include students, so she is in favor of including students. She feels the whole town should be covered.

Mayor Peters said she would like to include students so they are not cut out completely. She is also in favor of the three-quarter mile coverage.

MOTION: Mayor Peters moved to direct staff to establish a year-round, flex fixed route service with a three-quarter mile flex and to allow students at whatever time increment is appropriate. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

Discussion: Councilmember Borchard said she would like to track the use from 7:30am to 8:00am and that it be specific so that it does not infringe on the regular ridership. She is not in favor of the flex route in the middle of the afternoon. She would like to see if it

can be tracked to see if it is being used in the afternoons. She said students can get home in the afternoons from a fixed stop.

Council moved to discussion of the potential of a Community Volunteer Bus service.

Mayor Peters explained this is involving working on a mutual aid service with the county trying to provide Dial-A-Ride and a flex fixed route. It is in the works now and probably would be available toward the end of the year to actually implement. She suggested waiting to see if it is actually going to work before putting any money towards this project.

Councilmember Winholtz said she would like to have staff go ahead and look into it further with Cambria and learn everything about the program.

Councilmember Smukler said they don't have to commit the funding tonight but say that they are very interested in supporting the concept and have staff explore the option further.

MOTION: Councilmember Smukler moved to direct staff to interact with potential community groups to explore the option of the development of the community volunteer bus program and come back to Council with a report and request for funding if needed. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

B-2 CONSIDERATION OF MONTH-TO-MONTH CONTRACT EXTENSION WITH MV TRANSPORTATION AND AUTHORIZATION TO INITIATE BID PROCESS FOR TRANSIT SERVICES OPERATION AND MANAGEMENT

Management Analyst Janeen Burlingame stated the current operations and management agreement with MV Transportation expires at midnight on June 30, 2010. All terms and conditions are applicable during any extension period. With approval of the proposed transit service changes under agenda item B-1 to replace demand response service with a year round flex fixed route service, negotiation of a new fixed monthly management fee is warranted as there are certain fixed costs associated with demand response service, such as dispatching, that are not associated with fixed route service. The month to month extension would allow for the transit service changes to take effect without having to go through the request for proposals (RFP) process at the same time as the service changes with the potential to transition to a new contractor who may have to hire and train new employees. In addition, the extension would give additional time needed to complete the transit efficiencies process, including bringing to Council an Estero Bay region transit service concept for consideration that ideally would address the State transit funding losses and provide sufficient local transit service to Morro Bay residents. Staff recommends the City Council conceptually approve a month to month extension of the current Morro Bay Dial-A-Ride and Trolley Operations and Management Agreement with MV Transportation pending the final approval of compensation rates at the May 10, 2010 meeting, and authorize staff to initiate a bid process for transit services operation and management.

Mayor Peters opened up the hearing for public comment.

There was no public comment.

Dave Nave, with MV Transportation, said when they are asked to do a month to month, it takes them to a position where they have to expense off things month to month instead of amortizing them on an annual basis. He said in his opinion, if they are looking at 2011, it would make sense to shoot for that, allow MV to have at least one year to do its job and to amortize its cost out, to save as much as they can for the city of Morro Bay. He suggested having the bid process done and ready to go by July 1.

Councilmember Winholtz said she is willing to go with a year contract or even six months. She is comfortable with extending it and not making it month to month.

Councilmember Grantham said he supports six months.

Councilmember Smukler said he supports six month as well but feels it is important that they go out to bid and keep it competitive.

Councilmember Borchard said she prefers 90 days but will support six months. She said she is not interested in waiting until next year. She said they have extended the contract for seven years without ever getting a price from somebody else or having them give a new bid.

MOTION: Councilmember Winholtz moved that the City Council extend the MV contract for six months, which will end December 31, 2010. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

B-3 RECOMMENDATION ON STAFFING LEVELS FOR THE FISCAL YEAR 2010/11 BUDGET

City Manager Andrea Lueker stated that this was an informational item only, no action is necessary. The City of Morro Bay is faced with a budget deficit in excess of \$500,000. Just a few weeks ago, staff and the City Council completed the third year of Goal Setting. In this Goal Setting session, the City Council reiterated the importance of a sustainable budget, in other words, a budget where the regular yearly revenues meet or exceed the regular yearly expenditures without the use of any reserve funds. Staff then prepared estimated revenue and expenditure sheets for the Administrative Services Director and City Manager review. After the initial review, the difference between revenues and expenditures was over \$900,000. Over the course of the following weeks, over \$400,000 of non-personnel based expenditures were cut. However, after this review, it became clear to staff that based on the declining revenues, the sluggish economy, and delayed fiscal recovery, layoffs would have to be considered in order for staff to provide a balanced budget to the City Council. The following is a list of allocated City positions slated for layoff and/or hour reductions: Office Assistant IV (R&P), Crime Prevention Coordinator (PD), Accountant (Admin Svcs), Building Official (PS), Administrative

Technician to ½ time (Fire), Permit Technician to ¾ time (PS), and eliminate the Housing Programs Coordinator position while establishing an Administrative Technician (PS). There were a variety of part-time hourly positions that were affected as well. Following the first Budget Workshop, and when a set number of layoffs are known, staff will be more able to provide to the City Council further impact issues, such as office closures during the lunch hour and/or additional hours, scheduling changes, and staff availability. While we know there will be impacts, it is difficult to fully determine those impacts prior to knowing the final staffing numbers. Staff recommends Council receive this information and provide staff with any further direction.

Mayor Peters opened up the hearing for public comment.

There was no public comment.

This item is informational only, no action was necessary.

B-4 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 556 TO AMEND THE MORRO BAY MUNICIPAL CODE TITLE 17 ADDING CHAPTER 17.27 ESTABLISHING REGULATIONS AND PROCEDURES ENTITLED “ANTENNAS AND WIRELESS TELECOMMUNICATIONS FACILITIES

Kathleen Wold stated that back in 2005 the City Council approved new regulations for antennas and wireless telecommunications as part of the comprehensive Zoning Ordinance Update. To date the Zoning Ordinance Update has not been certified by the California Coastal Commission therefore city staff must refer to the old regulations when processing new applications for wireless facilities. Recently city staff processed two new applications for wireless facilities under the old requirements. Subsequent to processing these applications City Council gave direction to staff to separate the wireless telecommunication facilities portion of the Update and bring it forward as a separate ordinance for review and approval. Staff brought a draft ordinance forward for Council review on March 22, 2010, minor changes were made to the regulations contained in the Updated Zoning Ordinance to make the regulations compatible with the existing Zoning Ordinance. On March 22, 2010 the Council reviewed the draft ordinance and directed staff to take into consideration comments made by both the council and the public and return with an ordinance for first reading and introduction. The revised ordinance was modified to include an exemption for city data/service facilities and eliminates sections deemed redundant. Staff recommends that city council approve Ordinance No. 556 for introduction and first reading only by number and title only.

Mayor Peters opened up the hearing for public comment.

There was no public comment

Councilmember Winholtz was concerned about the size of the satellite dishes.

Councilmember Grantham said large satellite dishes have not been around for over 10 years.

MOTION: Councilmember Winholtz moved to approve Ordinance 556 for introduction and first reading by number and title only. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

B-5 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 557
AMENDING MORRO BAY MUNICIPAL CODE CHAPTER
2.16.080 REGARDING THE DUTIES OF THE CITY ATTORNEY

City Attorney Rob Schultz was directed and is presenting Council with amended City Attorney duties to include a requirement that he/she attend all appeals before the Planning Commission. Staff recommends Council accept public comment and move for introduction and first reading of Ordinance No. 557 by number and title only.

Mayor Peters opened up the hearing for public comment.

There was no public comment.

Councilmember Borchard said she finds it disappointing that we have to draft an amendment to the ordinance rather than just give direction.

MOTION: Councilmember Winholtz moved approval of Ordinance 557 for introduction and first reading by title and number only. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS

D-1 PRESENTATION BY THE COMMUNITY PROMOTIONS COMMITTEE
REGARDING THEIR GOALS AND BUDGETARY REQUEST FOR 2010-
2011 AND ADOPTION OF AMENDMENTS TO THE BYLAWS FOR THE
COMMUNITY PROMOTIONS COMMITTEE

City Attorney Rob Schultz presented Council with amendments to the Community Promotions Committee's Bylaws. Also, members of the Community Promotions Committee gave a presentation regarding their goals, accomplishments and budgetary requests for the upcoming fiscal year. Presenting on behalf of the Community Promotions Committee were John Sorgenfrei, Peter Candela, Ed Krovitz and Susan Stewart.

MOTION: Councilmember Winholtz moved to adopt the Community Promotions Committee's recommendations for their Bylaws with new wording on the middle of the first paragraph and that the second paragraph of qualifications reflect Mayor Peters' comments that she provided to

Councilmembers, and that it be returned for Consent Calendar. The motion was seconded by Mayor Peters and carried unanimously. (5-0)

D-2 APPROVAL OF THE SERVICE RETIREMENT INCENTIVE PROGRAM FOR THE FISCAL YEAR 2010/11 BUDGET

City Manager Andrea Lueker presented a Service Retirement Incentive Program to Council for their approval. During the budget process for the fiscal year 2009/10, the City Council offered a SRI program to employees that were eligible to retire. Staff is again, recommending a SRI Program in conjunction with the 2010/11 Budget process. The program can create both potential short-term and long-term savings for the City, and allows employee flexibility. A lump-sum incentive provides individuals with the flexibility to use the funds in any manner they choose. While the program last year provided a different incentive sum depending on the retirement date, staff is recommending a lump-sum of \$10,000 be paid to those who commit to retirement by June 30, 2010. After formal adoption of the program by Council, applicants will be required to sign an agreement and release of claim against the City in exchange for the incentive. Staff recommends the City Council approve the Service Retirement Incentive (SRI) Program.

Councilmember Borchard wanted to ensure that employees taking advantage of this incentive that were not full-time would receive \$5,000 instead of the full \$10,000.

MOTION: Mayor Peters moved approval of the Service Retirement Incentive Program with the addition of a \$5,000 benefit for the part-time positions. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

D-3 DISCUSSION ON WHETHER TO WITHDRAW THE LOCAL COASTAL PLAN FROM THE CA COASTAL COMMISSION

Councilmember Winholtz requested Council's discussion on the withdrawal of the LCP from the CA Coastal Commission (CCC). Approximately 5 years ago the City sent its blended version of the General Plan and its Land Use Plan to the CCC for adoption. To date it has not been reviewed. She believes the inaction on the part of the CCC is for 2 basic reasons. First, the State budget crisis as well as mandatory furlough days has continued to reduce the number of staff at the CCC. Second, the proposed LCP is not really a blend but a different document from the existing LCP making comparison of the 2 documents cumbersome and difficult. She suggests withdrawing the submitted documents. Once that is done, Council and Staff can decide which items are of immediate concern, and then process them to be sent as amendment to deal with the rest of the document. Councilmember Winholtz recommends Council discuss the benefits and deterrents of gaining CA Coastal Commission approval for changes to the City's General Plan by withdrawing the current document and sending amendments instead.

Councilmember Grantham said he does not want to change anything before meeting with the Coastal Commission face to face.

Councilmember Borchard said she would like to wait to see if there can be some resolution before proceeding.

Councilmember Smukler said he is willing to go with whatever direction is appropriate after the meeting with the Coastal Commission.

Mayor Peters said the direction is that the group that goes up to meet with the Coastal Commission is to communicate our desire to get it done in the easiest way for them.

Councilmember Winholtz said that includes withdrawing it.

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Grantham gave a reminder to have risk management and accumulation fund policy be brought up at the next meeting.

Councilmember Smukler requested to agendize an update to City Council regarding Landmark Tree discussion; Council concurred.

Councilmember Smukler requested to agendize an update on the Master Tree list; Council concurred.

Councilmember Smukler requested to agendize discussing the concept of a promotional, educational awareness program to name a City Tree; Council concurred.

Councilmember Smukler requested to agendize an extension of the discussion from the JPA meeting regarding criteria and measurements of success for the WWTP Council concurred.

ADJOURNMENT

The meeting adjourned at 10.38pm.

Recorded by:

Jamie Boucher
Deputy City Clerk

input. Council Members discussed some types of property are more suitable to receiving Planning Commission input than others. Rob Schultz stated there is a list of surplus property that is available for the Commission to provide input, and clarified once properties receive offers, it would be difficult for Commission to provide input. Luhr said one benefit of the Council receiving input from the Planning Commission is to condition the sale to include an added public benefit.

Mayor Peters switched to Discussion item #5.

3. Rob Schultz, Council Members and Commissioners had discussion regarding hiring a lobbyist to assist in securing the General Plan and Zoning Ordinance from the California Coastal Commission and said better communication is needed with the Coastal Commission. Council Members and Commissioners discussed the possibility of withdrawing the Local Coastal Plan (LCP) from the Coastal Commission without further delaying the process. San Luis Obispo County Supervisor Gibson discussed ideas on successfully working with the Coastal Commission staff. He clarified that County Planning staff is available to meet with the City Planning staff to discuss tips on working with the Coastal Commission. Lueker said staff has tentatively scheduled a meeting with the Coastal Commission to discuss the certification of the Zoning Ordinance and General Plan.

Mayor Peters moved to Discussion item #2.

4. Luhr presented an update on the Downtown Visioning / Revitalization Plan and stated the Committee has made progress with a contract signed with Cal Poly. Advisory meetings have been set. Peters asked what kind of outreach there has been with the business community. Luhr stated feedback from the business community has been positive. Smukler asked Luhr to explain how this effort is phased into the long-term plan. Luhr announced the project has been renamed the Downtown Enhancement Project, Phase 1. Winholtz suggested inviting an advisory body such as the Public Works Advisory Board (PWAB) to attend the meetings. Luhr said meetings are open to the public. Smukler said a final meeting presentation is June 7th and it is a regularly scheduled Council meeting day. Smukler inquired if Council Members want to have a joint meeting and Council Members responded no.

VI. CONTINUE JOINT CITY COUNCIL / PLANNING COMMISSION MEETING

Mayor Peters continued the joint meeting until after the Planning Commission meeting adjourned.

VII. RECONVENE JOINT CITY COUNCIL / PLANNING COMMISSION MEETING

Mayor Peters reconvened the Joint Meeting at 6:11 p.m. and began discussion of Joint Meeting Item #3.

5. Livick formally introduced Cindy Jacinth, Housing Programs Coordinator for the City of Morro Bay, who presented an update and staff report on the AB 811 program, a property-assessed clean energy program. Commissioners and Council Members asked if the program is voluntary and when and how much funding will be available. Jacinth clarified the program is voluntary and there is no maximum funding amount as financing improvements will be through sale of bonds. Luhr and Smukler asked if materials for efficiency improvements can be required to be American-made. Livick clarified the program is still being designed and comments will be submitted to the State program administrator.
6. Irons discussed the Tree Replacement program and stated he is looking for references or guidelines as to what is a proper replacement. Commissioners and Council Members continued discussing the 2 to 1 replacement policy and whether regulations should be codified in a more

formal approach. Livick clarified that 2 to 1 is a common ratio and the intended tree replacements should be on or near the site. Livick recommended the tree replacement requirement be applied on a project-by-project basis. Winholtz asked staff to clarify when landscaping plans are required to be submitted. Wold responded at the Precise Plan stage.

VIII. ADJOURN JOINT CITY COUNCIL/ PLANNING COMMISSION MEETING
Mayor Peters adjourned the meeting at 6:50 p.m.

Janice Peters, Mayor


Nancy Johnson, Chairperson

ATTEST:

Rob Livick, Secretary

AGENDA NO: A-3

MEETING DATE: May 10, 2010

**A PROCLAMATION OF THE CITY OF MORRO BAY
DECLARING MAY 23 TO MAY 29, 2010 AS
“2010 NATIONAL BEACH SAFETY WEEK”**

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

WHEREAS, the beautiful coastal and inland beaches of Morro Bay represent a renowned recreation resource; and

WHEREAS, residents and visitors alike are drawn to these beaches each year for water and beach activities; and

WHEREAS, the aquatic environment has dangers that can be effectively managed through public awareness and the vigilance of professional rescue and safety personnel; and

WHEREAS, for reasons of public safety, an annual reminder of the joys and hazards associated with the aquatic environment are appropriate at the commencement of the busy summer beach season; and

WHEREAS, residents and visitors must remember to never swim alone, always swim near a lifeguard, never drink alcohol before swimming, respect the power of the surf, and learn to swim;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay does hereby proclaim May 23 to May 29, 2010 as “2010 National Beach Safety Week”.

IN WITNESS WHEREOF I have
hereunto set my hand and caused the
seal of the City of Morro Bay to be
affixed this 10th day of May, 2010.

Janice Peters, Mayor
City of Morro Bay, California

Ordinance No. 556

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MORRO BAY ANNOUNCING FINDINGS AND AMENDING THE MUNICIPAL CODE BY ADDING CHAPTER 17.27 ESTABLISHING REGULATIONS AND PROCEDURES ENTITLED “ANTENNAS AND WIRELESS TELECOMMUNICATIONS FACILITIES” AND MODIFYING CHAPTER 17.12 TO INCORPORATE NEW DEFINITIONS, 17.24 TO MODIFY PRIMARY DISTRICT MATRICES TO INCORPORATE THE TEXT CHANGES , 17.30 TO ELIMINATE SECTION 17.30.030.F “ANTENNAS”, 17.48 MODIFY TO ELIMINATE SECTION 17.48.340 “SATELLITE DISH ANTENNAS” AND MODIFY THE TITLE PAGE TO REFLECT THE NEW CHAPTER.

THE COUNCIL OF THE CITY OF MORRO BAY DOES ORDAIN AS FOLLOWS:

WHEREAS, the Planning Commission of the City of Morro Bay held a duly noticed public hearings on considering a comprehensive update to the city of Morro Bay’s Zoning Ordinance (Title 17) and recommended approval of said update to the City Council and wherein the proposed ordinance Number 556 was contained within this comprehensive update and therefore also recommended for approval; and

WHEREAS, the City Council of the City of Morro Bay conducted duly noticed public hearing on April 26, 2010; and

WHEREAS, the Council has reviewed and considered Ordinance No 556 and has found that Ordinance No. 556 complies with the City of Morro Bay objectives, criteria and procedures for implementation of the California Environmental Quality Act (CEQA) in that the project is covered under the environmental document previously approved for the comprehensive update of the Zoning Ordinance of which this ordinance was a part of and therefore no additional environmental documentation is deemed necessary; and

WHEREAS, following the public hearing after consideration of the memorandums, staff reports, addendums, and consideration of the comments by all persons written and oral; and

WHEREAS, notices of said public hearings were made at the time and in the manner required by law; and

WHEREAS, the Council has duly considered all evidence, including the recommendation of the Planning Commission, testimony of interested parties, and the evaluation and recommendations by staff, presented at said hearings; and

WHEREAS, the City Council finds that the proposed text amendment is consistent with the General Plan, the Local Coastal Plan, the Zoning Ordinance and other applicable City ordinances; and

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Morro Bay, California, as follows:

SECTION 1. Environmental Determination. The City Council finds and determines that the project's Negative Declaration adequately addresses the potential environmental impacts of the proposed text amendment to the Zoning Ordinance, and reflects the independent judgment of the City Council. The Council hereby finds that the Negative Declaration adopted for the comprehensive Zoning Ordinance Update is adequate and further finds that no additional environmental review is required to be conducted.

SECTION 2. Findings. The City Council makes the following findings:

1. That the above recitations are true and correct and constitute the findings of the Council in this matter; and,
2. The proposed text amendment is consistent with the General Plan, the Local Coastal Plan, the Zoning Ordinance and other applicable City ordinances; and
3. The proposed amendments are consistent with General Plan policies since the regulations implement General Plan policies including those associated with preservation of neighborhood character, Land Use, and Visual Resources; and
4. The proposed amendments will not significantly alter the character of the neighborhoods or cause significant health, safety or welfare concerns. The proposed regulations will establish clear guidelines for the establishment of antennas and wireless telecommunication facilities ensuring all facilities will be established in a manner that protects the community from health, safety or welfare concerns.

SECTION 3. Revisions. Ordinance No. 556 which revises portions of the existing Title 17 as stated below is hereby adopted.

Modify the title page to reflect the new chapter; and
Chapter 17.12 to incorporate new definitions; and
Chapter 17.24 modify matrixes to incorporate proposed text changes; and
Chapter 17.30 "special uses" modify to eliminate section 17.30.030. F "antennas"; and
Chapter 17.48 modify to eliminate section 17.48.340 satellite dish antennas; and
Add Chapter 17.27

SECTION 4. A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in the Telegram-Tribune, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

INTRODUCED at the regular meeting of the City Council of the City of Morro Bay held on the 26th day of April 2010, by motion of Councilmember Winholtz and seconded by Councilmember Grantham.

PASSED, APPROVED, AND ADOPTED, by the City Council of the City of Morro Bay, on the day of _____, _____ by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

JANICE PETERS, MAYOR
CITY OF MORRO BAY

JAMIE BOUCHER, DEPUTY CITY CLERK
CITY OF MORRO BAY

APPROVED AS TO FORM:

ROBERT W. SCHULTZ, ESQ.
CITY ATTORNEY

Title 17

ZONING*

CHAPTERS:

- 17.04** **General Provisions**
 - 17.08** **Interpretation**
 - 17.12** **Definitions**
 - 17.22** **Zoning Map - Boundaries**
 - 17.24** **Primary Districts**
 - 17.27** *Antennas and Wireless Telecommunications Facilities*
 - 17.30** **Special Uses, Special Use Permits and Temporary Use Permits**
 - 17.40** **Special Treatment Overlay and Combining Districts and Specific Plans**
 - 17.44** **Parking, Driveway and Loading Facilities**
 - 17.45** **Bluff Development Standards**
 - 17.48** **General Regulations, Conditions and Exceptions**
 - 17.49** **Community Housing Project Regulations, Residential Conversions and Demolition**
 - 17.50** **Affordable Housing, Density Bonuses and Incentives**
 - 17.52** **Performance Standards**
 - 17.56** **Nonconforming Uses and Structures**
 - 17.58** **Coastal Development Permits and Procedures**
 - 17.60** **Use Permits, Procedures Notices and Variances**
 - 17.61** **Enforcement**
 - 17.64** **Amendments**
 - 17.68** **Signs**
 - 17.70** **Adult Entertainment Businesses**
- Appendix A**

* Prior ordinance history: Prior code §§ 5101.1 -- 5101.3, 5102.1, 5103.1 -- 5103.5, 5104.1, 5104.2.1 -- 5104.2.12, 5104.3, 5104.3.1 -- 5104.3.7, 5104, 5104.4.1 -- 5104.4.4, 5105.1 -- 5105.8, 5106.1 -- 5106.22, 5106.24, 5107.1 -- 5107.9, 5108.1 -- 5108.6, 5109.1 -- 5109.9, 510.1 -- 5110.4, 5110.6 -- 5110.14, 5111.1 -- 5111.7, 5112.1 -- 5112.6; Ords. 65, 77, 100, 107, 136, 141, 173, 174, 176, 178, 182, 186, 195, 204, 207, 208, 212, 220, 225, 230, 236, 243, 445, 470.

Chapter 17.12

DEFINITIONS*

Sections:

17.12.010	Purpose
17.12.012	Access
17.12.015	Accessory Structures
17.12.017	Administrative Coastal Development Permit
17.12.020	Administrative office
17.12.022	Affordable Housing
17.12.025	Aggrieved Person
17.12.026	Agriculture
17.12.030	Alley
17.12.032	<i>Amateur Radio Antenna</i>
17.12.035	Amusement machine
17.12.037	<i>Antenna</i>
17.12.040	Apartment
17.12.050	Apartment house
17.12.055	Arcade
17.12.056	Automobile repair, major
17.12.057	Automobile repair, minor
17.12.058	Average bluff edge elevation
17.12.059	Bed and breakfast establishment
17.12.060	Block
17.12.062	Bluff
17.12.063	Bluff border
17.12.064	Bluff review area setback
17.12.065	Bluff, toe
17.12.066	Bluff top edge
17.12.070	Boarding house
17.12.080	Building
17.12.090	Building, accessory
17.12.092	Building lot coverage
17.12.100	Building, main (primary)
17.12.102	<i>Building-Mounted Telecommunications Facility</i>
17.12.105	Building official
17.12.110	Building site
17.12.115	Bulk
17.12.120	Business, retail
17.12.130	Business, wholesale

17.12.135	Campground
17.12.140	Cantilever
	17.12.150 Carport
17.12.158	Child Day Care Facility
17.12.160	City
17.12.170	City Council
17.12.172	Coastal bluff area
17.12.173	Coastal bluff properties
17.12.175	Coastal dependent development or use
17.12.176	Coastal development permit appeal area
17.12.177	Coastal related development or use
17.12.180	Combining districts
17.12.185	Commission
17.12.187	Community apartment
17.12.188	Community housing project
17.12.189	Condominium
17.12.191	Conversion
17.12.192	Conversion date
17.12.193	Covenant
17.12.194	Cut slope
17.12.195	Customer Service Area
17.12.196	Day Care Facility
17.12.197	Demolition
17.12.198	Density Bonus
17.12.199	Development
17.12.200	Director
17.12.203	District
17.12.205	Dredging
17.12.210	Dwelling
17.12.220	Dwelling groups
17.12.230	Dwelling, multiple
17.12.240	Dwelling, single family
17.12.250	Dwelling, three family or triplex
17.12.260	Dwelling, two family or duplex
17.12.264	Easement
17.12.265	Elderly Housing
17.12.266	Emergency
17.12.267	Environmentally sensitive habitat
17.12.268	Equestrian boarding
17.12.269	Estuary
17.12.270	Family
17.12.272	Family day care home
17.12.275	Feasible
17.12.280	Fence
17.12.281	Fill slope
17.12.282	Finished grade

17.12.238	Floodplain, 100 year
17.12.284	Floodway
17.12.285	Floor area
17.12.287	Floor area, gross
17.12.290	Garage
17.12.292	Garage, public parking
17.12.294	Grading
17.12.295	Granny Unit
17.12.300	Guesthouse
17.12.310	Height of building
17.12.320	Home occupation
17.12.330	Hotel
17.12.333	Infant
17.12.335	Infill
17.12.337	In-Lieu Fees
17.12.340	Junkyard
17.12.344	Kitchen
17.12.345	Landscaping
17.12.346	Lateral Access
17.12.347	Local Coastal Plan, Land Use Plan
17.12.348	Local Coastal Program (Plan and LCP)
17.12.349	Lofts
17.12.350	Lot
17.12.360	Lot, corner
17.12.365	Lot, flag
17.12.370	Lot, front
17.12.380	Lot, inside
17.12.390	Lot line
17.12.400	Lot, key
17.12.410	Lot side
17.12.420	Lot, through
17.12.430	Lot width
17.12.433	Low and moderate income housing
17.12.435	Low-income housing
17.12.440	Mobliehome or manufactured housing
17.12.450	Mobilehome park
17.12.455	Moderate-income housing
17.12.457	Modular Buildings
17.12.459	<i>Monopole</i>
17.12.460	Motel or Hotel
17.12.463	Non-conforming structure
17.12.464	Non-conforming use
17.12.465	Nursery, garden
17.12.466	Offshore oil and gas exploration and development
17.12.467	Open and lacy trees
17.12.468	Open porch or deck

17.12.470	Outdoor dining and display
17.12.471	Parking space
17.12.472	Percentage slope
17.12.475	Permit
17.12.480	Person
17.12.482	Plan, concept
17.12.483	Plan, specific
17.12.485	Planned unit development (planned residential development)
17.12.487	Prime agricultural lands
17.12.490	Professional office
17.12.492	<i>Readily Visible</i>
17.12.495	Recreational vehicle, motor home or travel trailer
17.12.500	Recreational vehicle (RV) park
17.12.501	Redevelopment
17.12.502	Regular coastal development permit
17.12.510	Residential security unit
17.12.513	Rest home
17.12.515	Riparian habitat
17.12.520	Rooming house
17.12.525	Sand dunes, sand spit
17.12.530	Sanitarium
17.12.532	<i>Satellite antenna</i>
17.12.540	Screening
17.12.550	Service Station
17.12.560	Setback line
17.12.570	Side and front of corner lot
17.12.580	Signs
17.12.585	Stock cooperative
17.12.587	Stream corridors
17.12.590	Street
17.12.600	Street line
17.12.610	Structural alterations
17.12.620	Structure
17.12.625	Structure, non-conforming
17.12.627	<i>Telecommunications Facility</i>
17.12.629	<i>Telecommunications Facility, Co-Located</i>
17.12.630	Tenant
17.12.650	Unbuildable area
17.12.655	Urban area
17.12.656	Urban area, non
17.12.660	Use
17.12.662	Use, accessory
17.12.664	Use, conditionally permitted
17.12.666	Use, illegal
17.12.668	Use, nonconforming
17.12.670	Use, permitted

17.12.680	Use, secondary
17.12.685	Use, special
17.12.691	Vacancy rate
17.12.692	Vertical access
17.12.693	Very low affordable housing
17.12.695	Vessels for commercial fishing
17.12.700	Veterinary clinic
17.12.710	Veterinary hospital
17.12.712	Visitor serving facility
17.12.714	Warehouse
17.12.716	Wetlands
17.12.720	Yard
17.12.730	Yard, front
17.12.740	Yard, rear
17.12.750	Yard, side
17.12.755	Yard, exterior or street side
17.12.757	Yard, interior side
17.12.760	Zoning administrator

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception, or both, of electromagnetic radiation waves.

Amateur Radio Antenna. Any antenna used to receive or transmit radio signals on the amateur radio bandwidth, as designated by Federal regulation.

Satellite Antenna. Any antenna used to receive or transmit radio or television signals from orbiting communication satellites.

Building-Mounted Telecommunications Facility. A facility constructed in two general forms, roof mounted, in which an antenna is placed on or above the roof, and facade-mounted, in which an antenna is mounted on the side of a building. Building-mounted facilities can be located on or inside various structures such as building roof or eave trim, church steeples, or other innovative locations.

Monopole. A facility that consists of a single pole structure erected on the ground to support wireless telecommunications antennas and connecting appurtenances.

Telecommunications Facility. A facility that transmits or receives electromagnetic signals, including antennas for cellular, enhanced specialized mobile radio (ESMR), personal communications services (PCS), microwave dishes, earth stations for satellite-based communications, and similar facilities.

Telecommunications Facility, Co-Located. A facility comprised of a single telecommunications tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

Readily Visible. A wireless telecommunications facility is readily visible if it can be seen from street level or from the main living area of a legal residence in a residential district or from a public park by a

person with normal vision, and distinguished as an antenna or other component of a wireless telecommunications facility, due to the fact that it stands out as a prominent feature of the landscape, protrudes above or out from the building or structure ridgeline, or is otherwise not sufficiently camouflaged or designed to be compatible with the appurtenant architecture or building materials. For purposes of this definition, "main living area" means the living and dining and similar areas of a dwelling, but not bedrooms, bathrooms or similar areas.

17.24.030 Suburban Residential (RA) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Single-family dwelling.	No	25 ft. (no wall may exceed 30 ft.)	20,000 sq. ft.	20,000 sq. ft.	20 ft.	10 ft garage entrance 20ft..	10% of ave. with 10 ft maximum requirement	20% of the depth of the lot with 20 ft. maximum	35% minimum permeable surface	45%
Crop and tree farming: viticulture; farming and if one acre or more grazing, of not more than two (2) cattle or horses per acre or not more than four (4) sheep or goats per acre.					Refer to Chapter 7.16 for animal keeping setbacks					
Rabbit and chicken ranching involving not more than twelve (12) animals										
Expressly prohibited: commercial dairies and kennels;										
Accessory uses and buildings normally incidental to other permitted uses but not including commercial uses, and located in accordance with Title 7; home occupations										
Guest House (no Kitchen) or Granny Unit with a Single Family Residence	Minor Use			1 per lot	20 ft.	10 ft.	10 %	20%		
Temporary Produce Stands			10 acres				10 % of ave. width with 10 ft. maximum requirement	20% of the depth of the lot with 20 ft. maximum		
Additional Residences for Agricultural Employees	Yes									
Equestrian Boarding					Not permitted within 100' of residential structure or adjacent residentially zoned property					
Special Use Permits pursuant to 17.30	Yes				Per CUP					
Antennas and Wireless Telecommunications Facilities	See section 17.27									

17.24.040 Single family Residential (R-1) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
One single-family dwelling	No	25 ft.	Refer to subdivision regulations for sizes for new lots	1/lot or pursuant to Section 17.24.040	20 ft.	20% of ave. width of lot with 10 ft. maximum and 5 ft. minimum	10% of ave. width of lot with 5 ft. maximum and 3 ft. minimum	10% if ave. depth of lot with 10 ft. maximum and 6 ft minimum	N/A	45%
Home occupations: structures and uses (include. home oc.) normally incidental to primary use		(No wall may exceed 30 ft.)				Garage entrance 20ft.				
Guest house (no kitchen) or Granny unit with a Single Family Residence	Minor Use Permit									
Community housing project	Yes		1 per CUP	5,000 sq. ft. or per overlay zone					Plan required 20% min. permeable surface area	
Special Use Permits pursuant to 17.30	Yes			PER	CUP					
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

17.24.050 Duplex Residential (R-2) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
All principally permitted uses in the R-1 district.	No	25 ft.	Refer to Subdivision regulations for sizes for new lots	2,900 sq. ft.	20 ft.	20% of ave. width of lot with 10 ft. maximum and 5 ft. minimum Garage entrance 20ft.	10% of ave. width of lot with 5 ft. maximum and 3 ft. minimum	5 ft.	N/A	50 %
Duplexes (single structure); second single family dwellings										
Home occupations; structures and uses normally incidental to primary use										
Guest house (no kitchen) or Granny unit with a Single Family Residence	Minor Use Permit									
Apartment units/Bed and Breakfast	Yes								Plan required 15%	
Community Housing projects			10,000 sq. ft.							minimum permeable surface
Mobile home parks and other permitted uses as stated in Section 17.40.060			2 acres							
Parking lots-only to serve residential uses			Per CUP	N/A						
Special Use Permits pursuant to 17.30	Yes		Per	CUP						
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

17.24.060 Multiple Family Residential (R-3) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage		
All principally permitted uses in the R-1 and R-2 districts.	No	25 ft.	Refer to Subdivision Regulations for sizes for new lots	2,175 sq. ft.	15 ft.	20% of ave. width of lot with 10 ft. maximum and 5 ft. minimum Garage entrance 20ft.	5 ft.	5 ft. except where abuts an R-1 or R-2 zone, in which case the R-1 criteria applies	N/A	60%		
Home occupations: structures and uses normally incidental to primary use									Plan required 15% minimum permeable surface			
Apartment units												
Guest house (no kitchen) or Granny unit with a Single Family Residence									Minor Use Permit		N/A	
Rooming and boarding house: bed and breakfast establishment									Yes		2,900 sq. ft.	Plan required 15% minimum permeable surface
Community Housing project												6,000 sq.ft.
Parking Lot												3 acres
Mobile home park		3 acres	2,900 sq. ft.									
Special Use Permits pursuant to 17.30	Yes		Per	CUP								
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>											

17.24.070 Multiple Residential (R-4) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
All principally permitted uses listed in the R-1, R-2, and R-3 districts.	No	30 ft.	Refer to Subdivision Regulations for sizes for new lots	1,800 sq.ft.	15 ft.	20% of ave. width of lot with 15 ft.	5 ft.	5 ft. except where abuts an R-1 or R-2 zone,	N/A	60%
Home occupations; structures and uses normally incidental to primary uses	Minor Use Permit	30 ft.	Refer to Subdivision Regulations for sizes for new lots	1,800 sq.ft.	15 ft.	20% of ave. width of lot with 15 ft.	5 ft.	5 ft. except where abuts an R-1 or R-2 zone,	Plans required 15% minimum permeable surface	60%
Apartment units										
Guest House (no kitchen) or Granny unit with a Single Family Residence	Minor Use Permit	30 ft.	Refer to Subdivision Regulations for sizes for new lots	1,800 sq.ft.	15 ft.	20% of ave. width of lot with 15 ft.	5 ft.	5 ft. except where abuts an R-1 or R-2 zone,	Plans required 15% minimum permeable surface	60%
Community housing project	Yes	30 ft.	Refer to Subdivision Regulations for sizes for new lots	1,800 sq.ft.	15 ft.	20% of ave. width of lot with 15 ft.	5 ft.	5 ft. except where abuts an R-1 or R-2 zone,	Plans required 15% minimum permeable surface	60%
Rest home; rooming and boarding houses										
Hotel and Motel; Bed and Breakfast establishment										
Mobile Home Park										
Commercial uses and services, including but not limited to newsstands, gifts and notions, coffee shops, self service laundries ,and bike rental, which are normally incidental to hotels, motels and mobile home parks, if such uses are provided without direct access to a public street										
Parking lots	Yes	30 ft.	Refer to Subdivision Regulations for sizes for new lots	750 sq. ft.	15 ft.	20% of ave. width of lot with 15 ft.	5 ft.	5 ft. except where abuts an R-1 or R-2 zone,	Plans required 15% minimum permeable surface	60%
Professional, governmental and general business offices which do not engage in retail sales on the premises										
Mobile Home Park	Yes	30 ft.	Refer to Subdivision Regulations for sizes for new lots	2,900 sq. ft.	15 ft.	20% of ave. width of lot with 15 ft.	5 ft.	5 ft. except where abuts an R-1 or R-2 zone,	Plans required 15% minimum permeable surface	60%
Commercial uses and services, including but not limited to newsstands, gifts and notions, coffee shops, self service laundries ,and bike rental, which are normally incidental to hotels, motels and mobile home parks, if such uses are provided without direct access to a public street										
Special Use Permits pursuant to 17.30	Yes	30 ft.	Per	CUP	15 ft.	20% of ave. width of lot with 15 ft.	5 ft.	5 ft. except where abuts an R-1 or R-2 zone,	Plans required 15% minimum permeable surface	60%
Antennas and Wireless Telecommunications Facilities	See Section 17.27									

17.24.080 Coastal Resource Residential (CRR) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
One single-family dwelling Structures and uses normally incidental to the primary use; home occupation	No	14 ft./ 25 ft. (refer to special standards)	20,000 sq. ft. If cluster development 6,000 sq. ft. interior & 7,000 sq. ft. corner. (Refer to Cluster Requirements)	1 unit per lot	20 ft. (In addition garage shall be 20 ft. from sidewalk).	10 ft.	10% of the width of the lot with 6 ft minimum	10 ft. from property lines and from designated view corridor lines.		30% If clustered: Refer to Cluster Requirements
Guest house (no kitchen)	Yes								Plan required	
Granny Units are specifically prohibited										
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

24.100 Service Commercial (C-2) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Retail uses within a building except liquor stores	No	30 ft. except 25 ft. within 20 ft. of a residential district other than R-4	Refer to Subdivision Regulations for sizes for new lots	N/A	Average of 2 ft. except 10 ft. when across the street from a residential district			0 ft. except 10' when adjacent to a residential district	Plan required per Section 17.48.290	90%
Business and professional offices										
The following uses, within building such as: animal hospital; auto sales and service; minor and major automotive repair shop; car cleaning and detail establishments; dry cleaners heavy equipment sales and services; laundries; locker plants; nurseries; plumbing shops; hardware stores; second hand sales; cabinet shops; tire shops; restaurants	None required except when within 100' or across the street from a residential zone in which case a Minor Use Permit is required									
Storage and warehouse establishments such as: mini-warehouses; commercial public storage; wholesale storage and distribution of products to retail outlets; restaurant suppliers excluding wholesale food distributors.										
Liquor sales and convenience stores										
Outdoor storage and sales establishments and any uses permitted without a use permit when carried on outside a building	Yes									
Home improvement centers.										
Service stations, auto body, and paint shops; building and repair of boats.										
Fish processing excluding canning; light fabrication contractors' yards; uses clearly ancillary to primary uses										
One residence for security purposes										
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

17.24.110 Mixed Commercial/Residential (MCR) District Table II

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Parking lots.	Yes	25 ft. (Refer to special standards for limitations and variations)	Refer to Subdivision Regulations for commercial for new lots		5 ft. (Refer to special standards) except 10 ft. when across the street from a residential zone		5 ft. setback for buildings of 15 foot height or less, 10 ft. setback for buildings of greater than 15 foot height.	Plan Required	60%	
Fabrication of items sold on the premises.										
bars when not part of a restaurant.										
Hotels, motels.										
Nurseries and home improvement centers.										
The following retail uses and service, within a building: animal hospital; auto sales and service, automotive repair shop; car cleaning and detailing establishments; dry cleaners; heavy equipment sales and service; laundries, locket plants; plumbing shops; second hand sales; cabinet shops; tire shops.										
When not on Main Street, Storage and warehouse establishments such as: mini-warehouses; commercial public storage, wholesale storage retail outlets; restaurant suppliers excluding wholesale food distributors; and Contractors' yards										
Service stations, auto body and paint shops; building and repair of boats										
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

17.24.120 Visitor-Serving Commercial (C-VS) District Table II

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Overnight R-V camping, in-park stores for sundries and other R-V related goods.	Yes	30 ft.	Refer to Subdivision Regulations for sizes for new lots	2,900 sq. ft.	25 ft.	15 ft.	10 ft.	10 ft.	Plan Required per Section 17.48.290. All street yards shall be landscaped in addition to parking lot landscaping	60%
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

17.24.130 General Office (G-O) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Police and fire stations; professional Offices; general Business Offices; retail sales within a building.	None except Minor use Permit if within 100' of or across the street from a residential zone	25 ft.	Refer to Subdivision Regulations for sizes for new lots		5 ft.	5 ft.	0 ft. except 10 ft. when adjacent to a residential district		Plan required in accordance with Chapter 17.48 in addition to any parking related landscaping and screening as provided in Chapter 17.44	80%
Governmental offices; offices or meeting facilities of non-profit organizations; medical and dental offices and clinics				2,900 sq. ft	Must meet R-2 standards	Must meet R-2 standards	Must meet R-2 standards			
Residential Uses per R-2 standards										
Medical, Dental and optometrical laboratories, for the fabrication and processing of products of general sale and distribution; pharmacies; stations; printing and duplicating	Yes				5 ft.	5 ft.	0 ft. except 10 ft. when adjacent to a residential district.			80%
Plant Nurseries										
Coffee Shops										
Personal services permitted in the C-1 zone such as barber shops, beauty shops and shoe repair.										
Municipal parking lots										
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

17.24.140 Light Industrial (M-1) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
The following uses within a building or surrounded by landscaping and a solid fence or wall at least six (6) feet high; blacksmith shop; lumber yard; boat building; machine shop; bottling plant; heavy equipment and building materials sales and storage; cabinet shop; pipe yard; locker plant; contractors yard; service yard; feed and fuel yard; outdoor storage and sales but not including self-service fuel dispensing facilities; sheet metal shop; auto mechanic shop; auto body paint and repairs shop, warehousing; dry cleaning plant and laundry; nursery for plants.	None except when within 300' of other non M-1 Districts a Minor Use Permit is required, or within 100' or across the street from a residential zone in which case a regular CUP is required	30 ft.	Refer to Subdivision Regulations for sizes for new lots	N/A	25 ft.	10 ft.	0 ft. except 10 ft when adjacent to a residential zone or use	Plan Required	90%	
Light manufacturing, fabrication; component assembling; small parts processing.										
Residence for security purposes										
Food and seafood processing	Yes									
Aquaculture										
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

17.24.150 Coastal Dependand Industrial (M-2) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
<p>Thermal power plant and support facilities; pipelines; storage tanks; wastewater treatment facilities ; other industrial uses which must be located on or adjacent to the sea in order to function;</p> <p>Excluding: OCS land-based support facilities including but not limited to support bases, pipe storage yards and pipeline coating yards</p> <p>Aqua-culture and fish processing plants.</p> <p>Uses allowed in the M-1 Zone if coastal related, such as but not limit to: boat construction marine supply and repair, Recreational Vehicle service and other Coastal Related Manufacturing uses.</p>	Yes	30 ft. (For new construction only - does not apply to replacement or repair of existing structures)	Refer to Subdivision Regulations	N/A	25 ft.	10 ft.	0 ft. except 10 ft. when adjacent to residential use or zone.	Plan Required	90%	
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

17.24.170 Waterfront (WF) District Table II

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
<p>Support uses, structures, connections, and appurtenances to water uses including wharves, docks, pier, slips, quay, launches, fuel docks, hoists, and other facilities necessary or convenient for the promotions and accommodation of commerce and navigation;</p> <p>Parks, observation decks and platforms, patios, boardwalks, benches, kiosks, kiosks and other facilities necessary or convenient for the promotion and accommodation of public access to the waterfront;</p> <p>Revetments, bulkheads, seawalls, cliff retaining walls, and other such structures that alter shoreline processes which are found to be necessary for protection of existing development (new development must ensure stability without depending on shoreline protection devices) or public recreation areas, or other coastal development uses [Ord. 263 s1 (part), 1984]</p>	Yes	<p>The height limit for structure shall be twenty five (25) feet, except for development on the west side of the Embarcadero which shall be limited to seventeen (17) feet; height determined by average grades of the land proportion of the site not including bank. Exceptions: see 17.48.070</p>	Refer to Subdivision Regulations for new commercial lots	N/A	0 ft. with a 5 ft. average	5 ft. with a 5 ft. average	0 ft.	0 ft., except 10 ft. in areas where public boardwalks and viewing platforms are required	Plan required	90%
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>Section 17.27</i>									

17.24.180 Commercial/Recreational Fishing (CF) District Table II

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Parks, public open spaces, beach, bike lanes, benches, boardwalks, kiosks, fences and other facilities necessary or convenient for the promotion and accommodation of public access to the waterfront;	Yes	14 ft. along Coleman Drive; 30 ft. other areas (see exception, Section 17.24.180.B.6.e)	Refer to Subdivision Regulations for new commercial lots	N/A	5 ft.	5 ft.	0 ft.	0 ft.	Plan required	50%
Government buildings and land based support facilities, including but not limited to connections and appurtenances to docks and piers, which are necessary and convenient for the safety and maintenance of waterways;										
Power plant cooling water intake facilities, if found to be consistent with Section 17.24.180.B.1 [Ord. 263 s1 (part), 1984]										
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

17.24.200 Mariculture and Marine Research (MMR) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Mariculture, marine biology and oceanographic commercial and scientific research;	Yes	14 ft. except 4 ft. within a public viewshed corridors defined in the LCP Land Use Plan	N/A	Refer to Subdivision Regulations for new commercial lots	20 ft.	10 ft.	5 ft.	10 ft.	Plan Required	20%
Breeding, hatching and propagation of fish, shellfish and marine organisms;										
Grow-out and raising of fish and shellfish in ponds, tanks or raceways utilizing sea water;										
Sea water intake and outlet pipelines providing a source of sea water used in mariculture and research activities;										
Related administrative and office uses ancillary to the primary mariculture and marine research uses;										
Parking, delivery and service facilities related to the primary mariculture or research uses [Ord. 338 s2 (part), 1988]										
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

Chapter 17.30

SPECIAL USES

F. Antennas

~~Radio or television transmitters satellite dish antennas or similar receivers in conjunction with commercial or industrial uses;~~

Chapter 17.48

GENERAL REGULATIONS, CONDITIONS AND EXCEPTIONS

SECTIONS:

~~17.48.340~~ ~~Satellite dish antennas~~

~~17.48.340~~ ~~SATELLITE DISH ANTENNAS~~

~~The intent of this Section is to establish regulations which allow for the reasonable use of various telecommunication reception technologies while at the same time protecting other community values such as public safety, views and neighborhood character.~~

A. ~~Small Dish Antennas~~

~~Any satellite dish antenna which is equal to, or less than, thirty inches in diameter or equal to, or less than seven square feet in area may be permitted in any District provided, however, that said satellite dish antenna is not located in any required setback area and the height limit for the zoning District is not exceeded.~~

B. ~~Large Satellite Dish Antennas in Residential Districts~~

~~Satellite dish antennas which are larger than thirty inches in diameter or seven square feet in area may be permitted in any residential District in conjunction with a residential use subject to the following standards.~~

~~1. Setbacks~~

~~Such satellite dishes shall not be located in any required setback.~~

~~2. Height limit~~

~~The height limit for the District shall not be exceeded.~~

~~3. Location~~

~~Such antennas shall be located above the first floor or enclosed within a six foot high fence~~

~~4. Proximity to structures~~

~~No detached satellite dish antenna shall be located closer than six feet from any building.~~

~~C. Exceptions~~

~~Any satellite dish antenna which does not meet the requirements of subsection A or B of this Section, may be permitted in any residential District in conjunction with a residential use subject to obtaining a Conditional Use Permit from the Planning Commission. In addition to the findings required by Chapter 17.60, the Planning Commission shall also find that the intent of this Section is satisfied in its consideration of the Use Permit request. (Ord. 263 § 1 (part), 1984)~~

~~D. Large Satellite Dish Antennas in Non-Residential Districts~~

~~Satellite dish antennas which are larger than thirty inches in diameter or seven square feet in area may be permitted in a non-residential Districts with a Conditional Use Permit.~~

Chapter 17.27 Antennas and Wireless Telecommunications Facilities

Sections:

- 17.27.010 Purpose
- 17.27.020 Applicability; Exemptions
- 17.27.030 Submittal Requirements
- 17.27.040 Standards
- 17.27.050 Procedures
- 17.27.060 Cessation; Exercise of Permits, Transfer of Permits

17.27.010 Purpose

This Chapter provides a uniform and comprehensive set of standards and procedures to regulate the development, siting, installation, and operation of wireless telecommunications antennas and related facilities ("wireless telecommunications facilities") consistent with the goals, objectives, and policies of the General Plan and the applicable requirements of federal law. The regulations are intended to provide for the appropriate development of wireless telecommunications facilities within the City to meet the needs of residents, business-owners, and visitors while protecting public health and safety and preventing visual blight and degradation of the community's aesthetic character and scenic vistas. It is the City's intent to apply these regulations to accomplish the following:

- A. Provide incentives for well-designed and appropriately located antennas and wireless telecommunications facilities.
- B. Encourage the leasing of publicly owned properties where feasible or desirable.
- C. Encourage the use of existing facilities and co-location of facilities by multiple service providers.
- D. Encourage the placement of antennas on existing structures.
- E. Provide a competitive and broad range of telecommunications services and high quality telecommunications infrastructure to meet the community's needs and serve as an important and effective part of Morro Bay's emergency response network.

17.27.020 Applicability; Exemptions

The requirements of this Chapter shall apply to all telecommunications facilities that transmit and/or receive electromagnetic signals including, but not limited to personal communications services (cellular and paging) and radio and television broadcast facilities. All of the following facilities are exempt from these requirements provided that the primary use of the property is not a telecommunications facility and that the antenna use is accessory to the primary use of the property:

- A. Licensed amateur (ham) radio and citizen band operations.

- B. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
- C. Emergency services radio.
- D. City data/telemetry service facilities.
- E. Radio and television mobile broadcast facilities.
- F. Antennas and equipment cabinets or rooms completely located inside of permitted structures.
- G. A single ground or building-mounted receive-only radio or television antenna not exceeding the maximum height permitted by this ordinance, including any mast, or a receive-only radio or television satellite dish antenna, if they comply with the following restrictions:

1. Residential Districts.

- a. **Satellite Dish One Meter or Less.** A satellite dish that does not exceed one meter in diameter and is for the sole use of a resident occupying the same residential parcel is permitted anywhere on a lot in the residential district so long as it does not exceed the height of the ridgeline of the primary structure on the same parcel.
- b. **Satellite Dish Greater than One Meter.** A satellite dish that is greater than one meter in diameter, is not located within a required front yard or side yard abutting a street, and is screened from view from any public right-of-way and adjoining property.
- c. **Antennas.** An antenna that is mounted on any existing building or other structure that does not exceed 25 feet in height. The antenna must be for the sole use of a resident occupying the same residential parcel on which the antenna is located.

2. Commercial and Industrial Districts.

- a. **Satellite Dish Two Meters or Less.** A satellite dish that does not exceed two meters in diameter is permitted anywhere on a lot in a commercial or industrial district so long as the location does not reduce required parking, diminish pedestrian or vehicular access, or require removal of landscaping maintained as a condition of project approval.
- b. **Satellite Dish Greater than Two Meters.** A satellite dish that is greater than two meters in diameter that is not located within a required front yard or side yard abutting a street and is screened from view from any public right-of-way and adjoining property.
- c. **Mounted Antennas.** An antenna that is mounted on any existing building or other structure when the overall height of the antenna and its supporting tower, pole or mast does not exceed a height of 30 feet or 25 feet if located within 20 feet of a residentially zoned lot.
- d. **Free-Standing Antennas.** A free standing antenna and its supporting tower, pole, or mast that

complies with all applicable setback ordinances when the overall height of the antenna and its supporting structure does not exceed a height of 30 feet or 25 feet if located within 20 feet of a residentially zoned lot.

- e. **Undergrounding Required.** All wires and/or cables necessary for operation of an antenna shall be placed underground or attached flush with the surface of the building or the structure of the antenna.
- f. Any antenna or wireless telecommunications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation.
- g. Minor modifications to existing wireless telecommunications facilities, including replacement in-kind or with smaller or less visible equipment, that meet the standards set forth in this Chapter and will have little or no change in the visual appearance of the facility following written notification to the Director.

17.27.030 Submittal Requirements

An applicant shall file a written application for a Minor Use Permit or Conditional Use Permit with the Director accompanied by the required fee as established in the City's fee schedule. Applications shall be submitted pursuant to application requirement handouts maintained by the City and as amended from time to time.

17.27.040 Standards

In order to ensure compatibility with surrounding land uses and protect public safety and natural, cultural, and scenic resources, all wireless telecommunications facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zoning district and overlay district that applies.

- A. Location and Siting.** All facilities shall be designed and sited to minimize their visibility, prevent visual clutter, and reduce conflicts with surrounding land uses. As used in this Chapter, "readily visible" means that it can be seen from street level or from the main living area of a legal residence in a residential district or from a public park by a person with normal vision, and distinguished as an antenna or other component of a wireless telecommunication facility, due to the fact that it stands out as a prominent feature of the landscape, protrudes above or out from the building or structure ridgeline, or is otherwise not sufficiently camouflaged or designed to be compatible with the appurtenant architecture or building materials. For purposes of this definition, "main living area" means the living and dining and similar areas of a dwelling, but not bedrooms, bathrooms or similar areas.

- 1. **View Corridor.** No facility shall be sited where it will be silhouetted against the sky as viewed from a designated Scenic Highway, public park, or other public recreation area or intrude into a significant or

sensitive view corridor.

2. **Public Locations.** No facility shall be sited where it will be readily visible from a public right-of-way, public park or cultural facility.

3. **Residential Areas.** No facility shall be located in an R district where it is readily visible within 300 feet from a dwelling unit.

4. **Primary Use.** No telecommunications antenna or ancillary facility shall be established as the primary use on any site, except within an M-1 or M-2 district, unless the site has already been developed with a legally established wireless telecommunications facility.

5. **Mounted Facility.** Antennas, support structures, and equipment shelters may be installed on the roof or directly attached to any existing building or structure so long as they comply with the height requirements of this Chapter and they are architecturally integrated into the design of the building or structure and do not protrude more than two feet horizontally from the building or structure.

6. **Relation to Other Facilities.** A wireless telecommunications facility that is readily visible from an off-site location shall not be installed closer than one mile from another wireless telecommunications facility that is readily visible or un-camouflaged, unless it is a co-located facility on a multiple-user site or has been designed or camouflaged so that it blends into the surrounding natural or existing built environment.

B. Support Structures. Support structures for wireless telecommunications facilities shall be any of the following:

1. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole must be constructed to allow for co-location of at least one other similar wireless telecommunications provider.

2. A monopole mounted on a trailer or a portable foundation if the use is for a temporary wireless telecommunications facility.

3. An existing non-residential building.

4. An existing structure other than a building including but not limited to, light poles, electric utility poles, water towers, steeples, smokestacks, billboards, lattice towers, and flag poles. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless telecommunications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.

5. A new alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that is designed to conceal or camouflage the facility. The term "functioning" as used herein means the light pole serves a useful and appropriate lighting function as well as a wireless telecommunications function.

C. Height.

1. **Freestanding Antenna or Monopole.** A freestanding antenna or monopole shall not exceed the height limit of the district in which the antenna is located.
2. **Building-Mounted Facilities.** Building-mounted wireless telecommunications facilities shall not exceed a height of 15 feet above the height limit of the district or 15 feet above the existing height of a legally established building or structure, whichever is higher, measured from the top of the facility to the point of attachment to the building.
3. **Facilities Mounted on Structures.** Wireless telecommunications facilities mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennae may extend up to 15 feet above the height of an electric utility pole.

D. Setbacks. When determining whether a wireless telecommunications facility complies with the following requirements, the setback shall be measured from the closest point on the base of the tower or structure to the applicable property line or structure.

1. **Setback from Zoning District.** All wireless telecommunications facilities shall be set back a minimum distance of 100 feet from an Residential district, dwelling unit, school or daycare facility, public park, or outdoor recreation area.
2. **Setback from Property Line.** Facilities that are not building-mounted shall be set back from any adjacent property line a minimum distance that is equal to 110 percent of the height of the facility (including attached antennae) or a minimum distance equal to the building setback for the district in which it is located, whichever is greater. Guy wire anchors shall be set back at least 20 feet from any property line.

E. Design and Screening. Facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing supporting structures, so as to reduce visual impacts to the extent feasible.

1. **Preference for Facility Type.** Based on their potential aesthetic impact, the order of preference for facility type is: façade-mounted, roof-mounted, ground-mounted, and free-standing tower or monopole. A proposal for a new ground-mounted or free-standing tower shall include factual information to explain why other facility types are not feasible.
2. **Minimum Functional Height.** All free-standing antennas, monopoles, and lattice towers shall be designed to be the minimum functional height and width required to support the proposed antenna installation unless it can be demonstrated that a higher antenna, monopole, or tower will facilitate co-location or other objectives of this Chapter.
3. **Camouflaged.** Telecommunications facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, or otherwise screened to minimize their appearance in a manner that is compatible with the architectural design of the building.

4. Landscaping. All telecommunications facilities subject to the requirements of this Chapter shall be installed in such a manner so as to maintain and enhance existing native vegetation and minimize disturbance of existing topography unless the Public Services Director determines that such changes will help to minimize the visual impact of the facility. Site plans shall include suitable mature landscaping to screen the facility, where necessary.

5. Maintenance of Landscaping. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it. The owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping.

6. Lighting. Wireless telecommunication facilities shall be not be lighted except when authorized personnel are present on-site at night or unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes, if the beam is directed downwards, shielded from adjacent properties and kept off when personnel are present at night.

7. Advertising. No advertising shall be placed on wireless telecommunications facilities, equipment cabinets, or associated structures.

F. Equipment Cabinets and Buildings.

1. Location and Screening. Equipment cabinets shall be located within the building upon which antennae are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or landscaping, as approved by the City. Any wall shall be architecturally compatible with the building or immediate surrounding area.

2. Size. An equipment cabinet shall not exceed eight feet in height and a building shall not exceed one story. An equipment cabinet or building may contain an area of up to 300 square feet for a single provider or 600 square feet for multiple wireless providers. An equipment cabinet or building for servicing a public safety communications tower may exceed the size limitations set forth herein.

G. Security Features. All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.

1. Fencing. Security fencing, if any, shall not exceed 6 feet to 10 feet in height, consistent with fencing in the area. Fencing shall be no less than the above grade height of the equipment cabinet. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.

2. Maintenance. The permittee shall be responsible for maintaining the site and facilities free from graffiti.

H. Radio Frequency Standards; Noise.

1. Radio Frequency. Wireless telecommunications facilities shall comply with federal standards for radio frequency (RF) emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.

2. Noise. Wireless telecommunications facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of forty (40) decibels (dBa) measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of fifty (50) dBa during the hours of 7:00 a.m. to 10:00 p.m. and forty (40) dBa during the hours of 10:00 p.m. to 7:00 a.m. measured at the property line of any non-residential adjacent property. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

I. Co-location. The applicant and owner of any site on which a wireless telecommunications facility is located shall cooperate and exercise good faith in co-locating wireless telecommunications facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.

1. All facilities shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require the applicant to obtain a third party technical study at applicant's expense. The City may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.

2. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be shared by site users whenever possible.

3. No co-location may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunications facilities or failure of the existing facilities to meet federal standards for emissions.

4. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Chapter is grounds for denial of a permit request or revocation of an existing permit.

J. Fire Prevention. All telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs.

1. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;

2. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as non-flammable in the Uniform Building Code.
3. Monitored automatic fire extinguishing systems approved by the Fire Chief shall be installed in all equipment buildings and enclosures.
4. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.

K. Surety Bond. As a condition of approval, an applicant for a building permit to erect or install a wireless telecommunications facility shall be required to post a cash or surety bond in a form and amount acceptable to the City Manager to cover removal costs of the facility in the event that its use is abandoned or the approval is otherwise terminated.

17.27.050 Procedures

A wireless telecommunications facility subject to the requirements of this Chapter shall not be established, expanded, or otherwise modified except in conformance with the following requirements.

A. Public Services Director Determination of Compliance. The following wireless telecommunications facilities shall be permitted in any Commercial or Industrial district subject to the Director's determination of compliance with the applicable requirements of this Chapter:

1. A facility affixed to an existing building or structure.
2. A new ground-mounted monopole in an Industrial zone that is not readily visible from off-site or, if visible from off-site, is located at least one mile from any existing or approved monopole.
3. A new alternative tower structure.
4. Public safety communications towers sixty five (65) feet in height or less.
5. Temporary wireless telecommunications facilities.

B. Minor Use Permit. The Director may issue a Minor Use Permit to establish any of the following facilities subject to the requirements of this Chapter, and based on the applicable findings in Section 17.27.050 (D) below.

1. A facility co-located on an existing legally established monopole or support structure in any zoning district.
2. A ground-mounted tower or monopole that complies with the height limit in any Commercial or Industrial district.
3. The location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting

properties and the surrounding neighborhood.

4. The location and design of the proposal will provide a convenient and functional living, working, shopping, or civic environment that will be as attractive as the nature of the use, and its location and setting warrant.

5. The proposal is consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan/Local Coastal Program, with any other applicable plan adopted by the City Council and with the standards and requirements of this Title.

C. Conditional Use Permit. All other wireless telecommunications facilities shall require the approval of a Conditional Use Permit by the Planning Commission following a public hearing.

D. Findings Required. The Planning Commission or the Director, in the case of a Minor Use Permit, may approve or approve with conditions any Use Permit required under this Chapter after making the findings required for approval of such permits.

1. The applicant has made good faith and reasonable efforts to locate the proposed wireless telecommunications facility on a support structure other than a new ground-mounted antenna, monopole, or lattice tower or to accomplish co-location; and

2. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site.

17.27.060 Cessation; Exercise of Permits; Transfer of Permits

A. Cessation; Exercise of Permits. Permits for wireless telecommunications facilities shall be deemed exercised or expired pursuant to the provisions of Chapter 17.30: Common Procedures.

B. Transfer of Permit. Any FCC-licensed telecommunications carrier that is buying, leasing, or considering a transfer of ownership of an already approved facility, shall provide written notification to the Director and request transfer of the existing Use Permit. The Director may require submission of any supporting materials or documentation necessary to determine that the proposed use is in compliance with the existing Use Permit and all of its conditions including, but not limited to, statements, photographs, plans, drawings, models, and analysis by a State-licensed radio frequency engineer demonstrating compliance with all applicable regulations and standards of the Federal Communications Commission and the California Public Utilities Commission. If the Director determines that the proposed operation is not consistent with the existing Use Permit, he/she shall notify the applicant who may revise the application or apply for modification to the Use Permit pursuant to the requirements of Chapter

AGENDA NO: A-5

MEETING DATE: May 10, 2010

ORDINANCE NO. 557

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY TO
AMEND SECTION 2.16.080 OF CHAPTER 2.16 OF THE MORRO BAY MUNICIPAL
CODE REGARDING THE DUTIES OF THE CITY ATTORNEY**

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

WHEREAS, Section 2.16.080 of the Morro Bay Municipal Code sets forth the duties and responsibilities of the City Attorney; and

WHEREAS, the City desires to amend the City Attorney duties and responsibilities to include attendance at special meetings and planning commission appeals; and

WHEREAS, the City of Morro Bay needs to amend Section 2.16.080 in order to make this change.

NOW, THEREFORE, following the Public Hearing, and upon consideration of the testimony of all persons, the City Council of the City of Morro Bay does ordain Section 2.16.080 “City attorney—Duties” be amended as follows:

2.16.080 City attorney—Duties.

A. The city attorney shall advise the city officials in all legal matters pertaining to city business. The city attorney shall prepare such ordinances, formal resolutions, contracts or other legal instruments as may be required by the city council. The city attorney shall attend all regular and special meetings of the city council, all appeals held before the planning commission, and other meetings as requested by the city council, and give advice or opinions in writing whenever requested to do so by the city council, or with the approval of the city manager, by any of the boards or officers of the city. The city attorney shall approve the form of all bonds given to and all contracts made by the city, endorsing approval thereon in writing. The city attorney shall monitor existing and pending legislation which may affect the city. The city attorney shall periodically report to the city council on pending and threatened litigation in which city is a party or otherwise interested. The city attorney shall perform other legal services required from time to time by the city council.

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 26th day of April 2010 by motion of _____ and seconded by _____.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Janice Peters, Mayor

ATTEST:

Jamie Boucher, Deputy City Clerk



AGENDA NO: A-6

MEETING DATE: May 10, 2010

Staff Report

TO: Honorable Mayor and Council **DATE:** May 5, 2010
FROM: Janeen Burlingame, Management Analyst
SUBJECT: Approve Compensation Rates for Six Month Contract Extension with
MV Transportation

RECOMMENDATION

Staff recommends the City Council approve the compensation rates outlined in the Fiscal Impact section of the staff report for the six month contract extension of the current Morro Bay Dial-A-Ride and Trolley Operations and Management Agreement with MV Transportation.

MOTION: I move that the City Council approve the compensation rates outlined in the Fiscal Impact section of the staff report for the six month contract extension of the current Morro Bay Dial-A-Ride and Trolley Operations and Management Agreement with MV Transportation.

FISCAL IMPACT

Compensation rates for FY 2010/2011 trolley service would be adjusted in accordance with the extension provision in Article 5.1 of the agreement whereby adjustments to compensation rates during an extension would be based on 80% of the annual percentage difference (up or down) to the Consumers Price Index (CPI) for July. The current trolley rates for FY 2009/2010 are as follows: fixed monthly fee is \$2,240 and vehicle service hour fee is \$21.38. Based on data from the Bureau of Labor Statistics for the first three months of 2010, it is estimated that the trolley compensation rates would increase between 1.5% and 2% depending on the CPI data received for July 2010.

Compensation rates for the FY 2010/2011 flex route service would be as follows: fixed monthly fee of \$4,758 and vehicle service hour fee of \$23.35. These rates are based on changes Council made at the April 26 meeting to replace the dial-a-ride service with flex fixed route service.

DISCUSSION

At the March 26 Council meeting, a six month extension of the transit operations and management agreement with MV Transportation was approved and compensation rates were to be brought back for final approval. All terms and conditions are applicable during any extension period.

In addition, Article 5.1 states that the City may, at its sole discretion, negotiate with the Contractor

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

to establish compensation rates based on an annual or multi-year extension period as determined by the City. With approval at the April 26 Council meeting to replace the dial-a-ride with a flex fixed route service, negotiation of new compensation rates are warranted as there are certain costs associated with demand response service, such as dispatching, that are not associated with fixed route service.

CONCLUSION

Staff recommends the City Council approve the compensation rates outlined in the Fiscal Impact section of the staff report for the six month contract extension of the current Morro Bay Dial-A-Ride and Trolley Operations and Management Agreement with MV Transportation.

RESOLUTION NO. 24-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY
SUPPORTING THE PROTECTION OF WHALES AND OPPOSING THE
RESUMPTION OF COMMERCIAL WHALING AND TEN-YEAR QUOTAS FOR
GRAY WHALES AS PROPOSED BY THE INTERNATIONAL WHALING
COMMISSION**

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

WHEREAS, whales are considered sentient beings at the apex of the marine food chain and are extremely important for the health and vitality of our oceans, and

WHEREAS, the California gray whale is our official State Marine Mammal and is enjoyed by whale watchers along the coast of California every winter and spring; and

WHEREAS, whale watching of gray whales and other species is a valuable economic activity in coastal communities throughout California; and

WHEREAS, the California gray whale population is showing signs of stress; and

WHEREAS, all whale populations, including the gray whale, are facing serious global environmental problems including the effects of global climate change, acidification of the oceans, and the harvesting of krill and other small fish species; and

WHEREAS, as of the 1986-87 whaling season, the International Whaling Commission (IWC) adopted an indefinite moratorium on commercial whaling; and

WHEREAS, the US government vigorously promoted the whaling moratorium and has in the past led efforts to protect whales, supporting the establishment of the entire Southern Ocean as an IWC whale sanctuary; and

WHEREAS, an IWC delegation has now proposed an agreement that would legalize commercial whaling, including current so-called “scientific whaling,” from which all the products are marketed; and

WHEREAS, this agreement would set ten-year whaling quotas for species for both commercial and subsistence whaling, including gray whales, without regard to review of the population status of the species or potential adverse impact on populations; and

WHEREAS, this agreement would allow a subsistence quota of 1,400 gray whales over the next ten years; and

WHEREAS, the IWC is scheduled to consider this new whaling agreement and to take action on it at their annual meeting on June 21-25, 2010, in Agadir, Morocco.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay does hereby oppose the agreement to renew commercial whaling and set ten-year quotas for gray whales as proposed by the International Whaling Commission, and urges President Barack Obama to direct the United States Delegation to the IWC to oppose any such agreement, and further urges the IWC to end all commercial whaling, including whaling under so called “scientific” permits, and urges the IWC to focus instead on protecting whales and their habitat to encourage non-lethal encounters with whales for education and scientific study, and address solutions to global environmental problems that threaten whale populations.

PASSED AND ADOPTED, by the City Council, City of Morro Bay at a regular meeting thereof held on the 10th day of May, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JANICE PETERS, Mayor

ATTEST:

JAMIE BOUCHER, Deputy City Clerk



AGENDA NO: B-1

MEETING DATE:

Staff Report

TO: Honorable Mayor and City Council **DATE:** May 10, 2010

FROM: Joe Woods, Recreation and Parks Director

SUBJECT: Resolution Approving the Engineers Report and Declaring the Intent to Levy the Annual Assessment for the Cloisters Landscaping and Lighting Maintenance Assessment District

RECOMMENDATION

Staff recommends the City Council adopt Resolution No. 22-10 declaring the intent to levy the annual assessment for the maintenance of the Cloisters Park and Open Space and approving the Engineers Report.

MOTION: I move that the City Council approve the Engineering Report and Resolution No. 22-10, declaring intent to levy the annual assessment for the Cloisters Landscaping and Lighting Maintenance.

FISCAL IMPACT

Based on the Engineers Report, which estimates the annual costs of maintaining the Cloisters Park and Open Space for the upcoming year, the fiscal impact is estimated at \$148,944. These costs will be offset by the collection of an assessment for the same amount from the parcel owners in the Cloisters Subdivision.

SUMMARY

On April 12, 2010, the City Council adopted Resolution No. 15-10, which initiated the proceedings to levy the annual assessment to fund the maintenance of the Cloisters Park and Open Space. Additionally, staff was directed to have an Engineer's Report prepared, detailing the estimated annual assessment for the parcel owners for fiscal year 2010/11. Upon adoption of Resolution No. 22-10, the next and final step in the annual levy of assessment process is the protest hearing/public hearing after which the City Council actually orders the levy of assessment.

Page 2

Prepared By: BAW

Dept Review: JMW

City Manager Review: _____

City Attorney Review: _____

BACKGROUND

As part of the annual assessment process, staff is required to provide an Engineer’s Report, which is an estimate of costs for maintenance of the Cloisters Park and Open Space. The cost estimates are based on the maintenance standards currently adhered to in the existing parks within Morro Bay and included in the Flat Rate Manual for Parks Maintenance, as well as maintenance costs incurred to date. As with the North Point Landscaping and Lighting Maintenance Assessment District, personnel costs as well as supplies and services have risen significantly in the past several years. However, due to the decrease in personnel in the district during fiscal year 2005/2006 and subsequent reduction in the level of service, the assessment amount slated to be collected for 2009/10 should be adequate to cover the cost of maintenance. In the future, staff anticipates the maintenance costs will exceed the assessment amount collected.

The process for the annual levy of assessment for the Cloisters Landscaping and Lighting Maintenance Assessment District requires the City Council to receive the Engineer’s Report, approve and/or modify the report and adopt a Resolution of Intention. The Resolution of Intention gives notice of the time, date and place for a public hearing by the City Council on the issue of the levy of assessment. The protest hearing/public hearing has been set for June 14, 2010 at the Veteran's Memorial Building. Upon adoption, the Resolution of Intention shall be published in the newspaper as a legal notice of public hearing, at which all interested parties are afforded the opportunity to be heard either through written or oral communication. In addition, the City sends public notices via first class mail to all property owners on record in the Assessment District. Upon completion of the protest hearing/public hearing on June 14, 2010, the City Council may adopt the resolution ordering the levy of the annual assessment.

RECOMMENDATION

Staff recommends the City Council adopt Resolution No. 22-10, which approves the Engineer’s Report and states the City’s intention to levy the annual assessment for the maintenance of the Cloisters Park and Open Space.

RESOLUTION NO. 22-10
A RESOLUTION OF THE CITY COUNCIL
DECLARING THE CITY'S INTENTION TO LEVY THE
ANNUAL ASSESSMENT FOR THE MAINTENANCE OF THE
CLOISTERS PARK AND OPEN SPACE

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, all property owners of the Cloisters subdivision requested the City of Morro Bay form a maintenance assessment district to fund the maintenance of the Cloisters Park and Open Space; and

WHEREAS, the Landscaping and Lighting Act of 1972 (the "Act") enables the City to form assessment districts for the purpose of maintaining public improvements; and

WHEREAS, pursuant to Section 22623 of the Act, the Engineer has filed in the Office of the City Clerk, and submitted for review to the City Council, a report entitled "Engineers Report - Cloisters Landscaping and Lighting Maintenance Assessment District", May 10, 2010, prepared in accordance with Article 4 of the Act, commencing with Section 22565; and

WHEREAS, pursuant to Section 22608.2 of the Act, the subdivider(s) were required by City Ordinance to install improvements for which an assessment district was required in order to assure continued and uninterrupted maintenance of the Cloisters Park and Open Space; and

WHEREAS, pursuant to the intent of Article XIII, Section 4, of the California Constitution, the property owners have elected to form the Cloisters Landscaping and Lighting Maintenance Assessment District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that it is the intent of the Council to order the annual levy and collection of assessments for the Cloisters Landscaping and Lighting Maintenance Assessment District generally located as shown in Exhibit "A" attached hereto at a public hearing to be held June 14, 2010 at 6:00 p.m. in the Veteran's Memorial Building, 209 Surf Street, Morro Bay, CA.

BE IT FURTHER RESOLVED by the City Council the improvements to be maintained at the Cloisters Park and Open Space are specified in the Engineer's Report dated May 10, 2010, which is hereby approved.

BE IT FINALLY RESOLVED by the City Council the assessment upon assessable lots within the district is proposed to total \$148,944 or \$1,241.20 per assessable parcel for fiscal year 2010-2011.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held this 10th day of May, 2010 by the following roll call vote:

AYES:

NOES:

ABSENT:

Janice Peters, Mayor

ATTEST:

Jamie Boucher, Deputy City Clerk

CITY OF MORRO BAY
CLOISTERS
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT

ENGINEER'S REPORT

Prepared By:

Robert Livick, PE/PLS, City Engineer
Public Services Department
City of Morro Bay

May 10, 2010

CITY OF MORRO BAY
CLOISTERS
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT

ENGINEER'S REPORT

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**CITY OF MORRO BAY
CLOISTERS
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT**

ENGINEER'S REPORT

I. Project Description

Tract 1996, known as the Cloisters development, is a 124 lot subdivision bounded by State Highway One at the east, Atascadero State Beach at the west, Morro Bay High School at the south, and Azure, Coral, and San Jacinto Streets at the north (the "Cloisters").

The Cloisters, prior to development, was a privately owned 80-plus acre expanse of open land. Prior to development the property was historically used for lateral and vertical access and contained a large area of sensitive sand dunes abutting the eastern edge of Atascadero State Beach. Prior to development, the Cloisters was the subject of various land development proposals including an RV park, a 390-unit condominium development, a 466-unit single family residential development, a 455-unit mixed residential development, and a 213-unit residential development. The City of Morro Bay (the "City") approved none of these development proposals.

It was well known that any development at the Cloisters was going to require a balance between continuation of lateral and vertical access within and through the property, while at the same time conserving the sensitive plant and wildlife resources present. In addition, the negative impacts of development on the site would have to be sufficiently offset by public resources and public amenities from the site.

Zoning on most of the Cloisters site is Planned Development, Single-Family Residential with the sand dunes and wetlands zoned Environmentally Sensitive Habitat (ESH). The purpose of the Planned Development (PD) overlay zone is to provide for detailed and substantial analysis of development on parcels, which because of location, size or public ownership, warrant special review. This overlay zone is also intended to allow for the modification of or exemption from the development standards of the primary zone which would otherwise apply if such action would result in better design or other public benefit.

On September 23, 1996 the City Council passed Resolution No. 69-96 which accepted the final map for Tract 1996 known as the Cloisters Subdivision, consisting of 124 lots. Lots 1 through 120 were for single-family residential purposes. Lots 121, 122 were for the 34-acre park and open space and Lot 124 was dedicated for a fire station and Lot 123 was offered to the state.

The findings and conditions of approval for the project were numerous. For example, the

City Council made findings that the Cloisters project could cause significant environmental impacts relating to land use, visual/aesthetics, affordable housing, traffic generation, air quality noise, geology, drainage and water quality, ecological resources, and public services; but that these impacts can be mitigated by the recommended conditions. In addition, the City Council made further findings that the Cloisters project was in compliance with the specific policies of the GP/LUP and zoning ordinance with respect to protection of views, environmentally sensitive resources, public access, circulation, hazards and other requirements so long as the environmental impacts were mitigated. Finally, the City Council made further findings that the Cloisters project complies with MBMC with respect to optional subdivision design and related improvements, and that the optional design is justified in order to contribute to a better community environment through the dedication of extensive public areas, restoration of the ESH area, provision of scenic easements, and provision of larger than usual lots adjacent to such areas, and maintenance of a consistent lot layout pattern adjacent to existing development on the north side of Azure Street.

In order to mitigate the environmental impacts of the project, and to provide a greater public benefit as required in a PD overlay zone, the conditions of approval for the project required the applicant to form an assessment district for the maintenance of the public park, bicycle pathway, right of way landscaping, coastal accessways, ESH restoration areas and any other improved common areas to be privately held or dedicated to the City. The public park area, as well as all open space improvements and the assessment district were part of many detailed discussions during each City and Coastal Commission hearings. Without this Condition of Approval and the creation of the ongoing assessment district, the project would not have been approved and there would not be a Cloisters Development.

The assessment district formation proceedings began in August 1996, when all of the owners of the real property within the proposed district consented in writing to the formation of the Cloisters Landscaping and Lighting Maintenance Assessment District (the "District") pursuant to the Landscaping and Lighting Act of 1972 (the "Act"). The assessment district formation proceedings concluded with the final public hearing for formation on September 23, 1996, which levied the annual assessment of \$148,944 (the "Assessment") for the maintenance of the thirty-four (34) acres of public resource lands including open space and natural lands, wetland area and pond used for drainage mitigation for homes constructed in Cloisters, median landscaping, street trees, a neighborhood park and recreation area, fencing and other public improvements.

In preparing the various purchase and sale documents for each individual lot, including the Conditions, Covenants, and Restrictions, the owners and developer were especially careful to call out the existence of the assessment district and to make certain that the existence of assessment district was disclosed to anyone who purchased one of these lots. In drafting all the project documents, the City and the developer reinforced the special benefits for the residents of the Cloisters Project from the public amenities and easements maintained by the Assessments. Moreover, the City and the developer clearly understood that the creation and continuation of the Assessments was necessary for the approval of residential development within the Cloisters Project.

II. Improvements

The work and improvements to be undertaken for the Cloisters Landscaping and Lighting Maintenance Assessment District, and the costs thereof paid from the levy of the annual assessments (the “Improvements”), are generally described as follows:

Installation, maintenance and servicing of public improvements, including but not limited to, turf, ground cover, shrubs, and trees, other landscaping, irrigation systems, fencing, signage, trails, walkways, recreation facilities lighting, restroom facilities, parking and all necessary appurtenances, and labor, materials, supplies, utilities and equipment. The public resources maintained and improved by the assessments from the District are further summarized as follows:

4 acres of park land
24.4 acres of open space meadow and natural land
5.5 acres of wetland
1.6 acres of medians, street trees and public right-of-ways

Within those areas, the following improvements are maintained and improved by the assessments:

Parking lot	Interpretive exhibits
Play equipment and sand lot	Trees & shrubs along the sound wall
Trash cans	Directional signs
Demonstration garden	Monuments with lights
Turf	Sound wall
Decomposed granite paths	6’ and 3’ solid fence
Habitat fencing	Wetland area and pond
Observation pier	Bridges
Scrub/meadow plantings	Light bollards
Hydro-seeded planting areas	Drainage systems
ESHA fencing and keep out signs	Barbeques
Thickly planted medians	Irrigation (spray and drip)
Street trees	
Gabion channels	
Asphalt path system	
Coastal access ways	
Play area surfacing	
Drinking fountains	
Restroom	
Picnic tables	
Bike rack	
Benches	
Concrete walks	
Wetland plantings	
Willows	

For a detailed description of the improvements, refer to the plans and specifications on file in the office of the City Engineer.

III. Method of Assessment

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of the improvements; and the methodology used to apportion the total assessment to properties within the District.

The Assessment is an annual assessment pursuant to the Act, which was established prior to the effective date for Proposition 218 and which meets the conditions in Article XIID Section 5 of the California Constitution. Therefore, the Assessment is exempt from the requirements for new or increased assessments imposed by Article XIID.

The proceeds from the District are being used to fund the maintenance and upkeep of public resources within the Cloisters development project for the special benefit of the properties located within this project. In absence of the Assessments, such improvements would not be provided and the properties within the District would be negatively impacted by the demise and deterioration of the landscaping, median improvements, street trees, turf areas, open space lands, drainage areas, fencing, pathways and other improvements maintained by the Assessments and located within the District. Therefore, the continued maintenance and upkeep of these important improvements is a distinct and special benefit to properties within the District.

Easements were also created and reserved in favor of each owner in the Cloisters Development for view, open space, scenic, passive recreation and coastal access across the entirety of LOTS 121, 122 and 123, which shall not be developed with any improvements or structures unless necessary and proper for the restoration and maintenance of the Environmentally Sensitive Habitat Area. This is another distinct and special benefit conferred on property within the District.

Moreover, these improvements, and their continued maintenance, were an original requirement for the creation of the residential single family lots within Cloisters and the subsequent development of residential housing in the project.¹ Without the Assessments, these residential lots would not have been approved and created. Consequently, the creation of the residential lots approved for residential development is the primary special benefit from the Assessments. This special benefit is conferred exclusively on property within the District and is not a general benefit to the public at large.

IV. Maintenance Tasks

A list of maintenance tasks required to maintain the Cloisters Park and Open Space in acceptable condition for public use was developed by the City Recreation and Parks Department based on maintenance standards established for existing parks within the City and is included in this report as Attachment A.

V. Maintenance Costs

1 . It should be noted that the Assessments were unanimously approved prior to Proposition 218 by the owners of all property within the District.

The estimated annual cost of maintaining the Cloisters Park and Open Space was developed by the Recreation and Parks Department based on the tasks required and the City's Flat Rate Manual for Parks Maintenance. The annual cost of maintenance for the 2010/11 fiscal year is estimated to be \$148,944. The cost estimate is included in this report as Attachment B.

VI. Apportionment of Assessment

The total assessment for the District is apportioned to each of the one hundred and twenty residential lots equally. Lots 121 and 122 (Parcel 1) Cloisters Park and Open Space, Lot 124 (dedicated for a fire station) and Lot 123 (now Parcel 2) was offered to the State: are not assessed. Individual assessments are listed in the following table:

Parcel/Assessment Table

Lot Number	County Assessor's Parcel Number	Annual Assessment
1	065-387-001	\$1,241.20
2	065-387-002	\$1,241.20
3	065-387-003	\$1,241.20
4	065-387-004	\$1,241.20
5	065-387-005	\$1,241.20
6	065-387-006	\$1,241.20
7	065-387-007	\$1,241.20
8	065-387-008	\$1,241.20
9	065-387-009	\$1,241.20
10	065-387-010	\$1,241.20
11	065-387-011	\$1,241.20
12	065-387-012	\$1,241.20
13	065-387-013	\$1,241.20

Lot Number	County Assessor's Parcel Number	Annual Assessment
14	065-387-014	\$1,241.20
15	065-387-015	\$1,241.20
16	065-387-016	\$1,241.20
17	065-387-017	\$1,241.20
18	065-387-018	\$1,241.20
19	065-387-019	\$1,241.20
20	065-387-053	\$1,241.20
21	065-387-054	\$1,241.20
22	065-387-055	\$1,241.20
23	065-387-023	\$1,241.20
24	065-387-024	\$1,241.20
25	065-387-025	\$1,241.20
26	065-387-026	\$1,241.20
27	065-387-027	\$1,241.20
28	065-387-028	\$1,241.20
29	065-387-029	\$1,241.20
30	065-387-030	\$1,241.20
31	065-387-031	\$1,241.20
32	065-387-032	\$1,241.20
33	065-387-033	\$1,241.20
34	065-387-034	\$1,241.20
35	065-387-035	\$1,241.20

Lot Number	County Assessor's Parcel Number	Annual Assessment
36	065-387-036	\$1,241.20
37	065-387-037	\$1,241.20
38	065-387-038	\$1,241.20
39	065-387-039	\$1,241.20
40	065-387-040	\$1,241.20
41	065-387-041	\$1,241.20
42	065-387-042	\$1,241.20
43	065-387-043	\$1,241.20
44	065-387-044	\$1,241.20
45	065-387-045	\$1,241.20
46	065-388-001	\$1,241.20
47	065-388-002	\$1,241.20
48	065-388-003	\$1,241.20
49	065-388-004	\$1,241.20
50	065-388-005	\$1,241.20
51	065-388-006	\$1,241.20
52	065-388-007	\$1,241.20
53	065-388-008	\$1,241.20
54	065-388-009	\$1,241.20
55	065-388-010	\$1,241.20
56	065-388-011	\$1,241.20
57	065-388-012	\$1,241.20
58	065-388-013	\$1,241.20
59	065-388-014	\$1,241.20

Lot Number	County Assessor's Parcel Number	Annual Assessment
60	065-388-015	\$1,241.20
61	065-388-016	\$1,241.20
62	065-388-017	\$1,241.20
63	065-388-018	\$1,241.20
64	065-388-019	\$1,241.20
65	065-388-020	\$1,241.20
66	065-388-021	\$1,241.20
67	065-388-022	\$1,241.20
68	065-388-023	\$1,241.20
69	065-388-024	\$1,241.20
70	065-388-025	\$1,241.20
71	065-388-026	\$1,241.20
72	065-388-027	\$1,241.20
73	065-388-028	\$1,241.20
74	065-388-029	\$1,241.20
75	065-388-030	\$1,241.20
76	065-388-031	\$1,241.20
77	065-388-032	\$1,241.20
78	065-388-033	\$1,241.20
79	065-388-034	\$1,241.20
80	065-388-035	\$1,241.20
81	065-388-036	\$1,241.20
82	065-388-037	\$1,241.20
83	065-388-038	\$1,241.20
84	065-388-039	\$1,241.20

Lot Number	County Assessor's Parcel Number	Annual Assessment
85	065-388-040	\$1,241.20
86	065-388-041	\$1,241.20
87	065-388-042	\$1,241.20
88	065-388-043	\$1,241.20
89	065-388-044	\$1,241.20
90	065-388-045	\$1,241.20
91	065-388-046	\$1,241.20
92	065-388-047	\$1,241.20
93	065-388-048	\$1,241.20
94	065-388-049	\$1,241.20
95	065-388-050	\$1,241.20
96	065-388-051	\$1,241.20
97	065-388-052	\$1,241.20
98	065-388-053	\$1,241.20
99	065-388-054	\$1,241.20
100	065-388-055	\$1,241.20
101	065-388-056	\$1,241.20
102	065-388-057	\$1,241.20
103	065-388-058	\$1,241.20
104	065-388-059	\$1,241.20
105	065-388-060	\$1,241.20
106	065-388-061	\$1,241.20
107	065-388-062	\$1,241.20
108	065-388-063	\$1,241.20
109	065-388-064	\$1,241.20

Lot Number	County Assessor's Parcel Number	Annual Assessment
110	065-388-065	\$1,241.20
111	065-388-066	\$1,241.20
112	065-388-067	\$1,241.20
113	065-388-068	\$1,241.20
114	065-388-069	\$1,241.20
115	065-388-070	\$1,241.20
116	065-388-071	\$1,241.20
117	065-388-072	\$1,241.20
118	065-388-073	\$1,241.20
119	065-388-074	\$1,241.20
120	065-388-075	\$1,241.20
121	065-386-005	0
122 Parcel 1	065-386-016	0
123 Parcel 2	065-386-017 065-386-018 065-386-019 065-386-012 065-386-013 065-386-014 065-386-010	0
124	065-386-015	0



AGENDA NO: B-2

Meeting Date: _____ Action: _____

Staff Report

TO: Honorable Mayor and City Council

DATE: May 10, 2010

FROM: Joe Woods, Recreation and Parks Director

SUBJECT: Resolution Approving the Engineers Report and Declaring the Intent to Levy the Annual Assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District

RECOMMENDATION

Staff recommends the City Council adopt Resolution No. 23-10 declaring the intent to levy the annual assessment for the maintenance of the North Point Natural Area and approving the Engineers Report.

MOTION: I move that the City Council approve the Engineering Report and Resolution No. 23-10, declaring intent to levy the annual assessment for the North Point Natural Area Landscaping and Lighting Maintenance.

FISCAL IMPACT

Based on the Engineers Report, which estimates the annual costs of maintaining the North Point Natural Area for the upcoming fiscal year, the fiscal impact is estimated at \$5,645. These costs will be offset by the collection of an assessment for the same amount from the parcel owners in the North Point Subdivision.

SUMMARY

On April 12, 2010, the City Council adopted Resolution No. 16-10, which initiated the proceedings to levy the annual assessment to fund the maintenance of the North Point Natural Area. Additionally, staff was directed to have an Engineer's Report prepared, detailing the estimated annual assessment for the parcel owners for fiscal year 2010/11. Upon adoption of Resolution No. 23-10, the next and final step in the annual levy of assessment process is the protest hearing/public hearing after which the City Council actually orders the levy of assessment.

Prepared By: BAW

Dept. Review: JAW

City Manager Review: _____

City Attorney Review: _____

North Point

BACKGROUND

As part of the annual assessment process, staff is required to provide an Engineers Report, which is an estimate of costs for maintenance of the North Point Natural Area. The cost estimates are based on the maintenance standards currently adhered to in the existing parks within Morro Bay and included in the Flat Rate Manual for Parks Maintenance, as well as maintenance costs from the current fiscal year. The estimate for the maintenance of the North Point Natural Area is \$5,645 or \$564.50 per parcel for fiscal year 2010/11.

As with the Cloisters Landscaping and Lighting Maintenance Assessment district, personnel costs as well as supplies and services have risen significantly in the last several years. However, due to the small acreage, natural landscaping and little irrigation in the North Point Natural Area the assessment amount collected is currently adequate to cover the costs of maintenance. In the near future, staff anticipates the maintenance efforts needed will exceed the assessment amount collected.

DISCUSSION

The process for the annual levy of assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District requires the City Council to receive the Engineers Report, approve and/or modify the report and adopt a Resolution of Intention. The Resolution of Intention gives notice of the time, date and place for a public hearing by the City Council on the issue of the levy of assessment. The protest hearing/public hearing has been set for June 14, 2010 at the Veteran's Memorial Building. Upon adoption, the Resolution of Intention shall be published in the newspaper as a legal notice of public hearing, at which all interested parties are afforded the opportunity to be heard either through written or oral communication. In addition, the City sends public notices via first class mail to all property owners on record in the Assessment District. Upon completion of the protest hearing/public hearing on June 14, 2010, the City Council may adopt the resolution ordering the levy of the annual assessment.

**RESOLUTION NO. 23-10
A RESOLUTION OF THE CITY COUNCIL
DECLARING THE CITY'S INTENTION TO LEVY
THE ANNUAL ASSESSMENT FOR THE MAINTENANCE OF THE
NORTH POINT NATURAL AREA**

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

WHEREAS, all property owners of the North Point subdivision requested the City of Morro Bay form a maintenance assessment district to fund the maintenance of the North Point Natural Area; and

WHEREAS, the Landscaping and Lighting Act of 1972 (the "Act") enables the City to form assessment districts for the purpose of maintaining public improvements; and

WHEREAS, pursuant to Section 22623 of the Act, the Engineer has filed in the Office of the City Clerk, and submitted for review to the City Council, a report entitled "Engineers Report North Point Natural Area Landscaping and Lighting Maintenance Assessment", dated May 11, 2009, prepared in accordance with Article 4 of the Act, commencing with Section 22565; and

WHEREAS, pursuant to Section 22608.2 of the Act, the subdivider(s) were required by City ordinance to install improvements for which an assessment district was required in order to assure continued and uninterrupted maintenance of the North Point Natural Area; and

WHEREAS, pursuant to the intent of Article XIII, Section 4, of the California Constitution, the property owners have elected to form the North Point Natural Area Landscaping and Lighting Maintenance Assessment District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that it is the intent of the Council to order the annual levy and collection of assessments for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District generally located as shown in Exhibit "A" attached hereto at a public hearing to be held June 14, 2010 at 6:00 p.m. in the Veteran's Memorial Building, 209 Surf Street, Morro Bay, CA.

BE IT FURTHER RESOLVED by the City Council the improvements to be maintained at the North Point Natural Area are specified in the Engineer's Report dated May 10, 2010 which is hereby approved.

BE IT FINALLY RESOLVED by the City Council the assessment upon assessable lots within the district is proposed to total \$5,645 or \$564.50 per assessable parcel for fiscal year 2010-2011.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held this 10th of May, 2010 by the following roll call vote:

AYES:

NOES:

ABSENT:

Janice Peters, Mayor

ATTEST:

Jamie Boucher, Deputy City Clerk

CITY OF MORRO BAY
NORTH POINT NATURAL AREA
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT

ENGINEER'S REPORT

Prepared By:

Robert Livick, PE/PLS, City Engineer
Public Services Department
City of Morro Bay

May 10, 2010

CITY OF MORRO BAY
NORTH POINT NATURAL AREA
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT

ENGINEER 'S REPORT

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**CITY OF MORRO BAY
NORTH POINT NATURAL AREA
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT**

ENGINEER'S REPORT

I. Project Description

As a condition of approval for Tract No. 2110, the North Point subdivision, the developers were required to offer to the City for dedication Lot 11 of the subdivision for park purposes, and to construct improvements on Lot 11 including a paved parking area, a stairway providing access to the beach, benches, landscaping and irrigation, lighting, and other improvements. The subdivision was also conditioned to provide maintenance of the park by establishing an assessment district. Lot 11 of Tract No. 2110 is identified as the North Point Natural Area.

For a detailed description of the improvements, refer to the plans and specifications on file in the office of the City Engineer.

The owners of the ten residential lots within the North Point subdivision have requested that the City form a maintenance assessment district to fund the maintenance of the North Point Natural Area.

II. Maintenance Tasks

A list of maintenance tasks required to maintain the North Point Natural Area in acceptable condition for public use was developed by the City Recreation and Parks Department based on maintenance standards established for existing parks within the City and is included in this report as Attachment A.

III. Maintenance Costs

The estimated annual cost of maintaining the North Point Natural Area was developed by the Recreation and Parks Department based on the tasks required and the City's Flat Rate Manual for Parks Maintenance. The annual cost of maintenance for the 2010/11 fiscal year is estimated to be \$5,645.00. The detailed cost estimate is included in this report as Attachment B.

IV. Apportionment of Assessment

The total assessment for the District is apportioned to each of the ten residential lots equally. Lot 11, the North Point Natural Area; Lot 12, a private street; and Lot 13, an open space parcel to be granted to the State of California; are not assessed. Individual assessments are listed in the following table:

Parcel/Assessment Table

Lot Number	County Assessor's Parcel Number	Annual Assessment
1	065-082-10	\$564.50
2	065-082-11	\$564.50
3	065-082-12	\$564.50
4	065-082-13	\$564.50
5	065-082-14	\$564.50
6	065-082-15	\$564.50
7	065-082-16	\$564.50
8	065-082-17	\$564.50
9	065-082-18	\$564.50
10	065-082-19	\$564.50
11	065-082-20	\$ 0.00
12	065-082-21	\$ 0.00
13	065-082-22	\$ 0.00

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)

End of Section

Ordinance 558 would amend the Morro Bay Municipal Code to read as follows:

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 [manager](#) shall appoint a recreation and parks director to administer the recreation and parks department under the direction of the city [manager](#). The recreation and parks director, or

their 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 their 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 [2.24.070](#), [2.24.080](#) or [2.24.090](#) 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)

CONCLUSION:

We recommend Council review and move or first reading an introduction of the attached ordinance 558 by number and title only. Please feel free to ask questions or make any changes you feel appropriate.

ORDINANCE NO. 558

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY TO AMEND CHAPTER 2.24 OF THE MORRO BAY MUNICIPAL CODE REGARDING THE DUTIES OF THE RECREATION AND PARKS DEPARTMENT

THE CITY COUNCIL CITY OF MORRO BAY, CALIFORNIA

WHEREAS, Section 2.24 of the Morro Bay Municipal Code sets forth the duties and responsibilities of the Recreation and Parks Department; and

WHEREAS, the City desires to amend the Recreation and Parks Department duties and to provide grammatical and reference accuracy; and

WHEREAS, the City of Morro Bay needs to amend Section 2.24 in order to make this change.

NOW, THEREFORE, following the Public Hearing, and upon consideration of the testimony of all persons, the City Council of the City of Morro Bay does ordain Section 2.24 Recreation and Parks Department be amended as follows:

2.24 Recreation & Parks Department.

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 [manager](#) shall appoint a recreation and parks director to administer the recreation and parks department under the direction of the city [manager](#). The recreation and parks director, or [their](#) 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.
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- 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)

End of Section

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 10th day of May 2010 by motion of _____ and seconded by _____.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Janice Peters, Mayor

ORDINANCE NO. 558

ATTEST:

Jamie Boucher, Deputy City Clerk



AGENDA NO: D-1

Meeting Date: May 10, 2010

Council Report

TO: City Council

DATE: May 5, 2010

FROM: Janice Peters, Mayor

SUBJECT: Allocation of Funds Generated from the Fundraiser Follies

RECOMMENDATION:

Review and file report.

FISCAL IMPACT:

There will be no impact to General Fund.

SUMMARY:

The Fundraiser Follies continues to raise more money each year, from \$2,720 in 2008 to \$3,278 in 2009 and \$5,238 this year. The various events that benefit from the fund are participating in the Follies in some way to “earn” their allocation. However, this year costs tripled (\$2,688) due to renting tables instead of moving them from the Market St. property, increased equipment rental fees and full facility and labor reimbursement to the City. Therefore, we are making the same distribution allocation amounts per event as we did last year, which will cover all event permit fees and some costs. This enables us to retain sufficient “seed money” to cover next year’s expenses, and should enable us to increase the allocations for the 2011-12 year. Now that the Follies have proven to be a popular and profitable event, it is something I would like to continue to produce when I am no longer on the City Council. Therefore, I am investigating non-profit sponsorship possibilities, and will report the results to the Council later this year.

CONCLUSION:

The Fundraiser Follies will distribute \$2,476 to the events listed in this report. The sum of \$2,136 will be held as seed money for the 2011 production. Outside sponsorship will be pursued and results reported back to the Council.

Prepared By: JP

Dept Review:

City Manager Review:

City Attorney Review:

Date	Transaction	Receipts	Expenses/ Distributions	Balance
2008				
02/19/08	Receipts	495.00		495.00
02/21/08	Receipts	130.00		625.00
02/22/08	Receipts	150.00		775.00
02/26/08	Receipts	1,725.00		2,500.00
02/27/08	Receipts	10.00		2,510.00
02/29/08	Receipts	140.00		2,650.00
03/07/08	APG Video		(59.26)	2,590.74
03/07/08	APG Video		(20.00)	2,570.74
03/24/08	Receipts	50.00		2,620.74
03/27/08	Receipts	20.00		2,640.74
	2008-2009 Distributions from 2008 proceeds:			
12/31/08	Chamber of Commerce JE 1205		(670.00)	1,970.74
	4th of July - \$250			
	Avocado/Margarita Festival - \$96			
	Lighted Boat Parade - \$132			
	NYE Party - \$96			
	Business Expo - \$96 (not to be funded in future)			
12/31/08	Merchants Street Fair JE 1204		(150.00)	1,820.74
06/30/09	Art In the Park JE 631		(150.00)	1,670.74
06/30/09	Celebrate Morro Bay JE 641		(75.00)	1,595.74
06/30/09	Mermaid & Pirates Parade JE 641		(96.00)	1,499.74
06/30/09	Crusin' Morro Bay JE 641		(150.00)	1,349.74
06/30/09	Music Festival JE 641		(132.00)	1,217.74
06/30/09	Kite Festival JE 641		(75.00)	1,142.74
08/31/09	Art In the Park JE 830		(80.00)	1,062.74
08/31/09	Merchants Street Fair JE 830		(100.00)	962.74
08/31/09	4th of July JE 830		(132.00)	830.74
09/30/09	Art in the Park JE 959		(80.00)	750.74
11/30/09	Avacado/Margarita Festival		(132.00)	618.74
10/31/09	Harbor Festival JE 1015		(14.00)	604.74
11/30/09	Merchants Arts & Crafts Permits JE 1115		(64.00)	540.74
12/31/09	Lighted Boat Parade JE 121228		(132.00)	408.74
01/31/10	Yogathon JE 119		(104.00)	304.74
04/30/09	Best Pooch Pageant		(104.00)	200.74
	2008 total receipts:	2,720.00		
	2008 total costs:	(79.26)		
	2008/09 total distributions:	(2,440.00)		

Date	Transaction	Receipts	Expenses/ Distributions	Balance
2009				
02/27/09	Syd Carr, sound tech		(200.00)	0.74
02/27/09	Steve Acker, lights rental		(40.00)	(39.26)
02/27/09	APG Video, spotlight rental		(200.00)	(239.26)
02/20/09	Receipts	270.00		30.74
03/03/09	Receipts	1,400.00		1,430.74
03/03/09	Receipts	50.00		1,480.74
03/03/09	Receipts	1,308.00		2,788.74
03/03/09	Receipts	180.00		2,968.74
03/05/09	Receipts	70.00		3,038.74
03/10/09	Noah Smukler mileage for Pizza Pickup		(21.01)	3,017.73
03/10/09	APG Video Equipment Rental		(125.00)	2,892.73
03/10/09	ASAP Reprographocs, programs & tickets		(66.33)	2,826.40
03/10/09	Hay Printing, posters		(59.26)	2,767.14
03/26/09	Top Dog Coffee, coffee, etc.		(20.00)	2,747.14
05/30/09	Brenda Sue's Consignment, costumes		(43.50)	2,703.64
	2009-2010 Distributions from 2009 proceeds:			
	Chamber of Commerce		(864.00)	1,839.64
	Kite Festival/Parade - \$144			1,839.64
	Mermaid & Pirate Parade - \$104			1,839.64
	4th of July - \$240			1,839.64
	Avocado/Margarita Festival - \$240			1,839.64
	Lighted Boat Parade - \$136			1,839.64
	Cruisin' Morro Bay Car Show		(240.00)	1,599.64
	Dahlia Days		(204.00)	1,395.64
	Art in the Park (3)		(240.00)	1,155.64
	Morro Bay Merchants Street Fair (2)		(168.00)	987.64
	Best Pooch Pageant		(104.00)	883.64
	Music Festival		(136.00)	747.64
	Harbor Festival		(240.00)	507.64
	Waterfest		(40.00)	467.64
06/30/09	Janice Peters - Discretionary funds Reserve for 2010	200.00		667.64
	2009 total receipts:	3,278.00		
	2009 total costs:	(775.10)		
	2009/10 total distributions:	(2,236.00)		

Date	Transaction	Receipts	Expenses/ Distributions	Balance
2010				
02/19/10	Receipts	100.00		767.64
02/25/10	Receipts	1,270.00		2,037.64
02/25/10	ASAP #130821, posters		(33.63)	2,004.01
02/26/10	Receipts	635.00		2,639.01
	Steve Acker DJ services - lights rental, CD copies		(50.00)	2,589.01
	Albertsons - cast snacks		(7.71)	2,581.30
	Goodwill - votives for tables		(10.74)	2,570.56
	Dollar Tree - tablecloths and decorations		(23.92)	2,546.64
	Home Depot - curtain rod and hangers		(17.34)	2,529.30
	Miner's Hardware, stage paint		(12.89)	2,516.41
	Beverly's, curtain fabric		(24.37)	2,492.04
	Party Plus, costume props		(9.44)	2,482.60
03/02/10	Receipts	2,638.50		5,277.51
03/02/10	Receipts	300.00		5,577.51
03/04/10	Receipts	85.00		5,662.51
03/05/10	Receipts	120.00		5,782.51
03/08/10	Receipts	70.00		5,852.51
03/16/10	City fees and labor costs		(728.50)	5,124.01
03/16/10	Receipts	10.00		5,134.01
03/16/10	Receipts	10.00		5,144.01
03/11/10	Party Plus - table rental		(518.89)	4,625.12
	Smart & Final - refreshment service supplies		(182.17)	4,442.95
	Dollar Tree - snacks, props		(27.46)	4,415.49
	Michael's - costume props		(11.91)	4,403.58
	Hungry Fisherman - production crew lunch		(46.80)	4,356.78
03/11/10	ASAP Reprographics - tickets		(6.53)	4,618.59
03/11/10	Dan Reddell - liquor license, wine, beer, soft drinks		(105.00)	4,513.59
03/11/10	Noah Smuckler - mileage for pizza supplies		(44.37)	4,469.22
3/17/10	ASAP Reprographics - programs		(26.47)	4,442.75
	AGP: Equipment \$721.38 less discount		(489.38)	3,953.37
	AGP: Technical services \$510.62 less discount		(310.62)	3,642.75
	2010-2011 Distributions from 2010 proceeds:			
	Chamber of Commerce		(864.00)	2,778.75
	Kite Festival/Parade - \$144			2,778.75
	Mermaid & Pirate Parade - \$104			2,778.75
	Chili Cook-off - \$240			2,778.75
	Avocado/Margarita Festival - \$240			2,778.75
	Lighted Boat Parade - \$136			2,778.75
	4th of July Committee		(240.00)	
	Cruisin' Morro Bay Car Show		(240.00)	2,538.75
	Dahlia Days		(204.00)	2,334.75
	Art in the Park (3)		(240.00)	2,094.75
	Morro Bay Merchants Street Fair (2)		(168.00)	1,926.75
	Best Pooch Pageant		(104.00)	1,822.75
	Music Festival		(136.00)	1,686.75
	Harbor Festival		(240.00)	1,446.75
	Waterfest		(40.00)	1,406.75
	Janice Peters Discretionary funds Reserve for 2012	730.00		2,136.75
	2010 total receipts:	5,238.50		
	2010 total costs:	(2,688.14)		
	2010/11 total distributions:	(2,476.00)		



AGENDA NO. D-2

MEETING DATE: May 10, 2010

Staff Report

TO: Honorable Mayor and City Council **DATE:** May 4, 2010
FROM: Harbor Director
SUBJECT: Consideration of Correspondence Supporting HR 4844 to Ensure
100% Federal Funding of Harbor Maintenance with the Harbor
Maintenance Trust Fund

RECOMMENDATION: That the City Council approve the attached letter to our elected representatives supporting legislation to ensure full federal funding of Harbor Maintenance with the Harbor Maintenance Trust Fund.

MOTION: I move that the City Council approve the attached letter.

BACKGROUND: In 1986 Congress approved a tax on cargo unloaded in US ports with revenues collected dedicated to funding of federal Harbor Maintenance (Harbor Maintenance Tax). Funds from the Tax are to be set aside in the Harbor Maintenance Trust Fund, and used by the Army Corp of engineers on dredging and other national harbor maintenance projects. Unfortunately not all Harbor Maintenance Taxes are appropriated for dredging projects by Congress every year. In addition since California has the largest cargo import complex in the nation in Los Angeles/Long Beach harbors over \$400 million in Harbor Maintenance Taxes were collected from California ports and harbors in 2008, and Congress only appropriated approximately \$60 million in Harbor Maintenance Funds in 2008 in California. Up until this year Morro Bay Harbor had backlogged maintenance dredging and, although with recent stimulus funds federal commitments for maintaining Morro Bay Harbor have been fulfilled for now, it is anticipated that in future years budgeting for federal maintenance of Harbors will again become very difficult.

DISCUSSION: Legislation has been introduced in the House and Senate to reaffirm Congress commitment to use Harbor Maintenance Tax collections for the intended purpose of the tax. Staff recommends that the City Council approve the attached correspondence with our elected federal officials to support said legislation.

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



City of Morro Bay

Morro Bay, CA 93442

(805) 772-6200

May 4, 2010

Honorable Lois Capps
1707 Longworth Building
Washington, DC 20515

RE: H.R. 4844

Dear Lois:

We are asking you to cosponsor H.R. 4844 *to insure that all amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.*

The ports and harbors within California are not getting dredged in a timely manner to their congressionally authorized depth. This is having a negative impact on the citizens in your District.

In 1986 Congress created a fee to pay for this crucial channel maintenance and said that 40% of the cost of the maintenance would be paid from the fee. In 1990 Congress increased the amount of the fee collected and stated that 100% of the cost of maintenance would be paid from the fee.

What has happened is the fee is being collected by the federal government and not being spent on its intended use. Over \$400 million is being collected in California annually and less than 20% comes back to California. A significant portion of the tax collected nation-wide does not go to its intended purpose. California's manufacturers, farmers and their employees are not able to achieve their full economic potential as a result of this mismatch between revenue and expenditures.

We in the port and harbor communities are unified in our position and commitment in ensuring that the Harbor Maintenance Tax revenues are used for their legislated purposes. Specifically, 100% of Harbor Maintenance Tax collected each year shall be used for operations and maintenance (O&M) of all federally authorized port and harbor projects. We also want to make certain this goal does not impact our national investment in construction and coastal studies.

In preparation for a Water Resource Development Act of 2010 we wish you to be aware of our efforts and the efforts of the national coalition, Realize America's Maritime Promise (RAMP), to get legislation enacted that will ensure all Harbor Maintenance Trust Fund tax revenues collected each year are budgeted to fully fund the O&M of federal navigation projects as described in a project's authorization so that the full benefits of each project are realized.

FINANCE
595 Harbor Street

ADMINISTRATION
595 Harbor Street

FIRE DEPT.
715 Harbor Street

PUBLIC SERVICES
955 Shasta Avenue

HARBOR DEPT.
1275 Embarcadero Road

CITY ATTORNEY
595 Harbor Street

POLICE DEPT.
870 Morro Bay Boulevard

RECREATION & PARKS
1001 Kennedy Way

You recently received a letter from Representatives Bart Stupak, Charles Boustany, Jr. and Laura Richardson urging you to cosponsor H.R. 4844 and offering the following staff contacts for your staff to follow up with: Ernesto Falcon in Congressman Bart Stupak's office at Ernesto.Falcon@mail.house.gov, Jeremy Marcus in Congresswoman Laura Richardson's office at Jeremy.Marcus@mail.house.gov or Ryan Evans in Congressman Charles Boustany's office at Ryan.Evans@mail.house.gov.

Thank you very much for considering our request.

Sincerely,

Janice Peters
Mayor



AGENDA NO: D-3

MEETING DATE: May 10, 2010

Staff Report

TO: Honorable Mayor and City Council **DATE:** May 2, 2010
FROM: Andrea K. Lueker, City Manager
Susan Slayton, Administrative Services Director/City Treasurer
SUBJECT: Discussion of a Resolution to Establish a Procedure for Requesting Measure Q Funding during the Budget Process

RECOMMENDATION

Staff recommends the City Council review this staff report regarding setting a procedure for staff to follow in submitting Measure Q funding requests during the budget process.

MOTION: I move the City Council direct staff to prepare a Resolution for adoption at the May 24, 2010 meeting outlining the following procedure for staff to follow in submitting Measure Q funding requests:

1. Department Heads must submit Measure Q funding requests to the City Manager/Administrative Services Director well in advance of the 1st budget hearing.
2. The City Manager and Administrative Services Director shall initially review and prioritize the requests to an "A" and a "B" list (if needed). The "A" list shall include prioritized projects and use the total anticipated funding available. The "B" list shall continue from the "A" list with the priority projects that fall outside the funding amounts.
3. The Department Head Team shall meet, review and recommend the "A" and "B" lists to the City Council.
4. The recommendation shall be included in the preliminary budget document.

FISCAL IMPACT

Not applicable.

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

BACKGROUND

Measure Q, a ½ cent district sales tax, was approved by the voters of Morro Bay in November 2006. It was passed as a General Fund tax without a sunset clause and it is the 4th largest revenue source with which the City has discretionary spending privileges. Since passage of Measure Q, the funds have been divided during the budget process and have funded fire, streets, storm drains, and police, with none of the funding directed toward youth and park programs and other general community services (i.e. transit), which are included as funding options in the ballot language:

“To preserve the safety and character of Morro Bay, with priority on funding essential services such as fire, paramedics, street and pothole repairs, storm drains, police, youth and park programs and other general community services, shall an ordinance be adopted increasing the City sales tax by one-half cent, subject to independent annual financial audits and establishing an independent taxpayer’s advisory committee to review annual expenditures”

The first year after the measure was passed (2006/07 - partial year), approximately \$66,000 was collected with \$49,000 remaining undistributed after set-up fees. However, none of those funds were allocated that fiscal year. In the 2007/08 budget process, the City Council distributed the current year’s budget by percentages, based on requests made by the Department Heads, with little or no administrative recommendation. For the next two years (2008/09 and 2009/10), staff submitted specific requests, in excess of the amount available, and the City Council allocated specific dollar amounts, not percentages. During those years, requests were included from all Departments but those funded were limited to fire, streets, storm drains, and police.

DISCUSSION

During the last several budget processes, requests for Measure Q funding were generated and passed directly from Department Heads to the City Council as part of the preliminary budget document. The Council then had to “pick and choose” from a list of requests. Those final decisions by Council were then included in the final budget document. Following that procedure, the Citizens Oversight Committee during their semi-annual review of revenues and expenditures has rejected a number of those requests, which is one of the drivers for this staff report.

As the Council is aware, the Citizens Oversight, or Measure Q Committee, appointed by the City Council, is directed as follows, pursuant to Municipal Code Section 3.22.120 (Ordinance 519):

- A. Citizens Oversight Committee Established. There shall be a permanent citizens’ advisory committee called the “Citizens Oversight Committee” (hereinafter “Committee”), which shall semi-annually review revenues and expenditures from the collection of the tax.
- B. Committee Membership. The committee shall have five citizen-members appointed by the city council for six-year terms with initially three members serving three years, and three members serving six years. Appointees shall be residents of the city; however, no member of the committee shall be an elected official.
- C. Committee Organization Procedures. The committee shall select one of its members as chairperson. The committee shall follow the rules of procedure of the city unless and until,

upon the report and recommendation from the committee, the city council adopts a specific set of procedural rules for the committee.

D. Regular Meeting; Provision of Support Services and Information. The committee shall be subject to the provisions of the Brown Act (California Government Code Sections 54950 et seq.) and shall meet at least once each calendar year. A regular meeting schedule shall be determined in accordance with the Brown Act and thereafter meetings shall be noticed by the city clerk. The city manager or his/her designee shall serve as executive staff to the committee. In addition to receiving materials directly related to the functioning of the committee, the committee members shall also receive all agenda material and other primary staff reports (other than those which are confidential) as are provided to the city council.

E. Citizens Oversight Committee Functions. The committee shall have the following function: Semi-annual report: the committee shall review a semi-annual expense report of the city relative to activities funded with the additional general purpose local sales tax monies. Not later than the last day of the sixth month following the end of the each city fiscal year, the committee will present its findings and conclusions to the city council for its review.

As described in the Municipal Code, the Oversight Committee's function is to review expenditures that have occurred and assess whether or not they were spent on goods/services based on the budgeted categories and the language of the ballot measure. In past years, the Oversight Committee has been very direct with the City Council during its presentations in regard to the "spirit of Measure Q" and that it was intended to be used predominantly for:

- replacement of the fire station
- equipment for our public safety employees
- street maintenance
- storm drain repair to prevent toxic runoff into the bay

While only these four points were included in materials provided to the public, including a door hanger (Attachment 1) and a mailing (Attachment 2), a longer list of needs coordinating with the ballot measure language was included in other materials distributed to the general public, including a "Dear Neighbor" letter (Attachment 3) and Frequently Asked Questions (Attachment 4). The City included this longer list of needs on a postcard mailing to residents and the responses received (approximate 752) were ranked in the following order, indicating that citizens were interested in public safety as well as other critical city services:

1. Replace our 70 year old fire station for seismic safety
2. Equip local firefighters/paramedics
3. Repair and maintain City Streets
4. Renovate and staff the North Morro Bay fire station
5. Maintain City buildings, parks and restrooms
6. Repair storm drains to protect the bay
7. Replace emergency vehicles
8. Restore police officers
9. Restore after-school programs and facility hours of operation

In the initial Argument that was provided for a yes vote on Measure Q (Attachment 5), the same nine items were listed, indicating those as the issues most important to the citizens. A PowerPoint presentation (Attachment 6) given to a number of community and service groups, as well as other organizations, included these nine items. This presentation was predominantly given by the Fire and Police Chiefs. The Chiefs were used for these presentations as the results of a professional telephone survey done by Fairbank, Maslin, Maullin and Associates concluded they were two of the top three “Most Believable Organizations and Public Figures” in City government at that time. The PowerPoint presentation also covered all City needs that the increase in sales tax would accommodate.

CONCLUSION

For the past three years, the Council has been presented with a “laundry list” of requests for Measure Q funds. Those requests are consistent with the ballot language and with the numerous materials provided to educate the public on uses of Measure Q as well as the information included in the PowerPoint presentation given to a number of civic and local groups. This is the 4th largest general revenue source with which the City has discretionary spending privileges. With this much money at stake, staff recommends that Council adopt a resolution outlining the following procedure for staff to use in submitting Measure Q funding requests:

1. Department Heads must submit Measure Q funding requests to the City Manager/Administrative Services Director well in advance of the 1st budget hearing.
2. The City Manager and Administrative Services Director shall initially review and prioritize the requests to an “A” and a “B” list (if needed). The “A” list shall include prioritized projects and use the total anticipated funding available. The “B” list shall continue from the “A” list with the priority projects that fall outside the funding amounts.
3. The Department Head Team shall meet, review and recommend the “A” and “B” lists to the City Council.
4. The recommendation shall be included in the preliminary budget document.



Staff Report

AGENDA NO: D-4

MEETING DATE: May 10, 2010

TO: Honorable Mayor and City Council **DATE:** May 5, 2010
FROM: Andrea K. Lueker, City Manager
Susan Slayton, Administrative Services Director/City Treasurer
SUBJECT: Discussion of a Resolution to Establish a Policy on the Use of General Fund (Accumulation) Reserve

RECOMMENDATION

Staff recommends the City Council review the staff report regarding setting a policy on the use of the General Fund (Accumulation) Reserve, provide any further direction to staff, and finally, direct staff to bring back a resolution at a future meeting for adoption confirming that direction.

MOTION: I move the City Council direct staff to prepare a Resolution for adoption at the May 24, 2010 meeting, outlining the following policy for use of the General Fund (Accumulation) Reserve....

FISCAL IMPACT

Not applicable.

BACKGROUND

In order to provide a more specific policy on the use of the Risk Management Reserve Fund, the City Council, on February 22, 2010, adopted Resolution No. 13-10 which established more specific parameters for the use of that fund as well as set a minimum balance of \$500,000.

The City also has a General Fund (Accumulation) Reserve. The City Council has adopted two separate resolutions governing that reserve. The first was adopted in 1993 and set aside \$800,000 for emergencies (Attachment 1). Then in 1995, the City Council adopted a reserve policy, stating that the General Fund (Accumulation) Reserve of 27.5% of the General Fund operating budget was necessary, but provided no further direction on the potential delineation of those funds. That policy was entitled "City Council Policy Statement for the Maintenance of Prudent Financial Reserves in the General Fund" and reads as follows:

The City Council determines that a reserve, in an amount equal to, or greater than, twenty-seven and one-half percent (27.5%) of the General Fund Operating budget, is necessary for prudent fiscal reserves.

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

The City Council directs that the Finance Director include an amount sufficient to maintain the desired level of reserves in the annual operating budget of the General Fund, before any other funds are budgeted for City operations.

The City Council reserves the discretion to defer additional contributions to the reserve in future year budgets, which recommend a reduction in overall workforce.

The City Council directs that this policy be implemented for General Fund operating budgets for fiscal year 1996-97 and fiscal years thereafter.

This policy set a target level for reserves that is based on a percentage of total budget. This allows the police to remain effective even when the budget increases.

As staff reported to the City Council on February 22, 2010, with the transfer of approximately \$2.4 million from the Risk Management Reserve to the General Fund (Accumulation) Reserve, the balance in the General Fund (Accumulation) Reserve would increase from \$477,042 to \$2.88 million. That amount would then meet the goal of 27.5% of the General Fund operating budget.

DISCUSSION

During the last few years of economic downturn, a number of cities across California, as well as across the nation, have used their reserve funds to balance their budget. The City of Morro Bay has used reserve funds on an irregular basis to pay for unexpected or unanticipated expenditures, following City Council direction.

As indicated above, in 1995, the City Council made a policy statement on having a General Fund (Accumulation) Reserve of 27.5% of the General Fund operating budget. The City Council recently indicated, at their Goal Setting Workshop, the fiscal year budget must be balanced without the use of reserve funds. The Council also set a goal for a sustainable budget, defined as ongoing regular revenues meeting or exceeding ongoing regular expenditures.

Also during that Goal Setting Workshop, the City Council supported staff in bringing back a Resolution on the use of the General Fund (Accumulation) Reserve, to further delineate its purpose. As an example on further delineation, the Council could determine that 20% of the reserve could be used in the case of a catastrophic event (earthquake, flood) and 7.5% could be used for a fiscal uncertainty. In an effort to provide the City Council with a number of options, staff has attached the responses (Attachment 2) to a questionnaire the Administrative Services Director sent out earlier this year. This will provide the City Council with some information on the variety of options they might want to consider in terms of the General Fund (Accumulation) Reserve delineation.

CONCLUSION

Staff recommends the City Council review the possible options, and determine if they desire to delineate the use the General Fund (Accumulation) Reserve any further. Staff will bring back a confirming Resolution to a future meeting, based on the City Council's direction.

1. How do you classify or plan to use your General Fund reserve (i.e., part is reserved for catastrophic events (earthquakes), part is reserved for economic downturn)?				
2. What is your General Fund reserve policy percentage and actual reserve amount?				
3. What is your current General Fund budget amount?				
4. Have you used reserves to cover budget deficits this fiscal year and/or last? How much did you use?				
CITY	#1	#2	#3	#4
Aliso Viejo	General Fund Stabilization Reserve	15% of GF appropriations \$1,939,166	\$13m	No
	Economic Uncertainty	10% of GF Revenue \$1,324,902		
	Self-Insurance/Benefit Obligation.	1.5 times coverage levels \$400,000		
	Contingency Reserves	10% of GF Appropriations \$1,292,778		
	Asset Replacement Reserves-Changes	Depending on budget \$700,000		
Calexico	Not specified	\$1,200,000 - \$500,000 = \$700,000	\$20m	FY 2009-10 \$500,000
Chula Vista	15% General Fund	Total policy is 23% and we are at 6.9%	\$133m	None
	5% Economic Contingency			
	3% Catastrophic Events			
	Percentages adopted by council in 12/09; prior to that, the policy was 8% with no separate classifications			
Danville	Can be used for either and both	20%		No
El Paso de Robles	Not specified	15% of GF expense is usual, but Council approve a suspension of this policy as the reserves will likely be needed this year	\$25m	Yes. Approximately \$250K in FY09 and a projected use of \$1.6M for FY10. We currently have approximately \$12M from different funding sources to use towards our projected deficits over the next four years.
El Segundo	The City's fund policy calls for 20% undesignated/unreserved balance for catastrophic events. We have an Economic Uncertainty Fund for economic downturns that is funded by General Fund surplus	Currently funded at 20%	\$62m	FY 09-10 We used a combination of one-time money, i.e. Internal Service Funds and reserves. How much did you use? Approx \$6 million

Encinitas	<p>a. Contingency Reserves: Reserve is budgeted each year, the target amount shall be reset to twenty (20%) percent of operating expenditures. Would be used to provide for temporary financing of unanticipated extraordinary needs of an emergency nature and will be drawn down as the funding source of last resort.</p>	<p>a. Contingency – Policy 20% of operating expenditures, funded at 20% (FY10 – \$9,324,337)</p>	\$46.6m	No
	<p>b. Budget Stabilization Reserve: Reserve is budgeted each year. The target amount for this reserve shall be reset each year to two percent of operating revenues. This reserve is intended to guard against recessionary impacts to revenues and protect service levels during difficult times and should be used to temporarily restore the budget when revenues come in lower than anticipated. During the current fiscal year, Council approved to increase reserve to five (5%) of operating revenues.</p>	<p>b. Budget Stabilization – 2% of revenues, set at 5% in FY10, funded at 5% (FY10 - \$2,514,659)</p>		
	<p>c. Future Projects Reserve: Any Fund Balance that is not allocated to the Contingency Reserve or Budget Stabilization Reserve will be deposited into the Undesignated Fund Balance. This reserve is used to fund off-cycle appropriations such as project cost overruns or projects/programs identified outside of the budget process.</p>	<p>c. Future Project Reserves – Remaining Fund Balance not allocated to Contingency/Budget Stabilization, FY10 \$2,431,296</p>		

Goleta	Two components to the G.F. reserve. The first is a Contingency reserve while the second is called a Cash flow reserve but we're currently discussing changing the name to either Excess or Discretionary Reserve.	Contingency reserve -33% of G.F. annual operating budget – actual reserve balance of \$5.2million. No target on Cash flow reserve, it is simply used to account for cash balances in excess of reserve requirements	\$15.1m	Yes, we've allocated almost \$1.1m from the Cash flow reserve in current year
Laguna Nigel	The entire General Fund fund balance is either reserved or designated. Of the amount that is designated (\$76M), \$12.7 is designated for economic uncertainty and \$26.4 is designated for capital asset replacement.	For economic uncertainty, the reserve is 50% of general fund operating expenditures.	\$31.7m	Used \$1.4 of reserves in 09/10 which was the first year reserves have been used.
La Habra Heights	The general fund reserve is not designated for specific uses. It would not be used in an economic downturn for operational costs. Cuts would be made in lieu.	There is no policy. The general fund reserve is 100% of the budget, by long term tradition	\$4m	The last two year's were surplus budgets however, next budget year may change. Cuts are more likely than use of reserves.
La Verne	Contingencies	Min. of 15% of GF Operating budget, 26% going into 09/10	\$25.5m	09/10, budgeted estimate \$1.0m
Lemoore	Use is to compensate for the revenue short falls in the next 3 years.	15% of G. F. operations	\$742,000	Yes, approximately \$200,000
Los Altos	Through the FY2009-10 budget process, the emergency reserve and operating reserve were consolidated and renamed "State Revenue Stabilization Reserve" for possible state takeaway.	The goal is 20% and the actual reserve is currently at 14%.	\$26.7m	No
Mill Valley	It's formally called a "Contingency Reserve."	15% of the prior year GF budget for the Contingency Reserve and another 10% kept by practice. The add'l 10% will be a struggle this coming year though	\$22.7m	No

Monterey	The reserve is called "Reserve for Economic Uncertainty," and used as needed (and rarely). N differentiation between types of "uncertainty."	Policy: 15% Actual: 10%	\$57.4m	No, have not taken money out of the reserve this year or last. But did postpone planned additions to reserve that were meant to get back up to the 15% policy in a few years.
Paradise	We have 5 designations: unrestricted, unanticipated emergencies, equipment, building, leave liability	20% \$1.9 million	\$10.8m	We're using about \$165,000 this year.
Pismo Beach	No designation of a specific amount for Emergencies or Financial Deficits	20% of GF Operating Expenses; as of June 30, 2009, the amount was \$3,150,000	\$14.9m	No
Riverside	15% of annual operating budget for "Economic Contingencies" and the remaining balance is left as unreserved, undesignated. The "reserve" number that is often quoted, however, is the full amount of the 15% plus the unreserved, undesignated funds.	We have an informal policy of 15% and actual is currently around 20%.	2009/10 = \$197.8m 2010/11 = \$194m	\$2.2 million adopted 2009/10 and \$2.0 million projected for 2010/11.
San Clemente	Emergency reserve is 9% of operating expenditures. By policy, the primary purpose is to protect essential service programs during periods of economic downturns (defined as a recession lasting two years or more). Actual amount is \$4.4 million		\$49.5m	No

San Luis Obispo	For the General Fund, maintain an unreserved, undesignated fund balance that is at least 20% of operating expenditures. Its purpose is to "maintain the City's credit worthiness and to adequately provide for:	20% of operating costs and currently at that level; with some modest course adjustments, the expectation is to end next fiscal year (2010-11) at this level. (Note: Because 2009-10 is the first year of our two-year budget, all of our fiscal planning is focused on how we will end 2010-11, not 2009-10.)		Yes and no. 2008-09 ended about \$2.5 million above our policy minimum. And as noted it is expected to draw down on our reserves with 2009-11 to end with reserves at policy levels.
	1. Economic uncertainties, local disasters, and other financial hardships or downturns in the local or national economy.			
	2. Contingencies for unseen operating or capital needs.			
	3. Cash flow requirements."			
Soledad	Only as City Council allows	12.50%, used to be 25%, 30-45 day working capital for enterprise accounts	\$7m	Use not allowed by City Council
Tracy				The City has authorization to spend down our reserve to 20% to cover budget deficits but that cannot go below the 20%, and current revenues must equal current expenses (definition of a balanced budget) by FY 12-13
Twenty-nine Palms	About 1/3 is designated for specific projects, the rest is unreserved	Leave at least 50% of an average annual budget in General Fund equity	\$7.3m	Planned to use reserves to cover a \$500,000 deficit for the cost of a General Plan update this year, but it appears that will not be needed. Next year planning to dip into our reserves for the second half of the G.P. update. Also plan to use an additional \$60,000 for an Economic Development position to be shared with the RDA.
Union City	No specific designation	7.5% of General Fund Operating Budget - \$2.9 million	\$38.9 m	Yes, \$1.3 – FY 08-09; \$1.8 (proposed) FY 09-10
Visalia	1. Reserves for Council Priorities – mainly future capital projects	Only the GF emergency reserve has a required amount set by policy, 25% of GF expenditures	\$53m	\$1 million a year for the two years to deal with the tough economic times
	2. Reserves for emergencies, designated at 25% of the GF expenditures			

	3. Undesignated Fund Balance – whatever is left, if anything.			
Walnut Creek	Emergency Reserve	min bal = 10% of annual GF operating expenditure budget; \$6,963,557 est. 6/30/10	\$70m	Yes, \$5.2m
	Council Contingency Reserve	min bal = 1% of annual GF operating expenditure budget; \$475,106 est. 6/30/10		
	Compensated Absences Reserve	min bal based on 4-yr projection; \$985,058 est. 6/30/10		
	Unrealized Investment Gain	\$370,476 est. 6/30/10		
	Capital Improvement Program	No minimum; \$1,405,022 est. 6/30/10		
	City Manager Contingency Reserve	historic min bal = \$75,000; \$75,000 est. 6/30/10		
	Legal Claims	3 x amount of IBNR with min = \$4m; \$4,314,766 est. 6/30/10		
	Dental Claims	2 x annual dental ins premium; \$766,000 est. 6/30/10		
	Worker's Comp	Level set at est. losses at 70% confidence level resulting from actuarial study performed every 2 yrs; \$3,948,417 est. 6/30/10		
Waterford	It is not designated	.33% of operating expenditures. At the end of the year it is expected to be very close to that amount.	\$3m	Only used amounts above the 33.33% so far, approximately \$400,000.00 for this year



AGENDA NO: D-5

MEETING DATE: 5/10/2010

Council Report

TO: Morro Bay City Council

DATE: 5/10/10

FROM: Noah Smukler, Councilmember

SUBJECT: Discussion Regarding Development of Criteria and Measurements of Success for the Waste Water Treatment Plant Project.

RECOMMENDATION:

It is recommended that the City Council discuss their interests for the Morro Bay / Cayucos Wastewater Treatment Plant Upgrade and clearly define the project criteria and measurements of success. It is recommended that the discussion topic and City Council's project criteria be introduced for discussion and adoption with the Cayucos CSD Board at the June 10th JPA meeting.

FISCAL IMPACT:

None, however, the development of clearly defined criteria encourages efficiency and will assist decision makers to choose options that deliver a project which best satisfies the measurements of success.

SUMMARY:

Clearly defined and understood project criteria and measurements of success provide a valuable foundation for the decision-making process and will serve as a guide for the JPA Board, Staff, Consultants, Project Manager and Community as various choices are encountered throughout the project.

BACKGROUND:

The WWTP upgrade project is the largest single public infrastructure investment in the history of both Cayucos and Morro Bay. From discussion at the April 8th JPA meeting, the JPA Board has yet to develop and agree upon clearly defined Project Criteria and Measurements of Success. Without agreed criteria of success, it is difficult to measure if we have achieved our goals and provided the highest value project to the Community. The JPA is poised to interview and fill a Project Manager position. Project is currently required to be operational in 2014.

DISCUSSION: Example Criteria/Interests for the Project:

Prepared By: NOS

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

Affordability/Cost

Design/Construction

Site/Location Alternatives Evaluated (Public & Private)

Durability / Adaptability to future requirements

Operations/ Maintenance

Estimated Personnel Costs & Local Hiring Priority are evaluated & established

Maximized Energy Efficiency

Alternative Delivery Models are evaluated to ensure Highest Value Project

Minimize Risk of Cost over-runs and liability

Rate stability

Timeline of project avoids penalties and fines while maximizing grant-funding opportunity

Neighborhood Friendly

Aesthetics

Odor Control

Minimized Footprint of Project and space for other Community needs maximized

Impacts to surrounding property values and “highest land use potential” is analyzed

Environmentally Sensitive and Restorative

Aquifer, Watersheds, & Wetlands

System Design minimizes Chemical Inputs

Public Education/Awareness Component

Water Reclamation/Distribution Compatibility

“Highest Value” Short & Long Term Recycling options analyzed

Adaptability to treat current and future “Emerging Contaminants”

Salt issues, Quality & Taste considered

Growth Inducing potential is addressed

Viability of Adaptive Reuse of existing pipeline infrastructure is considered and evaluated

Minimized Biosolids Handling Requirements

Maximize “Resource” potential of Biosolids and Effluent

Local (SLO County) Management options are encouraged

Design addresses Flood Plain, Earthquake, Tsunami and Sea Level Rise Issues

Design and site location addresses anticipated build out needs of both Communities

Design and Process considers and satisfies conditions of the Coastal Commission

CONCLUSION:

Long-standing financial, social and environmental implications of the upgrade project and complexities of the design, permit and construction process make it necessary to establish clear “measurements of success criteria”. The effort should provide a clear standard to compare and contrast options based on our criteria and, ultimately, make the most appropriate and consistent decisions. Options and possibilities should be reviewed and held to similar comparative standards through a clear & open matrix evaluation. Project timeline and critical dates should be considered.