

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 – MARCH 23, 2009

**CLOSED SESSION – MARCH 23, 2009
CITY HALL CONFERENCE ROOM - 5:00 P.M.
595 HARBOR ST., MORRO BAY, CA**

CS-1 GOVERNMENT CODE SECTION 54956.9(A); C ONFERENCE WITH LEGAL COUNSE L REGARDING PENDING CLAIMS AND LITIGATION: STATUS REP ORT ON THE HANDLING OF PENDING CLAIMS AND LITI GATION. This is a report on the process of handling claims and litigation and no action may be taken on any matter not specifically listed. Council may request a specific matter be agendized in the future for action.

CS-2 GOVERNMENT CODE SECTION 54956.9(A); C ONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION.

- **WALLICK vs. CITY OF MORRO BAY**

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

**PUBLIC SESSION – MARCH 23, 2009
VETERANS MEMORIAL HALL - 6:00 P.M.
209 SURF ST., MORRO BAY, CA**

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

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

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

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

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

A. CONSENT CALENDAR

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

A-1 APPROVAL OF MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF MARCH 9, 2009; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 AMENDMENT TO THE FLEXIBLE SPENDING ACCOUNT BENEFIT FOR DEPENDENT CARE EXPENSES CONTRIBUTION LIMIT; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Authorize the maximum contribution limit in the Flexible Spending Account Program for Dependent Care expenses to be set at \$5,000.

A-3 STATUS REPORT ON APPLICATIONS FOR ECONOMIC STIMULUS FUNDING; (ADMINISTRATION)

RECOMMENDATION: Accept the Status Report on Applications for Economic Stimulus Funding for file.

A-4 LETTER OF SUPPORT FOR LIABILITY IMMUNITY BILL (AB 634); (ADMINISTRATION)

RECOMMENDATION: Approve sending the letter of support for Liability Immunity Bill (AB 634).

A-5 PROCLAMATION DECLARING APRIL 2009 AS "FAIR HOUSING MONTH"; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Proclamation.

A-6 PROCLAMATION DECLARING APRIL 2009 AS "MONTH OF THE CHILD" AND "CHILD ABUSE PREVENTION MONTH" AND APRIL 11, 2009 AS "DAY OF THE CHILD"; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

A-7 PROCLAMATION DECLARING AMERICAN HUMANE SOCIETY'S "EVERY DAY IS TAG DAY"; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

A-8 CONTINUATION OF EMERGENCY PER PUBLIC CONTRACT CODE SECTION 22050 FOR THE INSTALLATION OF ENERGY RECOVERY EQUIPMENT; (PUBLIC SERVICES)

RECOMMENDATION: Determine the necessity to continue the emergency per Public Contract Code 22050 for the installation of desalination plant energy recovery equipment.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

- B-1 MASTER PLAN AMENDMENT/SPECIAL USE PERMIT/COASTAL DEVELOPMENT PERMIT TO DESIGNATE AND IMPROVE A ONE-ACRE AREA WITHIN DEL MAR PARK FOR USE AS AN OFF-LEASH DOG PARK; (RECREATION & PARKS)

RECOMMENDATION: Conditional ly approve the project.

- B-2 HEARING TO CONSIDER PUBLIC TESTIMONY REGARDING THE ESTABLISHMENT OF THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT (MBTBID) AND LEVY OF ASSESSMENTS; (CITY ATTORNEY)

RECOMMENDATION: Direct staff to bring forth the draft Ordinance establishing the Morro Bay Tourism Business Improvement District for first reading and introduction at the April 13, 2008 City Council meeting.

- B-3 ADOPTION OF ORDINANCE NO. 544 AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTERS 5.04 AND 5.09 REGARDING DELIVERY VEHICLES: FIRST READING/INTRODUCTION; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Ordinance No. 544 for first reading and introduction.

- B-4 ADOPTION OF ORDINANCE NO. 545 AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTERS 5.04 REGARDING DURATION OF LICENSE AND FEE PAYMENT – PRORATING: FIRST READING/INTRODUCTION; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Ordinance No. 545 for first reading and introduction.

- C. UNFINISHED BUSINESS – NONE.

D. NEW BUSINESS

- D-1 RECOMMENDATION FROM BOARDS AND COMMISSIONS ON BY-LAW AMENDMENTS; (ADMINISTRATION)

RECOMMENDATION: Amend the Advisory Board/Commissions By-Laws as recommended.

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 6 MARCH 9, 2009
CITY HALL CONFERENCE ROOM - 5:00 P.M.

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

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember

STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney

CLOSED SESSION

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

Mayor Peters read the Closed Session Statement.

**CS-1 GOVERNMENT CODE SECTION 54956.9(A); CONFERENCE WITH
LEGAL COUNSEL REGARDING PENDING LITIGATION.**

- CITY OF MORRO BAY vs. MARTONY and PEKAREK

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

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

The meeting adjourned at 5:45 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING 6 MARCH 9, 2009
VETERANS MEMORIAL HALL - 6:00 P.M.

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

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Bridgett Bauer	City Clerk
	Rick Algert	Harbor Director
	Bruce Ambo	Public Services Director
	John DeRohan	Police Chief
	Rob Livick	City Engineer
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Dylan Wade	Utilities/Capital Projects Manager
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &
PRESENTATIONS

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

PUBLIC COMMENT

Keith Taylor addressed Item A-2 (Authorization to Secure a USDA Loan to Fund Fire Station 53 Phase II) and requested Council support by authorizing to secure a USDA loan to fund Fire Station 53 Phase II for the staffing quarters, administration building and most important the emergency service treatment room.

Bill Woodson addressed Item A-5 (Resolution in Support of the Adopt-A-Tree Program) and requested Council and community support in participating by adopting trees. He said the goal is to adopt a tree per week for the next two years.

Ken Vesterfelt stated 470 cars have registered for the upcoming car show. He said a Tip-a-Cop dinner would be held on April 3rd to benefit the Special Olympics.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó MARCH 9, 2009

Joan Solu addressed Item B-1 (Recommendation on Contracting with Cal Fire for Fire Services in Morro Bay) and expressed support for maintaining the City's local Fire Department. She also addressed Item C-1 (Discussion on Revenue Generating Ballot Measures for the June 2010 Election) stating as an owner of a local hotel, she asked that the City does not do the same to the tourism industry as it did to the fishing industry and power plant by raising taxes. Ms. Solu announced the Dixon Spaghetti Feed would be held on March 27th, and the Del Mar Elementary School Art Auction, cow plop and barbeque would be held on March 29th.

Peter Candela announced the Chamber of Commerce is co-sponsoring the St. Patrick's Day Annual Party at Coast National Bank on March 17th; the Small Business Networking Business Breakfast will be held at The View on March 18th; Chamber Mixer at Central Coast Lending on March 19th. He said the Chamber is performing a survey amongst all of the businesses in the City. Mr. Candela reviewed the Chamber of Commerce statistics.

Garry Johnson thanked the Fire Department for saving his friend's life.

Nancy Johnson stated the University of California Master Gardeners of San Luis Obispo County is hosting a workshop on worm composting on April 4th.

Jim Murphy urged the City Council understand the City's financial needs when reviewing the City's additional fees and taxes.

Mayor Peters closed the hearing for 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 APPROVAL OF MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 23, 2009; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 AUTHORIZATION TO SECURE A USDA LOAN TO FUND FIRE STATION 53 PHASE II; (FIRE)

RECOMMENDATION: Authorize the City Manager to sign loan documents with the United States Department of Agriculture to secure funding for Phase II of the Fire Station 53 replacement project in an amount not to exceed \$3,000,000 and annual payments not to exceed \$200,000 per year.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING 6 MARCH 9, 2009

A-3 APPROVAL OF MAYOR AND COUNCIL MEMBERS TO ATTEND THE LEAGUE OF CALIFORNIA CITIES "LEGISLATIVE ACTION DAYS"; (ADMINISTRATION)

RECOMMENDATION: Approve sending the Mayor and/or Council Members to attend the League of California Cities "Legislative Action Days" in Sacramento.

A-4 APPROVAL OF PARCEL MAP PM MB 05-0357 (594 KINGS AVENUE) AND ACCEPTANCE OF OFFER OF DEDICATION; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 10-09.

A-5 RESOLUTION IN SUPPORT OF THE ADOPT-A-TREE PROGRAM; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 11-09.

A-6 POTENTIAL TOPICS FOR THE JOINT PLANNING COMMISSION/CITY COUCIL MEETING; (PUBLIC SERVICES)

RECOMMENDATION: Consider potential discussion topics for the joint Planning Commission/City Council meeting on March 30, 2009.

A-7 CONTINUATION OF EMERGENCY PER PUBLIC CONTRACT CODE SECTION 22050 FOR THE INSTALLATION OF DESALINATION PLANT ENERGY RECOVERY EQUIPMENT; (PUBLIC SERVICES)

RECOMMENDATION: Determine the necessity to continue the emergency per Public Contract Code 22050 for the installation of desalination plant energy recovery equipment.

A-8 APPROVAL OF RESOLUTION NO. 09-09 AUTHORIZING THE CITY OF MORRO BAY TO ENTER INTO A DERELICT VESSEL ABATEMENT GRANT WITH THE MORRO BAY NATIONAL ESTUARY PROGRAM; (HARBOR)

RECOMMENDATION: Adopt Resolution No. 09-09.

Councilmember Smukler pulled Items A-2 and A-5 from the Consent Calendar; Mayor Peters pulled Item A-6.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING 6 MARCH 9, 2009

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

A-2 AUTHORIZATION TO SECURE A USDA LOAN TO FUND FIRE STATION
53 PHASE II; (FIRE)

Councilmember Smukler addressed the concept of a lobbying effort to encourage the potential success of these grant applications and receiving the funding.

Fire Chief Mike Pond stated in the past when grant and loan applications have been made, the City has contacted State and Federal representatives and received letters of support for the project that is being funded.

Councilmember Borchard expressed concern with the Measure Q funding during this time of recession and being cautious with the long-term money that the City locks into.

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

A-5 RESOLUTION IN SUPPORT OF THE ADOPT-A-TREE PROGRAM;
(PUBLIC SERVICES)

Councilmember Smukler requested an update from staff on the Public Works Advisory Board's recommendation on the Adopt-a-Tree Program.

City Engineer Rob Livick responded the Public Works Advisory Board did recommend the formation of a tree committee, which will be a future agenda item before the City Council.

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

A-6 POTENTIAL TOPICS FOR THE JOINT PLANNING COMMISSION/CITY
COUNCIL MEETING; (PUBLIC SERVICES)

Mayor Peters asked if there were any items that Council would like to add to the agenda for the joint meeting with the Planning Commission.

Councilmember Grantham requested to add lot splitting to the agenda.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó MARCH 9, 2009

Councilmember Smukler stated he would like to discuss the extended need for lobbying efforts with the Coastal Commission on the General Plan.

Mayor Peters stated she wanted to discuss how much architectural review the Planning Commission should do.

Councilmember Winholtz stated she would like to prioritize some of the items suggested by the Planning Commission, such as:

- 1) Strong recommendation on Neighborhood Compatibility Standards;
- 2) Environmental incentives to promote green building and planning in the application and approval process;
- 3) Downtown Visioning.

Consensus of the Council was to list the above items on the Joint Planning Commission/ City Council agenda with the discussion of the General Plan and Newspaper Racks listed last for discussion.

MOTION: Mayor Peters moved the City Council approve Item A-6 of the Consent Calendar. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

Mayor Peters called for a break at 6:59 p.m.; the meeting resumed at 7:09 p.m.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 RECOMMENDATION ON CONTRACTING WITH CAL FIRE FOR FIRE SERVICES IN MORRO BAY; (FIRE)

Fire Chief Mike Pond stated Council has been actively working to identify methods for improving fire services in Morro Bay since 2004. Council has approved replacement of the fire station apparatus bays at both fire stations, approved updating the Fire Department fleet with the purchase of a new fire engine and a new rescue vehicle, passed a significantly more restrictive sprinkler ordinance. Chief Pond listed actions related to Council's desire for better staffing to meet OSHA mandates, deal with the issue of increasing call volume and simultaneous calls, and improve response times to the citizens in North Morro Bay. Chief Pond recommended the City Council advise Cal Fire that the City is not interested in continuing the process toward a full service contract at this time. He further recommended the City Council direct staff to provide costs, for consideration in the budget process, to provide a part-time reserve firefighter as a fourth person scheduled each day and investigate the Amador Option 2.2 proposed by staff.

Mayor Peters opened the hearing for public comment.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó MARCH 9, 2009

Ariane Leiter, Engineer/Paramedic, stated the past years have been very trying for the Fire Department with budgetary issues. She said through committee discussions on how to better serve the community of Morro Bay, there was one idea to contract with Cal Fire, and as the President of the Firefighters Association, she strongly supports this solution.

Steve Knuckles, Fire Captain/Paramedic, stated in May 2004 the five-year strategic plan was completed and recommended increasing the department's staffing to four people daily to cover simultaneous incidents and cover the north end of the City; it was also recommended that all responses be 5 minutes or less 90% of the time. He said in October 2007, the firefighters brought forward a possible contract idea with Cal Fire to seek a financial solution to meet the staffing and response needs as addressed in the five-year strategic plan. Captain Knuckles requested Council's consideration of the department's needs as well as the community's needs now and in the future.

Ken Vesterfelt stated he is supportive of the City contracting with Cal Fire. He reviewed sections in the staff report that he requested the City Council consider in their deliberation.

Jane Heath stated she is convinced that there are too many variables concerned with contracting with Cal Fire, one being the State's financial situation. She also expressed concern that the personnel would not be the same, and the City would have more control as an employer than as a customer.

Bill Murphy, Firefighter/Paramedic, thanked Cal Fire and Council for their efforts in reviewing the proposed contracts. He requested the City Council examine the proposals from the prospective of the objectives of the five-year strategic plan; the City's financial ability; and present a complete list of the strengths and weaknesses of both organizations ability to delivery the City's desired service level. Firefighter Murphy stated all of the options presented by Cal Fire are less expensive at their costs.

Todd Gailey, Engineer/Paramedic, stated he grew up in Morro Bay and prefers to work for the City of Morro Bay. He said it is assured that Station 11 would provide service to the City if needed. Engineer Gailey stated he does not support contracting with Cal Fire.

George Rees, Fire Captain/Paramedic, stated at this time the Morro Bay Fire Department does not adequately serve the community on the north end of town. He said the department needs more staffing due to increasing call volume and simultaneous calls. Captain Rees urged the City Council to move forward with the Cal Fire contract or give the Fire Department the tools to adequately serve the community.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó MARCH 9, 2009

Erica Murphy stated it has been a long-time desire of the Fire Department to better serve the north portion of Morro Bay. She said the lack of staffing causes a risk to the community and liability to the City. Ms. Murphy stated the Cal Fire options presented to the City addresses these issues as well as saving the City money. She said the money saved could be used for other City needs and help minimize other City cost-cutting measures that are on the horizon.

Jim Murphy stated the City Council should give someone the task to pull all of the information together and return to Council with a recommendation.

Walter Heath stated police and fire services are the cornerstone of any City and should be maintained as City services. He said he does not agree that the City should forego tax increases for these services.

Mayor Peters closed the public comment hearing.

Councilmember Smukler stated a tax increase for the Fire Department should be considered. He said he would like to be aggressive in addressing short-term options in keeping the fire service in-house because there are no clear options from the State at this time. Councilmember Smukler stated he supports the implementation of a second five-year plan and address full staffing and response time to North Morro Bay. He said he would like to bring this discussion back in relation to the five-year plan.

Councilmember Borchard stated she does not support a tax increase since Measure Q was adopted. She expressed concern with the unknowns in the staff report, one being the intent with the use of reserve firefighters in place of full-time firefighters.

Councilmember Grantham stated he does not support enhancing regional fire services at the City's expense. He said there is a better chance of utilizing the Bonita Street Fire Station under the City's fire services. Councilmember Grantham stated he supports maintaining the City's Fire Department.

Councilmember Winholtz stated she is not ready to make a decision at this meeting. She said the two issues that need to be addressed is response time and firefighter safety. Councilmember Winholtz stated the ideal is to have Stations 53 and 54 opened, and one way is with the stimulus package.

Mayor Peters stated there is concern with the State budget and the lack of stability. She said the City should consider an assessment district to support the Fire Department. Mayor Peters stated it is important to find the source of funding for the City's Fire Department.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó MARCH 9, 2009

MOTION: Councilmember Grantham moved the City Council thank Cal Fire for their due diligence and hard work on behalf of the City in providing a proposal for fire services; advise Cal Fire that the City is not interested in continuing the process toward a full service contract at this time; and, direct staff to provide costs, for consideration in the budget process, to provide a part-time reserve firefighter as a fourth person scheduled each day and investigate the Amador Option 2.2 proposed by staff. The motion was seconded by Councilmember Smukler and carried with Councilmember Borchard and Councilmember Winholtz voting no. (3-2)

MOTION: Councilmember Winholtz moved the City Council request staff to come back with information on the Amador Option with Cal Fire within 30 days; form an ad-hoc committee made up of one or two Councilmembers, one or two executive staff members, and one or two firefighters, that this ad-hoc committee discuss the City fire services needs; and, explore Federal and/or State stimulus funds in order to open Fire Station 54. The motion was seconded by Councilmember Smukler and carried with Councilmember Grantham and Mayor Peters voting no. (3-2)

Mayor Peters called for a break at 8:44 p.m.; the meeting resumed at 8:55 p.m.

C. UNFINISHED BUSINESS

C-1 DISCUSSION ON REVENUE GENERATING BALLOT MEASURES FOR THE JUNE 2010 ELECTION; (CITY ATTORNEY)

City Attorney Robert Schultz stated at the January 12, 2009 City Council meeting, Council directed staff to bring back a discussion of ballot revenue measures for Election 2010. He recommended the City Council discuss which revenue-generating ballot measures to begin preparing for consideration at a City workshop.

The following Councilmembers voted on which revenue-generating ballot measures they supported to be placed on the ballot in 2010:

Utility User Tax
Councilmember Grantham

911 Fee
Councilmember Grantham

Special Assessment/Parcel Tax
Councilmember Smukler
Councilmember Winholtz
Councilmember Grantham
Mayor Peters

Transient Occupancy Tax
Councilmember Smukler
Councilmember Borchard
Councilmember Winholtz
Councilmember Grantham
Mayor Peters

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó MARCH 9, 2009

MOTION: Mayor Peters moved the City Council direct staff to return to Council with information on placing a transient occupancy tax measure on the 2010 ballot. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

MOTION: Mayor Peters moved the City Council direct staff to return to Council with information on placing a special assessment/parcel tax measure on the 2010 ballot. The motion was seconded by Councilmember Smukler.

Councilmember Smukler clarified that staff's information would be an initial review; Mayor Peters clarified that staff would reporting to Council as information was received.

VOTE: The motion carried with Councilmember Borchard voting no. (4-1)

D. NEW BUSINESS

D-1 SANITARY SEWER MANAGEMENT PLAN; (PUBLIC SERVICES)

Utilities/Capital Projects Manager Dylan Wade stated in 2006, the State Water Resources Control Board adopted Order No. 2006-003 General Waste Discharge Requirements for Wastewater Collections Agencies. One requirement of this order is that all public collections systems in the State of California are required to reduce the risks to public health and the environment by creating a Sanitary Sewer Management Plan (SSMP). The purpose of the SSMP is to implement a set of Best Management Practices into the operations of all collections systems in the State. The SSMP includes 11 mandatory elements ranging in complexity from preparing goals and a mission statement, to performing a complete capacity assessment. During the October 8, 2007 City Council meeting, the City Council adopted elements one and two of the SSMP, outlined a schedule for preparation of the other chapters of the SSMP, and directed staff to prepare the plan in conjunction with Public Works Advisory Board. Mr. Wade recommended the City Council adopt Chapters 3,4,6 and 7 of the Sanitary Sewer Management Plan; and, direct staff to continue to prepare the remaining Chapters in conjunction with the Public Works Advisory Board.

MOTION: Councilmember Grantham moved the City Council adopt Chapters 3,4,6 and 7 of the Sanitary Sewer Management Plan; and, direct staff to continue to prepare the remaining Chapters in conjunction with the Public Works Advisory Board. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó MARCH 9, 2009

D-2 REVIEW PRELIMINARY DESIGN AND COST ESTIMATES FOR THE
NORTH MAIN STREET CLASS II BIKE LANE PROJECT; (PUBLIC
SERVICES)

City Engineer Rob Livick stated the City has approximately \$60,000 in funds for the North Main Bike Lane Project including the approximately \$30,000 in Transportation Development Act money for Citywide bicycle and pedestrian projects. The difference in project costs between the available funds would require either grant(s), a contribution from the General Fund, and/or Measure Q funds or a combination of funds. Additionally, this is one of the projects identified to San Luis Obispo Council of Governments as a candidate for economic stimulus funds. Staff has reviewed and updated the previous design and prepared an opinion of probable costs for a range of projects. The proposed design includes two five-foot wide Class II bike lanes, two 13-foot wide travel lanes and an eight-foot wide parking lane. Staff recommends the 13-foot wide travel lane due to Main Street's classification as an arterial, the volume of traffic and the speed limit; there is existing right-of-way that is sufficient for this proposed section. Staff further recommends the City Council consider the feasibility and give direction to staff on whether to proceed further toward the installation of Class II bike lanes on North Main Street.

MOTION: Councilmember Winholtz moved the City Council direct staff to return with a bike plan within three months with potential funding sources, and a survey of the businesses along North Main Street. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

D-3 REPORT ON THE DRAFT GOALS AND OBJECTIVES FROM THE GOALS
SETTING WORKSHOP; (ADMINISTRATION)

City Manager Andrea Lueker stated in November 2007 the City Council determined that conducting an annual Goal Setting Process was an important part of strategic planning for the City of Morro Bay. As a result, in June 2008, the City Council held its first such workshop, which resulted in the establishment of six priority goals and 13 other goals. The City Council held its second Goal Setting Workshop on February 17-18, 2009, which entailed reviewing the progress made on the goals established last year as well as progress toward the Management Partners recommendations from an August 2008 meeting. The Goal Setting Workshop concluded with the City Council identifying five priority goals, nine other goals and two other carryover goals from last year's process. Ms. Lueker recommended the City Council adopt the priority goals and other goals as designated priorities by the City Council. Staff will then return to the Council in the near future with the success factors for each of the five priority goals as well as a timeline for each of the five priority goals.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó MARCH 9, 2009

MOTION: Councilmember Borchard moved the City Council adopt the priority goals and other goals as designated priorities by the City Council. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

E. DECLARATION OF FUTURE AGENDA ITEMS ó None.

ADJOURNMENT

The meeting adjourned at 10:21 p.m.

Recorded by:

Bridgett Bauer
City Clerk



AGENDA NO: _____

Meeting Date: 3/23/09 Action: _____

Staff Report

TO: Honorable Mayor and City Council **DATE:** March 11, 2009

FROM: Susan Slayton, Administrative Services Director

SUBJECT: Amendment to the Flexible Spending Account Benefit for Dependent Care Expenses Contribution Limit

RECOMMENDATION:

Staff recommends that the City Council authorize the maximum contribution limit in the Flexible Spending Account (FSA) program for Dependent Care expenses to be set at \$5,000.

FISCAL IMPACT:

Increasing to the maximum contribution limit for the dependent care expenses will have no fiscal impact on the City. Due to the fact that the claims are based on the amount of money in the employee's account, a reimbursement will not be made if the contributions are not there.

SUMMARY:

Staff has discovered new information related to the FSA program in regards to the dependent care expense reimbursement: claims are paid based on the amount in the employee's account. This means that there will not be any unpaid portions, as could be with the Medical FSA, for which the City is obligated. Based on this, Staff recommends that the maximum contribution limit be raised from \$2,500 to \$5,000.

DISCUSSION:

At the February 9, 2009 meeting, Council approved a new benefit program for employees, the Flexible Spending Account (FSA). There are two programs that were approved for employee participation, and maximum contribution limits were set: 1) medical = \$2,500; and 2) dependent care = \$2,500. Since that action occurred, Staff has learned that the Dependent Care FSA program is operated differently from the Medical FSA: claims are paid based on the amount in the employee's account.

Prepared By: _____

Dept Review: _____

City Manager Review:

City Attorney Review: _____

Page 1 of 2

The following statements were made in the February 9 staff report:

“At the beginning of each plan year, the entire amount of the e-flex account allowance is available to the participating employee. Contributions are then made by the employee on a bi-weekly basis for the remainder of the year. If the employee terminates his/her employment with the City after having spent his/her annual e-flex account allowance, the City is obligated for the unpaid portion of that employee’s account.”

These statements only apply to the Medical FSA; the Dependent Care FSA must have the employee’s contributions in hand before it will authorize an expense reimbursement.

CONCLUSION:

Based on this additional information, Staff is recommending that the Council change the limit on the Dependent Care FSA from \$2,500 to \$5,000, which is the maximum amount allowable by law.



AGENDA NO: A-3

MEETING DATE: 3/23/09

Staff Report

TO: Honorable Mayor and City Council **DATE:** March 16, 2009
FROM: Andrea K. Lueker, City Manager
SUBJECT: Status Report on Applications for Economic Stimulus Funding

RECOMMENDATION:

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

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

FISCAL IMPACT:

Not Applicable.

SUMMARY:

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

BACKGROUND:

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

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

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

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

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

DISCUSSION:

Attached is a chart of the Applications that have been submitted to date for funds related to the Economic Stimulus funding. These are only the programs for which funding has been requested, with a number of other programs staff is tracking through a newly created spreadsheet as well as "grant tracking report" form.



City of Morro Bay

Morro Bay, CA 93442

(805) 772-6200

(Date)

Honorable Diane Harkey
California State Assembly
State Capital, Room 4177
Sacramento, CA 95814

RE: AB 634 - Support

Dear Assemblywoman Harkey,

The City of Morro Bay Supports AB 634, which will add SCUBA diving on ship-based artificial reefs to the list of inherently hazardous recreational activities listed in Section 831.7 of the Government Code.

California's historic ports are currently in economic crisis. Morro Bay is one of the ports that has experienced a severe economic downturn from past and recent fishing closures. Bringing a major SCUBA diving attraction to the Morro Bay area will have a positive impact on the port, the city and the local economy. Dive and fishing charter boats, hotels and restaurants, and marine supply business will all benefit from the influx of tourists to a ship-based artificial reef or series of reefs in Estero Bay. Increased revenues will flow to the City from port fees, hotel and restaurant taxes, and additional sales taxes.

California Ships to Reefs, Inc., a 501(c)(3) Non-Profit Public Benefit Corporation has identified an area in Estero Bay for a dive park on which to place one or more ship-based artificial reefs. This sea bottom, tentatively designated the Ed Biaggini III Memorial Dive Park, is owned by the California State Lands Commission, which has indicated its willingness to lease the area to California Ships to Reefs, Inc., provided there is no increased liability to the State.

For all of these reasons, we ask for an Aye vote on this bill.

Sincerely

Janice Peters
Mayor

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
955 Shasta Avenue

POLICE DEPT.
870 Morro Bay Boulevard

RECREATION & PARKS
1001 Kennedy Way

**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DECLARING THE MONTH OF APRIL 2009
“FAIR HOUSING MONTH”**

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

WHEREAS, the City of Morro Bay is joining with the United States Department of Housing and Urban Development (HUD) and other housing agencies in celebrating the anniversary of the National Fair Housing Law, Title VII of the Civil Rights Act of 1968; and

WHEREAS, the City of Morro Bay encourages fair housing through its housing rehabilitation programs; and

WHEREAS, discrimination in housing is against the law. No person shall be discriminated against because of race, color, religion, sex, handicap, familial status, or national origin in the sale, rental, or advertising of dwelling, in the provisions of brokerages services, or in the availability of residential real estate related transactions; and

WHEREAS, if any City resident believes he or she has been discriminated against, the resident should contact the Department of Fair Employment and Housing District Office at 1732 Palma Dr., #200, Ventura, CA 93003, (805) 654-4514. The Fair Housing Information Office helps to ensure that all residents of the City of Morro Bay and surrounding communities are treated fairly and that all the property owners and landlords abide by the letter and spirit of the Fair Housing Law; and

WHEREAS, the City of Morro Bay, the State of California, HUD and various local agencies are working together to ensure equal treatment of all citizens. We urge everyone to practice the Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that I, Vice-Mayor Betty Winholtz and the City Council of the City of Morro Bay, declare the month of April as Fair Housing Month in the City of Morro Bay.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the City of Morro Bay to be affixed this 23rd day of March, 2009

BETTY WINHOLTZ, VICE-MAYOR
City of Morro Bay, California

AGENDA NO: A-6

MEETING DATE: 3/23/09

**PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
PROCLAIMING APRIL 2009 AS "MONTH OF THE CHILD" and
"CHILD ABUSE PREVENTION MONTH"
AND APRIL 11, 2009 AS "DAY OF THE CHILD"**

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

WHEREAS, Saturday, April 11, 2009, will commemorate the "Day of the Child" celebration "Learn to Play & Play to Learn" during Children's Day in the Plaza from 10:00 a.m. to 3:00 p.m. in the San Luis Obispo Mission Plaza. A day where children and families can play, learn and interact with the agencies and programs providing services throughout the County; and

WHEREAS, the Month of the Child and Child Abuse Prevention Month is a time to recognize that children's opportunities are our responsibilities, and to commit ourselves to ensuring that each and every child experiences a high quality early environment & at home, at child care, at school and in the community & that will promote their optimal development.

WHEREAS, the City of Morro Bay recognizes that every moment in a child's life is an opportunity for that child to learn, and that the quality of these experiences may determine whether a child succeeds in school and in life, and that all children need caring and loving adults in their lives;

WHEREAS, the activities of this month will provide an opportunity to acknowledge youth and early care and education programs and their dedicated staff, and to raise the awareness of the community, employers and elected officials of the need to improve the quality, availability, and accessibility of such programs;

And, may we remember to listen to and watch the children around us, to have patience and to allow them the opportunity to enjoy the journey of childhood.

NOW, THEREFORE, BE IT RESOLVED that the City of Morro Bay is proclaiming April 2009 as the "Month of the Child", and "Child Abuse Prevention Month" and April 11, 2009 as "Day of the Child".

IN WITNESS WHEREOF I have
hereunto set my hand and caused the
seal of the City of Morro Bay to be
affixed this 23rd day of March 2009

BETTY WINHOLTZ, Vice-Mayor
City of Morro Bay, California

AGENDA NO: A-7

MEETING DATE: 3/23/09

**A PROCLAMATION OF THE CITY OF MORRO BAY
DECLARING APRIL 4, 2009 AS
AMERICAN HUMANE'S "EVERY DAY IS TAG DAY"**

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

WHEREAS, we have been endowed not only with the blessings and benefits of our animal companions, who give us friendship and great pleasure in our daily lives, but also with a firm responsibility, as their guardians, to provide for their needs and ensure their well-being; and

WHEREAS, we realize that watching over these animals, who are wholly dependent on us, means providing more than food and shelter, but also protection from dangers such as traffic, extreme weather, and violent crime, and therefore, must take action to ensure that they do not become lost or separated from us, their guardians; and

WHEREAS, we recognize that as human beings, we have the power to communicate with spoken and written language, while the animals we look after do not, and thus it is our responsibility to guarantee our animal companions a voice in our absence; and

WHEREAS, providing identification in the form of an identification tag, license tag, microchip or tattoo is the only way to give our companion animals a voice should they become lost; and

WHEREAS, the welfare of the animals in our community is the undertaking of all pet guardians and animal lovers, advocating for the widespread use of identification tags and other forms of identification will provide them with a voice should they be without the protection of their human guardians.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay does hereby proclaim April 4, 2009 as American Humane's "Every Day is Tag Day".

IN WITNESS WHEREOF I have
hereunto set my hand and caused the
seal of the City of Morro Bay to be
affixed this 23rd day of March 2009.

BETTY WINHOLTZ, Vice-Mayor
City of Morro Bay, California



AGENDA NO: A-8
MEETING DATE: 03/23/09

Staff Report

TO: Honorable Mayor and City Council **DATE:** March 18, 2009
FROM: Dylan Wade Utilities/ Capital Projects Manager
SUBJECT: Continuation of Emergency per Public Contract Code Section 22050 for
the Installation of Desalination Plant Energy Recovery Equipment

RECOMMENDATION:

Staff recommends the City Council determine the necessity to continue the emergency per Public Contract Code Section 22050 for the installation of desalination plant energy recovery equipment.

BACKGROUND:

At your October 13, 2008 Council meeting, The City Council adopted resolution 64-08 declaring that an emergency condition exists regarding immediate improvements to its Desal plant. The delivery projections for State Water during the next calendar year are currently at 15%. There is insufficient time to go through the normal bidding procedures and complete the upgrade in between the end of this year's State Water shutdown and the beginning of next year's reduced State Water deliveries. Given the reduction in State Water deliveries and the increasing nitrate pollution we are experiencing in both the Morro and Chorro groundwater basins it is critical that we get the brackish water system operational as quickly as possible, and as such we need to continue the emergency per Public Contract Code (PC) Section 22050 for the installation of energy recovery equipment.

Pursuant to PC 22050(c)(1) the City Council must review that action and reaffirm by 4/5th vote at every regularly scheduled meeting until that action is terminated. Accordingly staff will place this item on each subsequent agenda until the project is complete.

STATUS REPORT:

During the week of March 16, 2009 the following activities are taking place:

- 1) The Contract operator that we use to run the plant has been onsite and will be reviewing the installation and preparing start up and acceptance plans for submittal to the State
- 2) Work on the installation of the electrical components is nearing completion.

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

CONCLUSION:

The work on this first phase of the project is rapidly nearing completion. In short order we will have the ability to run one of the brackish trains and once testing is complete we should be able to discontinue the emergency. Until we are complete with the start up testing staff recommends the City Council determine the necessity to continue the emergency per Public Contract Code Section 22050 for the installation of desalination plant energy recovery equipment.



AGENDA NO: _____
Meeting Date: March 23, 2009
Action: _____

Staff Report

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE:** MARCH 23, 2009
FROM: BRUCE AMBO, PUBLIC SERVICES DIRECTOR
SUBJECT: MASTER PLAN AMENDMENT/SPECIAL USE PERMIT/COASTAL
DEVELOPMENT PERMIT TO DESIGNATE AND IMPORVE A ONE-ACRE AREA
WITHIN DEL MAR PARK FOR USE AS AN OFF LEASH DOG PARK

RECOMMENDATION:

Staff recommends the City Council review the information contained in this memorandum and its attachments, consider testimony from the applicant and the public, and adopt the following motion based upon the Findings and Conditions adopted by the Planning Commission at their March 2, 2009 hearing. It is recommended that that City Council adopt the following motion:

CONDITIONALLY APPROVE THE PROJECT by:

- A. Adopting the Findings included as Exhibit ðAö,
- B. Approving the amendment to the Parks and Facilities Master Plan as shown in Exhibit ðBö; And
- C. Approving the Coastal Development Permit and Special Use Permit, subject to the Conditions included as Exhibit ðCö and the site development plans in Exhibit ðDö.

FISCAL IMPACT:

Staff does not anticipate additional financial allocations, however staff projects additional staff time both in operations and administrative duties which involve the proposed dog park.

PROJECT SUMMARY:

Morro Bay Pups, working through a joint venture Memorandum of Understanding with the City of Morro Bay, is proposing to designate and construct an off leash dog park consisting of the following components:

- An amendment to the Parks and Recreation Facilities Plan for the provision of the off leash dog park in order to provide consistency with the City's General Plan; and
- A Coastal Development Permit and Special Use permit for the development of the off leash dog park, including perimeter fencing of a 1-acre area in within the northwestern portion of Del Mar Park for off-leash dogs. Existing vegetation is proposed to remain and includes managed turf and cypress trees. The hours of operation of the dog park are from 7 AM to sunset, coinciding with the hours of operation of Del Mar Park. The proposed improvements consists of chain link fencing, double-entry gates, signage outlining the appropriate rules and regulations including required clean- up after dogs, bulletin board, sanitary mitt/bag dispenser and trash receptacles all

Prepared by: Teresa McClish **Dept. Review:**
City Manager Review:

of which are designed to be conducive for the safe enjoyment of the dog park. There is no lighting proposed.

ENVIRONMENTAL DETERMINATION:

As required by the California Environmental Quality Act (CEQA), the City has prepared an environmental assessment to determine what environmental impacts, if any, would be generated from the proposed project. The City has conducted an Initial Study and concluded that the project would not have a significant impact on the environment, with implementation of certain mitigation measures. The City, therefore, has prepared a Mitigated Negative Declaration (ATTACHMENT 1 in EXHIBIT 6G). The Initial Study/Notice of Intent to Adopt a Mitigated Negative Declaration was circulated for public review, both locally and through the State Clearinghouse process, for a period of 30 days (January 29, 2009 to March 3, 2009, See EXHIBIT 6E). The City received no comments on the Initial Study.

DISCUSSION

The Planning Commission reviewed the project on March 2, 2009 and voted 5-0 to recommend that the City Council conditionally approve the project (Exhibits 6F and 6G). The Commission amended the following conditions of approval as presented by Staff at the March 2, 2009 public hearing:

- Condition No. 8 to require the long-term provision and maintenance of additional mutt mitt dispensers at both the Island Street and Ironwood Avenue parking lots;
- Condition No. 11 (Posted Rules) to make leashing and unleashing a requirement (instead of guidance) inside the double gated area and specify that dogs must be on leash outside the dog park;
- Condition No. 11 (Posted Guidance) to amend language to specify "fenced area" instead of "park" to distinguish the off leash dog park from the rest of Del Mar Park.;
- Add Condition No. 13 to require the Recreation and Parks Committee review the project after two-years and report to City Council; and
- Add Condition 14 directing that the Recreation and Parks Department review alternative fencing design.

PUBLIC NOTICE

Notice of this item was published in the San Luis Obispo Telegram-Tribune newspaper on February 20, 2009 for the Planning Commission public hearing and March 13, 2009 for the City Council public hearing. All property owners of record within 300 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application. Additionally, notice of the environmental document, and both public hearings were posted at the project site. Two public comment letters were received that are included in Exhibit 6G.

CONCLUSION

The proposed project would be consistent with the Zoning Ordinance, General Plan (as amended by the Parks and Facilities Master Plan incorporated by reference) and the Local Coastal Plan.

ATTACHMENTS:

- Exhibit A: Findings
- Exhibit B: Master Plan Amendment to the Parks and Recreational Facilities Plan
- Exhibit C: Conditions of Approval for Specific Use Permit/Coastal Development Permit
- Exhibit D: Vicinity Map and Site Plan
- Exhibit E: OPR Environmental documentation
- Exhibit F: Minutes Planning Commission March 2, 2009
- Exhibit G: Planning Commission Staff Report March 2, 2009 and public comment letters

EXHIBIT A

FINDINGS

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No A00-007/CPO-295SUP-243 has completed the environmental review process and the mitigations are incorporated into this approval. Based on the record there is no substantial evidence that the project will have a significant effect on the environment and a Mitigation Monitoring Plan is also incorporated in the approval. The Mitigated Negative Declaration reflects the City's independent judgment and analysis.

General Plan Consistency Findings

- B. The proposed project, including proposed amendments, are consistent with Objective VIII.C in the General Plan Access and Recreation Element and implements policy AR-1 by inclusion of the proposed amendment to the Parks and Facilities Master Plan as indicated in the attached staff report and shown in Exhibit 8Bö.
- C. The proposed project is consistent with Goal 40 (New General Plan), and policies AR-4, AR-5, AR-6 and AR-7 by providing a recreational need as expressed by the community enabling residents to visit and socialize in the park with their dogs, and as conditioned, the project will not impact sensitive natural resources and will be safe and well-maintained.
- D. With the implementation of the above-mentioned policies enumerated in the staff report, the project demonstrates consistency with the General Plan.

Special Use Permit Findings

- E. That the project is an allowable use in the various zoning districts and is also in accordance 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 memorandum; and
- F. The establishment, maintenance, or operation of the use applied for 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 as the project will be consistent with all applicable zoning and plan requirements as indicated in the attached staff memorandum; and
- G. The use 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 constructed and developed consistent with all applicable City regulations, as indicated in the attached staff report.
- H. The use allowed will not be unreasonably incompatible with the uses permitted in surrounding areas due to damage or nuisance from noise, smoke, odor, dust or vibration; hazard, or nuisance from explosion, contamination or fire; hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles; or height of structure.

EXHIBIT C

CONDITIONS OF APPROVAL CDO-295/SUP-243

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, for the project depicted on the attached plans in Exhibit "C" as modified by these conditions of approval. Features shall be located and designed substantially as shown on the aforementioned exhibit, unless otherwise specified herein.
2. Inaugurate Within Five Years: Unless the construction or operation of the structure, facility, or use is commenced not later than five (5) 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 Director of Public Services, 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 Recreation and Parks Director and subject to recommendation by the Recreation and Parks Commission. Any changes to this approved permit determined not to be minor by the Recreation and Parks Director shall require the filing of an application for a permit amendment subject to City Council review.
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. 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 commencement of work. Deviation from this requirement shall be permitted only by written consent of the Director of Recreation and Parks and subject to recommendation by the Parks and Recreation Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void
6. Maintenance of Landscaping: All required plant materials shall be maintained in accordance with the watering schedule consistent with the schedule for Del Mar Park. All landscaping shall be cared for, maintained, watered, fertilized, fumigated, pruned and kept in a healthy growing condition for the life of the project.

7. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and implementation of any protective measures as determined by the Director of Planning & Building.
8. The applicant shall ensure the provision of Mutt Mitt dispensers at both the Island Street and Ironwood Avenue parking lots and the entrance gate of the fenced area and keep the dispensers stocked at all times.
9. The pathway to the dog park shall meet ADA standards, and details shall be submitted 30 days prior to construction showing the required maximum 2% cross slope along the pathway.
10. All damage caused by construction of the improvements by the Morro Bay Pupø selected contractor or vendor shall be repaired to the satisfaction of the Director of Public Services at no cost to the City prior to the opening of the Dog Park.
11. Posted Rules and Regulations may include those listed below. These rules may be modified and amended by the Director or Recreation and Parks subject to recommendation by the Recreation and Parks Commission.

Rules: Dog owners/handlers are liable for the behavior, damage or injury inflicted by their dogs. Owners/handlers are legally and financially responsible for their dogs' behavior. The City of Morro Bay accepts no liability or responsibility for injuries occurring in the dog park.

- Del Mar Dog Park Hours of Operation are from 7 Am to dusk.
- Handlers MUST "Scoop the Poop" immediately prior to leaving the premises.
- Trash receptacles shall be emptied daily.
- No children under 12 years of age permitted inside fenced area without an accompanied adult.
- Handlers MUST remove aggressive dogs immediately.
- Handlers MUST be inside fenced area with their dogs at all times.
- Handlers must leash and unleash in double gated area. Dogs must be leashed outside the fenced area.
- All dogs must wear a collar with ID.
- No pinch, pronged, spiked or shock collars allowed.
- Limit of 2 dogs per handler.
- Eating and smoking is prohibited inside the fenced area.
- Digging dogs must be stopped and holes filled by handler.

- Guidelines: Dog owners should exhibit courteous behavior, or good "petiquette". There are simple things that you can do to keep the park enjoyable for pets and persons alike:
 - Make sure your dog has appropriate vaccinations, including Kennel Cough.
 - Pay attention to your dog at all times to prevent mishaps.
 - Always pick up after your dog. If you see a stray dropping, pick that up too.
 - Do not open the outside gate if the inside gate is open and vice versa.
 - Do not leave a leash on your dog while in the fenced area. A leashed dog may feel threatened by other dogs.
 - Carry a leash with you in the fenced area. A leash is a good way of gaining control over your dog if needed.
 - Don't "treat" other dogs without permission.
 - Don't force a fearful or anxious dog to stay at the park. Playtime will increase as the dog's comfort level grows.
 - If your dog is exhibiting pestering or bullying behavior, give him or her a "time-out" or take them home.
 - Please keep in mind that outside of the park gates, all leash by-laws apply.
 - All "scooping" by-laws apply both outside and within the park gates.

12. Environmental Conditions:

MM 3.1: Clean up of the Dog Park of any trash and dog waste and emptying of trash containers shall occur on a daily basis.

Responsible Party: Morro Bay Pups or community organization as designated by City
Monitoring Agency: City of Morro Bay ó Recreation and Parks Department
Timing: On-going once the Dog Park is open

MM 3.2: The Dog Park shall be posted with signs giving reasonable notice to any pet owner using the Dog Park regarding the rules and regulations, especially as they relate to cleaning up after their dog(s). All signage shall first be approved in writing by the City's Parks, Recreation and Facilities Director.

Responsible Party: Morro Bay Pups or community organization as designated by City
Monitoring Agency: City of Morro Bay ó Recreation and Parks Department
Timeframe: Prior to opening of the Dog Park

MM 8.1: The irrigation rate of the turf should be maintained so that no runoff from turf grass watering occurs. If it is observed by City staff or park users that runoff is occurring as a result of irrigation, the rate of irrigation shall be reduced to eliminate runoff.

Responsible Party: Morro Bay Pups or community organization as designated by City
Monitoring Agency: City of Morro Bay ó Recreation and Parks Department
Timing: On-going once the Dog Park is open

PLANNING COMMISSION CONDITIONS

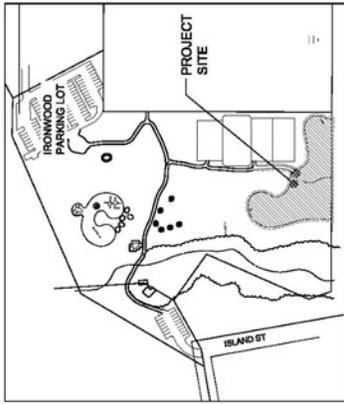
13. Status of the project shall be reviewed by the Recreation and Parks Commission after two years and a report shall be made to City Council.
14. The Recreation and Parks Department shall review alternative fencing design.



City Council
City of Morro Bay



EXHIBIT "D"
VICINITY MAP



AREA CALCULATION
 SMALL DOG AREA 12,846 SQ. FT.
 LARGE DOG AREA 22,826 SQ. FT.
 TOTAL 35,672 SQ. FT.

NOT TO BE USED FOR CONSTRUCTION. THE LOCATION OF CROWN ELEMENTS SHOWN ON THESE PLANS HAS BEEN DETERMINED BY VISUAL ANALYSIS AND SHOULD BE USED FOR CONCEPTUAL PLANNING PURPOSES ONLY.



LEGEND
 --- PROJECT LIMIT LINE
 --- FENCE LINE
 ^ GATE

CONCEPTUAL SITE PLAN FOR
THE OFF LEASH DOG PARK
 AT DEL MAR PARK, CITY OF MORRO BAY, CALIFORNIA

PLANS PREPARED FOR MORRO BAY PUP
 2405 BUNCH STREET, MORRO BAY, CA 95449

City Council
 City of Morro Bay



EXHIBIT "D"
SITE PLAN

EXHIBIT E:
LETTER FROM THE CALIFORNIA OFFICE OF PLANNING AND RESEARCH
DOCUMENTING COMPLIANCE FOR PROCESSING THE PROJECT'S ENVIRONMENTAL
REVIEW

**[REFERENCE MITIGATED NEGATIVE DECLARATION/INITIAL STUDY IN
ATTACHMENT 1 OF EXHIBIT "F"]**

EXHIBIT F:
DRAFT MINUTES OF MARCH 2, 2009 PLANNING COMMISSION MEETING

EXHIBIT G:
MARCH 2, 2009 PLANNING COMMISSION STAFF REPORT

The Resolution of Intent approved by the Council on February 23, 2009 instructed the City Clerk to provide notice of the public meeting and future public hearing. On February 27, 2009 a notice of proposed assessment was sent to all owners of lodging businesses within the proposed district setting March 23, 2009 as the public meeting to consider all written and oral protest. All written protest must be received by the City Clerk before the close of the April 13, 2009 public hearing on the ordinance establishing the MBTBID.

The draft ordinance is attached for your review and to provide direction to Staff of necessary changes prior to the first reading. Staff requests that you specifically review Section 3.09.100 pertaining to the Advisory Body. The language recommended by Staff for this Section was taken from Paso Robles and Carlsbad Ordinances and provides the City with the most flexibility as the City moves forward with the establishment and administration functions of the MBTBID. Jonni Biaggini has proposed alternative language that is also attached to this staff report. The proposed language would set the members of the advisory body by Ordinance.

CONCLUSION:

Staff recommends that the City Council direct Staff to bring forth the attached draft Ordinance establishing the Morro Bay Tourism Business Improvement District for first reading and introduction at your April 13, 2009 meeting.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY ESTABLISHING THE
MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT
(MBTBID), FIXING THE BOUNDARIES THEREOF, PROVIDING FOR
THE LEVY OF A BUSINESS ASSESSMENT TO BE PAID BY
HOTEL BUSINESSES IN SUCH DISTRICT**

WHEREAS, on February 23, 2009, the City of Morro Bay Council adopted Resolution No. 08-09 entitled, "Resolution of the City of Morro Bay Declaring its Intention to Establish the Morro Bay Tourism Business Improvement District (MBTBID), to Establish the Basis for and to Levy the Assessment for the District and to Set Dates for the Public Hearing on the District and the Proposed Assessment"; and

WHEREAS, as specified in such Resolution, the boundaries of the district encompass the City of Morro Bay, and there are no separate benefit zones within the district; and

WHEREAS, said Resolution was published and copies thereof were duly mailed and posted, all as provided by state law and specified in the Resolution; and

WHEREAS, pursuant to Resolution a public meeting concerning the formation of said district was held before the City Council on March 23, 2009 at 6 p.m. in the City Council Chambers at the Veterans Hall located at 209 Surf Street in Morro Bay; and

WHEREAS, pursuant to Resolution a public hearing concerning the formation of said district was held before the City Council on April 13, 2009 at 6 p.m. in the City Council Chambers at the Veterans Hall located at 209 Surf Street in Morro Bay; and

WHEREAS, all written and oral protests made or filed were duly heard, and testimony for and against the proposed action was received and considered; and

WHEREAS, the City Council determined that there was no majority protest within the meaning of Streets and Highways Code Section 36525, as written protests were not received from owners of businesses in the proposed district which would pay fifty percent (50%) or more of the assessments proposed to be levied; and

WHEREAS, protests are weighted based on the assessment proposed to be levied on each hotel. For purposes of the initial formation of the district, the proposed assessment to be levied was calculated based on the assessment rate multiplied by the most recent available data for the hotels' rental revenues.

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

SECTION 1. Pursuant to authority granted under the Parking and Business Improvement Area Law of 1989, California Streets and Highways Code Sections 36500 et seq., the City of Morro Bay Tourism Business Improvement District (MBTBID) is hereby established in the City of Morro Bay as herein set forth and all lodging establishments in the district established by this ordinance shall be subject to any amendments made hereafter to said law or to other applicable laws.

SECTION 2. The City Council of the City of Morro Bay finds that lodging establishments within the Morro Bay Tourism Business Improvement District will be benefited by the improvements and activities funded by assessments to be levied.

SECTION 3. Chapter 3.60 (Tourism Business Improvement District) is hereby added to Title 3 (REVENUE AND FINANCE) of the Morro Bay Municipal Code to read as follows:

3.60.010 Title.

This chapter shall be known as the "City of Morro Bay Tourism Business Improvement District Law."

3.60.020 Definitions.

- A. "City Council" shall mean the City Council of the City of Morro Bay.
- B. "City Advisory Body" shall mean the Advisory Body appointed by the City Council, pursuant to this chapter.
- C. "District" shall mean the City of Morro Bay Tourism Business Improvement District (or "MBTBID") created by this chapter and as delineated in Section 3.60.040.
- D. "Hotel" shall mean any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, motel, or bed and breakfast and pays Transient Occupancy Tax. For purposes of this chapter the definition of "hotel" shall not include RV parks and vacation homes.
- E. "Law" shall mean the Parking and Business Improvement Area Law of 1989, California Streets and Highways Code Sections 36500 et seq., as amended.
- F. "Operator" shall mean the person who is the proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee or any other capacity. Where the operator performs its functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal of the managing agent shall however, be considered to be compliance by both.
- G. "Transient" means any person who exercises occupancy or who is entitled to occupancy, by reason of concession, permit, right of access, license, or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

3.60.030 Authorized Uses.

This ordinance is made and enacted pursuant to the provisions of the Parking and Business Improvement Area Law of 1989 (Sections 36500, et. seq., of the Streets and Highways Code) (the "law"). The purpose of forming the district as a business improvement area under the Parking and Business Improvement Area Law of 1989 is to provide revenue to defray the costs of services, activities and programs promoting tourism which will benefit the operators of hotels in the district through the promotion of scenic, recreational, cultural and other attractions in the district as a tourist destination. It is

the intent of this chapter to provide a supplemental source of funding for the promotion of tourism in the district and it is not intended to supplant any other existing sources of revenues that may be used by any City of Morro Bay for the promotion of tourism. The specific services, activities and programs to be provided by the district are as follows:

- A. The general promotion of tourism within the district is to include costs as specified in the business plan to be adopted annually; and
- B. The marketing of conference, group, and film business that benefits local tourism and the local hotel industry in the district; and
- C. The marketing of the district to the travel industry in order to benefit local tourism and the local hotel industry in the district.

3.60.040 Boundaries.

The boundaries of the MBTBID shall be the boundaries of the City of Morro Bay.

3.60.050 Levy of assessment and exemptions.

The MBTBID shall include all hotel businesses located within the MBTBID boundaries. Commencing June 1, 2009, the assessment to be levied on all hotel businesses within the MBTBID boundaries shall be based upon 3% of the rent charged by the operator per occupied room per night for all transient occupancies. Commencing on June 1, 2010, and from year to year thereafter, the assessment to be levied on all hotel businesses within the MBTBID boundaries shall be based upon 2% of the rent charged by the operator per occupied room per night for all transient occupancies. The assessment shall be collected monthly, based on percent (%) of the rent charged by the operator per occupied room per night in revenues for the previous month. New hotel businesses within the boundaries shall not be exempt from the levy of assessment authorized by Section 36531 of the law. Assessments pursuant to the MBTBID shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax. The value of extended stays of more than thirty (30) consecutive calendar days shall be exempt from the levy of assessment. Any other exclusion shall be based on benefit and the policies and ordinances of the collecting agency.

3.60.060 Annual review of assessment.

All of the assessments imposed pursuant to this chapter shall be reviewed by the Morro Bay City Council annually, based upon the annual report prepared by the Advisory Board appointed pursuant to this chapter and Sections 36530 and 36533 of the law. After approval of the annual report the Morro Bay City Council shall follow the hearing process as outlined in Section 36534 of the law. At the public hearing the Morro Bay City Council shall hear and consider all protests. If written protests are received from hotel businesses in the district paying fifty percent (50%) percent or more of the annual assessment, no further proceedings to continue the levy of assessments shall take place. The protests shall be weighted based upon the annual assessment for the prior year by each hotel business.

3.60.070 Imposition of assessment.

The Morro Bay City Council hereby levies and imposes and orders the collection of an additional assessment to be imposed upon hotel businesses in the district described above, which shall be calculated pursuant to Section 3.09.050 above. Such levy shall begin on June 1, 2009.

3.60.080 Use of revenue.

The activities to be provided by the MBTBID will be funded by the levy of the assessments, voluntary contributions, and City general funds. The total revenue from the levy of assessments and any other voluntary contributions, within the MBTBID shall not be used to provide improvements or activities outside the MBTBID or for any purpose other than the purposes specified in the resolution of intention. The proceeds of the hotel business assessment and any other voluntary contributions, shall be spent to administer marketing and visitor programs to promote the City of Morro Bay as a tourism visitor destination. All funds shall be expended consistent with the purposes of this act. Funds remaining at the end of any MBTBID term may be used in subsequent years in which MBTBID assessments are levied as long as they are used consistent with the requirements of this Section. The Morro Bay City Council shall consider recommendations made by the Advisory Board created by Section 3.60.100. of this ordinance as to the use of assessment revenue.

3.09.090 Delinquency, penalty and interest.

Any hotel business that fails to remit any assessment imposed by this ordinance within the time required shall pay a penalty of ten (10%) percent of the assessment amount in addition to the assessment. Any and all remedies available to the City of Morro Bay for non-payment of assessment or taxes shall be applicable in the event of non-payment of an assessment under this chapter. Any penalty and interest fees collected from a hotel business due to delinquency shall go to the City of Morro Bay.

3.09.100 Advisory board.

The City Council shall appoint an Advisory Board pursuant to Section 36530 of the California Streets and Highways Code in order to make recommendations to the City Council on the expenditure of revenues derived from the levy of assessments, on proposed improvements and activities and on the method and basis of levying assessments. The City Council may, by resolution, adopt bylaws governing the membership and operations of the Advisory Board.

3.60.110 Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Morro Bay City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

3.60.120 Modification or disestablishment.

The City of Morro Bay, by ordinance, may modify the provisions of this chapter and may disestablish the district or parts of the district, after adopting a resolution of intention to such effect. Such resolution shall describe the proposed change or changes, or indicate that it is proposed to disestablish the area, and shall state the time and place of a hearing to be held by the Morro Bay City Council to consider the proposed action. If the operators of hotels which pay fifty percent (50%) or more of the assessments in the district file a petition with the Clerk of the City of Morro Bay requesting the Morro Bay City Council to adopt a resolution of intention to modify or disestablish the district, the Morro Bay City Council shall adopt such resolution and act upon it as required by law. Signatures on such petition shall be those of a duly authorized representative of the operators of hotels in the district.

In the event the resolution proposes to modify any of the provisions of this chapter, including changes in the existing assessments or in the existing boundaries of the district, such proceedings shall terminate if protest is made by the operators of hotels which pay fifty percent (50%) or more of the assessments in the district, or in the district as it is proposed to be enlarged.

In the event the resolution proposes disestablishment of the district, the Morro Bay City Council shall disestablish the district; unless at such hearing, protest against disestablishment is made by the operators of hotels paying fifty percent (50%) or more of the assessments in the district.

3.09.140 Effective date.

The Clerk of the City of Morro Bay shall certify to the passage of this ordinance by the Morro Bay City Council and cause it to be posted in three conspicuous places in the City of Morro and it shall take effect on the thirty-first day after it is approved by the Morro Bay City Council.

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

INTRODUCED at the regular meeting of the City Council of the City of Morro Bay held on the _____ day of _____ 2009, by motion of Councilmember _____ and seconded by Councilmember _____.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morro Bay on the _____ day of _____, 2007 by the following vote to wit:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Janice Peters, Mayor

ATTEST:

Bridgett Bauer, City Clerk

The Resolution of Intent approved by the Council on February 23, 2009 instructed the City Clerk to provide notice of the public meeting and future public hearing. On February 27, 2009 a notice of proposed assessment was sent to all owners of lodging businesses within the proposed district setting March 23, 2009 as the public meeting to consider all written and oral protest. All written protest must be received by the City Clerk before the close of the April 13, 2009 public hearing on the ordinance establishing the MBTBID.

The draft ordinance is attached for your review and to provide direction to Staff of necessary changes prior to the first reading. Staff requests that you specifically review Section 3.09.100 pertaining to the Advisory Body. The language recommended by Staff for this Section was taken from Paso Robles and Carlsbad Ordinances and provides the City with the most flexibility as the City moves forward with the establishment and administration functions of the MBTBID. Jonni Biaggini has proposed alternative language that is also attached to this staff report. The proposed language would set the members of the advisory body by Ordinance.

CONCLUSION:

Staff recommends that the City Council direct Staff to bring forth the attached draft Ordinance establishing the Morro Bay Tourism Business Improvement District for first reading and introduction at your April 13, 2009 meeting.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY ESTABLISHING THE
MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT
(MBTBID), FIXING THE BOUNDARIES THEREOF, PROVIDING FOR
THE LEVY OF A BUSINESS ASSESSMENT TO BE PAID BY
HOTEL BUSINESSES IN SUCH DISTRICT**

WHEREAS, on February 23, 2009, the City of Morro Bay Council adopted Resolution No. 08-09 entitled, "Resolution of the City of Morro Bay Declaring its Intention to Establish the Morro Bay Tourism Business Improvement District (MBTBID), to Establish the Basis for and to Levy the Assessment for the District and to Set Dates for the Public Hearing on the District and the Proposed Assessment"; and

WHEREAS, as specified in such Resolution, the boundaries of the district encompass the City of Morro Bay, and there are no separate benefit zones within the district; and

WHEREAS, said Resolution was published and copies thereof were duly mailed and posted, all as provided by state law and specified in the Resolution; and

WHEREAS, pursuant to Resolution a public meeting concerning the formation of said district was held before the City Council on March 23, 2009 at 6 p.m. in the City Council Chambers at the Veterans Hall located at 209 Surf Street in Morro Bay; and

WHEREAS, pursuant to Resolution a public hearing concerning the formation of said district was held before the City Council on April 13, 2009 at 6 p.m. in the City Council Chambers at the Veterans Hall located at 209 Surf Street in Morro Bay; and

WHEREAS, all written and oral protests made or filed were duly heard, and testimony for and against the proposed action was received and considered; and

WHEREAS, the City Council determined that there was no majority protest within the meaning of Streets and Highways Code Section 36525, as written protests were not received from owners of businesses in the proposed district which would pay fifty percent (50%) or more of the assessments proposed to be levied; and

WHEREAS, protests are weighted based on the assessment proposed to be levied on each hotel. For purposes of the initial formation of the district, the proposed assessment to be levied was calculated based on the assessment rate multiplied by the most recent available data for the hotels' rental revenues.

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

SECTION 1. Pursuant to authority granted under the Parking and Business Improvement Area Law of 1989, California Streets and Highways Code Sections 36500 et seq., the City of Morro Bay Tourism Business Improvement District (MBTBID) is hereby established in the City of Morro Bay as herein set forth and all lodging establishments in the district established by this ordinance shall be subject to any amendments made hereafter to said law or to other applicable laws.

SECTION 2. The City Council of the City of Morro Bay finds that lodging establishments within the Morro Bay Tourism Business Improvement District will be benefited by the improvements and activities funded by assessments to be levied.

SECTION 3. Chapter 3.60 (Tourism Business Improvement District) is hereby added to Title 3 (REVENUE AND FINANCE) of the Morro Bay Municipal Code to read as follows:

3.60.010 Title.

This chapter shall be known as the "City of Morro Bay Tourism Business Improvement District Law."

3.60.020 Definitions.

- A. "City Council" shall mean the City Council of the City of Morro Bay.
- B. "City Advisory Body" shall mean the Advisory Body appointed by the City Council, pursuant to this chapter.
- C. "District" shall mean the City of Morro Bay Tourism Business Improvement District (or "MBTBID") created by this chapter and as delineated in Section 3.60.040.
- D. "Hotel" shall mean any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, motel, or bed and breakfast and pays Transient Occupancy Tax. For purposes of this chapter the definition of "hotel" shall not include RV parks and vacation homes.
- E. "Law" shall mean the Parking and Business Improvement Area Law of 1989, California Streets and Highways Code Sections 36500 et seq., as amended.
- F. "Operator" shall mean the person who is the proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee or any other capacity. Where the operator performs its functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal of the managing agent shall however, be considered to be compliance by both.
- G. "Transient" means any person who exercises occupancy or who is entitled to occupancy, by reason of concession, permit, right of access, license, or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

3.60.030 Authorized Uses.

This ordinance is made and enacted pursuant to the provisions of the Parking and Business Improvement Area Law of 1989 (Sections 36500, et. seq., of the Streets and Highways Code) (the "law"). The purpose of forming the district as a business improvement area under the Parking and Business Improvement Area Law of 1989 is to provide revenue to defray the costs of services, activities and programs promoting tourism which will benefit the operators of hotels in the district through the promotion of scenic, recreational, cultural and other attractions in the district as a tourist destination. It is

the intent of this chapter to provide a supplemental source of funding for the promotion of tourism in the district and it is not intended to supplant any other existing sources of revenues that may be used by any City of Morro Bay for the promotion of tourism. The specific services, activities and programs to be provided by the district are as follows:

- A. The general promotion of tourism within the district is to include costs as specified in the business plan to be adopted annually; and
- B. The marketing of conference, group, and film business that benefits local tourism and the local hotel industry in the district; and
- C. The marketing of the district to the travel industry in order to benefit local tourism and the local hotel industry in the district.

3.60.040 Boundaries.

The boundaries of the MBTBID shall be the boundaries of the City of Morro Bay.

3.60.050 Levy of assessment and exemptions.

The MBTBID shall include all hotel businesses located within the MBTBID boundaries. Commencing June 1, 2009, the assessment to be levied on all hotel businesses within the MBTBID boundaries shall be based upon 3% of the rent charged by the operator per occupied room per night for all transient occupancies. Commencing on June 1, 2010, and from year to year thereafter, the assessment to be levied on all hotel businesses within the MBTBID boundaries shall be based upon 2% of the rent charged by the operator per occupied room per night for all transient occupancies. The assessment shall be collected monthly, based on percent (%) of the rent charged by the operator per occupied room per night in revenues for the previous month. New hotel businesses within the boundaries shall not be exempt from the levy of assessment authorized by Section 36531 of the law. Assessments pursuant to the MBTBID shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax. The value of extended stays of more than thirty (30) consecutive calendar days shall be exempt from the levy of assessment. Any other exclusion shall be based on benefit and the policies and ordinances of the collecting agency.

3.60.060 Annual review of assessment.

All of the assessments imposed pursuant to this chapter shall be reviewed by the Morro Bay City Council annually, based upon the annual report prepared by the Advisory Board appointed pursuant to this chapter and Sections 36530 and 36533 of the law. After approval of the annual report the Morro Bay City Council shall follow the hearing process as outlined in Section 36534 of the law. At the public hearing the Morro Bay City Council shall hear and consider all protests. If written protests are received from hotel businesses in the district paying fifty percent (50%) percent or more of the annual assessment, no further proceedings to continue the levy of assessments shall take place. The protests shall be weighted based upon the annual assessment for the prior year by each hotel business.

3.60.070 Imposition of assessment.

The Morro Bay City Council hereby levies and imposes and orders the collection of an additional assessment to be imposed upon hotel businesses in the district described above, which shall be calculated pursuant to Section 3.09.050 above. Such levy shall begin on June 1, 2009.

3.60.080 Use of revenue.

The activities to be provided by the MBTBID will be funded by the levy of the assessments, voluntary contributions, and City general funds. The total revenue from the levy of assessments and any other voluntary contributions, within the MBTBID shall not be used to provide improvements or activities outside the MBTBID or for any purpose other than the purposes specified in the resolution of intention. The proceeds of the hotel business assessment and any other voluntary contributions, shall be spent to administer marketing and visitor programs to promote the City of Morro Bay as a tourism visitor destination. All funds shall be expended consistent with the purposes of this act. Funds remaining at the end of any MBTBID term may be used in subsequent years in which MBTBID assessments are levied as long as they are used consistent with the requirements of this Section. The Morro Bay City Council shall consider recommendations made by the Advisory Board created by Section 3.60.100. of this ordinance as to the use of assessment revenue.

3.09.090 Delinquency, penalty and interest.

Any hotel business that fails to remit any assessment imposed by this ordinance within the time required shall pay a penalty of ten (10%) percent of the assessment amount in addition to the assessment. Any and all remedies available to the City of Morro Bay for non-payment of assessment or taxes shall be applicable in the event of non-payment of an assessment under this chapter. Any penalty and interest fees collected from a hotel business due to delinquency shall go to the City of Morro Bay.

3.09.100 Advisory board.

The City Council shall appoint an Advisory Board pursuant to Section 36530 of the California Streets and Highways Code in order to make recommendations to the City Council on the expenditure of revenues derived from the levy of assessments, on proposed improvements and activities and on the method and basis of levying assessments. The City Council may, by resolution, adopt bylaws governing the membership and operations of the Advisory Board.

3.60.110 Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Morro Bay City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

3.60.120 Modification or disestablishment.

The City of Morro Bay, by ordinance, may modify the provisions of this chapter and may disestablish the district or parts of the district, after adopting a resolution of intention to such effect. Such resolution shall describe the proposed change or changes, or indicate that it is proposed to disestablish the area, and shall state the time and place of a hearing to be held by the Morro Bay City Council to consider the proposed action. If the operators of hotels which pay fifty percent (50%) or more of the assessments in the district file a petition with the Clerk of the City of Morro Bay requesting the Morro Bay City Council to adopt a resolution of intention to modify or disestablish the district, the Morro Bay City Council shall adopt such resolution and act upon it as required by law. Signatures on such petition shall be those of a duly authorized representative of the operators of hotels in the district.

In the event the resolution proposes to modify any of the provisions of this chapter, including changes in the existing assessments or in the existing boundaries of the district, such proceedings shall terminate if protest is made by the operators of hotels which pay fifty percent (50%) or more of the assessments in the district, or in the district as it is proposed to be enlarged.

In the event the resolution proposes disestablishment of the district, the Morro Bay City Council shall disestablish the district; unless at such hearing, protest against disestablishment is made by the operators of hotels paying fifty percent (50%) or more of the assessments in the district.

3.09.140 Effective date.

The Clerk of the City of Morro Bay shall certify to the passage of this ordinance by the Morro Bay City Council and cause it to be posted in three conspicuous places in the City of Morro and it shall take effect on the thirty-first day after it is approved by the Morro Bay City Council.

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

INTRODUCED at the regular meeting of the City Council of the City of Morro Bay held on the _____ day of _____ 2009, by motion of Councilmember _____ and seconded by Councilmember _____.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morro Bay on the _____ day of _____, 2007 by the following vote to wit:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Janice Peters, Mayor

ATTEST:

Bridgett Bauer, City Clerk



AGENDA NO: _____
MEETING DATE: 03/23/09

Staff Report

TO: Honorable Mayor and City Council **DATE:** March 11, 2009

FROM: Susan Slayton, Administrative Services Director

SUBJECT: Adoption of Ordinance No. 544 Amending Title 5 Business Licenses and Regulations, Chapters 5.04 and 5.09 Regarding Delivery Vehicles

RECOMMENDATION:

Staff recommends that the City Council accept public comment and then move for the introduction and first reading of Ordinance No. 544, by number and title only, amending the Morro Bay Municipal Code Section 5.04.050 entitled *License and tax payment required* to include "Specific exception to this requirement is given to every person who makes wholesale or retail deliveries for business services by vehicle within the city" and striking Section 5.08.090 *Delivery by vehicle*.

FISCAL IMPACTS:

Business license fees of approximately \$4,100 will be lost.

BACKGROUND:

On October 27, 2008, Staff brought forth an agenda item to discuss the requirement of a business license from businesses that make deliveries in Morro Bay. Attached herewith is the staff report and minutes from that City Council meeting. The Municipal Code Section 5.04.050 states: "There is hereby imposed, upon the businesses, trade professions, callings, and occupations specified in this title, license fees as established annually in the Business License Rate Schedule." Staff interpreted this to mean that every individual, partnership or corporation that is doing business in Morro Bay is responsible for paying a business license unless it is not legal for the City to charge it. This logic was applied to delivery trucks, as they: 1) benefit from the advertising on their delivery vehicles; 2) are profiting from the sales of their wares; 3) should pay a similar fee, as required of the other businesses within the City limits; 4) have access to the same emergency services as do the license-paying businesses; 5) negatively impact our infrastructure; and 6) do not pay to support our City services as do our license-paying businesses.

Prepared By: _____

Dept Review: _____

City Manager Review:

City Attorney Review: _____

Page 1 of 7

Council voted unanimously to exempt those companies, who make deliveries in the City, from paying a business license fee, and directed Staff to return with an Ordinance, amending the Municipal Code. Attached is a list of the businesses that would be exempt.

CONCLUSION:

Staff recommends that council review and move for first reading and introduction of the attached Ordinance by number and title only.

ORDINANCE NO. 544

AN ORDINANCE OF THE CITY OF MORRO BAY TO AMEND TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.04, SECTION 5.04.050 LICENSE AND TAX PAYMENT REQUIRED AND CHAPTER 5.08, SECTION 5.08.090 DELIVERY BY VEHICLE OF THE CITY OF MORRO BAY MUNICIPAL CODE

THE CITY COUNCIL
CITY OF MORRO BAY, CALIFORNIA

The City Council of the City of Morro Bay does ordain Title 5 *Business Licenses and Regulations*, Chapter 5.04, Section 5.04.050 - "License and tax payment required" and Chapter 5.08, Section 5.08.090 "Delivery by vehicle" be amended as follows:

WHEREAS, Title 5 of the Morro Bay Municipal Code sets forth duties and responsibilities of the business licensing and regulation of businesses in the City; and

WHEREAS, the City desires to exempt from the payment of a business license fee every person who makes wholesale or retail deliveries for business services by vehicle within the city; and

WHEREAS, the City of Morro Bay needs to amend Chapter 5.04, Section 5.04.050 and Chapter 5.08, Section 5.08.090 in order to make this change; and

WHEREAS, following the Public Hearing, and upon consideration of the testimony of all persons, the City Council of the City of Morro Bay does ordain Chapter 5.04, Section 5.04.050 "License and tax payment required" and Chapter 5.08, Section 5.08.090 - "Delivery by vehicle" be amended as follows:

5.04.050. There is hereby imposed upon the businesses, trades, professions, callings, and occupations specified in this title license fees as established annually in the Business License Rate Schedule. Specific exception to this requirement is given to every person who makes wholesale or retail deliveries for business services by vehicle within the city.

~~5.08.090. Every person who makes wholesale or retail deliveries for business services by vehicle within the city and who does not pay a city license tax under the provisions of any other section of this chapter or who is not exempt from payment of license fees by virtue of interstate commerce or highway carriers exemptions, shall pay an annual license tax in accordance with the Business License Rate Schedule.~~

INTRODUCED at the regular meeting of the City Council held on the 27th day of October 2008, by motion of Councilmember Grantham and seconded by Councilmember Peirce.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morro Bay, on the ____ day of _____, 2009 by the following vote to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Janice Peters, Mayor

ATTEST:

Bridgett Bauer, City Clerk



AGENDA NO: _____
MEETING DATE: 3/23/09

Staff Report

TO: Honorable Mayor and City Council **DATE:** March 11, 2009

FROM: Susan Slayton, Administrative Services Director

SUBJECT: Adoption of Ordinance No. 545 Amending Title 5 Business Licenses and Regulations, Chapter 5.04 Regarding Duration of License and Fee Payment - Prorating

RECOMMENDATION:

Staff recommends that the City Council accept public comment and then move for the introduction and first reading of Ordinance No. 545, by number and title only, amending the Morro Bay Municipal Code Title 5, Section 5.04.160 entitled *Duration of license* to change the expiration date to coincide with the end of the month in which the business started, and amending Section 5.04.260 *Fee payment – prorating* to remove all references to prorating.

FISCAL IMPACTS:

Business license fees may experience some fluctuation in the first fiscal year, but will return to normal thereafter.

BACKGROUND:

On October 27, 2008, Staff brought forth an agenda item to maintain the 1-year business license renewal cycle and change the renewal dates to coincide with the business start date. Attached herewith is that staff report and minutes from that City Council meeting. An inquiry sent to other California cities resulted in the discovery that several cities renew licenses annually, but on a monthly basis, according to the date the license was first issued. The consensus from the cities was that it evens out the work load; instead of being inundated with renewals, questions and payments in a two- to three-month period, the clerk handles the renewal process for fewer people each month.

Prepared By: _____

Dept Review: _____

City Manager Review:

City Attorney Review: _____

Page 1 of 7

Staff has contacted the business license software vendor, Hinderliter, deLlamas and Associates, and has learned that the program can be switched to an annual, monthly renewal cycle for a small fee. HdL estimates that it will require 3 to 4 hours worth of work at \$170 per hour. Staff believes that we can absorb this within the existing budget.

Council voted unanimously to maintain the one-year business license renewal cycle, and change the renewal date to coincide with the business start date. Staff was directed to return with an Ordinance, amending the Municipal Code.

CONCLUSION:

Staff recommends that council review and move for first reading and introduction, by number and title only, of the attached Ordinance

ORDINANCE NO. 545

AN ORDINANCE OF THE CITY OF MORRO BAY TO AMEND TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.04, SECTION 5.04.160 DURATION OF LICENSE AND SECTION 5.04.260 FEE PAYMENT - PRORATING OF THE CITY OF MORRO BAY MUNICIPAL CODE

THE CITY COUNCIL
CITY OF MORRO BAY, CALIFORNIA

The City Council of the City of Morro Bay does ordain Title 5 *Business Licenses and Regulations*, Chapter 5.04, Section 5.04.160 - "Duration of license" and Chapter 5.08, Section 5.04.260 "Fee payment - Prorating" be amended as follows:

WHEREAS, Title 5 of the Morro Bay Municipal Code sets forth duties and responsibilities of the business licensing and regulation of businesses in the City; and

WHEREAS, the City desires to exempt change the business license annual period to coincide with the business start date; and

WHEREAS, the City of Morro Bay needs to amend Chapter 5.04, Sections 5.04.160 and 5.04.260 in order to make this change; and

WHEREAS, following the Public Hearing, and upon consideration of the testimony of all persons, the City Council of the City of Morro Bay does ordain Chapter 5.04, Section 5.04.160 "Duration of license" and Section 5.04.260 - "Fee Payment - Prorating" be amended as follows:

5.04.160. All licenses issued hereunder shall expire on the ~~first thirtieth day of June~~ **last day of the month** occurring ~~after 1 year after the~~ effective date **of issue thereof**.

5.04.260. Fee payment—~~Prorating~~

A. Unless otherwise specifically provided, all annual license taxes, under the provisions of this chapter, shall be due and payable in advance **each year** on the first day of ~~July~~ **the month following license expiration**. ~~each year; provided that license taxes covering new operations commenced after the first day of July may be prorated for the balance of the license period as follows:~~

- ~~1. If application is made during the quarter beginning July first, one hundred percent of such fee shall be paid;~~
- ~~2. If application is made during the quarter beginning October first, seventy five percent of said fee shall be paid;~~
- ~~3. If application is made during the quarter beginning January first, fifty percent of said fee shall be paid;~~
- ~~4. If application is made during the quarter beginning April first, twenty five percent of said fee shall be paid.~~

B. Except as otherwise herein provided, license fees, other than annual, required hereunder shall be due and payable as follows:

1. Semiannual license fees, on the first day of July and the first day of January each year.
2. Quarterly license fees, on the first day of July, October, January, and April of each year;
3. Monthly license fees on the first of the month;
4. Weekly license fees on Monday of each week in advance;
5. Daily license fees each day in advance.

INTRODUCED at the regular meeting of the City Council held on the 27th day of October 2008, by motion of Councilmember Grantham and seconded by Councilmember Peirce.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morro Bay, on the ____ day of _____, 2009 by the following vote to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Janice Peters, Mayor

ATTEST:

Bridgett Bauer, City Clerk



AGENDA NO: D-1
MEETING DATE: 3/23/09

Staff Report

TO: Honorable Mayor and City Council DATE: March 16, 2009

FROM: Andrea K. Lueker, City Manager

SUBJECT: Recommendations from Boards and Commissions on Bylaw Amendments

RECOMMENDATION:

Staffs recommends the City Council review the recommendations from the Board/Commissions and amend the City of Morro Bay Advisory Boards Handbook and By-Laws as follows:

MOTION: I move to add the following section to the Harbor Advisory Board, Recreation and Parks Commission, Community Promotions Committee and Public Works Advisory Board:

CANCELLATION OF MEETINGS

In the situation where there are no “time sensitive” agenda items, Department staff may cancel the meeting after contacting and having consensus from the Chair or Vice Chair at least one week prior to the meeting date. Once the meeting has been canceled the remaining Board/Commission members will be contacted as well as the meeting cancellation noticed.

I also move to amend the Community Promotions “Qualifications” section as follows:

QUALIFICATIONS

Four of the 7 members of the Community Promotions must be residents and registered voters of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

I also move to add the following sentence to the Harbor Advisory Board, Recreation & Parks Commission, Community Promotions Committee and Public Works Advisory Board at the end of the “Absence From Meetings” Section:

At the Department Director’s discretion in consultation with the Chair and Vice Chair, an absence may be excused and not count against the Board Member.

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

FISCAL IMPACT:

Not Applicable.

BACKGROUND:

On December 8, 2008 the City Council had on their agenda the following item "Set Date for Interviews of Commission/Advisory Board Vacancies and Discussion Regarding Frequency of Meetings, Number of Members and Potential New Representation Categories. As a result of the discussion, the City Council directed each Board and Commission to review the above-mentioned items and bring back a recommendation to the City Council.

DISCUSSION

Each Board/Commission was asked to discuss meeting frequency, number of members, potential new representation categories and cancellation of meetings and provide recommendations. The following are the recommendations/discussions point from each Board/Commission.

Harbor Advisory Board

The Harbor Advisory Board recommended maintaining the number of Board Members at 7. They also recommended amending the Absence from Meetings Section to read as follows (added wording is in *italics*):

ABSENCE FROM MEETINGS

Absence of a Board Member from three (3) consecutive meetings without formal consent of the Board as noted in its official minutes will constitute the voluntary resignation of the absent member effective the date of the third meeting. Upon a member being absent for 4 or more meetings in one calendar year, excused or unexcused, the Council shall, at a public meeting review the appointment and consider appointing a replacement. *At the Harbor Director's discretion in consultation with the Chair and Vice Chair, an absence may be excused and not count against the Board Member.*

Recreation and Parks Commission

The Recreation and Parks Commission recommended amending the City Council Policies and Procedures (which apply to the Boards and Commissions) regarding cancellation of a meeting to the following (added wording is in *italics*):

Except in the case of an emergency or *mutually agreed upon by Staff and the Chair prior to the noticing of a regular meeting*, a regular meeting can only be canceled by an affirmative vote of the majority of Council at a previously noted meeting.

Planning Commission

The Planning Commission discussed the issue and concurred with staff's recommendation that cancellation of the meeting be the responsibility of the Planning Commission Secretary. If the Secretary determines that there are no public hearing items for a specific meeting then he/she shall cancel the meeting following consultation with the Chair or Vice Chair. The Secretary shall notify the Commission of the cancellation by calling the Chair or Vice Chair and providing the appropriate noticing to the public.

While the Planning Commission clarified the process they did not recommend a formal motion or amendment to the Municipal Code where their policies and procedures are housed. However, if the City Council desires to make these changes, staff will begin the ordinance amendment process.

Public Works Advisory Board

The Public Works Advisory Board commented on keeping the board size at 7 members, retaining 4-year terms and utilizing the Board Members more. In terms of meeting cancellation, they recommended staff work with the Chair or Vice Chair on cancellations with the public being notified as soon as possible.

Community Promotions Committee

The Community Promotions Committee noted conflicting information regarding the qualified electors in the City of Morro Bay's information in their bylaws. As the Promotions Committee allows 3 of the 7 members to be non-residents of Morro Bay, the following amendment is recommended to the qualifications section of their bylaws.

QUALIFICATIONS

Four of the 7 members of the Community Promotions must be residents and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1).