

City of Morro Bay

City Council Agenda

Mission Statement

The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life. The City shall be committed to this purpose and will provide a level of municipal service and safety consistent with and responsive to the needs of the public.

REGULAR MEETING – DECEMBER 13, 2010

**CLOSED SESSION – DECEMBER 13, 2010
CITY HALL CONFERENCE ROOM - 5:00 P.M.
595 HARBOR ST., MORRO BAY, CA**

CS-1 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY TRANSACTIONS. Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to two (2) parcels.

- Property: Vacant Lot/Corner of Coral/San Jacinto.
Negotiating Parties: Potential Buyers and City of Morro Bay.
Negotiations: Voluntary Purchase and Sale.
- Property: Surf Street Parking Lot
Negotiating Parties: Maritime Museum and City of Morro Bay
Negotiations: Terms and Conditions of Lease.

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

**PUBLIC SESSION – DECEMBER 13, 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 RESOLUTION AUTHORIZING THE CITY OF MORRO BAY TO ENTER INTO BOATING SAFETY AND ENFORCEMENT GRANT CONTRACT WITH THE DEPARTMENT OF BOATING AND WATERWAYS; (HARBOR)

RECOMMENDATION: Adopt Resolution No. 64-10 authorizing the Harbor Operations Manager to execute the attached Boating Safety and Enforcement (BS&E) grant contract agreement #10-204-782 with the California Department of Boating and Waterways for purchase of miscellaneous patrol vessel electronic equipment in the amount of \$6,700.

A-2 STATUS REPORT ON WATER USAGE; (PUBLIC SERVICES)

RECOMMENDATION: Review status report.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 REVIEW OF ANNUAL REPORT AND APPROVAL OF THE BUSINESS LICENSE RENEWAL FOR THE “FAMILY FUN ZONE” ARCADE LOCATED AT 725 EMBARCADERO SUITE 105; (POLICE)

RECOMMENDATION: Approve the renewal of the business license for the “Family Fun Zone” Arcade with the existing conditions listed in Resolution No. 53-09 and Minor Use Permit (UPO-286 & AD0-051).

B-2 AMENDMENT TO USE PERMIT AND COASTAL DEVELOPMENT PERMIT (UP0-042/CP0-064) FOR 555 MAIN STREET TO MODIFY THE PROJECT TO CHANGE THE COMMERCIAL COMPONENT OF THE PROJECT TO RESIDENTIAL AND REQUEST FOR AFFORDABLE HOUSING ASSISTANCE; (PUBLIC SERVICES)

RECOMMENDATION: Discuss and direct staff accordingly.

C. UNFINISHED BUSINESS – NONE.

D. NEW BUSINESS

D-1 PRESENTATION FROM SAN LUIS OBISPO COUNCIL OF GOVERNMENTS INCLUDING SB375 (SUSTAINABLE COMMUNITIES STRATEGY)

RECOMMENDATION: Receive presentation for information.

D-2 REQUEST FOR REFUND OF CONDITIONAL USE PERMIT/COASTAL DEVELOPMENT PERMIT FEES FOR 160 ANCHOR ST. - KLEINHAMMER; (PUBLIC SERVICES)

RECOMMENDATION: Grant a refund of \$1,625 and authorize staff to establish a refund policy within the Master Fee Schedule.

D-3 DISCUSSION ON THE CREATION AND FUNDING OF A FACILITY REPAIR FUND FROM THE PROCEEDS OF CITY PROPERTY LOCATED AT 781 MARKET STREET; (RECREATION & PARKS)

RECOMMENDATION: Review and direct staff to return with a resolution to establish a deferred maintenance account for the maintenance and management of City owned real property.

D-4 DISCUSSION REGARDING MOVING CITY COUNCIL MEETING DATES FROM THE 2ND AND 4TH MONDAY OF EACH MONTH TO THE 2ND AND 4TH WEDNESDAY OF EACH MONTH; (COUNCIL)

RECOMMENDATION: Return to the next City Council meeting with an ordinance for introduction and first reading amending Morro Bay Municipal Code section 2.08.010, which would move the City Council meeting dates from the 2nd and 4th Monday of each month to the 2nd and 4th Wednesday of each month.

D-5 APPOINTMENT OF VICE-MAYOR AND APPOINTMENT OF REPRESENTATIVES ON DISCRETIONARY BOARDS, COUNCIL LIAISON ASSIGNMENTS AND COUNCIL SUB-COMMITTEES; (ADMINISTRATION)

RECOMMENDATION: Discuss and appoint the Vice-Mayor and Representatives to serve on the various County or Regional Discretionary Boards, Council Liaison Assignments and Sub-Committees.

D-6 SCHEDULE A DATE FOR INTERVIEWS OF COMMISSIONER/ADVISORY BOARD VACANCIES; (ADMINISTRATION)

RECOMMENDATION: Schedule a date to interview candidates to fill vacancies on City Commissions and Advisory Boards.

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.



AGENDA NO: A-1

MEETING DATE: 12/13/10

Staff Report

TO: Honorable Mayor and City Council

DATE: December 6, 2010

FROM: Harbor Operations Manager

SUBJECT: Approval of Resolution Authorizing the City of Morro Bay to Enter Into Boating Safety and Enforcement Grant Contract with the Department of Boating and Waterways

RECOMMENDATION:

Staff recommends the City Council adopt Resolution #64-10 authorizing the Harbor Operations Manager to execute the attached Boating Safety and Enforcement (BS&E) grant contract agreement #10-204-782 with the California Department of Boating and Waterways (DBW) for purchase of miscellaneous patrol vessel electronic equipment in the amount of \$6,700.

FISCAL IMPACT:

No direct cost to the City for purchase and installation of proposed equipment; 100% grant funding.

BACKGROUND:

Over the years the Harbor Department has obtained several BS&E grants from DBW for patrol vessel purchases, engine repowers, and miscellaneous equipment. In November the department applied for and was approved for a grant to replace aging and outdated patrol vessel electronics.

DISCUSSION:

Grant funds will be used to replace various electronic equipment on the three Harbor Patrol vessels. Some equipment is outdated and service and parts are no longer available, while other equipment is due for an upgrade. Harbor Department staff has identified equipment in need of replacement and applied for the grant accordingly.

CONCLUSION:

Staff recommends that the City Council adopt Resolution #64-10.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

RESOLUTION NO. 64-10

**AUTHORIZATION FOR THE CITY OF MORRO BAY
TO ENTER INTO BOATING SAFETY & ENFORCEMENT GRANT
CONTRACT WITH THE DEPARTMENT OF
BOATING AND WATERWAYS**

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

WHEREAS, City of Morro Bay (City) applied for a grant from the California Department of Boating and Waterways (DBW) under the Boating Safety and Enforcement (BS&E) grant program; and

WHEREAS, DBW awarded a grant of \$6,700 under the BS&E program for purchase of miscellaneous patrol vessel electronic equipment; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that the City of Morro Bay is hereby authorized to enter into BS&E contract #10-204-782 with DBW for purchase and installation of patrol vessel electronics; and

BE IT FURTHER RESOLVED, that Harbor Operations Manager Eric Endersby is hereby authorized to act as the City's agent in regard to all aspects of the grant agreement.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 13th day of December, 2010 on the following vote:

AYES:
NOES:
ABSENT:

William Yates, Mayor

ATTEST:

Jamie Boucher, Deputy City Clerk



AGENDA NO: A-2

MEETING DATE: 12-13-10

Staff Report

TO: Honorable Mayor and City Council **DATE:** December 8, 2010
FROM: Dylan Wade P.E., Utilities/Capital Projects Manager
SUBJECT: Status Report on Water Usage

RECOMMENDATION:

It is recommended that the City Council review this status report.

FISCAL IMPACT:

The water enterprise fund operating budget is only a small percentage of the overall water division budget. The water division uses the operating budget to offset the cost of operating the various supplies of water. The changes to the State Water Project and the Nitrate contamination in both the Morro and Chorro groundwater basins are creating pressure on the Water Division Budget.

BACKGROUND:

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

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

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

DISCUSSION:

October Water Usage

Total October water production was 104.4 af, with 6.3 af of brackish treated water, 98.1 af of State Water, and no groundwater delivered from the Chorro Basin. Feed water for brackish treatment was extracted from the Morro Basin.

November Water Usage

Total November water production was 102.4 af, with 49.7 af of brackish treated water, 26.4 af of State Water, 21.3 af of groundwater from the Chorro Basin, and 5 af of groundwater from the Morro Basin. Feed water for brackish treatment was extracted from the Morro Basin.

Current Water Usage

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

State Water Project Deliveries

State Water Project deliveries are sufficient to meet water demands for all periods except during the State Water shutdown without continuing mandatory water conservation measures. The State water shutdown occurred from November 1st to November 21st of this year. The City was able to meet all of its demands during this period with alternate sources of supply. CMC agreed to provide additional supply to Morro Bay but was never called on to do so.

Recent Division Activities

Staff has focused on making sure adequate safe water was delivered during the State Water shutdown. Being short one staff member complicated that effort this year.

Future Water Usage

Looking forward to next year, current delivery projections for the State Water Project deliveries are at 25%. If DWR maintains this delivery target, the City will have to increase the use of the BWRO and well 11A in the Romero well field. If stream flows fall below the 1.4 cfs requirement in Chorro Creek, the City will have to petition the State Water Resources Control Board to continue to use well 11A. In the future we will be making additional modifications to the Brackish and Salt Water Reverse Osmosis plant in order to better supply water during reduced or inadequate State Water deliveries.

CONCLUSION:

It is recommended that the City Council review this status report.



AGENDA NO: B-1

MEETING DATE: December 13, 2010

Staff Report

TO: Honorable Mayor and City Council

DATE: November 1, 2010

FROM: Tim Olivas, Police Chief

SUBJECT: Review of Annual Report and Approval of the Business License Renewal for the "Family Fun Zone" Arcade Located at 725 Embarcadero, Suite 105

RECOMMENDATION:

Staff recommends the City Council approve the renewal of the business license for the "Family Fun Zone" Arcade with the existing conditions listed in Resolution No. 53-09 and Minor Use Permit (UPO-286 & AD0-051).

FISCAL IMPACT:

Not applicable

SUMMARY:

A records check was conducted for Police Department "Calls For Service" related to the Arcade at 725 Embarcadero. No calls for service were recorded for incidents related to the Arcade's operation. The Harbor Department and Public Services Department also reported they had no incidents that would give cause for the Arcade business license to be suspended or revoked.

BACKGROUND:

On October 6, 2010, the Council adopted Resolution No.53-09, in conformance with Morro Bay Municipal Code 5.04.330, approving a Business License for Rose's Landing "Family Fun Zone" Arcade located at 725 Embarcadero with conditions. A copy of the resolution is attached for your review.

Pursuant to Morro Bay Municipal Code Section 5.04.330, the application for the annual renewal of the business license shall be considered at a public hearing, with a report from the Chief of police as to compliance with conditions of approval and any law enforcement problems experienced in the past year.

Prepared By: Chief Tim Olivas

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

DISCUSSION:

The location of the Family Fun Zone arcade was listed on the original business license application as 725 Embarcadero with no specific suite number. The Arcade was originally located in Suite 103 along the northern side of the building. In April 2010, it came to our attention that the Arcade had been moved from Suite 103 to Suite 105 along the southern side of the building without a required Minor Use Permit (MUP). The business owner considered Suite 105 as a better business location for the Arcade and began the process of moving the Arcade when the current tenant vacated Suite 105.

The owner of the business believed the Arcade could be moved to another suite within the same building because there had been no specific suite number listed on the application. The owner was contacted and he agreed to close the Arcade until the appropriate MUP was obtained from the City. One of Staff's concerns with the Arcade's new location was that it allowed access to a permitted outdoor alcohol area through the south facing doors. As part of the MUP process, the owner agreed that no alcohol would be served in the outdoor patio area during the Arcade's hours of operation.

CONCLUSION:

This annual report does not reflect any incidents or violations associated with the "Family Fun Zone" Arcade located at 725 Embarcadero Suite 105 that would materially affect the public health, safety or welfare.

RESOLUTION NO. 53-09

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
APPROVING A BUSINESS LICENSE APPLICATION FOR AN ARCADE
IN CONFORMANCE WITH MORRO BAY MUNICIPAL CODE 5.04.330
AT 725 EMBARCADERO ROAD**

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

WHEREAS, Doug Redican applied for a business license for a “Family Fun Zone” video arcade located at 725 Embarcadero; and

WHEREAS, pursuant to the Morro Bay Municipal Code, the license application shall be submitted to the City Council for its action and that the Police Chief shall cause to have taken, fingerprints of all business supervisors and employees of the arcade and to prepare a confidential background investigation to be assessed in a report to the City Council; and

WHEREAS, after review by the Police Department, the following conditions are recommended:

1. Interior lighting within the premises shall be adequate enough to allow clean view of the interior of the establishment from the exterior doorway.
2. No furniture shall be placed in the premises that would encourage loitering
3. The hours of operation shall be limited to 11:00 a.m. to 10:00 p.m.
4. There must be at least one approved manager on location at Rose’s Landing who will have the responsibility of supervising the arcade.
The approved manager(s) must have their fingerprints and background investigation completed by the Police Department as required by the Municipal Code Section 5.05.330 prior to assuming those duties.
5. A closed circuit television/security camera monitoring system will be installed and operation at all times during business hours. Such system will consist of a minimum amount of cameras to adequately cover the premises.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that a business license, with the above conditions, is approved for the Rose’s Landing Family Fun Zone arcade located at 725 Embarcadero.

Resolution No. 53-09
Page Two

BE IT FURTHER RESOLVED by the City Council of the City of Morro Bay that this action supports new business in Morro Bay and is in conformance with the goals set by the Morro Bay City Council during their goal-setting workshop held in February 2009, specifically “develop ways to retain existing businesses and attract new ones”.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held this 12th day of October 2009 by the following roll call vote:

AYES: Borchard, Smukler, Winholtz, Peters

NOES: None

ABSENT: Grantham

JANICE PETERS, MAYOR

ATTEST:

BRIDGETT BAUER, CITY CLERK



AGENDA NO: B-2

MEETING DATE: December 13, 2010

Staff Report

TO: Honorable Mayor and City Council **DATE:** December 7, 2010
FROM: Kathleen Wold, Planning Manager
SUBJECT: Amendment to Use Permit and Coastal Development Permit (UP0-042/CP0-064) for 555 Main Street to Modify the Project to Change the Commercial Component of the Project to Residential and Request for Affordable Housing Assistance

RECOMMENDATION:

- Conditionally approve an amendment to Use Permit UP0-042 and Coastal Development Permit CP0-064 to allow the elimination of the commercial component of the project, increase residential units from 16 to 18 and allow a portion of the units to become three bedroom units based on the findings included as Exhibit A and conditions included as Exhibit B
- Authorize staff to begin negotiations with the applicant regarding a residual receipts loan and return to City Council once specific terms have been determined.
- Authorize City sponsorship of a request for HOME funds for the project subject to the City's responsibilities being limited to review of the application and sponsorship.

FISCAL IMPACT:

Allocating the affordable in-lieu fees to this project as a residual receipts loan would temporarily deplete the affordable housing in-lieu fund account until such time as additional monies come into the city or the applicant begins to repay the loan.

Prepared By: KW

Dept Review: PE

City Manager Review: _____

City Attorney Review: _____

SUMMARY:

The applicant requests an amendment Use Permit (UP0-042) and Coastal Development Permit (CP0-064) to modify the project as follows:

- Eliminate the commercial component of the project.
- Increase the number of residential units.
- Convert the project to an all residential senior affordable housing project.
- Modify a portion of the units from one bedroom units to three bedroom units.

The applicant also requests a residual receipts loan request of \$600,000. The applicant requests the monies to cover entitlement, permitting and impact fees as well as to finance a portion of the development. Staff's recommendation is for Council to authorize staff to begin negotiations with the applicant on the specific terms of a loan and return to Council with a more specific loan agreement.

Lastly, the applicant is requesting that the City sponsor the project for an allocation of HOME Investment Partnership Program (HOME) funds from the State of California Department of Housing and Community Development (HCD) from monies made available by the U.S. Department of Housing and Urban Development. Staff recommends approving this request subject to the applicant being responsible for the composing the application and the City responsibility limited to review of the application and sponsorship.

BACKGROUND:

This subject project has been the subject of numerous hearing over the last 5 years. Staff has provided, as an attachment to this report, the minutes from these meetings. In 2005 the project went to four Planning Commission meetings: January 3rd, January 18th, May 2nd and May 16th. In addition, the project also went to three City council meetings March 28th, July 11th and August 8th. The main issue identified in these meetings was the commercial and residential mix and the overall number of units allowed on the site (density). The project was denied by the Planning Commission at the May 16, 2005 meeting based on the residential/commercial mix and the lack of adequate number of commercial units. The project was then appealed to the City Council and the matter was heard on July 11, 2005. The City Council upheld the Planning Commission's decision to deny the project but did so without prejudice. The project at the time of the denial only contained 10.4 percent commercial space within the mixed use component of the project. The City Council provided feedback to the applicant that suggested a project could be found consistent with General Plan/Local Coastal Plan with a mix of commercial to residential of at least 25 percent commercial. The applicant modified the project to contain a minimum of 25 percent commercial space and returned with the modified project proposal to the August 8, 2005 City Council meeting. The City Council on August 8, 2005 approved the project as presented with a commercial component of 25 percent.

Subsequent to this approval the applicant applied for two amendments to the project. The first

amendment was to reduce the square footage of commercial space from 3,113 square feet to 2,190 square feet and increasing the number of residential unit from 14 to 16 units. The Planning Commission denied this request on May 15, 2006. The applicant appealed this decision to the City Council which approved the appeal on August 14, 2006.

Today the project is partially complete with the single family residential portion having been completed; the apartment/commercial portion of the project has only constructed foundations and partially performed site grading. This portion of the project site is now bank owned. The bank has been marketing the property and has found a potential buyer for the project if certain modifications can be made to the project.

DISCUSSION:

The amendment requested by the applicant is to eliminate the entire commercial component of the project and increase the number of residential units from 16 to 18. The guiding policies concerning the elimination of the commercial component within Mixed Area "A" are found in the City's General Plan and Local Coastal Plan under Policy LU-69 Mixed Use Area A. This policy states that vacant lots or major developments (involving new structures or additions of more than 50 percent of the total floor area to existing structures or 2,000 square feet, whichever is greater) shall have priority for visitor-serving uses. Existing uses shall be allowed to remain excepting the above development requirement. In mixed Use Area A, the primary permitted use is visitor-serving recreational/commercial. The secondary permitted use is residential, however, the number of individual residential and office units or office space floor area within Mixed Use Area "A", shall at no time exceed the amount existing at the time of the certification of the LUP.

Staff reviewed Mixed Use Area A and found that there have been no new residential units built since the certification of the LUP in 1988 but a number of residential units have been demolished. Because City records are incomplete staff was unable to document the exact number of units demolished within this area, however we could establish that it was at least 7 residential units. The applicant proposes to increase the number of residential units within Area A by 18.

The project was originally approved with a density bonus allowing additional units beyond those provided for under the site's General Plan Designation of High Density Residential. The Density Bonus was granted due to the project proposing to restrict 2 units as low income units. Now that the project is being revised to include additional restricted senior affordable units the Council can grant additional incentives including the two additional units requested and the elimination of the commercial component. The state guidelines for Density Bonuses allow cities to not only grant the increase in density when affordable units are restricted but to also grant incentives. Typical incentives would be reductions in zoning standards such as parking requirements however the city is allowed to grant the inclusion of commercial uses in a strict residential zone or the a residential development in a non-residential zone. In this case the applicant is requesting to have the commercial component eliminated as an additional incentive.

The applicant also requests a residual receipts loan request of \$600,000. The applicant proposes to use the funds to cover entitlement, permitting and impact fees as well as to finance a portion of the development. While staff does support the conceptual idea of a residual receipts loan the applicant did not provide sufficient information regarding the terms of the loan and in addition the amount requested is above the current balance of the Affordable in-lieu funds account. As such staff recommendation is for Council to authorize staff to begin negotiations with the applicant on the specific terms of a loan and return to Council with a more specific loan agreement.

Lastly, the applicant is requesting that the City sponsor the project for an allocation of HOME Investment Partnership Program (HOME) funds from the State of California Department of Housing and Community Development (HCD) from monies made available by the U.S. Department of Housing and Urban Development. Staff recommends approving this request subject to the applicant being responsible for composing the application and the City responsibilities limited to review of the application and sponsorship.

CONCLUSION:

Staff recommends that the City Council take the following actions:

- Approve the amendment to the project by granting a Density Bonus incentive allowing the elimination of the commercial component, adding two additional units and allowing a portion of the units to increase to three bedroom units.
- Authorize staff to begin negotiations with the applicant regarding a residual receipts loan and return to City Council once specific terms have been determined.
- Authorize City sponsorship of a request for HOME funds for the project subject to the City's responsibilities being limited to review of the application and sponsorship.

ATTACHMENTS:

Attachment 1 – Correspondence from Marshall E. Ochylski, Attorney for Coast National Bank

EXHIBIT A

CONDITIONAL USE & COASTAL DEVELOPMENT PERMIT FINDINGS

- A. That the amendment as proposed is allowable under the project's zoning and is consistent with the certified Local Coastal Program and the General Plan for the City of Morro Bay based on the analysis and discussion in the attached staff report; and
- B. The establishment, maintenance, or operation of the use as modified by the amendment will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use or Mixed Use Area "A" as the project is consistent with all applicable zoning and plan requirements as well as the General Plan/LCP as indicated in the attached staff report; and
- C. The use as amended will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City since the project, as conditioned, will be conducted consistent with all applicable City regulations, as indicated in the attached staff reports.

EXHIBIT B

STANDARD CONDITIONS

1. This amendment is granted for Use Permit and Coastal Development Permit (UP0-042/CP0-064) the amendment is as follows:

- Eliminate the Commercial component of the project.
- Increase the number of residential units from 16 to 18.
- Convert the project to a restricted all residential senior affordable housing project.
- Modify a portion of the units from one bedroom units to three bedroom units.

2. **Inaugurate Within Two Years:** Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Planning and Building Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.

3. **Changes:** Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review and City Council action.

4. **Compliance with the Law:** (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

5. **Hold Harmless:** The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Planning and Building Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.

7. Restriction of units: The applicant shall deed restrict all 18 units for senior affordable housing. Two of the units shall remain restricted as low income units but will also be restricted as senior units. Prior to final inspect and/or issuance of a certificate of occupancy the applicant shall submit to the city evidence that the restrictions have been recorded.

8. Three bedroom units: A portion of the project's unit may be increase to three bedroom units subject to the applicant demonstrating that the tax credit funding received by the project requires the addition of three bedroom units and the amount of three bedrooms units allowed shall be no more than as required by the funding. . At no time can the footprint of the project be increased to accommodate the increase in unit bedroom count.

9. Conditions of approval. All other conditions of approval for UP0-042/CP0-064 including previous amendment conditions shall remain enforce except as amended with this approval.

ATTACHMENT 1

The Ochylski Law Group
Post Office Box 14327
1026 Palm Street, Suite 210
San Luis Obispo, California 93406

Telephone: (805) 544-4546
Facsimile: (805) 544-4594
E-mail: MOchylski@SLOlegal.com

Via Email

November 8, 2010

Rob Livick, PE/PLS,
Public Services Director
City of Morro Bay
595 Harbor Street
Morro Bay, CA 93442

**Subject: 555 Main Street
Morro Bay, California**

Dear Mr. Livick:

As you are aware, this office represents Coast National Bank in matters concerning the planning entitlements and construction permits approved by the City of Morro Bay ("City") for the above-referenced address.

Introduction

Coast National Bank ("Bank") has entered into a Purchase and Sale Contract with Pacific Southwest Community Development Corporation ("PSCDC"), a non-profit 501(c) (3) corporation to purchase and complete the Morro del Mar project at the corner of Main and Driftwood. PSCDC proposes to complete the construction and operate the building as senior affordable housing for the next 55 years.

PSCDC is a 501(c) (3) nonprofit organization that has co-developed 36 affordable apartment complexes in California and Arizona since its formation in 1993. PSCDC currently serves as the managing general partner of 32 of those apartment complexes, which represent over 3,000 units of affordable housing. PSCDC's ownership and management of their projects is about providing empowerment to residents as well as shelter. PSCDC consistently emphasizes the delivery of onsite support services to help tenants achieve success in their work and personal lives.

Rob Livick, PE/PLS
555 Main Street
Morro Bay, California
November 8, 2010

Permit Amendment

The purchase of the property by PSCDC and the completion of its development are conditioned on an amendment to the entitlements to allow the project to proceed as an all residential senior affordable housing project rather than as an at-market apartment project including two affordable units and two commercial units.

The decision by PSCDC to develop the project as an all senior affordable housing project is driven by several considerations.

- The primary objectives in the City's recently updated Housing Element to provide very-low or low income or senior housing and to provide special needs housing and housing for the elderly.
- The location of the project outside of the downtown commercial core of the City in a location that is an optimal location for senior affordable housing but undesirable for any commercial use.
- The lack of interest from any creditable tenant in leasing the commercial property despite a concentrated leasing effort for a period exceeding thirty-six (36) months. One needs only to look at the commercial turnover and vacancy rates in the City for substantiation of the unviability of a commercial enterprise in this location.
- Current lending conditions which essentially preclude the financing of a senior affordable housing development of this size with a commercial component.
- Tax credit financing regulations, which in certain cases require that a significant percentage of such housing be three-bedroom apartments – a condition that cannot be met within the project's current building configuration.

Financial Participation

PSCDC is also requesting that the City provide a \$600,000 residual receipts loan from the City's in lieu affordable housing program to cover entitlement, permitting and impact fees and finance a portion of the development; and sponsor the project for an allocation of HOME Investment Partnerships Program ("HOME") funds from the State of California Department of Housing and Community Development ("HCD") from monies made available by the U.S. Department of Housing and Urban Development. The City's sponsorship of the project for HOME funds is a key component to boost the project's funding priority from HCD.

Rob Livick, PE/PLS
555 Main Street
Morro Bay, California
November 8, 2010

Conclusion

Based on the above information, as well as the information that we have previously provided to the City, we believe that the City should allow the project to be completed as senior affordable housing without requiring the inclusion of a commercial component.

If you have any additional questions, or require additional information, please contact me directly.

Sincerely,



Marshall E. Ochylski,
Attorney at Law

MEO/ec

cc: Coast National Bank
Pacific Southwest Community Development Corporation



AGENDA NO.: D-1

Meeting Date: 12/13/10

**THIS IS AN ORAL
PRESENTATION -
THERE IS NO WRITTEN
INFORMATION PROVIDED.**



AGENDA NO:

MEETING DATE: December 13, 2010

Staff Report

TO: Honorable Mayor and City Council **DATE:** December 7, 2010
FROM: Kathleen Wold, Planning Manager
SUBJECT: Request for refund of Conditional Use Permit and Coastal Development Permit fees for 160 Anchor (Kleinhammer).

RECOMMENDATION:

Grant a refund of \$1,625 and authorize staff to establish a refund policy within the Master Fee Schedule.

FISCAL IMPACT:

The issuance of a refund of fees required by the Master Fee Schedule will result in reduction in the general fund and the cost of the processing which was conducted being passed onto to the taxpayer.

BACKGROUND:

Projects submitted for review to the Planning Division of the Public Services Department are required to pay a fee as required by the Master Fee Schedule. While the fee schedule does provide for the fees associated with processing the project to conclusion it does not establish any protocols for partial processing or refunds. The Master Fee Schedule does allow for the project to be tracked and fees to be based on a minimum deposit with additional fees to be paid upon depletion of the deposit. This does require that tracking begin with initial submittal.

Once a project is submitted for review and fees are paid city staff does initiate work; intake of projects is performed immediately by the Building/Planning Technician. The project is logged into the computer, a file is made with various indexes and the project is routed to various staff for review. Within thirty days planning staff must review the project for completeness and respond in writing if there are issues with the completeness of the submittal.

The subject proposal was submitted on July 27, 2009 and various files were made associated

Prepared By: <u>KW</u>	Dept Review: <u>KE</u>
City Manager Review: _____	
City Attorney Review: _____	

with the applicant's request for a tentative parcel map, abandonment of right-of-way, Conditional Use Permit, Coastal development Permit and the Environmental Review. The project was not targeted for tracking therefore staff time was not tracked. The project submitted was substantially deficient and a letter was sent informing the applicant and their representative of the situation. There were various meetings concerning the project issues and eventually the applicant made the decision to remove their architect from the project. Staff had additional meetings with the applicant including one with a new agent to discuss options, requirements and various conditions that would be imposed on the project. The project stayed active within the Planning Division for 1 year. Eventually, the applicant submitted a letter to withdraw the project and requested a refund of fees. Staff reviewed the City's policies on refunds and issued a refund of \$3,808 dollars based on the refund policies in place within the Subdivision Ordinance. The applicants met once again with staff to request additional money be refunded and eventually submitted a request to the Mayor when staff was unable to accommodate them.

Staff has put together a list of work performed on the project. Because the listing was put together by calendar entries, work product and memory rather than an actual tracking of the project tasks as they occurred, it may be missing additional time spent on the project. This tracking indicates that approximately \$2,183 dollars was expended on processing this project. The project fees paid by the applicant after the refund is \$3,808 therefore if the Council were to refund project fees, staff's recommendation would be to refund no more than \$1,625 deducting the cost of project processing conducted by City staff.

Staff would like to note that projects submitted for formal review are placed on the processing queue and are processed based on city and state regulatory timeframes as well as work load. Because staff time is limited it is imperative that resources be primarily allocated to those projects which are formally submitted including the payment of fees. If projects can be submitted, partially processed, then withdrawn with full fees refunded it may result in incomplete projects being submitted to determine viability but ultimately withdrawn once comments are received. This may result in additional queue time for projects which are submitted as fully designed and ready to implement projects.

CONCLUSION:

Staff recommends that the City Council refund \$1,625 based on the amount of staff time spent processing the project prior to the applicant withdrawing the application and that the Council authorize staff to bring back a refund policy as part of the Master Fee Schedule update.

ATTACHMENTS

- Attachment 1— Letter from Cathy Novak Consulting dated July 14, 2010.
- Attachment 2—Letter dated August 31, 2010
- Attachment 3— Memorandum dated August 31, 2010
- Attachment 4—Task log for 160 Anchor

ATTACHMENT 1

Cathy Novak Consulting

Governmental & Community Relations ♦ Planning

July 14, 2010

RECEIVED

Ms. Kathy Wold
City of Morro Bay Public Services Department
955 Shasta Street
Morro Bay, CA 93442

JUL 14 2010
City of Morro Bay
Public Services Department

RE: Kleinhammer project 160 Anchor Street

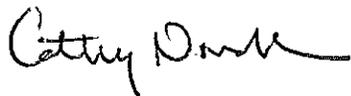
Dear Kathy,

This letter is to inform you that Mr. and Mrs. Kleinhammer have decided to withdraw their project. After much discussion they have decided that it is not in their best interest to continue with any redevelopment of the site.

They wish to thank you and the other City staff for your efforts to date in assisting them with the project plans they had started to work on. They recognize that the City has spent some time on the project plans and would like to respectfully request a refund for the remainder of the fees submitted to the City that will not be used.

Thanks for your time and consideration in this matter. Please feel free to contact me with any questions.

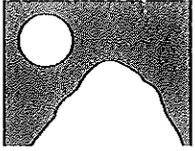
Regards,



Cathy Novak

cc: Mr. and Mrs. Randy Kleinhammer

ATTACHMENT 2



City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200
www.morro-bay.ca.us

August 31, 2010

Cathy Novak
P.O. Box 296
Morro Bay, Ca 93443

Subject: 160 Anchor-refund of fees.

Dear Ms. Novak:

City staff has reviewed your letter dated July 14, 2020 requesting a withdrawal of applications (S00-100/E00-089/CP0-311/UP0-270) and a refund of the unused portion of the fees. It was the determination of staff that \$3808.00 can be refunded. This is based on city policies regarding refunds including Section 16-68.100 and 16-4.111.

The \$3808.00 refund is currently being processed and will take a few weeks. If you should have any questions concerning this refund, I can be contacted at 805-772-6211.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Wold".

Kathleen Wold
Planning Manager

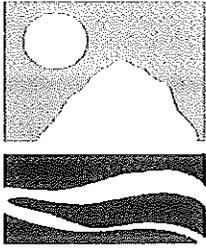
FINANCE
595 Harbor Street
HARBOR DEPARTMENT
1275 Embarcadero Road

ADMINISTRATION
595 Harbor Street
CITY ATTORNEY
955 Shasta Avenue

FIRE DEPARTMENT
715 Harbor Street
POLICE DEPARTMENT
850 Morro Bay Boulevard

PUBLIC SERVICES
955 Shasta Street
RECREATION AND PARKS
1001 Kennedy Way

ATTACHMENT 3



CITY OF MORRO BAY
PUBLIC SERVICES DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442
805-772-6261

MEMORANDUM

DATE: AUGUST 31, 2010
TO: ROB LIVICK, PUBLIC SERVICES DIRECTOR
FROM: KATHLEEN WOLD, PLANNING MANAGER
SUBJECT: 160 ANCHOR STREET (S00-100/E00-089/CP0-311/UP0-270)

DISCUSSION:

City staff is in receipt of a letter indicating that the applicants are withdrawing their applications for 160 Anchor Street and a request for a refund of fees. Staff has reviewed the file, the work completed on the project and all refund procedures in an effort to determine the amount of refund, if any, due back to the applicant.

Fees paid:

ROW Abandonment: \$808.00

Parcel Map: \$3,000.00

Conditional Use Permit/Coastal Development Permit: \$3,620

Environmental (Cat Exempt): \$80.00

Total: \$7,508.00

The project was submitted on July 27, 2009. The project proposed was a two-lot subdivision with concurrent road abandonment, demolition of the existing homes and construction of two new homes via the compact infill development.

A file was made and the project was routed. Planning received comments from Building Division, Police Department and the Fire Department. Numerous meetings were held and Planning sent an incomplete letter to the applicant.

On September 18, 2009, the applicant submitted a letter requesting the original application be placed on hold as they intended to resubmit a redesigned plan.

Title 16 has the following provisions for refunds.

Section 16.68.010 Council's authority.

The council shall, by resolution, establish fees to be charged of subdividers, and procedures of collection and refunds for any activities authorized or required by this title, including appeals and requests for continuance or time extension.

Section 16.16.110 Withdrawal of tentative map.

Once a date for planning commission consideration of the tentative map has been set, requests for withdrawal shall be submitted to the planning commission in writing, or orally if made at the meeting when the map is being considered. No refund of the filing fee shall be made. Withdrawal of the map shall be an effective denial of the application.

Staff has researched the municipal code and has not found any other sections which provide for planning fees to be refunded.

Based on the above Sections of code, staff recommends refunding the Parcel Map fee of \$ 3,000 and the Road Abandonment fee of \$808.00 for a total of \$3808.00.

ATTACHMENT 4

Chronological listing of activity for 160 Anchor			
Activity	Hours	Planner	Description
presubmittal meetings	2	Aileen Nygaard	
Receive submittal, log into computer, make file and route to various staff members	2	Cathy Weaver	
Initial Review for Completeness	3	Kathleen Wold	Project Proposal review for consistency to Zoning Ordinance, General Plan, Coastal Act and review of the project for completeness
Incomplete letter	1	Kathleen Wold	Letter detailing issues of the project submittal that are incomplete
Site visit	0.5	Kathleen Wold	
Development Review Team Review	1	Wold, Prows, Cowan and Hanson	Staff meeting about project.
Conditions for approval	2	Prows, Cowan and Hanson	Each individual review conducts their own review, develops a list of conditions and provides the conditions in writing.
Meetings with applicant's architect	8	Wold and Livick	Met with Jerry Shaw on numerous occasions regarding project. In particular the applicant's desire to apply for a right of way abandonment
Meetings with the applicant	4	Wold	Various meetings with the applicant to discuss original project and issues, a new submittal proposal with a different architect and another options
Work on release of parking restriction on project site	4	Wold, Livick	
TOTAL	27.5		for a total of \$1,625.00 based on fully loaded wages for each individual



AGENDA NO: D-3

MEETING DATE: 12/13/2010

Staff Report

TO: Honorable Mayor and City Council **DATE:** December 13, 2010

FROM: Joseph M. Woods, Recreation

SUBJECT: Discussion on the Creation and Funding of a Facility Repair Fund from the Proceeds of City Property located at 781 Market Street

RECOMMENDATION:

City Council review and direct staff to return with a resolution to establish a deferred maintenance account for the maintenance and management of City owned real property.

FISCAL IMPACT:

The General Fund is scheduled to realize \$935,155 from the sale of 781 Market Street in Morro Bay. The total contribution will be recovered by February 1, 2020 with scheduled annual payments detailed in the Real Estate Agreement. This is a surplus transaction with positive cash flow to the General Fund. A proposed deferred maintenance account could be established from either a percentage from the sale or a lump sum contribution.

SUMMARY:

The City's management of real property assets has lacked the resources to adequately support a deferred maintenance account for all scheduled property. The volume of deferred maintenance has increased and potential property loss and/or significant devaluation is certainly possible should this practice continue. The establishment of a deferred maintenance account would give immediate relief to the General Fund and satisfy the required maintenance for the current City owned real property.

Prepared By: JMW _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

BACKGROUND:

City property and the related maintenance continue to be a challenge for staff to find and allocate sufficient resources for proper asset maintenance. Continued budget reductions have greatly reduced and/or eliminated the ability to provide periodic and preventive maintenance for City owned real property. At the Goal Setting Workshop in March 2010, the City Council identified a need to maintain the City's infrastructure. With the allocation of General Funds not available, Staff presented a request to utilize Measure Q funds to accomplish this goal. Council indicated a reluctance to allocate Measure Q funds for building maintenance and directed staff to pursue alternative funding, specifically, from the sale of 781 Market Street.

DISCUSSION:

The current conditions of the City's real property varies from one resource to the next, but all real property assets need continued, as well as periodic maintenance. The need to maintain real property is important in the retention of value as well as ensuring safety and compliance. The attached exhibit outlines a partial list of maintenance needs emphasizing the current critical state of City facilities.

CONCLUSION:

Both staff, and previous City Council, agreed the City of Morro Bay is in need of a funding source to address the City's infrastructure. The most ready source of funding at this time is the surplus revenue from the sale of 781 Market Street. A deferred maintenance account could be setup as a capital account allowing any balance to carry over to the following fiscal year if not used in its entirety. Access and use of the funds would be subject to City Council's approval.

EXHIBIT A

SITE	WORK	COST	
Veteran's Memorial Building	Paint exterior	7,000.00	
	Paint interior	3,000.00	
	Asbestos abatement and flooring replacement	8,000.00	
	Site improvements	12,000.00	30,000.00
Community Center	Paint exterior	14,500.00	
	Replace Senior Center roof	30,000.00	
	Replace Recreation and Parks roof	7,000.00	
	Repair moveable windows	2,500.00	54,000.00
City Hall	Paint exterior	5,000.00	
	Paint interior	5,000.00	
	Replace roof	11,500.00	21,500.00
	Paint exterior	5,500.00	
	Renovate lobby for customer service and security	20,000.00	25,500.00
Library	Paint exterior	5,000.00	5,000.00
Fire Station #2	Replace fence along rear of property	3,000.00	3,000.00
Police Department	Replace sewer lateral	8,000.00	3,000.00
Harbor rest room	Replace roof	4,000.00	4,000.00
Rental @ 975 Shasta	Demolition and asbestos abatement	13,000.00	13,000.00
Rental @ 983 Shasta	Paint exterior	2,500.00	
	Repair plumbing	2,500.00	
	Replace heater	1,000.00	
	Repair dry rot	5,500.00	11,500.00
Rental @ 985 Shasta	Paint exterior	3,000.00	
	Repair plumbing	5,000.00	
	Repair dry rot and bath fixtures	<u>18,000.00</u>	26,000.00
		\$201,500.00	



AGENDA NO: D-4

MEETING DATE: 12/13/2010

Council Report

TO: Mayor and City Council

DATE: December 2, 2010

FROM: Mayor Yates

SUBJECT: Discussion Regarding Moving City Council Meeting Dates From the 2nd and 4th Monday of Each Month to the 2nd and 4th Wednesday of Each Month

RECOMMENDATION

It is recommended to bring back to the next City Council meeting an introduction and first reading of an ordinance amending Morro Bay Municipal Code section 2.08.010, which would move the City Council meeting dates from the 2nd and 4th Monday of each month to the 2nd and 4th Wednesday of each month.

It is further recommended that the City Council reschedule each of the Monday, January 10, 24, February 14 and 28 and the March 14 meetings to the following Wednesday dates; January 12, 26, February 9, 23 and March 9, 2011.

FISCAL IMPACT

None.

BACKGROUND

The Morro Bay City Council meetings have been held on the 2nd and 4th Mondays for a number of years. Interestingly, most of the City's in the state of California meet on days other than Monday, with just a few in the northern section of the state having a Monday meeting.

Prepared By: William Yates

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

DISCUSSION

In the past there has been informal discussion about changing the City Council meeting date from Monday to an alternative day. The benefits of a Wednesday meeting include the following:

- Monday conflicts with several holidays and as a result the meeting is occasionally set on another day.
- Currently the agenda packets are available by 5:00 p.m. on Wednesday, leaving Thursday, Friday and Monday for questions of staff. With staff scheduling Friday and Monday often those days are difficult to arrange a meeting, leaving little time for the Mayor and Council to read and formulate questions on the agenda packet. Wednesday meetings would provide two extra full days for staff availability.
- A Monday meeting following a weekend, may limit the amount of time the Mayor and City Council members have to review the packet prior to the meeting.

Should the City Council determine to move forward with changing the meeting day, staff will bring back an ordinance to amend the Morro Bay Municipal Code section 2.08.010. As the City Council is aware an addition/amendment to the municipal code is not immediate and will not take effect until 30 days after the second reading. As a result, it is recommended the Council take action tonight to reschedule the January 10, 24, February 14, 28 and the March 14 meetings to the following dates, respectively January 12, 26, February 9, 23 and March 9, 2011.



AGENDA NO: D-5

MEETING DATE: 12/13/2010

Staff Report

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

FROM: Andrea Lueker, City Manager

SUBJECT: Appointment of Vice-Mayor and Appointment of Representatives on Discretionary Boards, Council Liaison Assignments and Council Sub-Committees

RECOMMENDATION

Discuss and appoint the Vice-Mayor and Representatives to serve on the various County or Regional Discretionary Boards, Council Liaison Assignments and Sub-Committees.

DISCUSSION

The City Council Policies and Procedures Section 3.2 states:

“The appointment of the Vice Mayor shall be for a one-year term and shall be made at the first meeting in December. For appointment as Vice Mayor, a Council Member must be on the Council at least one year. Of those who have been on the Council for at least one year, the Council Member who has not yet held the position shall be appointed Vice Mayor. If there are two Council Members who have not yet held the position, the Council Member receiving the highest number of votes in the most recent election shall be appointed Vice Mayor.”

Last year Council Member Borchard was appointed as Vice Mayor and as a result, Council should make a motion and formally appoint Council Member Smukler as Vice Mayor for 2011.

The City Council Policies and Procedures Section 6.1 states:

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

“Annually the Mayor shall make appointments to a variety of County and/or regional committees and boards (discretionary appointments). One member of the Council shall serve as a voting representative and one member shall serve as alternate. To the best of their ability, voting delegates shall reflect the majority view of the Council as a whole, rather than their own personal opinions.”

Pursuant to Council Policies and Procedures Section 6.1, the Mayor can seek input from City Council regarding the appointment to County and/or Regional Boards, but ultimately, the Mayor is responsible for the appointment of these positions. Attached for your review is a list of the present City Council Discretionary Appointments.

The City Council Policies and Procedures Section 6.2.1 States:

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

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

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

Pursuant to City Council Policies and Procedures Section 6.2.1 the City Council shall assign Council Liaisons to the Advisory Bodies. Attached for your review is a list of the present City Council Liaisons. Appointment as a liaison is by Council vote.

The City Council Policies and Procedures Section 6.2.2 States:

“Council may establish several sub-committees of no more than two members to address areas of concern and/or study.”

Attached for your review is a list of the present sub-committees that have been established by the Council. Appointment to the sub-committee is by Council vote.

CITY COUNCIL DISCRETIONARY APPOINTMENTS

(Mayor Appointed)

INTEGRATED WASTE MANAGEMENT AUTHORITY

This Board meets on the second Wednesday of each month in the afternoon at the County Board of Supervisors chambers.

Carla Borchard	Designee
Noah Smukler	Nancy Johnson
	Alternate

COUNTY WATER RESOURCES ADVISORY COMMITTEE

This Board meets on the first Wednesday of each month from 1:30 p.m. – 3:30 p.m. in the County Library Building.

Betty Winholtz	Noah Smukler	Delegate
City Manager (or her designee)		Alternate

SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY (SLOTA) & SAN LUIS OBISPO AREA COORDINATING COUNCIL (SLOCOG)

These Boards meet on the first Wednesday of each month from 8:30 a.m. – 12:00 p.m. at the County Board of Supervisors chambers.

Janice Peters	Bill Yates	Delegate
Betty Winholtz	Carla Borchard	Alternate

CMC CITIZENS' ADVISORY COMMITTEE (2-year term)

This Committee meets on a bi-monthly basis in the afternoon at the California Men's Colony Warden's Conference Room.

Rick Grantham	Carla Borchard	Member
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AIR POLLUTION CONTROL DISTRICT

This Board meets bi-monthly on Wednesdays at 9:00 a.m. at the County Board of Supervisors chambers.

Noah Smukler	Member
--------------	--------

COMMUNITY ACTION PARTNERSHIP OF SAN LUIS OBISPO COUNTY, INC. (formerly EOC) - (3-year term)

This Board meets on the third Thursday of each month at 5:00 p.m. with dinner provided.

Rick Grantham	Carla Borchard	Member
---------------	----------------	--------

ECONOMIC VITALITY CORPORATION

This Board meets on the fourth Wednesday of each month from 4:00 p.m. – 6:00 p.m.

Carla Borchard	George Leage	Member
Noah Smukler		Alternate

The following are suggestions by the Mayor and shall serve as a starting point for discussion and Council vote.

CITY COUNCIL LIAISON ASSIGNMENTS

(Appointment by Council Vote)

HARBOR ADVISORY BOARD

This Board meets at 7:00 p.m. on the 1st Thursday at the Veteran's Memorial Hall.
Carla Borchard Liaison

RECREATION AND PARKS COMMISSION

This Commission meets at 5:30 p.m. on the 4th Tuesday at the Veteran's Memorial Hall.
~~Riek Grantham~~ – Nancy Johnson Liaison

PUBLIC WORKS ADVISORY BOARD

This Board meets at 6:00 p.m. on the 3rd Wednesday at the Veteran's Memorial Hall.
Noah Smukler Liaison

COMMUNITY PROMOTIONS COMMITTEE

This Committee meets at 8:00 a.m. on the 3rd Thursday at the Veteran's Memorial Hall
~~Betty Winholtz~~ – George Leage Liaison

MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT BOARD

This Board meets at 10:00 a.m. on the 3rd Thursday at the Veteran's Memorial Hall
~~Janice Peters~~ – Bill Yates Liaison

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The following are suggestions by the Mayor and shall serve as a starting point for discussion and Council vote.

CITY COUNCIL SUB-COMMITTEES

(Appointment by Council vote)

COUNCIL SUBCOMMITTEE ON EMPLOYEE GRIEVANCES

This Subcommittee meets on an as needed basis.

Janice Peters - Noah Smuckler	Member
Carla Borchard	Member

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JPA SUB-COMMITTEE

This Subcommittee meets on an as needed basis.

Janice Peters - Bill Yates	Member
Rick Grantham - George Leage	Member

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MOBILEHOME CONVERSION SUB-COMMITTEE (this committee has never met and could be eliminated)

This Subcommittee meets on an as needed basis.

Betty Winholtz	Member
Carla Borchard	Member

MEDICAL MARIJUANA DISPENSARY (MMD) SUB-COMMITTEE

This Subcommittee meets on an as needed basis.

Janice Peters - Bill Yates	Member
Noah Smukler	Member

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GP/LCP SUB-COMMITTEE (staff is returning with with a staff report and appointment does not need to be made at this time)

This Subcommittee meets on an as needed basis.

Janice Peters	Member
Betty Winholtz	Member

Revised 12/10



AGENDA NO: D-6

MEETING DATE: 12/13/10

Staff Report

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

FROM: Bridgett Kessler, City Clerk

SUBJECT: Schedule a Date for Interviews of Commissioner/Advisory Board Vacancies

RECOMMENDATION:

Staff recommends the City Council schedule a date to interview candidates to fill vacancies on Planning Commission (3), Recreation & Parks Commission (1), Harbor Advisory Board (2), Public Works Advisory Board (3), Community Promotions Committee (4), and the Tourism Business Improvement District Advisory Board (2).

DISCUSSION:

Attached is a list of City Commissions and Advisory Boards reflecting upcoming expiration of terms as well as some vacancies due to resignations. Advertising efforts will begin the last week of December and the second week in January with a display ad being placed in the Bay News, and the same ad being placed in the Tribune the first week in January, unless Council directs staff otherwise.

Prepared By: B. Kessler

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____