

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
TUESDAY, APRIL 9, 2013**

**PUBLIC SESSION
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
CLOSED SESSION REPORT
MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS
PUBLIC PRESENTATIONS

PUBLIC COMMENT - Members of the audience wishing to address the Council on City business matters not on the agenda 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 AGENDA

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

A-1 APPROVAL OF CITY COUNCIL MINUTES FOR THE CITY COUNCIL MEETING OF MARCH 26, 2013; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 ANNUAL REPORTING ON THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT AND SCHEDULING OF A PUBLIC HEARING; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Acknowledge receipt of the annual report and set the date for the public hearing to be held on April 23, 2013, in order to continue the MBTBID activities and assessments.

A-3 PROPOSED AMENDMENTS TO THE LEAGUE OF CALIFORNIA CITIES BYLAWS; (ADMINISTRATION)

RECOMMENDATION: Staff recommends the City Council submit a “yes” vote adopting the two proposed amendments to the League of California Cities Bylaws.

A-4 RESOLUTION NO. 21-13 AUTHORIZING EXECUTION OF A DEED OF TRUST FOR THE LEASE AGREEMENT ON LEASE SITE 78-81/78W-81W (VAN BEURDEN INVESTMENTS); (CITY ATTORNEY)

RECOMMENDATION: Adopt Resolution 21-13 authorizing the Mayor to execute a consent agreement regarding a deed of trust for Lease Sites 78-81/78W-81W with Rabobank, N.A., and Van Beurden Investments for refinancing of improvements at 701 and 715 Embarcadero.

A-5 A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY DECLARING THE MONTH OF APRIL “FAIR HOUSING MONTH”; (ADMINISTRATION)

RECOMMENDATION: Approve Proclamation

A-6 AUTHORIZATION TO FILE NOTICE OF COMPLETION FOR THE 2012 STREET REHABILITATION PROGRAM (MB-2012-S2); (PUBLIC SERVICES)

RECOMMENDATION: Authorization for staff to File Notice of Completion for the 2012 Street Rehabilitation Program (MB-2012-S2).

B. PUBLIC HEARINGS

B-1 APPEALS OF COASTAL DEVELOPMENT PERMIT (#CP0-390) TO ALLOW THE UPGRADE OF EXISTING CAMPSITES LOCATED AT MORRO STRAND STATE PARK CAMPGROUND; (PUBLIC SERVICES)

RECOMMENDATION: Deny the appeals and uphold the Planning Commission's approval of Coastal Development Permit #CP0-390 subject to the Findings included as Attachment "A" and the Conditions of Approval as included as Attachment "B."

B-2 RESOLUTION NO. 22-13 INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR THE NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution No. 22-13, ordering the preparation of an Engineer's Report detailing the expenses projected for Fiscal Year 2013-14 for the maintenance of the North Point Natural Area.

B-3 RESOLUTION NO. 23-13 INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR THE CLOISTERS PARK AND OPEN SPACE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution No. 23-13 ordering the preparation of an Engineer's Report detailing the expenses projected for Fiscal Year 2013-14 for the maintenance of the Cloisters Park and Open Space.

C. UNFINISHED BUSINESS - None

D. NEW BUSINESS

D-1 WATER RECLAMATION FACILITY (WRF) PROJECT STATUS UPDATE AND DISCUSSION; (CITY COUNCIL)

RECOMMENDATION: Discuss in open session, the progress to date on the Water Reclamation Facility (WRF) and provide direction to staff as necessary.

D-2 SELECTION OF TWO (2) CITIZEN MEMBERS TO PARTICIPATE ON THE SELECTION COMMITTEE FOR CONSULTATION SERVICES FOR THE WATER RECLAMATION FACILITY; (ADMINISTRATION)

RECOMMENDATION: Review the attached letters of interest and select two citizen members to serve on the selection committee for consultation services for the Water Reclamation Facility (WRF).

D-3 CONSIDERATION TO CO-SPONSOR THE 2013 JULY 4TH SPECIAL EVENT WITH THE MORRO BAY 4TH, INC.; (RECREATION & PARKS)

RECOMMENDATION: Review and consider the proposed co-sponsorship application from the Morro Bay 4th, Inc., as well as the recommendation from the Recreation and Parks Commission; and provide staff with direction to complete the Public Area Use permitting process.

D-4 DISCUSSION OF ITEMS TO PLACE ON THE JOINT CITY COUNCIL / PLANNING COMMISSION MEETING AND RESCHEDULING OF THE JOINT MEETING TO TUESDAY, APRIL 23, 2013; (ADMINISTRATION)

RECOMMENDATION: Discuss and direct staff to agendaize items for the Joint City Council / Planning Commission Meeting. Staff further recommends that this meeting be rescheduled to Tuesday, April 23, 2013 beginning at 4:30pm.

E. COUNCIL 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 772-6205 FOR FURTHER INFORMATION.

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

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

AGENDA NO: A-1

MEETING DATE: 4/9/2013

MINUTES – MORRO BAY CITY COUNCIL
SPECIAL MEETING – MARCH 26, 2013
VETERAN’S MEMORIAL HALL – 5:00PM

Mayor Irons called the meeting to order at 5:00pm.

PRESENT:	Jamie Irons	Mayor
	Christine Johnson	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Jamie Boucher	City Clerk
	Rob Livick	Public Services Director
	Amy Christey	Police Chief
	Steve Knuckles	Fire Chief
	Eric Endersby	Harbor Director
	Susan Slayton	Administrative Services Director
	Joe Woods	Recreation & Parks Director

Mayor Irons opened up the public comment period; seeing none, public comment was closed.

ITEM: 2013 GOAL SETTING WORKSHOP MAJOR CITY GOAL RESULT OUTLINES

GOAL #1 - DEVELOP A NEW WATER RECLAMATION FACILITY (WRF)

Discussion was held by Council: -under “Brief Discussion”, add to c. ...timeline, **community support/buy-in**; add f. **Opportunities: Community support and communication, diversify the City’s water supply**; under “Key Tasks” add a g. **Engage public in all possible phases**; add an h. **Provide quarterly status report**.

GOAL #2 - IMPROVE STREETS

Discussion was held by Council: -under “Action Plan, Key Tasks” add to a. ...**and revise to include day to day maintenance activities**; add a d. **Continue to maintain and improve streets – thru 2014**; add an e. **Complete a Street Summit Report/Meeting Annually (Jan)**

GOAL #3 - UPDATE PLANS FOR CURRENT AND FUTURE LAND USE NEEDS

Discussion was held by Council: -under “Action Plan, Key Tasks” b. add to the end ... planning) **or contract for project**; d. add to the end ...update, **strategies and review options**.

MOTION: Councilmember Nancy Johnson moved to continue this meeting to after the conclusion of the regular meeting. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 26, 2013
VETERAN’S MEMORIAL HALL – 6:00P.M.

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

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE
PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT – City Attorney Robert Shultz reported that City Council met in Closed Session on the following items: Government Code Section 54956.8; Real Property Transactions instructing City’s real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to 315 Main Street, Meisterlin and City of Morro Bay; and, Conference with Legal Counsel regarding pending litigations, Government Code Section 54956.9(a), Meisterlin v City of Morro Bay. No reportable action under the Brown Act was taken.

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS &
PRESENTATIONS
PUBLIC PRESENTATIONS

PUBLIC COMMENT

Elena Ramos presented the Morro Bay business report. The John Ramos Gallery has opened up at 407 Morro Bay Blvd. They are open Tuesdays – Sundays from 11-5pm. They wanted to thank everybody for the warm welcome they have received since their opening. She also announced that on April 18th they will be holding the Del Mar PTA Chamber Mixer from 530-730pm.

Brian Stacy stated that there continues to be no public outreach from the Nature Conservancy and the Fishing Community Quota to make sure everybody is notified of events. This speaks to public corruption and the need to self-police ourselves to ensure there is opportunity for all.

Ken Vesterfelt announced the 3rd Annual Emergency Vehicle Car Show being held on Saturday, April 20th, as well as the Morro Bay Car Show being held on May 3rd, 4th and 5th. Dennis Gage, the host of “My Classic Car with Dennis Gage” will be in Morro Bay the weekend of the car show which is a big boom for the event and the City. He also urged those attending the Annual Yard Sale to drive safely.

Hank Roth spoke advertising the Annual Yard Sale being held April 6th and 7th. The last day to sign up in order to be placed on the map is March 27th. You can contact the Chamber at 772-4467 with any questions. Morro Bay Beautiful will be hosting their own yard sale fundraiser at 2360 Main Street. He cautioned drivers and yard sellers to be extra cautious as there will be lots of people in town over the weekend.

Sy Tenenberg thanked Morro Bay businesses and residents who have helped him in his efforts to get care packages to the troops overseas. Morro Bay has been a part of sending over 300 boxes to the troops and he himself has been responsible for sending over 9500 boxes overseas. He especially thanks the Dollar Store for their efforts.

Wanda Durrick announced the Annual Yard Sale stating that the deadline to register is March 27, 2013. The cost to register is \$10 and by doing so, your sale will be placed on the map with your address clearly marked, you will also receive an official sign.

Garry Johnson attended the Harbor Lease Site Study Session. He was dismayed when the topic of the aquarium came up, he feels that the Tylers have given so much to this community; they should be allowed to stay.

Haley Revlee and Maya Burton, student representatives from Del Mar Elementary School, thanked the many businesses for so generously helping and sponsoring their 2013 Jog-a-thon.

Sandy Tannler spoke on the lack of signage for the new Visitor's Center. She asked when it would be coming and when it would be put up.

Keith Taylor spoke on the upcoming Morro Bay Car Show. This year you can purchase/sponsor a trophy for the show's entrants for a very nominal fee. The money raised goes to the Morro Bay Police Explorers Post #43.

Sid Symington, the new Rector of St. Peters Episcopal Church introduced himself. He is glad to be here. He holds services on Sundays at 8am and 1030am.

Betty Winholtz announced that the Methodist Church will be holding a mini car show on Saturday, April 13th. They will be serving homemade soups and sandwiches. Their address is 3000 Hemlock and the event will take place in the morning.

Joan Solu thanked all those who attended the Dixon's Spaghetti Feed. She also thanked Joe Woods and his staff for all their hard work. They presented a special award to Marlene Peters who has been involved with the Community Foundation for many, many years.

Brad Snook of the local Surfrider Foundation announced a benefit concert being held on April 13th in Shell Beach. They will be showing 5 films, there will be a raffle, live music, food and drink. Admission is \$15 at the door; the event goes from 6-9pm.

Bill Martoney thanked Council and staff for holding the Harbor Lease Site workshop. It was extremely well attended, the discussion was great and staff made a good presentation. He was disappointed that AGP didn't film it. He also questioned the closed session item regarding activities going on at 315 Main Street.

Mayor Irons closed the public comment period.

A. CONSENT AGENDA

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

A-1 APPROVAL OF CITY COUNCIL MINUTES FOR THE CITY COUNCIL MEETING OF MARCH 12, 2013; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 QUARTERLY PROJECT STATUS REPORT; (ADMINISTRATION)

RECOMMENDATION: Informational item only.

A-3 STATUS REPORT OF A MAJOR MAINTENANCE & REPAIR PLAN (MMRP) FOR THE EXISTING WASTEWATER TREATMENT PLANT (PUBLIC SERVICES)

RECOMMENDATION: Staff recommends that this report be received and filed.

A-4 APPROVAL OF A BUDGET ALLOCATION FOR GANGWAY REPAIR AT THE SOUTH LAUNCH RAMP (TIDELANDS PARK) COMMERCIAL BOAT SLIPS; (HARBOR)

RECOMMENDATION: Approve a Harbor Department budget amendment to allow repairs to the slip gangway approach walkway to the City slips on the south side of the public launch ramp at Tidelands Park.

A-5 A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY DECLARING MARCH 31 – APRIL 6, 2013 AS “CHILDHOOD CANCER AWARENESS WEEK”; (ADMINISTRATION)

RECOMMENDATION: Approve Proclamation.

Mayor Irons opened up the public comment period for items on the Consent Calendar; seeing none, public comment was closed.

Mayor Irons pulled Items A-2 and A-4 from the Consent Calendar.

MOTION: Councilmember Nancy Johnson moved the City Council approve Items A-1, A-3, and A-5 of the Consent Calendar as presented. The motion was seconded by Councilmember Christine Johnson and carried unanimously 5-0.

A-2 A-2 QUARTERLY PROJECT STATUS REPORT; (ADMINISTRATION)

Mayor Irons pulled this item to ask staff questions.

MOTION: Mayor Irons moved for approval of Item A-2, Quarterly Project Status Report. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

A-4 APPROVAL OF A BUDGET ALLOCATION FOR GANGWAY REPAIR AT THE SOUTH LAUNCH RAMP (TIDELANDS PARK) COMMERCIAL BOAT SLIPS; (HARBOR)

Mayor Irons pulled Item A-4 so that Harbor Director Eric Endersby had a chance to provide an oral presentation for informational purposes.

MOTION: Mayor Irons moved for approval of Item A-4, Approval of Budget Allocation for Gangway Repair at the South Launch Ramp Commercial Boat Slips. The motion was seconded by Councilmember Christine Johnson and carried unanimously 5-0.

B. PUBLIC HEARINGS - NONE

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS

D-1 REQUEST FOR A FEE WAIVER FOR BOAT SLIP FEES – BRIAN STACY; (HARBOR)

Harbor Director Eric Endersby presented the staff report.

Applicant Brian Stacy presented his case.

Mayor Irons opened up the public comment period for Item D-1.

Betty Winholtz spoke on behalf of Brian Stacy stating that he has put in an incredible amount of work representing the Morro Bay and Avila fishermen on the seismic testing issue. She doesn't know about waiving the total fees but maybe a percentage; hopefully the City can look at the months that he was so involved in the work on the seismic testing and make some adjustments.

Brad Snook agreed with Ms. Winholtz's comments in support of Brian. Brian was instrumental in providing information for articles appearing in the SLO Coast Journal.

Mayor Irons closed the public comment period for Item D-1.

Mayor Irons reopened the public comment period for Item D-1.

Brian Stacy stated that a break down occurs when information is given to City staff first; it doesn't get passed onto all fishermen, just a select few.

Bill Martoney wondered if there is a discrimination of this nature, it couldn't hurt to dig a little deeper to find out if this is or isn't so.

Mayor Irons closed the public comment period for Item D-1.

Mayor Irons wondered if staff had the leeway to waive the late fees; Mr. Endersby stated that the department has worked well with other slip holders with payment plans in addition to waiving late fees. Mayor Irons then spoke on the concept of waiving fees stating that would need to be done in the form of a claim against the City, otherwise the fees have to be the responsibility of the slip holder.

Councilmember Leage stated that this is a difficult topic as we try to help fishermen anytime we can. He feels it's best to try and work out a payment plan in order to get it caught up; he is also in favor of waiving the penalties. He went on to say that if we did this, it would set a precedent which would run us into a hard time.

Councilmember Christine Johnson stated that she has no doubts that Mr. Stacy is a passionate caretaker of our ocean and wants to commend the work he does on all our behalf. That being said, she could support waiving the penalties and setting up a flexible and reasonable payment plan.

Councilmember Nancy Johnson agrees with waiving the late fees, requiring him to begin making his current monthly slip payments and then setting up a payment plan to start catching up on the past due.

Councilmember Smukler agrees with his colleagues and hopes that Mr. Stacy will follow up with the Harbor Department in an effort to get him back in the water.

MOTION: Mayor Irons moved to direct staff to waive the late fees for Mr. Stacy and set up a payment plan to even up his slip fee tab. The motion was seconded by Councilmember Christine Johnson and carried unanimously 5-0.

D-2 DISCUSSION ON THE STATUS OF THE PLANNING COMMITTEE'S PROGRESS FOR THE CITY'S 50TH ANNIVERSARY; (ADMINISTRATION)

Joan Solu and Susan Stewart, representing a local citizen's group, presented a concept plan for the City's 50th Anniversary Celebration to see if there was City interest. The City's 50th Anniversary is July 17, 2014. This group is laying groundwork for a possible launch in 100 days with up to 18 months filled with special activities and events spotlighting Morro Bay's unique qualities.

Councilmember Nancy Johnson brought this forward as a Council item. She would like to see a Proclamation/Resolution supporting this event. She loves all the ideas brought forth; she also loves the outreach to the community. She supports this wholeheartedly and would like to volunteer to be a Council liaison to the committee.

Mayor Irons opened up the public comment period for Item D-2; seeing none, the public comment period was closed.

Councilmember Christine Johnson is absolutely in support of the efforts and enthusiasm to date. She likes the idea of partnering with our current events.

Councilmember Smukler feels that 50 is significant, that the ideas are positive, he likes the incorporation of a theme into the year's events, he is also supportive of a Resolution as soon as possible. He does have some caution regarding City funding at this time.

Mayor Irons thought it would be good to provide some kind of kick-off notice letting the public know how they can help. He feels that coming back to Council in 30 days with a kickoff notice, an idea of what they plan on doing as well as a request for funding support would be appropriate.

Councilmember Nancy Johnson feels that waiting 30 days will work out as we are headed into our budget process. The most important thing is the recognition that this is a celebration of the incorporation of our City and it needs City support.

Councilmember Christine Johnson realizes that meeting places are often difficult to come by; the City could offer support by allowing meeting space free of charge.

By Council consensus, Councilmember Nancy Johnson and Leage were designated as City liaisons to the City's 50th Anniversary Celebration Committee.

MOTION: Mayor Irons moved staff bring back a Resolution in support of this event to include providing City facilities for meetings at no cost. The motion was seconded by Councilmember Nancy Johnson and carried unanimously 5-0.

D-3 APPROVAL OF THE SERVICE RETIREMENT INCENTIVE (SRI) PROGRAM; (ADMINISTRATIVE SERVICES)

Administrative Services Director presented the staff report

Mayor Irons opened up the public comment period for Item D-3.

Barry Brannin feels that this is a wonderful program but is not in favor of having the program continue in perpetuity. He feels it necessary to come back to Council every year.

Mayor Irons closed the public comment period for Item D-3.

Councilmember Smukler was also concerned about this program continuing in perpetuity. He wondered how we can ensure the cost savings are being tracked.

Councilmember Nancy Johnson stated that as long as they were getting an annual report, she is comfortable in the program as presented.

Councilmember Christine Johnson would be comfortable in putting a 2 year limit, she is uncomfortable with "in perpetuity".

Mayor Irons is struggling with the idea of incentivizing employees to retire.

Councilmember Smukler struggled with this program when it was first brought forward but he also realizes that the PERS rates at the higher percentages are more than we can sustain. He supports this program but not in perpetuity.

Mayor Irons would like to approve this annually as well as have staff come back with an annual detailed financial fiscal impact report.

MOTION: Councilmember Christine Johnson moved approval of the Service Retirement Incentive Program with an annual reporting requirement every July to include proper financial fiscal data. The motion was seconded by Councilmember Smukler and carried 3-2 with Councilmembers Nancy Johnson and Leage voting no.

D-4 CONSIDERATION OF THE ADDITION OF TWO MEMBERS FROM THE GENERAL PUBLIC FOR THE SELECTION OF A CONSULTANT FOR THE DEVELOPMENT OF A NEW WATER RECLAMATION FACILITY (WRF); (PUBLIC SERVICES)

Mayor Irons requested that Public Services Director Rob Livick present the staff report.

Mayor Irons opened up public comment for Item D-4.

Brad Snook stated that the Surfrider Foundation has been involved with this issue since before the appeal. Surfrider would like to continue being a part of the process and would encourage the City Council to have a seat available to a Surfrider member.

Mayor Irons closed public comment period for Item D-4.

Councilmember Nancy Johnson has serious concerns about the way this process has been set up. The turnaround time is too quick. She also feels that as a member of the Council who wasn't considered for the Selection Committee, she has concerns about how these committee members will be selected. She feels it could be a very one sided situation.

Councilmember Smukler stated that these appointments will be made by Council as a whole at a public meeting. The basic foundation in selecting this position is to get public buy-in as well as get as diverse a background and experience level as possible.

Mayor Irons reinforced that the selection process will be in a public forum and hopes this can be supported so that we can move forward. He was perplexed by Councilmember Nancy Johnson's assertions that she was excluded from the selection process.

Councilmember Nancy Johnson firmly believes in the public process. She also restated her concern about the turnaround time, April 2nd is only one week away; if we want to do this at the April 9th meeting, we should at least allow people to apply through the end of next week. She is also concerned that the 3-2 Council will select those that follow their agenda.

Councilmember Leage also feels that these people have already been selected.

Councilmember Christine Johnson feels there are mixed messages. Initially there was an impetus to “go, go, go” and now there is a request to slow down.

Councilmember Smukler gets the feeling that there is an assumption that this Council is pursuing the project like the last Council pursued the prior project – with a single focus. In going forward, it’s important to balance out the efforts. He recalls there was no specific sign of interest from either Councilmember Nancy Johnson or Leage to participate in the committee. If we can give more time to those hoping to apply, that would be fine but he feels we need to ensure the selection is made at the April 9th Council meeting. He is approaching this as trying to provide the best and most beneficial project possible for the City.

Mayor Irons brought this forward to provide additional public input. He views this as a 5 person Council and hopes to hear input from everybody, he welcomes everybody’s thoughts.

MOTION: Mayor Irons moved approval of Item D-4 with the idea of the selection committee to include 2 citizens; the application due date set at April 4, 2013 at 5:00pm, and is noticed on the website; and also asks Council to solicit applications from the public. The motion was seconded by Councilmember Smukler and passed 4-1 with Councilmember Nancy Johnson voting no.

D-5 DISCUSSION OF THE PUBLIC WORKS ADVISORY BOARD’S (PWAB) MEMO FROM THE STREETS SUMMIT MEETING; (PUBLIC SERVICES)

Public Services Director Rob Livick presented the staff report.

Mayor Irons opened the public comment period for Item D-5; seeing none, the public comment period was closed.

Councilmember Smukler was very impressed with the Street Summit itself. Many of the ideas are worthwhile and he would like to see them looked into. This problem is so large that he is also open to allowing the voters the opportunity to vote on a sales tax initiative, or at least explore those options. He also sees the need to update the Pavement Master Plan (PMP) as the day to day maintenance needs to be addressed. He would also like to see an Annual State of the Streets.

Councilmember Nancy Johnson understands the PMP needs to be updated/modified. She would like to leave the development and update to staff.

Councilmember Leage feels we need to get aggressive with the streets; it seems to be the cry of the public. A sales tax initiative may be what we need to do.

Councilmember Christine Johnson totally agrees that the community probably sees this as the #1 challenge and is the City’s #2 Overall Goal. She is appreciative of the work put into the Public Works Advisory Board’s memo, much of which we are already doing. If we tried to go to the community for a general purpose tax, approximately ½ of the monies generated would come from tourists. She is ready to make a motion to have staff look at a dedicated sales tax ballot measure.

Mayor Irons isn't comfortable with blanketly dedicating excess monies to streets as each year could bring different situations, priorities and needs. He likes the idea of an Annual State of the Streets report or even an Annual Street Summit. He also feels we can update the PMP in-house.

Councilmember Nancy Johnson has concerns with a sales tax initiative. The part that bothers her the most is assuming that tourists spending money in town will cover the sales tax which is directly in contrast with our shop local project that all of our merchants have been doing.

Councilmember Smukler feels this speaks to the importance of having a committee of citizens working towards helping to increase the awareness of this being the best option of getting the streets done.

Councilmember Christine Johnson sees this as a good example of being able to see where our tax dollars are being spent.

Mayor Irons is in agreement that while we don't want to see any more taxes; he is surprised to hear the public at the Street Summit state they are willing to pay a bit more to have their streets fixed.

MOTION: Councilmember Christine Johnson moved to direct staff to begin the process to, and develop a timeline for, a dedicated sales tax ballot measure to repair streets infrastructure. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

MOTION: Councilmember Nancy Johnson moved to direct staff to flush out the Public Works Advisory Board's memo from the Street Summit as they develop a revised Pavement Management Plan. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

D-6 DISCUSSION OF POTENTIAL WATER AND SEWER RATE INCREASE; (PUBLIC SERVICES)

Public Services Director Rob Livick presented the staff report.

Mayor Irons opened the public comment period for Item D-6.

Betty Winholtz stated that this item was much too important to be hearing at 10:00pm. She also stated that there was no data other than oral presentation that would support this. With regards to the sewer, there have been incremental rate increases over time and doesn't feel this is also warranted, especially in light of looking at doing another sales tax increase. This is too aggressive and isn't fair. This isn't a decision that should be made tonight; it should be brought back with additional information.

Mayor Irons closed the public comment period.

Councilmember Smukler also feels there needs to be clear information, where the costs lie and why this would be necessary or not. The community needs to feel assured that monies have been managed properly. He feels Council needs a very clear detail of expenses.

Councilmember Nancy Johnson would like to see this postponed until the next meeting. It's too late in the evening to deal with this. She too would like to see more information. She would also like to see the City seriously consider separating the water and sewer bills.

Councilmember Leage agrees that it is too late to be discussing something this important. The public should be provided more information.

Councilmember Christine Johnson needed clarification on why we haven't raised water rates for almost 20 years. She also wanted to reaffirm that Council didn't authorize a sales tax increase; they authorized staff to consider it because it's been asked of Council to consider it.

Mayor Irons reiterated that we haven't done anything – we just want to do is to explore options. He would like to see a history of what took us here without adjusting our water rates. He would also like to see policy should be in place to at least have Council look at this more frequently instead of avoiding it.

This item was continued to a future meeting. When it is heard, there should be more information, historical information, rate comparisons with other cities, as well a more detailed breakdown of our costs and expenses, and how our water and sewer rates tie together.

D-7 WATER RECLAMATION FACILITY (WRF) PROJECT STATUS UPDATE AND DISCUSSION; (CITY COUNCIL)

Mayor Irons stated that this item continues to be agendized for status, discussion and possible direction to staff.

Public Services Director provided a short update.

Mayor Irons opened up the public comment period for Item D-7; seeing none, the public comment period was closed.

City Attorney Rob Schultz stated that the appraisal of the Righetti property is ongoing. The appraisers will be at the property Thursday, March 28th at 11am. Hopefully we will receive that appraisal by the end of April.

City Manager Andrea Lueker stated that staff was sending out an email to verify Council's availability for the Water Reclamation Facility Study Session.

Councilmember Christine Johnson requested information about reaching out to Chevron and the possible use of their site. It was in the top 3 sites that were initially looked at.

Councilmember Smukler stated it was important to gather information on other possible sites for the facility to include CMC and Chevron. He also made it clear to staff that should they have

any ideas or if they feel Council is missing something, please bring them forward; there is no need to wait.

Councilmember Nancy Johnson stated that at an EVC Committee meeting she attended, Chevron made a presentation about their beginning a process of developing the property they own on both sides of Tank Farm Road so they may be very busy. She also sits on the Citizen's Advisory Committee at CMC; at their last meeting the Chair mentioned that he understands that Morro Bay may be looking at working with them with their wastewater treatment plant. The Warden responded that no way, no how will they get involved with our wastewater treatment plant. CMC has had too many horrible problems with theirs. They are also having problems with working with Camp San Luis regarding their West Facility.

There was no action taken on this item.

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Smukler requested the Master Fee Schedule be visited as it relates to Use Permit Fees; Mayor Irons and Councilmember Christine Johnson concurred.

Councilmember Smukler requested the City provide a presentation on the Landmark Tree Nominations as submitted by the Volunteer Tree Committee and approved by the Public Works Advisory Board. Councilmember Nancy Johnson would like to somehow include the Morro Bay Historical Society in the selection of a Landmark Tree; there was unanimous Council consensus for this item.

MOTION: Councilmember Christine Johnson moved to continue the Goals Outline Review to the April 9, 2013 City Council Meeting. The motion was seconded by Mayor Irons and carried unanimously.

ADJOURNMENT

The meeting adjourned at 10:43pm.

Recorded by:

Jamie Boucher
City Clerk



AGENDA NO: A-2

MEETING DATE: 04/9/2013

Staff Report

TO: Honorable Mayor and City Council **DATE:** March 28, 2013
FROM: Susan Slayton, Administrative Services Director/City Treasurer
SUBJECT: Annual Reporting on the Morro Bay Tourism Business Improvement District and Scheduling of a Public Hearing

RECOMMENDATION:

Council to acknowledge receipt of the annual report and set the date for the public hearing to be held on April 23, 2013, in order to continue the MBTBID activities and assessments.

FISCAL IMPACT:

Actual revenue and expenditures for the fiscal year 2011/12 are \$510,659 and \$458,210, respectively. Estimated revenue for 2012/13 is \$698,425, which is dedicated to advertising and promotions (\$513,127), Visitors Center support (\$151,925), and a cost allocation for AGP Video filming (\$6,000) leaving an unallocated balance of \$27,373. Estimated revenue for 2013/14 is \$550,000, and is dedicated to the Morro Bay Tourism Bureau solely for tourism promotion of City.

SUMMARY:

This is the annual reaffirmation of the MBTBID and authorization of the 3% assessments, as required by State law. Staff requests that Council acknowledge receipt of the annual report, and set the date for the public hearing to be held on April 23, 2013, in order to continue the MBTBID activities and assessments.

DISCUSSION:

State law requires the City Council to annually renew business improvement districts, and receive annual reports for each fiscal year. These reports are attached as Exhibits A and B.

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

Beginning in the 2011/12 fiscal year, the MBTBID had a negative cash balance in the amount of \$27,373 due to aggressive spending in the prior fiscal year. Below are the results for the 2011/12 fiscal year:

Revenues:	
Assessments	\$ 509,920
Investment earnings	45
Sales of merchandise	214
Refunds/reimbursements	480
Total revenues	<u>510,659</u>
Expenditures:	
Promotion	391,504
Visitors Center support (pro-rated)	33,333
AGP Video	6,000
General Fund loan repayment	27,373
Total expenditures	<u>458,210</u>
Revenues over expenditures	52,449
Fund balance, July 1, 2011	<u>--</u>
Fund balance, June 30, 2012	<u>\$ 52,449</u>

The adopted budget for 2012/13 is \$698,425 in revenues and \$671,052 in expenditures, broken down as follows:

Revenues:	
Assessments	\$ 571,500
Transfer in from General Fund – 50% VC & Council-authorized contribution 9/25/12	<u>126,925</u>
Total revenues	<u>698,425</u>
Expenditures:	
Promotion	513,127
Visitors Center	126,925
Visitor Center support 7/1 – 12/31/12	25,000
AGP Video	6,000
Total expenditures	<u>671,052</u>
Revenues over expenditures	<u>\$ 27,373</u>

CONCLUSION

Staff requests that Council acknowledge receipt of the annual report, and set the date for a public hearing to be held on April 23, 2013, in order to continue the MBTBID activities and assessments.

Budget Performance Report

Fiscal Year to Date 06/30/12

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Y-T-D Transactions	Budget Used/R Remaining	% ec'd
Fund 007 - MBT-BID							
REVENUE							
Department 1111 - Undistributed/Non-Dept.							
3710	Interest Income	.00	.00	.00	39.00	(39.00)	+++
3750	Gain On Investment	.00	.00	.00	.00	.00	+++
Department 1111 - Undistributed/Non-Dept.		\$0.00	\$0.00	\$0.00	\$39.00	(\$39.00)	+++
Department 3170 - Promotion & Advertising							
3921	Sales of Merchandise	.00	.00	.00	214.25	(214.25)	+++
3922	Refunds/Adj/Restitution	.00	.00	.00	480.00	(480.00)	+++
Department 3170 - Promotion & Advertising		\$0.00	\$0.00	\$0.00	\$694.25	(\$694.25)	+++
Department 3510 - Accounting & Treasury							
3064	Transient Occupancy Tax	460,000.00	.00	460,000.00	509,919.82	(49,919.82)	111
3710	Interest Income	500.00	.00	500.00	55.52	444.48	11
Department 3510 - Accounting & Treasury		\$460,500.00	\$0.00	\$460,500.00	\$509,975.34	(\$49,475.34)	111%
Department 7710 - Interfund Transactions							
3801	Transfers In	.00	.00	.00	(27,373.29)	27,373.29	+++
Department 7710 - Interfund Transactions		\$0.00	\$0.00	\$0.00	(\$27,373.29)	\$27,373.29	+++
REVENUE TOTALS		\$460,500.00	\$0.00	\$460,500.00	\$483,335.30	(\$22,835.30)	105%
EXPENSE							
Department 1111 - Undistributed/Non-Dept.							
8710	Loss on Investment	.00	.00	.00	49.00	(49.00)	+++
Department 1111 - Undistributed/Non-Dept.		\$0.00	\$0.00	\$0.00	\$49.00	(\$49.00)	+++
Department 3170 - Promotion & Advertising							
5201	Other Expense	.00	.00	.00	56.00	(56.00)	+++
6106	Contractual Services	.00	.00	.00	66,226.70	(66,226.70)	+++
6113	Print Ads - So. Region	.00	.00	.00	378.13	(378.13)	+++
6116	Print Ads - Other Regions	.00	.00	.00	115,692.99	(115,692.99)	+++
6118	Promotion - Media	.00	.00	.00	1,161.75	(1,161.75)	+++
6119	Promotion - Other	.00	.00	.00	155,370.83	249,129.17	38
6126	Advertising Prod/Design	.00	.00	.00	45,752.86	(45,752.86)	+++
6199	Other Professional Svc	.00	.00	.00	6,865.00	(6,865.00)	+++
Department 3170 - Promotion & Advertising		\$0.00	\$404,500.00	\$404,500.00	\$391,504.26	\$12,995.74	97%
Department 7710 - Interfund Transactions							
8501	Transfers Out	56,000.00	.00	56,000.00	39,333.00	16,667.00	70
Department 7710 - Interfund Transactions		\$56,000.00	\$0.00	\$56,000.00	\$39,333.00	\$16,667.00	70%
EXPENSE TOTALS		\$460,500.00	\$0.00	\$460,500.00	\$430,886.26	\$29,613.74	94%
Fund 007 - MBT-BID Totals							
REVENUE TOTALS		460,500.00	.00	460,500.00	483,335.30	(22,835.30)	105
EXPENSE TOTALS		460,500.00	.00	460,500.00	430,886.26	29,613.74	94
Fund 007 - MBT-BID Totals		\$0.00	\$0.00	\$0.00	\$52,449.04	(\$52,449.04)	

Budget Performance Report

Fiscal Year to Date 04/03/13

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Y-T-D Transactions	Budget Used/R Remaining	% ec'd	Prior Year Total
Fund 007 - MBT-BID								
REVENUE								
Department 1111 - Undistributed/Non-Dept.								
3710	Interest Income	.00	.00	.00	.00	.00	+++	39.00
Department 1111 - Undistributed/Non-Dept. Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$39.00
Department 3170 - Promotion & Advertising								
3921	Sales of Merchandise	.00	.00	.00	.00	.00	+++	214.25
3922	Refunds/Adj/Restitution	.00	.00	.00	.00	.00	+++	480.00
Department 3170 - Promotion & Advertising Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$694.25
Department 3510 - Accounting & Treasury								
3064	Transient Occupancy Tax	571,500.00	.00	571,500.00	366,051.37	205,448.63	64	509,919.82
3710	Interest Income	.00	.00	.00	.00	.00	+++	55.52
Department 3510 - Accounting & Treasury Totals		\$571,500.00	\$0.00	\$571,500.00	\$366,051.37	\$205,448.63	64%	\$509,975.34
Department 7710 - Interfund Transactions								
3801	Transfers In	58,425.00	68,500.00	126,925.00	126,925.00	.00	100%	(27,373.29)
Department 7710 - Interfund Transactions Totals		\$58,425.00	\$68,500.00	\$126,925.00	\$126,925.00	\$0.00	100%	(\$27,373.29)
REVENUE TOTALS								
Department 1111 - Undistributed/Non-Dept. Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$49.00
Department 3170 - Promotion & Advertising Totals		\$571,552.00	\$0.00	\$571,552.00	\$571,552.00	\$571,552.00	+++	\$483,335.30
Department 3510 - Accounting & Treasury Totals		\$571,500.00	\$0.00	\$571,500.00	\$366,051.37	\$205,448.63	71%	\$483,335.30
Department 7710 - Interfund Transactions Totals		\$58,425.00	\$68,500.00	\$126,925.00	\$126,925.00	\$0.00	100%	(\$27,373.29)
EXPENSE								
Department 1111 - Undistributed/Non-Dept.								
8710	Loss on Investment	.00	.00	.00	.00	.00	+++	49.00
Department 1111 - Undistributed/Non-Dept. Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$49.00
Department 3170 - Promotion & Advertising								
5201	Other Expense	.00	68,500.00	68,500.00	141,431.93	(72,931.93)	206	56.00
6106	Contractual Services	.00	.00	.00	30,182.20	(30,182.20)	+++	66,226.70
6107	Promotion & Advertising	571,552.00	.00	571,552.00	.00	571,552.00	0	.00
6113	Print Ads - So. Region	.00	.00	.00	.00	.00	+++	378.13
6116	Print Ads - Other Regions	.00	.00	.00	62,877.56	(62,877.56)	+++	115,692.99
6118	Promotion - Media	.00	.00	.00	.00	.00	+++	1,161.75
6119	Promotion - Other	.00	.00	.00	212,189.31	(212,189.31)	+++	155,370.83
6126	Advertising Prod/Design	.00	.00	.00	46,417.64	(46,417.64)	+++	45,752.86
6199	Other Professional Svc	.00	.00	.00	9,080.50	(9,080.50)	+++	6,865.00
Department 3170 - Promotion & Advertising Totals		\$571,552.00	\$68,500.00	\$640,052.00	\$502,179.14	\$137,872.86	78%	\$391,504.26
Department 7710 - Interfund Transactions								
8501	Transfers Out	31,000.00	.00	31,000.00	20,668.00	10,332.00	67	39,333.00
Department 7710 - Interfund Transactions Totals		\$31,000.00	\$0.00	\$31,000.00	\$20,668.00	\$10,332.00	67%	\$39,333.00
EXPENSE TOTALS								
Department 1111 - Undistributed/Non-Dept. Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$49.00
Department 3170 - Promotion & Advertising Totals		\$571,552.00	\$68,500.00	\$640,052.00	\$502,179.14	\$137,872.86	78%	\$391,504.26
Department 7710 - Interfund Transactions Totals		\$31,000.00	\$0.00	\$31,000.00	\$20,668.00	\$10,332.00	67%	\$39,333.00
Fund 007 - MBT-BID Totals								
REVENUE TOTALS		629,925.00	68,500.00	698,425.00	492,976.37	205,448.63	71%	483,335.30
EXPENSE TOTALS		602,552.00	68,500.00	671,052.00	522,847.14	148,204.86	78%	430,886.26
Fund 007 - MBT-BID Totals		\$27,373.00	(\$68,500.00)	\$27,373.00	(\$29,870.77)	\$57,243.77		\$52,449.04

B



AGENDA NO: A-3

MEETING DATE: 04/9/2013

Staff Report

TO: Honorable Mayor and City Council **DATE:** April 1, 2013
FROM: Andrea K. Lueker, City Manager
SUBJECT: Proposed Amendments to the League of California Cities Bylaws

RECOMMENDATION

Staff recommends the City Council submit a “yes” vote adopting the two proposed amendments to the League of California Cities Bylaws.

FISCAL IMPACT

This decision will not have any fiscal impact.

BACKGROUND

The City received a letter (Attachment 1) from the League of California Cities requesting the City vote on two amendments to the League’s Bylaws. The amendments were approved by the League’s Board of Directors. These Bylaws are available on-line from the League’s website at www.cacities.org.

DISCUSSION

The proposed amendments would amend the Bylaws to provide that:

- Resolutions submitted to the League for presentation to the General Assembly must be concurred in by at least five or more cities or by city officials from at least five or more cities.
- The League Board may take a position on a statewide ballot measure by a 2/3rd vote of those Directors present. Currently, the Board may take positions with a simple majority vote.

The Board’s purpose in submitting the first proposed amendment is to encourage members to seek concurrence of other cities and city officials that the subject of a proposed resolution is a substantial one and of broad interest and importance to cities. The Board’s purpose in submitting the second proposed amendment is to ensure that when the Board considers a position on possibly controversial statewide ballot measures, the Board’s ultimate decision represents a broad consensus of Directors.

The language of the proposed amendments is provided (Attachment 2). Following Council action, the ballot will be filled out (Attachment 3) and returned to the League by the deadline of April 19, 2013.

CONCLUSION

Staff recommends the Council submit a “yes” vote on each of the League of California City’s amendments presented here tonight and authorize staff to return the ballot by the April 19, 2013 deadline.

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

1400 K STREET
SACRAMENTO, CA 95814
PH: (916) 658-8200
EX: (916) 658-8240

RECEIVED
City of Morro Bay

MAR 11 2013

ATTACHMENT 1



Administration

WWW.CACITIES.ORG

March 5, 2013

To: League Membership
From: Chris McKenzie, Executive Director
Re: Proposed Amendments to League Bylaws

At its February meeting, the League's Board of Directors approved submitting two amendments to the League's Bylaws to the membership. The proposed amendments would amend the Bylaws to provide that:

1. Resolutions submitted to the League for presentation to the General Assembly must be concurred in by at least five or more cities or by city officials from at least five or more cities.
2. The League Board may take a position on a statewide ballot measure by a 2/3rd vote of those Directors present. Currently, the Board may take positions with a simple majority vote.

The Board's purpose in submitting the first proposed amendment is to encourage members to seek concurrence of other cities and city officials that the subject of a proposed resolution is a substantial one and of broad interest and importance to cities. The Board's purpose in submitting the second proposed amendment is to ensure that when the Board considers a position on possibly controversial statewide ballot measures, the Board's ultimate decision represents a broad consensus of the Directors.

The language of the proposed amendments is provided in the attached Resolution. To be approved, the Bylaws require each amendment must receive a 2/3rd vote of those members voting. To consult the League's Bylaws: go to www.cacities.org. The link is at the bottom of the page.

As provided in the League's Bylaws, the Board of Directors is submitting these amendments to the membership for approval by mail ballot. Please return the enclosed ballot, signed by an authorized city official, by **April 19, 2013**.

Ballots may be submitted by email to: ballots@cacities.org.

By mail to:

League of California Cities
Attn: Ballots
1400 K Street, 4th Floor
Sacramento, CA 95814

Or by fax to: (916) 658-8240

Thank you for your attention to this important matter concerning the League's governance. If you have questions, please direct them to Patrick Whitnell, General Counsel at pwhitnell@cacities.org.

PROPOSED RESOLUTION RELATING TO LEAGUE BYLAWS AMENDMENTS

WHEREAS, the League of California Cities is a nonprofit mutual benefit corporation under California law and, as such, is governed by corporate bylaws; and

WHEREAS, the League's Board of Directors periodically reviews the League's bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership interests; and

WHEREAS, the League Board of Directors at its February 7-8, 2013 meeting approved submitting the following amendments to the League's bylaws to the League's membership by mailed ballot:

1. Article VI, section 2 of the League's bylaws is amended to read as follows:

"Resolutions may originate from city officials, city councils, regional divisions, functional departments, policy committees, or the League Board or by being included in a petition signed by designated voting delegates of ten percent of the number of Member Cities. Except for petitioned resolutions, all other resolutions must be submitted to the League with documentation that at least five or more cities, or city officials from at least five or more cities, have concurred in the resolution."

2. A new Article VII, section 16 is added to the League's bylaws to read as follows:

"Section 16: Positions on Statewide Ballot Measures.

Notwithstanding any other provision of these bylaws, the League Board may take a position on a statewide ballot measure by a 2/3rd vote of those Directors present."

Now, therefore, be it

RESOLVED, that the League Board of Directors at its April 24-25, 2013 meeting in Sacramento, California, after a canvass of mailed ballots, has determined that the above amendments to the League bylaws have been approved by a 2/3rd vote of those Member Cities voting. These amendments shall take effect 60 days after the approval of this resolution.

////////

Ballot on Bylaws Amendments

City of _____

Does your city vote to approve the amendment of article VI, section 2 of the League's bylaws relating to submission of resolutions to the League's General Assembly as set forth in the Proposed Resolution and incorporated by reference in this ballot?

- Yes
- No

Does your city vote to approve the addition of article VII, section 16 to the League's bylaws relating to the League Board vote threshold for taking positions on statewide ballot measures as set forth in the Proposed Resolution and incorporated by reference in this ballot?

- Yes
- No

Ballot returned by:

City Official Name_____
City Official TitlePlease return this ballot by **April 19, 2013** to:

League of California Cities
Attn: Ballots
1400 K Street, 4th Floor
Sacramento, CA 95814

or by email to: ballots@cacities.org

or by fax to: (916) 658-8240

Thanks in advance for your participation in this important decision.



AGENDA NO: A-4

MEETING DATE: April 9, 2013

Staff Report

TO: Honorable Mayor and City Council

DATE: March 28, 2013

FROM: Robert Schultz, City Attorney

SUBJECT: Resolution No. 21-13 Authorizing Execution of a Deed of Trust for the Lease Agreement on Lease Site 78-81/78W-81W (Van Beurden Investments)

RECOMMENDATION

Staff recommends that the City Council adopt Resolution 21-13 authorizing the Mayor to execute a consent agreement regarding a deed of trust for Lease Sites 78-81/78W-81W with Rabobank, N.A., and Van Beurden Investments for refinancing of improvements at 701 and 715 Embarcadero.

FISCAL IMPACT

None

BACKGROUND

On January 1, 1993, the City entered into a 40 year lease for Lease Site 78-81/78W-81W with Van Beurden Investments. In 1997, the City executed a Consent to Assignment and Estoppel Certificate for long term financing for the reconstruction project that was required as part of the lease agreement. The tenants have refinanced that loan to generate capital for further repairs and improvements, and request City approval of new financing security agreements with Rabobank, N.A.

DISCUSSION

No long-term lease would be redeveloped without the City agreeing to secure the lease for collateral purposes to a financing institution. The City has previously executed a consent agreement and conditional assignment for financing on this site with a previous lender. The attached agreement regarding deed of trust, Lessor's acknowledgement and consent includes standard language where Tenants require bank financing and security for construction of improvements on City lease sites. Resolution 21-13 will authorize the Mayor to execute the deed of trust/consent agreement and acknowledge that the lease is held by Van Beurden Investments.

Prepared By: _____ **Dept Review:** _____

City Manager Review: _____

City Attorney Review: _____

CONCLUSION

Staff recommends that the City Council adopt Resolution 21-13 authorizing the Mayor to execute a consent agreement regarding a deed of trust for Lease Sites 78-81/78W-81W with Rabobank, N.A., and Van Beurden Investments for refinancing of improvements at 701 and 715 Embarcadero.

RESOLUTION NO. 21-13

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA APPROVING
THE AGREEMENT REGARDING DEED OF TRUST, GROUND LESSOR'S
ACKNOWLEDGEMENT AND CONSENT FOR THE LEASE AGREEMENT
LEASE SITE 78-81/78W-81W WITH VAN BEURDEN INVESTMENTS
(701 & 715 EMBARCADERO)**

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

WHEREAS, the City is the Lessor of property known as Lease Site 78-81/78W-81W located at 701 and 715 Embarcadero; and

WHEREAS, Van Beurden Investments, a California general partnership, is the tenant on the lease; and

WHEREAS, Van Beurden Investments is refinancing said property to generate capital for improvements and repairs; and

WHEREAS, Van Beurden Investments lender, Rabobank N.A., is requesting approval of an agreement to provide them certain rights under the lease agreement to secure the loan; and

WHEREAS, the City Attorney has reviewed and approved the attached agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that the Agreement Regarding Deed of Trust, Lessor's Acknowledgement and Consent for Lease Site 78-81/78W-81W is hereby approved and that the Mayor is hereby authorized to execute said agreement.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 9th day of April, 2013 on the following vote:

AYES:

NOES:

ABSENT:

JAMIE L. IRONS, Mayor

ATTEST:

JAMIE BOUCHER, City Clerk

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

Rabobank, N.A.
Retail Credit Risk
2415 La Brucherie Rd.
Imperial, CA 92251

AGREEMENT REGARDING DEED OF TRUST,
GROUND LESSOR'S ACKNOWLEDGEMENT,
CONSENT, AND AGREEMENT

THIS AGREEMENT is entered into this _____ day of, 2013, by and between the City of Morro Bay, a municipal corporation of the State of California, ("Ground Lessor"), Van Beurden Investments, a California general partnership ("Borrower"), and Rabobank, N.A., a national banking association ("Lender").

RECITALS

A. Ground Lessor and Borrower entered into a lease executed on November 24, 1992, ("Ground Lease"), for at least a term of forty (40) years commencing on January 1, 1993 and terminating on December 31, 2032. The Ground Lease is for Borrower's leasehold interest in the real property, in City of Morro Bay, San Luis Obispo County, California, commonly known as Tidelands Lease Sites 82 - 85/82W - 85W as further described in the last paragraph of the recitals of the Ground Lease recorded March 30, 1993 as Instrument No. 1993-016751 of the San Luis Obispo County Recorder, CA and further described in Exhibit A thereto ("Leased Property"). Borrower and Ground Lessor entered into an Amendment #1 to Lease Agreement for Lease Site 78-81/78W-81W which was approved and adopted by the City Council of Ground Lessor on January 28, 2008 and Amendment #2 to Lease Agreement for Lease Site 78-81/78W-81W dated May 8, 2012, collectively referred to as "Amendments". For purposes of this Agreement the term "Ground Lease" as used herein shall also include the Amendments.

B. Under the provisions of Article 5 of the Ground Lease, Borrower has the right to encumber the Leased Property by deed of trust or mortgage, and Borrower intends to encumber the Leased Property under deed of trust, as a first lien, in favor of Lender, a true and correct copy of which is attached hereto as Exhibit "1" and by this reference is hereby incorporated (the "Deed of Trust"). The term Deed of Trust shall include all extensions, renewals, modifications, additions, and consolidations thereof.

C. Borrower assigned the Ground Lease to Flying Dutchman Enterprises, Inc. ("FDE") with the consent of Ground Lessor pursuant to an Assignment and Assumption of Lease dated March 26, 1993. FDE assigned the Ground Lease back to Borrower under the Assignment and Assumption of Lease dated March 14, 1994, with the consent of the Ground Lessor. FDE holds no interest in the Ground Lease and certain personal guarantees were reaffirmed by the individuals defined as guarantors as set forth in Paragraph 5 of each of the foregoing described assignments.

D. Lender is willing to loan ("Loan") funds to Borrower, and secure same by the Deed of Trust, subject to the existing terms of the Ground Lease, and under the additional terms and conditions herein set forth, provided Ground Lessor consents to the assignment of Borrower's rights under the

Ground Lease and the lien of the Deed of Trust in a first lien priority, and agrees to the terms and conditions of this Agreement. Ground Lessor is willing to agree to the terms and conditions of this Agreement as set forth more fully below.

THEREFORE, THE PARTIES AND EACH OF THEM, AGREE AS FOLLOWS:

1. No Encumbering of the Fee: Lender agrees and acknowledges that the Deed of Trust in favor of Lender as executed by Borrower, shall encumber only the Leased Property, and shall not be deemed an encumbrance on the City's fee interest in the Leased Property. Ground Lessor hereby consents to the first lien of the Deed of Trust upon the Leased Property. Ground Lessor agrees not to encumber Ground Lessor's fee interest in the Leased Property in any manner which would constitute a priority interest over the Deed of Trust.

2. Notice to Lender: For purposes of notice to the Lender under paragraph 4 of this agreement and Article 5 of the Ground Lease, the notice shall specify Loan number if provided to Ground Lessor by Lender and shall be sent to Lender's address as set forth by its signature below. Lender may, from time to time, change the foregoing address for receiving notice under this agreement, by delivering written notice of such change of address to the Ground Lessor as provided in Paragraph 16 below.

3. Request for Notice: Immediately after the recording of the Deed of Trust pursuant to this agreement, containing a power of sale as defined by California law, Borrower shall, at Borrower's own cost and expense, record, in the official records of the office of the County Recorder of San Luis Obispo, California, a written request, executed and acknowledged by Ground Lessor, for a copy of any notice of default and a copy of any notice of sale under the Deed of Trust to be mailed to Ground Lessor at the address specified in paragraph 16 below, or as said address may hereafter be changed by Ground Lessor in accordance with said paragraph 16.

4. Notice Requirements: Ground Lessor shall simultaneously with notice to Borrower, also mail to Lender, a duplicate copy of any and all notices which Ground Lessor may, from time to time, give to or serve on Borrower pursuant to or relating to the Ground Lease and Ground Lessor shall undertake other actions required hereunder by Lender in regard to Borrower, the Leased Property, or the Ground Lease. Borrower shall at all times keep Ground Lessor informed in writing of the mailing address of Lender and any changes in Lender's mailing address which become known to Borrower. Any notices or other communications permitted or required by this agreement, or the Ground Lease, or by law, shall be served pursuant to paragraph 16 below.

5. No Modification of Ground Lease: Notwithstanding anything to the contrary in this agreement, Borrower and Ground Lessor hereby expressly stipulate and agree that they will not hereafter modify the Ground Lease in any way nor cancel the Ground Lease by mutual agreement nor transfer the Leased Property without first obtaining the written consent of Lender during the term and existence of the Deed of Trust. The parties recognize and agree that Ground Lessor's execution of this agreement shall be based upon the prior approval of the City Council for the City of Morro Bay, and that to the extent that this agreement is deemed a modification of the Ground Lease, that the execution of this agreement by the Ground Lessor shall be deemed to be in complete compliance with Section 12.07 of the Ground Lease.

6. Lender's Authority to Perform: Lender shall have the right to, but not the obligation, at any time during the term of the Ground Lease and the term and existence of the Deed of Trust:

(a) Do any act or thing required of Borrower under the Ground Lease, and any such act or thing

done and performed by Lender shall be as effective to prevent a forfeiture of Borrower's rights under this Ground Lease as if done by Borrower itself;

- (b) Enforce its remedies under the Deed of Trust ("Enforcement Action"), including without limitation, realizing on the security afforded by the leasehold estate by exercising foreclosure proceedings or power of sale or other remedy afforded in law or in equity or by the Deed of Trust, and to:
- i) Transfer, convey or assign the title of Borrower to the leasehold estate created by the Ground Lease to any purchaser at any foreclosure sale, whether the foreclosure sale be conducted pursuant to court order or pursuant to a power of sale contained in the Deed of Trust or to any transferee of Borrower's leasehold estate resulting from any Enforcement Action ; or
 - ii) Acquire and succeed to the interest of Borrower under the Ground Lease by virtue of any foreclosure sale, whether the foreclosure sale be conducted pursuant to a court order or pursuant to a power of sale contained in the Deed of Trust or resulting from any Enforcement Action; or
 - iii) Acquire and succeed to the interest of Borrower under the Ground Lease by virtue of a deed in lieu of foreclosure acceptable to Lender.

Ground Lessor agrees that any Enforcement Action shall not constitute an event of default under the Ground Lease, nor shall Ground Lessor terminate the Ground Lease or disturb any such purchaser or transferee in obtaining the right and continuing as, ground lessee (as successor in interest to the Borrower) under the Ground Lease. This nondisturbance applies to any option to extend or renew the Ground Lease which may later be agreed upon by Ground Lessor and Borrower with the consent of Lender. This nondisturbance shall be effective and self-operative without the execution of any further instruments upon any purchaser or transferee succeeding to the interest of the Borrower's rights under the Ground Lease. Ground Lessor will recognize any successor to Borrower's interest in the Ground Lease, as the ground lessee under the terms of the Ground Lease for all purposes thereunder and for the remaining term thereof. To the extent Lender or its affiliates is the purchaser or transferee, Lender or its affiliates shall be liable to perform the obligations herein imposed on the ground lessee only for and during the period it is in possession or ownership of the Leased Property. In no event shall any purchaser or transferee be (a) liable for any prior act or omission of ground lessee unless and to the extent such act or omission is continuing following the completion of the Enforcement Action and notice of default was provided to Lender pursuant to paragraph 4 hereof, or (b) subject to any offsets or defenses that Ground Lessor may have against Borrower or (c) bound by any modification or amendment to the Ground Lease unless approved in writing by Lender.

7. Termination by Ground Lessor: During the term and existence of the Deed of Trust, before Ground Lessor may terminate the Lease because of any default under or breach of the Ground Lease by Borrower, Ground Lessor must give written notice of the default or breach to Lender, in accordance with the provisions of paragraph 4 of this agreement and afford Lender the opportunity after service of the notice to:

- (a) Cure the breach or default within thirty (30) days where the default can be cured by the payment of money to Ground Lessor or some other person;
- (b) Subject to subsection (c) below, cure the breach or default within sixty (60) days where the breach or default must be cured by something other than the payment of money and can be cured within that time; or

- (c) Cure the breach or default in such reasonable time as may be required where something other than money is required to cure the breach or default and cannot be performed within sixty (60) days provided that acts to cure the breach or default, including at Lender's option, commencement of an action as necessary to appoint a receiver, are commenced within sixty (60) days after service of notice of default on Lender by Ground Lessor and are thereafter diligently continued by Lender.

Nothing in this agreement shall be construed as an obligation or requirement by Lender to cure any default of Borrower.

8. Foreclosure to Forestall Termination: Notwithstanding any other provisions of the Ground Lease, Lender may forestall termination of the Ground Lease by Ground Lessor for a default under or breach of the Ground Lease as provided in Paragraph 7 above or by commencing proceedings to foreclose its Deed of Trust on the leasehold estate created by the Ground Lease. The proceedings so commenced may be for foreclosure of the encumbrance by order of court or for foreclosure of the encumbrance under the power of sale contained in the Deed of Trust or deed in lieu (the "foreclosure proceedings"). The foreclosure proceedings shall not, however, forestall termination of the Ground Lease by Ground Lessor for the default or breach unless:

- (a) The foreclosure proceedings, including filing of a notice of default, are commenced within ninety (90) days after service on Lender of the notice described in paragraph 7 hereof; and,
- (b) The foreclosure proceedings, after having been commenced, diligently pursued in the manner required by law to completion; and,
- (c) Lender subject to the cure periods provided in Paragraph 7 above keeps and performs all of the terms, covenants, and conditions of the Ground Lease requiring the payment or expenditure of money by Borrower, including but not limited to the obligation of Borrower to pay rent, until the foreclosure proceedings are complete or are discharged by redemption, satisfaction, payment, or conveyance of the leasehold estate to Lender.

9. Transfer of Lease Upon Foreclosure. Provided that Lender gives written notice of transfer to Ground Lessor setting forth the name and address of the transferee as well as the effective date of the transfer, the written consent of Ground Lessor shall not be required for transfer of Borrower's interest under the Ground Lease to:

- (a) A purchaser, including Lender or any of its affiliates, of the leasehold at a foreclosure sale of the encumbrance whether the foreclosure sale be conducted pursuant to court order or pursuant to a power of sale in the Deed of Trust; or,
- (b) An assignee the leasehold estate pursuant to an assignment in lieu of foreclosure, provided to the Lender under the Deed of Trust.

10. No Automatic Termination: Notwithstanding any other provision of the Ground Lease, should the Ground Lease terminate, as a matter of law, or otherwise because of the insolvency or bankruptcy of Borrower or because of any non-curable default under, or breach of, the Ground Lease by Borrower, subject to paragraphs 7 and 8 above, at Lender's option, Ground Lessor will execute a new lease for said Leased Property to the Lender, its affiliates or transferee as a new ground lessee, provided:

- (a) A written request for the new lease is served on Ground Lessor by Lender within one hundred twenty (120) days after service on Lender of the notice describing the non-curable default in accordance with paragraph 2 hereof;

- (b) The new lease is for a term ending on the same date the term of the Ground Lease would have ended had not the Ground Lease been otherwise subject to termination, provides for the payment of rent at the same rate that would have been payable under the Ground Lease had the Ground Lease not been otherwise subject to termination, and contains the same terms, covenants, conditions, and provisions as are contained in the Ground Lease;
- (c) Lender, its affiliates or transferee, on execution of the new lease by Ground Lessor, shall pay any and all sums that would, at the time of the execution of the new lease, be due under the Ground Lease but for its termination and shall otherwise fully remedy, or agree in writing to remedy, any other defaults under or breaches of the Ground Lease committed by Borrower prior to the termination that can be remedied; provided Ground Lessor delivered written notice of any such defaults to Lender in accordance with paragraph 4 above;
- (d) Lender, its affiliates or transferee, on execution of the new lease, shall pay all reasonable costs and expenses, not to exceed a total of \$1500.00, including reasonable attorneys fees and courts costs, incurred by Ground Lessor in terminating the Ground Lease, recovering possession of the Leased Property and preparing the new lease; provided Ground Lessor provides a detailed breakdown and invoices supporting such expenses in a form acceptable to Lender.

11. No Merger: Following the recording of the Deed of Trust, and until it is reconveyed by Lender, there shall thereafter, during the existence of that encumbrance, be no merger, without the prior written consent of Lender, of the leasehold estate created by the Ground Lease and the fee estate in the Leased Property merely because both estates have been acquired or become vested in the same person or entity.

12. Limitations on Lender's Liability: Lender shall not be liable to Ground Lessor as an assignee of the Ground Lease unless and until such time as Lender acquires all rights of Borrower under the Ground Lease through foreclosure or other proceedings in the nature of foreclosure or as a result of some other action or remedy provided by law, this agreement or the Deed of Trust.

Should Lender become the owner of the leasehold through foreclosure, an assignment or transfer in lieu of foreclosure, or under the provisions of paragraph 10, following Lender's assignment by Lender to, and the assumption by, a new third party ground lessee of this Ground Lease, or of the new lease under paragraph 10, ("Lender's Lease Assignment"), then Lender shall be relieved of any further liability under this Ground Lease, or any new lease under paragraph 10, arising from and after the date of such Assignment. Any Lender's Lease Assignment shall subject to the prior consent of Ground Lessor, such consent to be based solely upon whether the assignee has the financial ability to pay and perform Borrowers' obligations under the Ground Lease, which consent shall not be unreasonably withheld or delayed.

Ground Lessor shall not unreasonably withhold or delay its consent to a Lender's Lease Assignment provided, however, that the provisions of such assignment must be consistent with the terms and conditions contained herein. A request by Lender for approval by Ground Lessor of Lender's Lease Assignment shall be submitted to Ground Lessor in writing along with a fully executed copy of the proposed assignment. In the event Ground Lessor's approval or disapproval of any Lender's Lease Assignment is not given within forty-five (45) days of submission of a proposed assignment to Ground Lessor, such assignment shall be deemed approved by Ground Lessor as required under Section 10.01 of the Ground Lease.

13. Lender: The term "Lender" as used in this Agreement shall mean not only the entity that loaned money to Borrower as named as beneficiary, mortgagee, secured party, or security holder in the Deed of Trust, but shall also all subsequent assignees and holders of the security interest created by such instrument.

14. Disputes Between Ground Lessor and Lender: The parties agree that this agreement shall govern the rights and obligations of the parties, in addition to the terms, conditions, and obligations under the Ground Lease, during the term and existence of the Deed of Trust. To the extent that any conflict or ambiguity exists between this agreement and the Ground Lease, as between the rights of Lender and Ground Lessor, then the terms of this agreement shall be deemed controlling.

15. Attorney's Fees: If either Borrower, Ground Lessor, or Lender shall bring suit against the other for the enforcement of any provision in this agreement or for declaratory relief in connection with this agreement or the Ground Lease, the prevailing party in any such suit shall be awarded a reasonable attorney's fee and court costs which shall be taxed by the court as a part of the cost of such action.

16. Notices. All notices given under this agreement shall be in writing and be given by personal delivery, overnight courier (such as UPS, or Federal Express) or by registered or certified United States mail, postage prepaid, sent to the party at its address appearing below its signature. Notices shall be effective upon the first to occur of receipt, when proper delivery is refused, or the expiration of forty-eight (48) hours after deposit in registered or certified United States mail as described above. Addresses for notice may be changed by any party by written notice to any other party in accordance with this Section. Ground Lessor agrees that this agreement, notwithstanding the requirements of Article 5, shall satisfy the notice requirement of Article 5 of the Ground Lease for purposes of Ground Lessor notifying Lender of any event of default of Borrower and no registration with Ground Lessor is required.

17. Ground Lessor's Estoppel Certificate. To induce Lender to make the Loan to Borrower, Ground Lessor agrees and represents and warrants to Lender as follows:

(a) True and Complete Ground Lease. The Ground Lease which has been duly executed and accepted by Ground Lessor and Borrower and delivered to Lender constitutes the entire agreement between Ground Lessor and Borrower as it pertains to the lease of the Leased Property and has not been modified either in writing or orally.

(b) No Default. As of the date of this agreement, (i) all conditions and obligations to be performed by either Ground Lessor or Borrower under the Ground Lease have been satisfied; (ii) there exists no breach, default or event or condition which currently, or which with notice or lapse of time, would constitute such a breach or default under the Ground Lease; (iii) there are no existing claims, defenses or offsets against obligations of either Ground Lessor or Borrower under the Ground Lease, including any against rents due or to become due under the terms of the Ground Lease.

(c) No Other Leases. There are no leases, options or other agreements regarding transfer of any interest in, or otherwise materially affecting the Leased Property other than the Ground Lease.

(d) No Advance Payments. No rent or other sums payable or deposits under the Ground Lease have been paid in advance.

- (e) No Prior Assignments. Ground Lessor has not received notice of any prior assignment, hypothecation or pledge of Borrower's interests in the Ground Lease.
- (f) No Pending Litigation/Violations. Ground Lessor has not received notice of any litigation pending, proposed, or threatened against or in connection with its fee interest in the Leased Property or the Ground Lease or the Leased Property. Ground Lessor has not sent or received any written notice that the Leased Property, or any part thereof, is in violation of any laws, ordinances or regulations.

Ground Lessor agrees for the benefit of Lender or any purchaser, from time to time, on not less than 30 days prior notice from Lender, to deliver a certificate to Lender or purchaser, as the case may be, that confirms all of the above in this paragraph.

18. Authority. Each party represents to the other that the execution, delivery and performance by such party under this Agreement is within such party's powers and authority and has been duly authorized; this agreement constitutes a legal, valid and binding agreement of each such party, enforceable against such party in accordance with its terms, and any instrument or agreement required thereunder, when executed by the individuals duly authorized to sign on behalf of such party, will be similarly legal, valid, binding and enforceable; and if any of the foregoing is inaccurate or incorrect, in any way, such party will indemnify, defend and hold the other party, as appropriate, harmless from any and all claims, losses or damages the other party may experience or incur as a result such party's breach of this representation.

GROUND LESSOR:

City of Morro Bay

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

Address for notices to Ground Lessor:

Attention: _____

LENDER:

RABOBANK, N.A.

By: Rafael Bernal

Title: Vice President

Address for notices to Lender:

Retail Credit Risk

2415 La Brucherie Rd.

Imperial, CA 92251

Attention: Rafael Bernal

BORROWER:

Van Beurden Investments, a California general partnership

By: _____

Title: _____

By: _____

Title: _____

By: _____

Title: _____

By: _____

Title: _____

Address for notices to Borrower:

Attention: _____

AGENDA NO: A-5

MEETING DATE: April 9, 2013

**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DECLARING THE MONTH OF APRIL
“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 the sales and rentals, as well as, 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, handicaps, 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, Mayor Jamie L. Irons 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 9th day of April, 2013

JAMIE L. IRONS, MAYOR
City of Morro Bay, California

made available for street work through the City budget process. The total value of the work performed was \$1,205,688. The project rehabilitated over seven miles of City streets and made a number of accessory improvements to curbs, gutters, sidewalks and refreshed crosswalks, and bike lane and stop bar striping at select locations throughout the City.

In conjunction with filing this Notice of Completion the 1-year warranty period will commence.

CONCLUSION

The Project has been completed by International Surfacing Systems and staff recommends the City Council accept the Project and authorize the filing of a Notice of Completion.

ATTACHMENT:

- Notice of Completion

Recording requested by: and
When recorded mail to:
City of Morro Bay – City Engineer
595 Harbor Street
Morro Bay, Ca. 93442-1957

**NOTICE OF COMPLETION
CITY OF MORRO BAY**

TO WHOM IT MAY CONCERN:

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

**2102 STREET REHABILITATION PROGRAM
MB-2012-S2**

in the City of Morro Bay, has been completed by

INTERNATIONAL SURFACING SYSTEMS

and was accepted on April 9, 2013.

Jamie Boucher, City Clerk
City of Morro Bay, California

The undersigned hereby deposes and says:

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

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

Executed at Morro Bay, California, this ___th day of April, 2013.

Jamie Boucher, City Clerk

CITY OF MORRO BAY

CERTIFICATE OF COMPLETION

The undersigned hereby certifies that the construction of

**2102 STREET REHABILITATION PROGRAM
MB-2012-S2**

by

INTERNATIONAL SURFACING SYSTEMS

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

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

By: _____
Rob Livick, PE/PLS
Public Services Director/City Engineer

Date: _____



AGENDA NO: B-1

MEETING DATE: April 9, 2013

Staff Report

TO: Honorable Mayor and City Council

DATE: April 4, 2013

FROM: Cindy Jacinth, Associate Planner

SUBJECT: Appeals of Coastal Development Permit (#CP0-390) to allow the upgrade of existing campsites located at Morro Strand State Park Campground

RECOMMENDATION:

Staff recommends the City Council deny the appeals and uphold the Planning Commission’s approval of Coastal Development Permit #CP0-390 subject to the Findings included as Attachment “A” and the Conditions of Approval as included as Attachment “B.”

FISCAL IMPACT:

The appeals were filed on a Coastal Development Permit within the appeals jurisdiction and as such there is no fee associated with these appeals, therefore fees associated with the appeals will be absorbed by the City. The costs associated with processing these appeals are the noticing fees and staff’s time writing the report, preparing notices, and attending the City Council meeting.

SUMMARY:

At their March 6, 2013 meeting, the Planning Commission granted a Coastal Development Permit for the upgrade of 25 existing campsites plus the two camp host sites at Morro Strand State Park Campground to include recreational vehicle utility hook-ups in order to modernize services as well as increase visitation and revenue. The applicant was required to apply for a Coastal Development Permit because the project is located in the coastal zone, specifically within the Coastal Commission’s appeals jurisdiction. The applicant is not required to apply for a building permit or a use permit because the State Parks project is under the jurisdiction of the State as a superior agency, and not within the City’s jurisdiction.

During the ten day appeal period, two appeals were filed. On March 11, 2013 an appeal was filed by Mr. Harold Wiebenga and on March 13, 2013 an appeal was filed by Mr. Walter Auerbach. Both appeals are requesting the Planning Commission’s approval be repealed. Mr. Wiebenga’s appeal requests that the City Council close the park and restore it back to its natural habitat. Mr. Auerbach’s appeal requests that the City Council deny the project, or approve it with additional conditions.

Prepared by: <u>CJ</u>	Dept. Review: <u>KW/JB</u>
City Manager Review: _____	
City Attorney’s Review: _____	

BACKGROUND:

At its regular meeting on March 6, 2013 the Planning Commission conditionally approved the request for Coastal Development Permit #CP0-390 to allow the upgrade of 25 existing campsites plus the two camp host sites to include recreational vehicle hook-ups in order to modernize services as well as increase visitation and revenue. The campground has been used for camping since the early 1980s and has had few improvements. The original site was constructed as a day use parking lot.

DISCUSSION:

The following section states each of the appellant's grounds for the appeal with a statement formulated by staff that examines the validity and comprehensiveness of each ground for appeal. The appellants' comments are in plain text with quotation marks and staff responses are italicized.

Appeal One:

Appellant Harold Wiebenga bases an appeal of the project on the following grounds:

1. "Due to the fact that the Park is violating all major California laws. Air Pollution, Ground Pollution, Noise Pollution, and Handicap Access."
There is insufficient evidence to claim the Park campground is "violating all major California laws." The staff report for the March 6, 2013 Planning Commission meeting contains specific information describing the Applicant's proposal is an update of existing campground sites. No evidence exists of air, ground or noise pollution. The County Air Pollution Control District does allow recreational burning under Rule 501.C.1.f. The proposed project does not expand the campground but rather upgrades existing campsites and therefore did not trigger a requirement for air, ground, or noise pollution studies.

The issue of California law governing handicap access falls under the jurisdiction of the State of California Parks Department. State Parks, the applicant, as a superior government agency, is only required to obtain Coastal Development Permit approval pursuant to the California Coastal Act.
2. "Besides the fact it's located in a residential neighborhood."
The Morro Strand State Park Campground is adjacent to a residential neighborhood and adjacent to residential zoning. The zoning for the campground is OA-2/PD, (Open Area district in a Planned development overlay) which allows for campground use.
3. "This Park does not benefit Morro Bay residents. It just costs them money, water, sewer, policing and their views."
Although the campground does not pay transient occupancy taxes to the City, indirect benefit exists for local businesses owned by residents whom may have increased business sales as a result of out of town visitors who stay at the Park campground similar to visitors at other types of lodging. The Park campsites

and day use parking lot are available as a benefit to both Morro Bay residents and non-residents alike. Also, Council Resolution 15-12 (attached as Exhibit G) stated that “the permanent closure of Morro Strand State Beach Campground [would] cause an annual reduction of over 2.5 million dollars worth of economic activity in Morro Bay...” The Resolution further states that “whereas, the City Council has determined that it would benefit the City, the residents and businesses of the City if the Morro Strand State Beach Campground remains open and accessible to the public...”

Morro Bay residents do not pay additional water and sewer fees as a result of the Park campground. The Park campground is metered for water service and pays its own water and sewer.

Policing of the Park campground is under the jurisdiction of State Parks. According to Police Chief Amy Christey, in the past two years, there were seven documented calls for service at the Morro Strand Park. Two appear to be self-initiated foot patrols, one for an injured sea otter pup, another for a dying seal, and three calls assisting the rangers with officer safety type calls.

Regarding the issue of views, the State Parks project as described in the staff report for the March 6, 2013 Planning Commission meeting includes the removal of diseased myoporum trees with the goal of improving the viewshed. Although the City does not protect private views, public views are a protected resource consistent with the City’s Local Coastal Plan. The project was found to be in compliance with the Local Coastal Plan. Also, the State Park project to upgrade existing campsites and increase amenities seeks to increase visitation which is also consistent with the Coastal Act.

Mr. Wiebenga requests that the Council close the Park and restore it back to its natural habitat. Although the Morro Strand State Park Campground is within City limits, the Park is owned by the State and as a superior government agency, the City has no jurisdiction to close the Park campground. Additionally, keeping the campground open was the number one goal of City Council as determined at their March 6 and 7, 2012 Goal Setting Workshop. Resolution 15-12 (Exhibit G) was passed by City Council on March 27, 2012 “direct[ing] the City Manager to take all necessary steps and legal means available to make absolutely certain the Morro Strand State Park Campground remains open...” Staff has concluded that submitted grounds for an appeal of the project’s approval are insufficient based on the above analysis. The project submittal was sufficient to make the necessary findings for approval including that the project is consistent with the City’s General Plan, Local Coastal Plan and the Municipal Code.

Appeal Two:

Appellant Walter Auerbach bases an appeal of the project on the following grounds:

1. “Project as approved is not in compliance with Local Coastal Plan in terms of view protection, public access, and parking (as it relates to access). See attached

letters presented to the Morro Bay Planning Commission.”

Mr. Auerbach’s March 6, 2013 letter requested a condition of approval be added that “The slope below Beachcomber Drive and above the proposed sites shall be landscaped with vegetation that shields the view of the RV sites from Beachcomber Drive and adjacent residences without blocking views of the coast from Beachcomber Drive.”

View Protection: *The State Parks project as described in the staff report for the March 6, 2013 Planning Commission meeting includes the removal of diseased myoporum trees with the goal of improving the viewshed. Although the City does not protect private views, public views are a protected resource consistent with the City’s Local Coastal Plan. The project was found to be in compliance with the Local Coastal Plan. Also, the State Park project to upgrade the campsites and increase amenities seeks to increase visitation which is also consistent with the Coastal Act.*

The Planning Commission addressed the issue of view protection during the discussion of the diseased myoporum trees proposed to be removed and added a condition which both protects public views but also aims to shields the view of RV campers from Beachcomber. Planning Commission Condition #1 is “Applicant shall submit a landscape plan to the approval of the Public Services Director, a simulation plan which illustrates the mature height of the vegetation, and provide a description of the maintenance of the vegetation.”

Public Access: Mr. Auerbach’s March 6, 2013 letter requested a condition of approval be added that “Pedestrian access to the beach from Beachcomber Drive shall be improved and signed at the south end of Beachcomber Drive (near Java Street) and at the north end (near Trinidad or Tahiti Street) by way of a stairway or improved pathway with signage. This improvement will disperse day use access to the beach and mitigate the access barrier by the RV campsites.”

Although the Planning Commission did not add a condition regarding new signage or additional beach access points, the State Parks’ project does not decrease access and existing pathways to access the beach will remain. Staff reviewed existing access options to research the standard threshold of what is considered a walkable distance, which is considered to be quarter mile. There are three existing access points all within a quarter mile or less of the homes adjacent to the Park campground. 1. From the north at Yerba Buena there is access from the paved road. 2. A staircase at Orcas and Beachcomber allows pedestrians beach access from Beachcomber Drive through the open campground to the beach. 3. At the south end, there is an existing pedestrian trail at Hatteras and Beachcomber which is two blocks south of Java, the location where the Appellant request to add access. The area along Java is within environmentally sensitivity habitat (ESH). Staff would not agree that adding access in ESH area would be consistent with the General Plan and Local Coastal Plan. Adding access would also require a different environmental document in order to issue a Coastal Development Permit.

Parking: Mr. Auerbach's March 6, 2013 letter requested a condition of approval be added that "Extra-vehicle parking shall be designated for the reconfigured campsites at a rate of one extra vehicle space per 3 RV sites. The designated sites shall be in close proximity to the RV sites." And "Applicant shall develop fees and parking policies that encourage all campers to utilize extra-vehicle sites rather than parking extra vehicles along Beachcomber Drive overnight." Mr. Auerbach further states "Alternatively, I would support designation of Beachcomber Drive as a 'No Overnight Parking' street, or even eliminate parking entirely if appropriate public parking for the beach can be developed elsewhere (in the campground area, for instance)."

At the March 6, 2013 Planning Commission meeting, the issue of parking impacts along Beachcomber was addressed and noted that Beachcomber Drive is a public street with 72-hour parking privilege to the public. Parking violations along City streets are an enforcement issue of the Police Department, not State Parks. The Applicant's proposed project did not trigger an increase for parking requirement. Existing State Parks regulations allow for two vehicles per campsite and the Park campground currently has both a day-use parking lot and overflow area.

Mr. Auerbach requests that the Council deny the project or approve it with additional conditions. Staff has concluded that the submitted grounds for an appeal of the project's approval are inadequate to repeal the Planning Commission motion to approve the project based on the above staff analysis. The project submittal was sufficient to make the necessary findings for approval including that the project is consistent with the City's General Plan, Local Coastal Plan and the Municipal Code.

CONCLUSION:

The project as proposed is consistent with the General Plan, Local Coastal Plan, and Municipal Code for development standards. Staff recommends that the City Council deny the appeals and uphold Planning Commission's motion on March 6, 2013 to issue Coastal Development Permit #CP0-390 for the upgrade of 25 existing campsites plus the two camp host sites at Morro Strand State Park Campground to include recreational vehicle utility hook-ups. The applicant will be required to uphold the conditions of approval (Exhibit B) found in Attachment "B".

Exhibits:

Exhibit A – Findings for approval

Exhibit B – Conditions of Approval for Coastal Development Permit #CP0-390 as revised by Planning Commission on March 6, 2013

Exhibit C – Appeal filed by Mr. Harold Wiebenga on March 11, 2013

Exhibit D – Appeal filed by Mr. Walter Auerbach on March 13, 2013

Exhibit E – Planning Commission staff report, findings and conditions of approval

Exhibit F – Planning Commission minutes from March 6, 2013

Exhibit G – City Council Resolution 15-12 dated March 27, 2012

EXHIBIT A

FINDINGS

SITE: MORRO STRAND STATE PARK CAMPGROUND

PROJECT DESCRIPTION: Coastal Development Permit for the upgrade of 25 existing campsites plus the two camp host sites to include recreational vehicle hook-ups in order to modernize services as well as increase visitation and revenue.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to the California Environmental Quality Act the project is categorically exempt pursuant to Section 15301, Class 1. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing or minor alter of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project as described above involves minor alterations to the existing campground through the upgrade of 25 existing campsites plus the two camp host sites to include recreational vehicle hook-ups in order to modernize services as well as increase visitation and revenue. The upgrade of the campsites at this campground will not result in an intensification of use.

COASTAL DEVELOPMENT PERMIT FINDINGS

- A. That the project is an allowable use in its zoning district 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 contained within the staff report.

- B. The project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and it was found that the campsite upgrades proposed are contained within the original footprint of the project area and therefore will not impact access to the beach or other recreational endeavors.

EXHIBIT B

CONDITIONS OF APPROVAL

As Revised by the Planning Commission at the March 6, 2013 Public Meeting

SITE: MORRO STRAND STATE PARK CAMPGROUND

PROJECT DESCRIPTION: The Morro Strand State Parks Campground is seeking to upgrade 25 existing campsites plus the two camp host sites to include recreational vehicle hook-ups in order to modernize services as well as increase visitation and revenue.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated February 26, 2013, for the project depicted on plans dated January 23, 2013 on file with the Public Services Department. Site development, including all buildings and other features, shall be located and designed substantially as shown on plans, unless otherwise specified herein.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the

applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: 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.
8. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.

FIRE DEPARTMENT CONDITIONS

1. Fire safety during construction, alteration, and demolition of the project shall be in accordance with 2010 California Fire Code, Chapter 14.
2. Timing of Installation. When fire apparatus access roads or water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction. (CFC 501.4)
3. Premises Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street fronting the property. (CFC 505.1) Provide space numbers.
4. Fire Access Roads. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and vertical clearance of not less than 13 feet 6 inches. (CFC 503.2.1)
5. Fire Protection Water Supplies-Hydrants and Water Mains. An approved water supply capable of supplying the required fire flow for fire protection shall be

provided to the premises upon which facilities, buildings or portions of buildings are constructed. (CFC 507)

- a. Private fire service mains shall be installed in accordance with NFPA 24. (CFC 507.2.1)
 - b. Fire hydrant systems requirements shall be determined and comply with 2010 California Fire Code, Appendix C. (CFC 507.5)
6. General Means of Egress. The requirements specified in Sections 1003 through 1013 shall apply to all three elements of the means of egress system, in addition to those specific requirements for exit access, the exit and the exit discharge. (CFC 1003)
 7. Occupant Load. In determining means of egress requirements, the number of occupants for whom means of egress facilities shall be determined. Where occupants from accessory areas egress through a primary space, the calculated occupant load for the primary space shall include the total occupant load of the primary space plus the number of occupants egressing through it from the accessory area. (CFC 1004.1)

PLANNING CONDITIONS

1. Applicant shall contact the Planning Division of the Public Services Department for a final inspection upon completion of the project.

PLANNING COMMISSION CONDITIONS

1. Applicant shall submit a landscape plan to the approval of the Public Services Director, a simulation plan which illustrates the mature height of the vegetation, and provide a description of the maintenance of the vegetation.

EXHIBIT C



CITY OF MORRO BAY PUBLIC SERVICES DEPARTMENT APPEAL FORM

RECEIVED
City of Morro Bay
MAR 11 2013
Administration

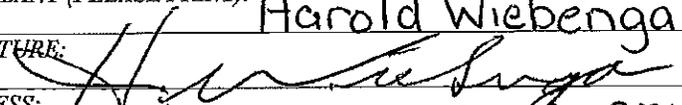
APPEAL FROM THE DECISION OR ACTION OF (GOVERNING BODY OR CITY OFFICER):	
Planning Commission	
APPEAL OF SPECIFIC DECISION OR ACTION: Appealing the Approval	
PERMIT TYPE BEING APPEALED (IE. COASTAL PERMIT, USE PERMIT, TENTATIVE SUBDIVISION):	
#CPD-390	
DATE DECISION OR ACTION RENDERED: March 4 2013 (3/6/13) → 3/18/13	
APPELLANT (PLEASE PRINT): Harold Wiebenga	
SIGNATURE: 	
ADDRESS: 120 Panay St Morro Bay Ca 93442	
TELEPHONE NUMBER: cell 559 904 3917 805 772 7328	
GROUNDS FOR THE APPEAL (ATTACH SHEETS AS NECESSARY): Do to the fact that the Park is Violating all major California laws. Air Pollution, Ground Pollution, Noise Pollution, and Handy Cap Acces. Besides the fact its located in a Residential Neighborhood. This Park does not benefit Morro Bay Residents. It just costs them Money, Water, Sewer, Policing and their Veivs. (No Air or Ground Pollution test have been done)	
REQUESTED RELIEF OR ACTION: Park needs to be Closed and Restored back to its natural habitat	
FOR OFFICE USE ONLY	
DATE APPEAL FILED:	ACCEPTED BY:
APPEAL BODY:	
DATE OF APPEAL HEARING:	

EXHIBIT D

Walter R. Auerbach
PO Box 7571
Tahoe City, CA. 96145

March 13, 2013

TO: Morro Bay City Council

**RE: APPEAL OF PLANNING COMMISSION DETERMINATION
CP0-390 CALIF. STATE PARKS/ MORRO STRAND CAMPGROUND**

Dear Council members:

Attached is my signed appeal form and supporting materials for the above-referenced coastal permit.

Ever since a few of the homeowners on Beachcomber Drive reacted negatively to their proposal, representatives from State Parks have been discussing their project directly with us. It was and still is our hope that some agreement can come from these discussions regarding mitigation of impacts resulting from their project. If that happens, it will be reported to the City Council during the appeal.

However, there are other issues at play here that we feel require a broader discussion. What is the impact of this campground on public recreation and access in this area? How does the campground use influence other planning efforts in Morro Bay such as the Bicycle Trail Master Plan? These are but two questions that we feel deserve answers, and both were largely ignored by the Planning Commission.

I have other concerns regarding this facility that are probably the purview of State Parks, but deserve some air time with the Council because the park is in the City limits. In my opinion, what they are doing is not consistent with the State Parks General Plan for this park. I believe they are taking a poorly designed campground and making it substantially worse, rather than correcting the deficiencies to make the campground more attractive and more productive. The General Plan talks about all kinds of improvements that they are not making with this project. I believe that State Parks pursuit of additional revenue is causing them to ignore what makes the coast a special place to begin with.

I hope we can have a reasonable discussion about all of this at the appeal hearing. Thanks for your consideration.

Sincerely,



Walter R. Auerbach
3200 Beachcomber Drive

EXHIBIT D



CITY OF MORRO BAY PUBLIC SERVICES DEPARTMENT *APPEAL FORM*

<i>APPEAL FROM THE DECISION OR ACTION OF (GOVERNING BODY OR CITY OFFICER):</i>	
Planning Commission	
<i>APPEAL OF SPECIFIC DECISION OR ACTION:</i>	
Approval of CP 0-390	
<i>PERMIT TYPE BEING APPEALED (IE. COASTAL PERMIT, USE PERMIT, TENTATIVE SUBDIVISION):</i>	
Coastal Development Permit	
<i>DATE DECISION OR ACTION RENDERED:</i> March 6, 2013	
<i>APPELLANT (PLEASE PRINT):</i> Walter R. Auerbach	
<i>SIGNATURE:</i> 	
<i>ADDRESS:</i> PO Box 7571, Tahoe City, CA. 96145	<i>TELEPHONE NUMBER:</i> 530-448-1231

<i>GROUNDS FOR THE APPEAL (ATTACH SHEETS AS NECESSARY):</i>
Project as approved is not in compliance with Local Coastal Plan in terms of view protection, public access, and parking (as it relates to access). See attached letters presented to the Morro Bay Planning Commission.

<i>REQUESTED RELIEF OR ACTION:</i>
Deny the project, or approve it with additional conditions.

<i>FOR OFFICE USE ONLY</i>	
DATE APPEAL FILED:	ACCEPTED BY:
APPEAL BODY:	
DATE OF APPEAL HEARING:	

EXHIBIT D

February 28, 2013

To: Morro Bay Planning Commission

Re: Application from State Parks for Improvements to Morro Strand Campground

We would like to introduce some observations and comments about the State Parks proposal to improve/expand the Morro Strand State Beach Campground. In general, we support modest, environmentally and people- sensitive improvements to the park and campground. We also support public access to coastal resources, and some of our comments and thoughts result from what we perceive as a conflict between unfettered public access and paid campground uses that State Parks may be perpetuating by this proposal.

We had a brief opportunity to look at the contents of the file at the Planning Department, and spoke briefly with the applicant about a couple of our concerns. We appreciate the willingness of both Cindy Jacinth and Doug Barker to discuss these concerns in person.

The proposed site improvements are closer to our properties than any other adjoining properties along Beachcomber Drive. We (as well as many others along Beachcomber Drive) operate very popular vacation rentals that bring hundreds of people to Morro Bay each year, along with their vacation spending and occupancy taxes. We also enjoy our homes as residents as much as possible, so we are very aware of the campground and the effect it has on our properties and businesses. In short, we believe the project as proposed could have significant impacts on both, and urge the City to consider our comments in their deliberations. Our specific comments are listed below:

Change/Increase in Use: The application seems to represent this project as a simple conversion of existing campsites to the same number of larger campsites. While the map of existing camping “sites” shows that, these sites are not really used as individual sites at all. They are 10-foot by 20-foot paved parking stalls, which are rarely if ever full. In fact, the campground as a whole is rarely if ever full, and more regularly it seems to be virtually empty. We question whether the overall business model for this site is realistic, given how it is used and managed currently. We would ask that State Parks provide more revenue and user information on this and their other nearby facilities that demonstrates there is a current shortage of larger camp sites or revenue in general that requires immediate attention, and any alternative ways to address those shortfalls. For instance, today with apparently few changes they could allow larger vehicles to park parallel to the slope, entirely within the paved areas. If such a test reveals that these sites are in demand to the point where they are running out of availability, then it would seem appropriate to increase the number of larger campsites. Further, rather than expanding the facilities now for a select few users who are able to purchase very large and expensive rigs, why not consider the entire site in a master plan that looks to make improvements to facilities and address existing deficiencies across the board? State Parks must be aware that there are quite a few negative comments about this campground because it is “camping in a parking lot” and not a quality experience other than its’ proximity to the beach. As you know, the site was a day use area long before it was a campground. We don’t know what the decision process was in the conversion to a campground, but maybe that decision should be reconsidered as well. A comprehensive master plan would allow the

EXHIBIT D

February 28, 2013

Page 2

public to weigh in more thoroughly, and ensure these concerns as well as others listed here are vetted completely before such an investment of public funds is made.

Parking: State Parks does not currently provide sufficient space for public and overflow parking for the uses this campground and beach support, and that lack of parking impedes public access and enjoyment of Beachcomber Drive. Beachcomber Drive is a hugely popular street for pedestrians, dog walkers, bicycles and sightseers. Daily, winter and summer, there is an endless stream of non-motorized uses including many disabled users in wheelchairs, walkers, recumbent bikes and other personal mobility devices. These users come from all over the Beach Tract and the opposite side of Highway 1 because of the views, and the level and accessible roadway. We support and encourage expansion of these public uses, and support future bicycle improvements that are planned in the City's Bicycle Master Plan.

Public parking is necessary to this popular beach, but the State provides just a few spots at the entrance. This leaves everyone else to park along the road, climb down the slope, and walk through the campground to reach the beach, creating erosion and water quality issues. The layout of the proposed campsites creates a wall of large vehicles which will make that prospect even more difficult. The result will be more people parking along the street adjacent to our homes and businesses, where the only stairway exists leading down the slope to the campground.

The handout given to campers by State Parks staff encourages campers with additional vehicles to park them along Beachcomber Drive. While it is a city street and parking is allowed, campers use that opportunity to save money and park for extended periods of time on the street. Savvy campers may roll their vehicle to a new spot a few feet away before the 72-hour parking limit is up. In any case, a State Parks policy of encouraging offsite parking is inconsistent with their stated desire to increase revenue. Further, providing only one parking spot for a separate vehicle for each large campsite is insufficient, and longer-term campers will have even less willingness to pay extra vehicle fees. This will force even more vehicles onto Beachcomber Drive.

We believe that the use of Beachcomber Drive as an overflow parking lot for the campground will increase, as will the concentration and frequency of parking directly in front of our homes and businesses. City Code requires that onsite parking be provided in conjunction with any other commercial business. We have to provide it for our vacation rental, and we discourage our guests from parking on the street. We believe that State Parks should be required to provide sufficient parking for all public uses (day use and paid campground) in conjunction with expansion of the camping facilities, and stop encouraging campers to park offsite. This will improve access by the public to the State Beach, reduce conflicts between day users and campers, and improve access to the views and safety of Beachcomber Drive for the thousands of public users who enjoy it free of charge as a spectacular coastal promenade.

Lighting: The application seems to include a reference to new lighting associated with these campsites. We could not find any locations or details of lighting on the plans in the file. We would ask the Planning Commission to not approve any new lighting sources west of Beachcomber Drive. New lighting in that area would be inconsistent with the overall public enjoyment of coastal views.

EXHIBIT D

February 28, 2013

Page 3

Further, the existing lighting on the restroom buildings is not shielded, and casts a glare directly into the windows of all the homes on Beachcomber. This is noticeable and distinct from the intersection lights on the street. We would ask that State Parks be required to shield all existing lighting in the campground, consistent with best practices in other areas.

Noise/Odors: The proposed campsites are directly in front of our properties. Each of these large vehicles has a generator, and all of them will be running at about the same time for cooking, TV watching, etc. We would like the City to request more information on possible noise and odor impacts, and how those will be mitigated.

Visual: Separate from the lighting, we are concerned about the layout and visual impact of the proposed sites. The application suggests that there will be no impact, or any impacts will be mitigated by some tree removal and removal of a pole. This doesn't seem sufficient to us. The sheer number of the large RV sites seems inconsistent with enjoyment of a coastal view. What the walkers along the Beachcomber promenade will see is the top side of 25 or more diesel pushers, stacked up like a mobile home park. We ask that the Planning Commission consider additional ways to shield this view from the public who currently enjoy the view from Beachcomber Drive at no charge. Further, these vehicles are very large and very tall, and our opinion is that they will project above the top of bank view line from the residences along Beachcomber. We would like to see State Parks develop cross sections and alternative mitigation showing how that will be shielded from view.

Other: We often witness campers flying tall flags or kites in the parking lot below us. The public is prohibited from flying kites on the beach as it is a habitat for the Snowy Plover, so we don't understand why campers who pay to be there are allowed to fly flags or kites at all. This should be corrected in any proposed improvement to the site.

We hope that our comments are considered in the spirit intended; that of working as partners in this neighborhood to ensure that everyone's use and enjoyment of the coast is valued and protected.

Thanks for your consideration.

Sincerely,

Wally Auerbach and Cindy Gustafson, 3200 Beachcomber Drive

Fred and Candi Wickman, 3198 Beachcomber Drive

C: Doug Barker, via email to dbarker@hearstcastle.com

EXHIBIT D

March 6, 2013

Morro Bay Planning Commission

Additional Comments Regarding State Parks/Morro Strand Campground

Over two years ago, State Parks enlisted the public in a very collaborative fashion to help prevent the closure of Morro Strand and other parks due to State budget cuts. We and scores of others supported State Parks financially and through other means, knowing that closure of parks like Morro Strand meant potentially big changes to our neighborhoods and our enjoyment of the coast.

Once the threat of closure was gone, State Parks disengaged from the public, and now have resurfaced with a project at Morro Strand that has had no public input or collaboration prior to its unveiling. We know this is not generally representative of how State Parks values the relationship with their neighbors in the Beach Tract. The public, including the neighborhood of the Beach Tract, deserve the opportunity to weigh in on the future of Morro Strand.

*I would request that the Morro Bay Planning Commission take no action on the project other than to request that State Parks go back to the drawing board, engage the public including their neighbors in the Beach Tract and public agency partners, in a **collaborative** process with the goal of making Morro Strand Campground and State Beach, AND Beachcomber Drive the quality recreational facility and experience it deserves to be.*

Anticipating that my highest hope may be beyond the City's comfort level to accommodate now, and considering our prior comments regarding the impact of the current proposal on our homes, businesses and the public's enjoyment of Beachcomber Drive, I would ask that if the Planning Commission elects to approve the project today, the following conditions of approval be added:

- 1) The slope below Beachcomber Drive and above the proposed sites shall be landscaped with vegetation that shields the view of the RV sites from Beachcomber Drive and adjacent residences without blocking views of the coast from Beachcomber Drive.
- 2) Applicant shall install shields over existing lighting at the existing restrooms to further mitigate view shed impacts, such that no direct light sources are visible from adjoining properties.
- 3) Pedestrian access to the beach from Beachcomber Drive shall be improved and signed at the south end of Beachcomber Drive (near Java Street) and at the north end (near Trinidad or Tahiti Street) by way of a stairway or improved pathway with signage. This improvement will disperse day use access to the beach and mitigate the access barrier created by the RV campsites.

EXHIBIT D

- 4) Extra-vehicle parking shall be designated for the reconfigured campsites at a rate of one extra vehicle space per 3 RV sites. The designated sites shall be in close proximity to the RV sites.
- 5) Applicant shall develop fees and parking policies that encourage all campers to utilize extra-vehicle sites rather than parking extra vehicles along Beachcomber Drive overnight.

Alternatively, I would support designation of Beachcomber Drive as a “No Overnight Parking” street, or even eliminate parking entirely if appropriate public parking for the beach can be developed elsewhere (in the campground area, for instance).

Beachcomber Drive is a very special location, unique, and important to the City in so many ways. Please consider these comments in your deliberations.

Wally Auerbach
3200 Beachcomber Drive

EXHIBIT E



AGENDA NO: B-6

MEETING DATE: March 6, 2013

Staff Report

TO: Planning Commissioners

DATE: February 28, 2013

FROM: Cindy Jacinth, Assistant Planner

SUBJECT: Coastal Development Permit (#CP0-390) to allow the upgrade of existing campsites located at Morro Strand State Park Campground

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by adopting a motion including the following action(s):

- A. Adopt the Findings included as Exhibit "A";
- B. Approve Coastal Development Permit (#CP0-390) subject to the Conditions included as Exhibit "B" and the site development plans dated January 23, 2013.

APPLICANT/AGENT: California State Parks

LEGAL DESCRIPTION/APN: Morro Strand State Park Campground / 065-211-001

PROJECT DESCRIPTION: The Applicant is seeking Coastal Development permit approval to upgrade 25 existing campsites plus the two camp host sites at Morro Strand State Park Campground to include recreational vehicle hook-ups in order to modernize services as well as increase visitation and revenue.

PROJECT SETTING:

<u>Adjacent Zoning/Land Use</u>			
North:	OA-2/PD, open space	South	OA-1/PD, open space
East:	R-1/S.2A, moderate density	West:	OA-1/PD, open space

EXHIBIT E

Site Characteristics	
Site Area	168,000 square feet
Existing Use	State Parks campground site
Terrain	Flat /Graded adjacent to cut slope
Vegetation/Wildlife	Previously disturbed site
Archaeological Resources	Property not within 300 feet of archaeological resource.
Access	Trinidad Street and Yerba Buena

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Open Space/ Recreation
Base Zone District	OA-2
Zoning Overlay District	PD
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Located within the Appeals Jurisdiction

BACKGROUND:

The Morro Strand State Parks Campground is seeking to upgrade 25 existing campsites plus the two camp host sites to include recreational vehicle hook-ups in order to modernize services as well as increase visitation and revenue. The campground has been used for camping since the early 1980s and has had few improvements. The original site was constructed as a day use parking lot.

The campground currently consists of 85 campsites which include sites 1-81, plus sites A-D and 2 camp hosts. The campsites measure 12 feet by 24 feet in length. Currently campsites 1-81 are 24 feet or less in length and campsites A-D are 30-40 feet. The campground currently limits camp reservations to trailers less than 24 feet with tent camping allowed at the campsites along the west side of the campground.

PROJECT SPECIFICS

Under State Parks' proposal, campsites 47-71 plus the two camp host sites (number 72 and 73) along the eastern border of the campground would be angled to increase to 30-40 feet. The existing campsites 1-46, 74-81 and sites A-D would remain at their existing size and configuration.

Picnic tables and BBQ pits will be added as well as surface improvements to accommodate full utility hook-ups for the recreational vehicles. The project will include improvements to drainage and existing viewshed from adjacent residences. The improved viewshed will be due to replacement of diseased myoporum trees; utilities will be undergrounded and a PG&E drop pole

EXHIBIT E

removed. The recreational vehicle hook-ups will be sites against the cut slope and out of the viewshed. The campsites are currently located in parallel spaces to one another. The improvement project will involve angling the campsites to increase the length and therefore accommodate recreational vehicles increasing the campsite from 24 feet or less to between 30 to 40 feet.

The campground consists of an existing site of disturbed, paved, flat campsite loops adjacent to a cut slope and a beach fore-dune complex. Existing drainage is poor and will be corrected by the installation of drainage inlets to increase permeability with less run-off. The existing structures on site include two public restrooms and two existing sheds.

Environmental Determination

Pursuant to the California Environmental Quality Act, the project is categorically exempt pursuant to Section 15301. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing or minor alter of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project as described above involves minor alterations to the existing campground through the upgrade of 25 existing campsites plus the 2 camp host sites to include recreational vehicle hook-ups in order to modernize services as well as increase visitation and revenue. The upgrade of the campsites at this campground will not result in an intensification of use.

The project was reviewed for proximity to cultural and archaeological resources. A biological assessment was submitted by the Applicant on February 26, 2013 which disclosed that no impacts to sensitive species or habitat will occur as a result of this proposed project. The proposed project is entirely within the footprint of the existing campground which is a graded and previously disturbed site. The archaeological review conducted was determined to be outside the threshold distance and therefore the project was found to be eligible for a Notice of Exemption from CEQA.

General Plan

The General Plan designation for this area is Open Space/Recreation. The campground is addressed in the Land Use, Open Space and Conservation Element which details plans and policies for the preservation of open space to protect natural resources and to provide spaces for outdoor recreation. The Open Space Element states the important planning area of the North Morro Strand State Beach, formerly known as Atascadero State Beach and "recommends facilities improvement at Atascadero State Beach and provision of overflow RV spaces..." The proposed upgrade of 25 existing campsites plus two camp host sites at North Morro Strand campground is consistent with and meets the policy objectives of the General Plan.

Zoning Ordinance

The OA-2 (Open Space/Recreation) zone district provides for public and private open space areas including those which can be used for recreational functions not involving significant structures. Although a campground is a conditionally permitted use under the OA-2 district, as a superior government agency, the applicant, State Parks Department is only required to obtain Coastal Development Permit approval pursuant to the Coastal Act.

EXHIBIT E

PUBLIC NOTICE: Notice of this item was published in the San Luis Obispo Tribune newspaper on February 22, 2013 and all property owners of record within 300 feet of the subject site and occupants within 100 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION: The Morro Strand State Park Campground project to upgrade 25 existing campsites plus the two camp host sites as proposed is consistent with the General Plan, Local Coastal Plan, and Municipal Code for development standards. The Open Space Element of the General Plan aims to increase recreational opportunities and recommends facilities improvement at Morro Strand State Beach, formerly known as Atascadero State Beach. No additional campsites will be added with this proposal, nor is the footprint increased, as the existing campsites will be angled in order to accommodate recreational vehicles and therefore increase visitation and revenue year-round. Amenities will be added including picnic tables and BBQs as well as full utility hookups provided for recreational vehicles. Additionally, the viewshed along Beachcomber and area drainage will be improved as a result of this project with no impacts to sensitive species or habitat to occur as a result of the project. Therefore staff recommends Planning Commission approval of the Coastal Development Permit.

Exhibits:

- Exhibit A – Findings
- Exhibit B – Conditions of Approval
- Exhibit C – Plans / Reductions
- Exhibit D – Proposed and Existing Campground Layout
- Exhibit E – Camp Host site layout
- Exhibit F – Aerial image of Proposed Layout
- Exhibit G – Site Photographs
- Exhibit H – Biological Report dated February 26, 2013
- Exhibit I – Correspondence received February 28, 2013

EXHIBIT E

EXHIBIT A

FINDINGS

SITE: MORRO STRAND STATE PARK CAMPGROUND

PROJECT DESCRIPTION: The Morro Strand State Parks Campground is seeking to upgrade 25 existing campsites plus the two camp host sites to include recreational vehicle hook-ups in order to modernize services as well as increase visitation and revenue.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to the California Environmental Quality Act the project is categorically exempt pursuant Section 15301, Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing or minor alter of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project as described above involves minor alterations to the existing campground through the upgrade of 25 existing campsites plus the two camp host sites to include recreational vehicle hook-ups in order to modernize services as well as increase visitation and revenue. The upgrade of the campsites at this campground will not result in an intensification of use.

COASTAL DEVELOPMENT PERMIT FINDINGS

- A. That the project is an allowable use in its zoning district 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 contained within the staff report.
- B. The project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and it was found that the campsite upgrades proposed are contained within the original footprint of the project area and therefore will not impact access to the beach or other recreational endeavors.

EXHIBIT E

EXHIBIT B

CONDITIONS OF APPROVAL

SITE: MORRO STRAND STATE PARK CAMPGROUND

PROJECT DESCRIPTION: The Morro Strand State Parks Campground is seeking to upgrade 25 existing campsites plus the two camp host sites to include recreational vehicle hook-ups in order to modernize services as well as increase visitation and revenue.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated February 26, 2013, for the project depicted on plans dated January 23, 2013 on file with the Public Services Department. Site development, including all buildings and other features, shall be located and designed substantially as shown on plans, unless otherwise specified herein.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges that City is under no obligation to defend any legal

EXHIBIT E

actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: 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.
8. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.

FIRE DEPARTMENT CONDITIONS

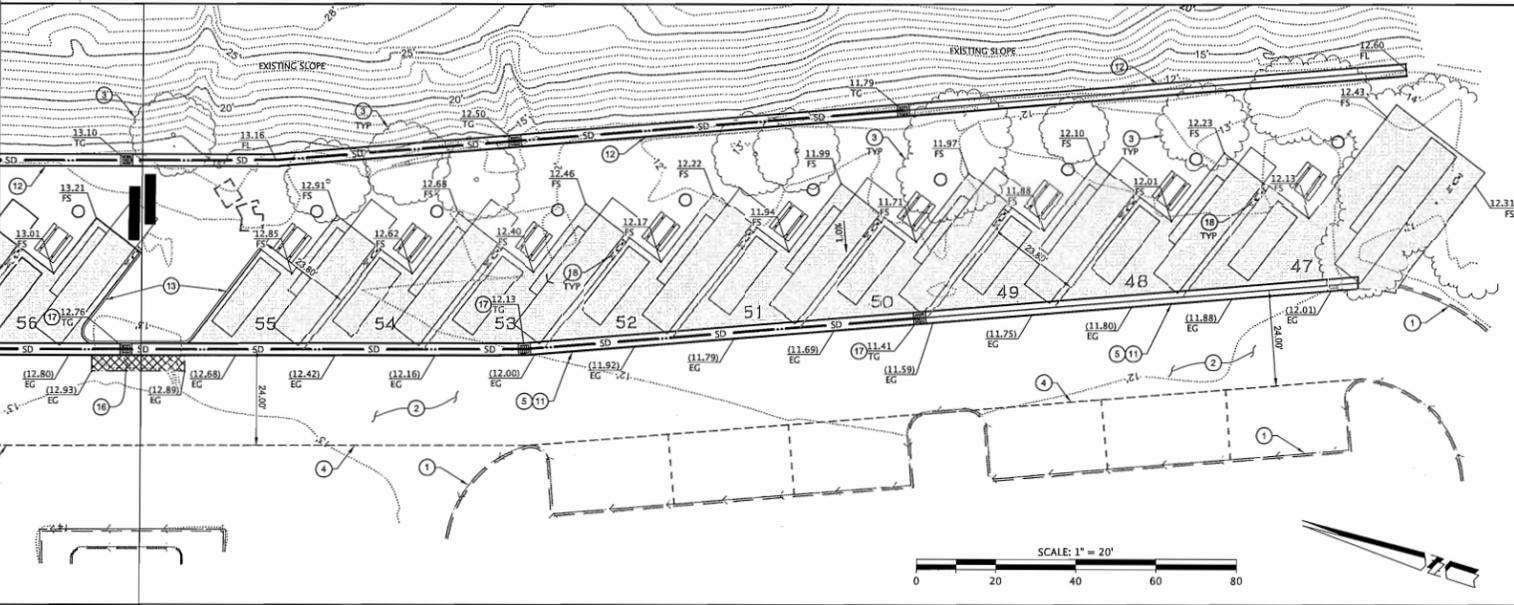
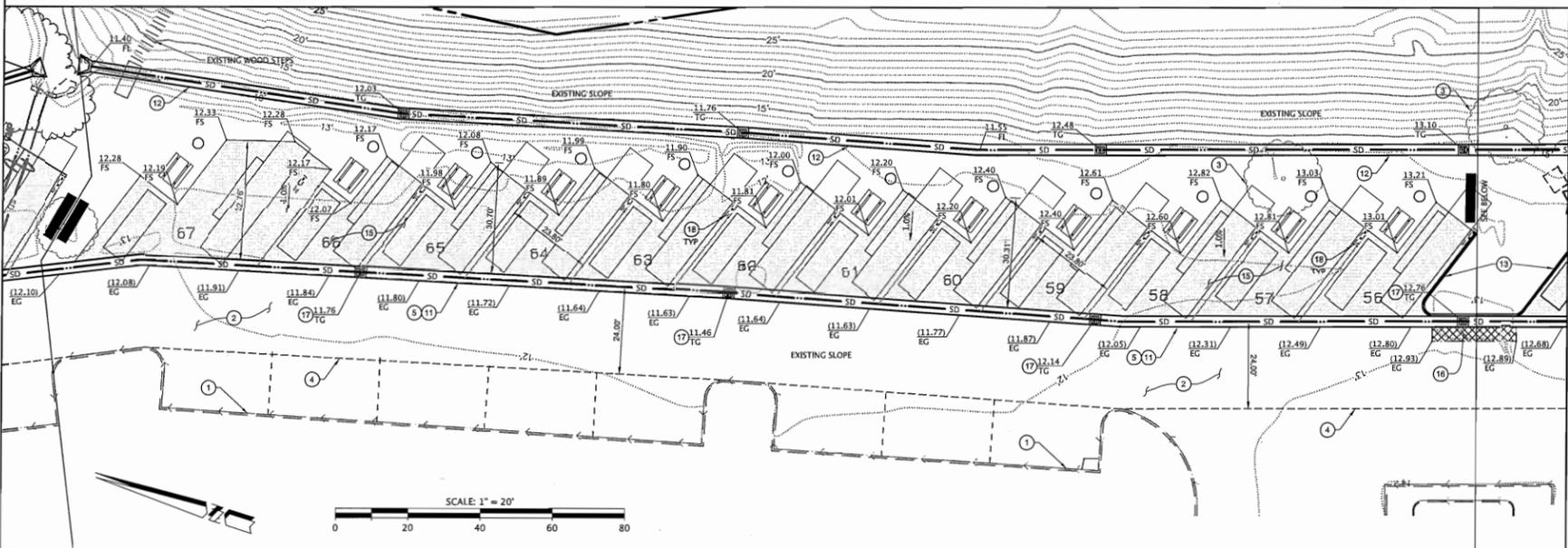
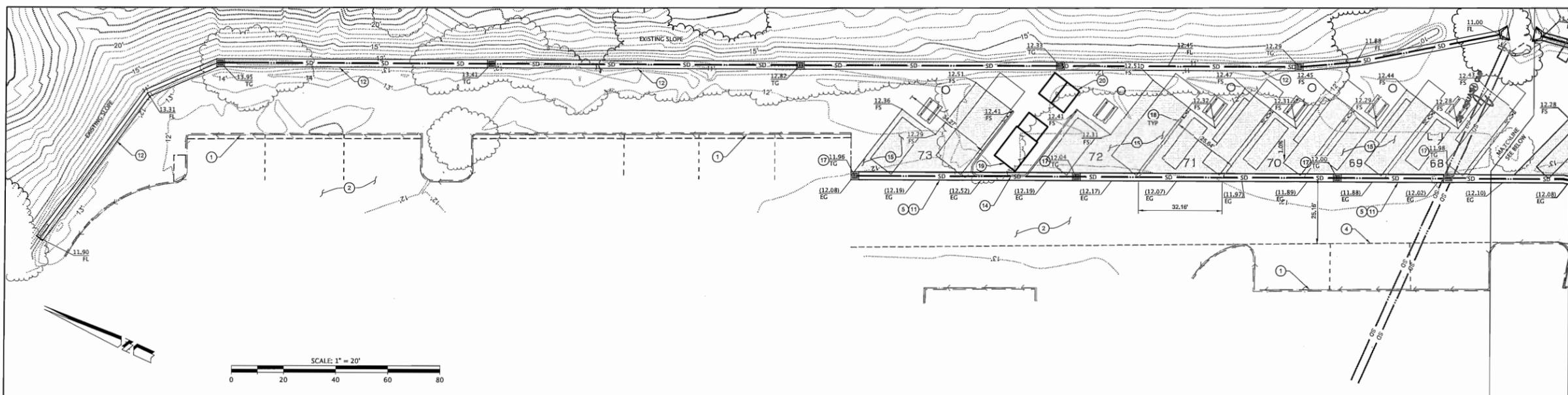
1. Fire safety during construction, alteration, and demolition of the project shall be in accordance with 2010 California Fire Code, Chapter 14.
2. Timing of Installation. When fire apparatus access roads or water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction. (CFC 501.4)
3. Premises Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street fronting the property. (CFC 505.1) Provide space numbers
4. Fire Access Roads. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and vertical clearance of not less than 13 feet 6 inches. (CFC 503.2.1)
5. Fire Protection Water Supplies-Hydrants and Water Mains. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to the premises upon which facilities, buildings or portions of buildings are constructed. (CFC 507)

EXHIBIT E

- a. Private fire service mains shall be installed in accordance with NFPA 24. (CFC 507.2.1)
 - b. Fire hydrant systems requirements shall be determined and comply with 2010 California Fire Code, Appendix C. (CFC 507.5)
6. General Means of Egress. The requirements specified in Sections 1003 through 1013 shall apply to all three elements of the means of egress system, in addition to those specific requirements for exit access, the exit and the exit discharge. (CFC 1003)
7. Occupant Load. In determining means of egress requirements, the number of occupants for whom means of egress facilities shall be determined. Where occupants from accessory areas egress through a primary space, the calculated occupant load for the primary space shall include the total occupant load of the primary space plus the number of occupants egressing through it from the accessory area. (CFC 1004.1)

PLANNING CONDITIONS

1. Applicant shall contact the Planning Division of the Public Services Department for a final inspection upon completion of the project.



- CONSTRUCTION NOTES**
- 1 EXISTING CURB AND GUTTER - PROTECT IN PLACE
 - 2 EXISTING A/C PAVING - PROTECT IN PLACE
 - 3 EXISTING TREE - PROTECT IN PLACE
 - 4 APPROXIMATE EDGE OF EXISTING DRIVE ISLE
 - 5 SAWCUT EXISTING PAVEMENT - REMOVE AND DISPOSE OF EXISTING MATERIAL
- NOTES 6 TO 10 NOT USED
- 11 CONSTRUCT 3' CONCRETE V-DITCH AT SAWCUT LINE PER DETAIL "A", SHEET 2
 - 12 CONSTRUCT 3' CONCRETE V-DITCH AT TOE OF SLOPE PER DETAIL "B", SHEET 2
 - 13 CONSTRUCT 6" CURB PER COUNTY OF SAN LUIS OBISPO STANDARD C-2A.
 - 14 CONSTRUCT 6" CURB PER DETAIL "C", SHEET 2
 - 15 CONSTRUCT PORTLAND CEMENT CONCRETE SLAB WITH THICKENED EDGE PER DETAIL "D", SHEET 2
 - 16 CONSTRUCT ASPHALT PAVEMENT TO MATCH EXISTING
 - 17 INSTALL DRAINAGE INLET PER UTILITY PLAN.
 - 18 CONSTRUCT UTILITY PIEDestal PER UTILITY PLAN.
 - 19 UTILITY VEHICLE STORAGE SHED (N.I.C.)
 - 20 MISCELLANEOUS STORAGE SHED (N.I.C.)

- LEGEND**
- SD STORM DRAIN LINE
 - FLOWLINE
 - EXISTING FLOWLINE
 - DAYLIGHT LINE
 - EXISTING MAJOR CONTOUR
 - EXISTING MINOR CONTOUR
 - PROPERTY LINE
 - STREET CENTERLINE
 - EXISTING BUILDING
 - (388.50) INDICATES EXISTING ELEVATION
 - X.XXX INDICATES FINISH SURFACE GRADE
 - [] INDICATES P.C.C. SLAB (PLAN VIEW)
 - [] INDICATES A.C. PAVEMENT (PLAN VIEW)

CAMPING SPACE TABLE

CAMPING SPACE #	DESCRIPTION
47	ADA ACCESSIBLE RV SPACE
48 - 66	STANDARD RV SPACE
67	ADA ACCESSIBLE RV SPACE
68 - 71	STANDARD RV SPACE
72 - 73	CAMP HOST RV SPACE

Plan Prepared By:

Ashley & Vance
ENGINEERING, INC.

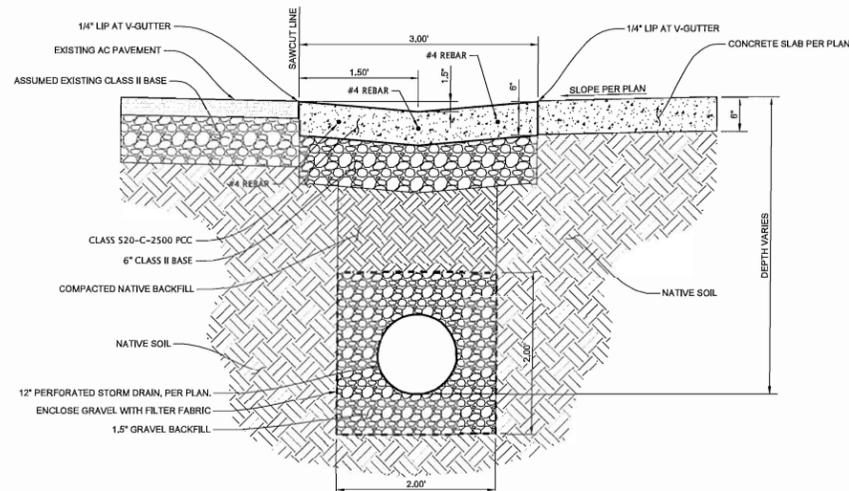
860 Walnut St., Suite C
San Luis Obispo, CA 93401

www.ashleyvance.com (805) 545-0010 • (323) 744-0010
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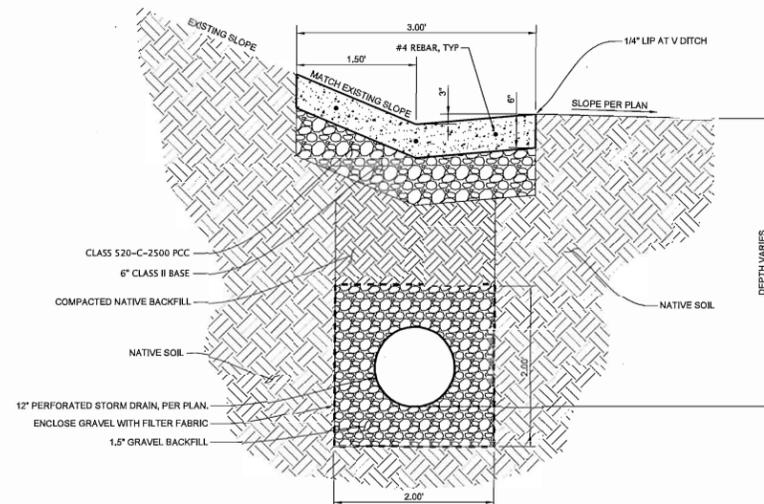
MORRO STRAND STATE PARK
RV CAMPSITE CONVERSION
SITE PLAN



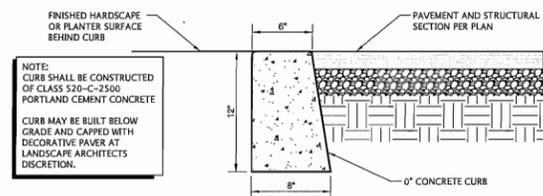
EXHIBIT E



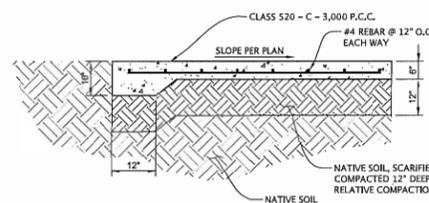
11 DETAIL "A": CONCRETE V GUTTER AT SAWCUT LINE SCALE: NTS



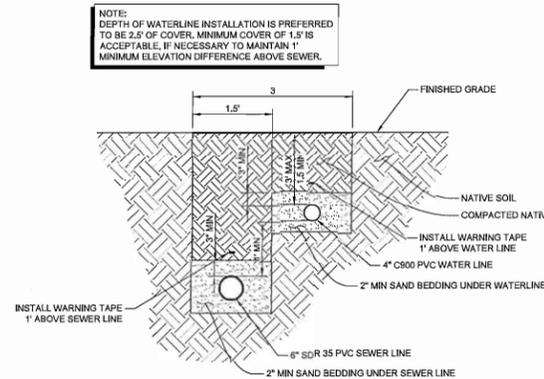
12 DETAIL "B": CONCRETE V GUTTER AT SLOPE SCALE: NTS



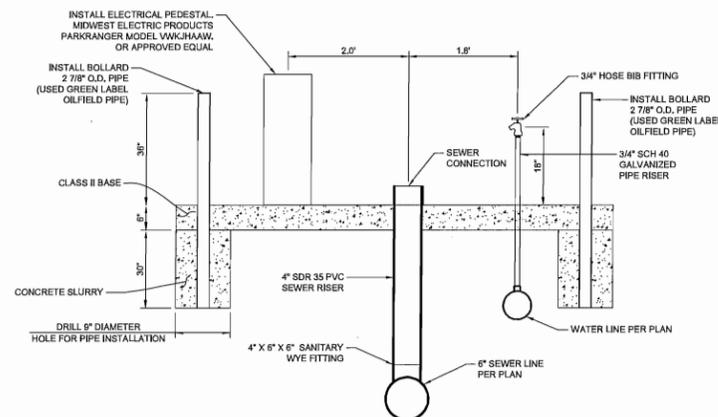
14 DETAIL "C": 0" CURB SCALE: NTS



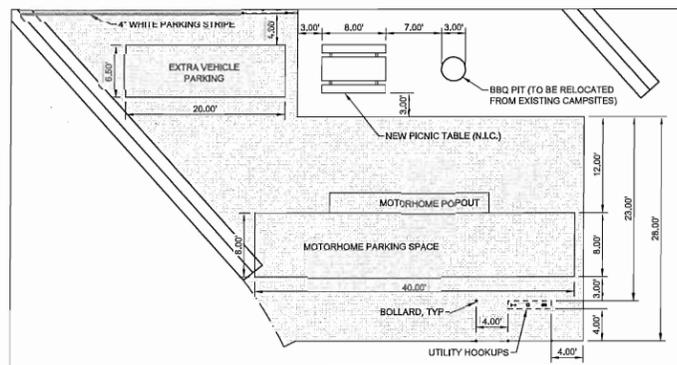
16 DETAIL "D": CONCRETE SLAB WITH THICKENED EDGE SCALE: NTS



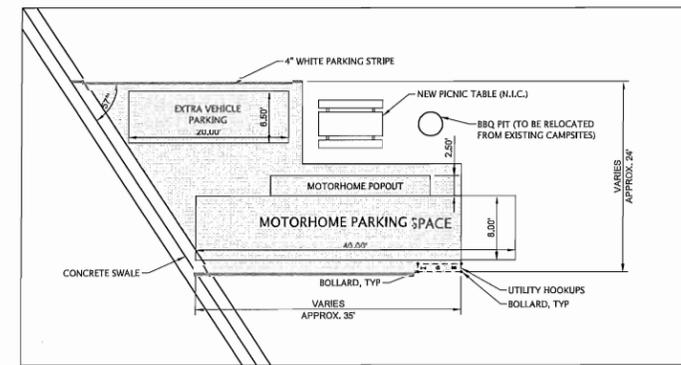
17 DETAIL "E": UTILITY TRENCH DETAIL SCALE: NTS



15 DETAIL "F": TYPICAL UTILITY HOOKUP SCALE: NTS



18 DETAIL "G": TYPICAL ACCESSIBLE RECREATIONAL VEHICLE CAMP SPACE DIMENSIONS SCALE: 1" = 10'



19 DETAIL "H": TYPICAL RECREATIONAL VEHICLE CAMP SPACE DIMENSIONS SCALE: 1" = 10'

REVISION	DATE	DESCRIPTION	APPROVED	DATE
REVISION 1	NOV 07			

NOTE 2

TYPE "C" CONCRETE CURB

NOTES:

- ROADWAY STRUCTURAL SECTION PER PLAN OR AS EXISTING.
- CONCRETE CURB SHALL CONFORM TO STATE STANDARD 90-1.01, 820 LBS OMENTITIOUS MATERIAL PER CUBIC YARD (3-1/2 BAG). EXTRUDED CURB SHALL CONFORM TO STATE STANDARD 78-1.01. CONCRETE CURING SHALL BE BY PERMITTED CURING COMPOUND METHOD USING WHITE PIGMENT TYPE.
- 6" MINIMUM CLASS II AGGREGATE BASE TO 95% RELATIVE COMPACTION OR MATCH BASE THICKNESS REQUIREMENT FOR NEW OR EXISTING ROAD SECTION, WHICHEVER IS GREATER.
- 12" MINIMUM SUBGRADE TO 95% RELATIVE COMPACTION.
- SUBGRADE AND AGGREGATE BASE COMPACTION REQUIREMENTS SHALL EXTEND TO THE BACK OF CURB OR TO THE BACK OF ATTACHED SIDEWALK (WHICHEVER CONDITION IS APPLICABLE).
- PAVEMENT WIDTH MEASURED FROM ROAD CENTERLINE TO THIS POINT.
- 1/2" x 18" LONG GREASED SMOOTH DOWELS (Ø) SHALL BE CONSTRUCTED AT ALL EXPANSION JOINTS PER STANDARD DRAWING C-1.
- EXPANSION JOINTS SHALL BE CONSTRUCTED AT 30-FEET MAXIMUM INTERVALS, AT ENDS OF ALL CURB RETURNS, AND EACH SIDE OF DRIVEWAY DEPRESSIONS. THE INTERVALS BETWEEN EXPANSION JOINTS SHALL VARY TO ALLOW MATCHING OF JOINTS ADJACENT EXISTING IMPROVEMENTS WHEN APPLICABLE PER STANDARD DRAWING C-1.
- WEAKENED PLANE JOINTS SHALL BE CONSTRUCTED AT 10-FEET MAXIMUM INTERVALS PER STANDARD DRAWING C-1. THE INTERVALS BETWEEN EXPANSION JOINTS SHALL VARY TO ALLOW MATCHING OF JOINTS ADJACENT EXISTING IMPROVEMENTS WHEN APPLICABLE.
- UNDER NO CIRCUMSTANCES SHALL UTILITY LIDS AND CONCRETE COLLARS BE LOCATED WITHIN THE TOP OF CURB.

DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION

TYPE "C" CONCRETE CURB

Scale: NTS, Adopted: 2011, Drawing No: C-2a, Sheet No: 1 of 1

Plan Prepared By:

Ashley & Vance
ENGINEERING, INC.

860 Walnut St., Suite C
San Luis Obispo, CA 93401

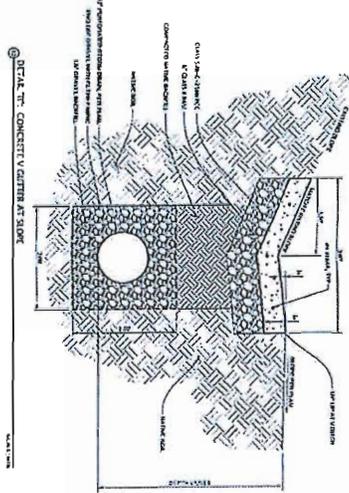
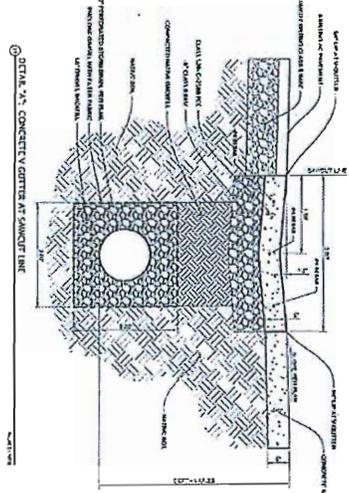
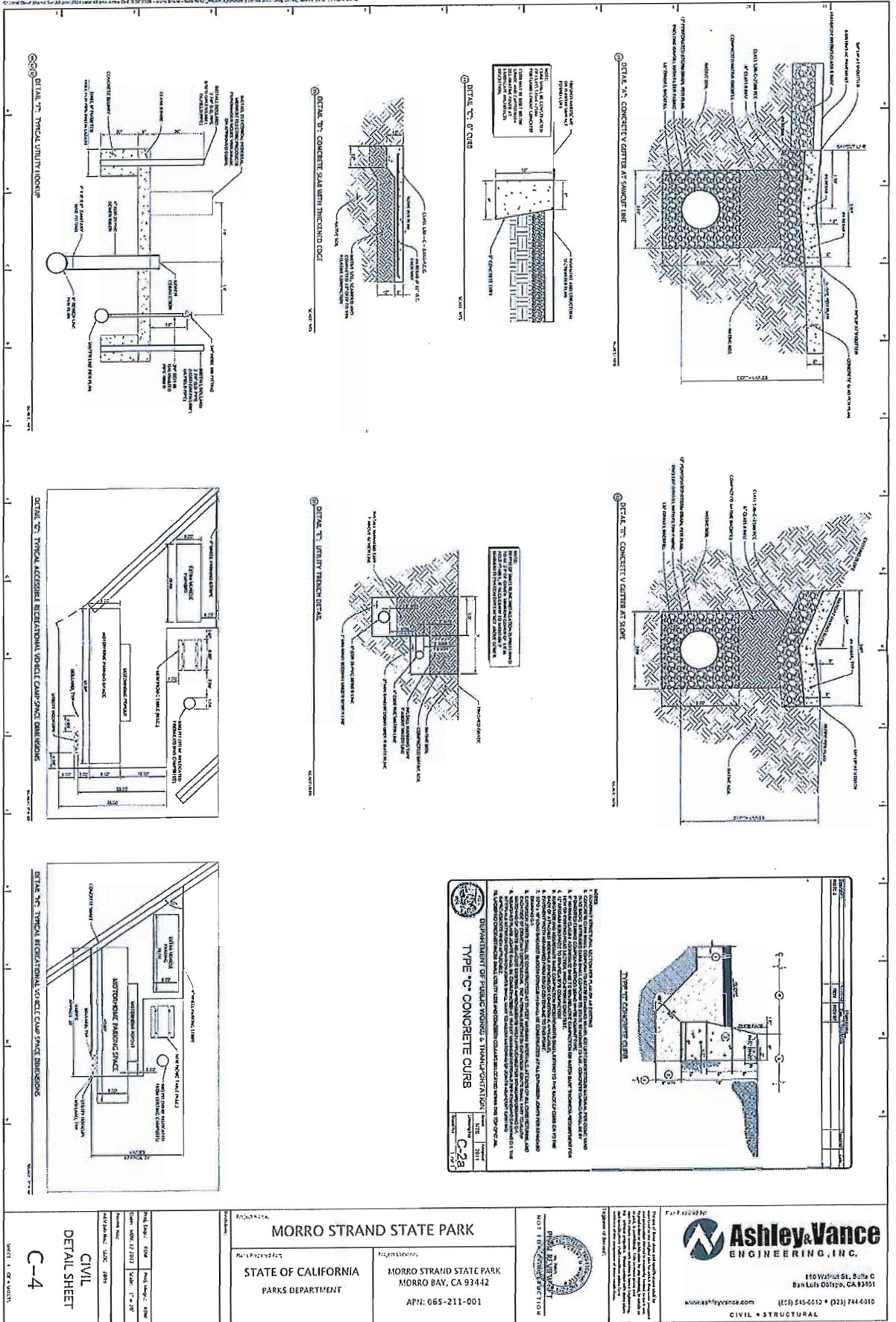
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MORRO STRAND STATE PARK RV CAMPSITE CONVERSION DETAIL SHEET

Project Name:



EXHIBIT E



TYPE 'C' CONCRETE CURB

1. 12" MIN. CONC. CURB

2. 12" MIN. CONC. CURB

3. 12" MIN. CONC. CURB

4. 12" MIN. CONC. CURB

5. 12" MIN. CONC. CURB

6. 12" MIN. CONC. CURB

7. 12" MIN. CONC. CURB

8. 12" MIN. CONC. CURB

9. 12" MIN. CONC. CURB

10. 12" MIN. CONC. CURB

11. 12" MIN. CONC. CURB

12. 12" MIN. CONC. CURB

13. 12" MIN. CONC. CURB

14. 12" MIN. CONC. CURB

15. 12" MIN. CONC. CURB

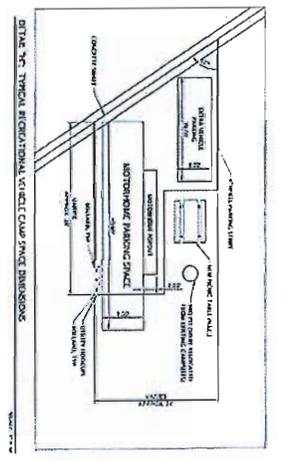
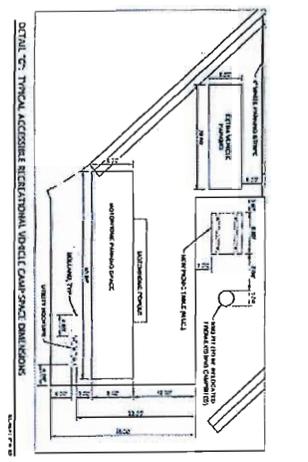
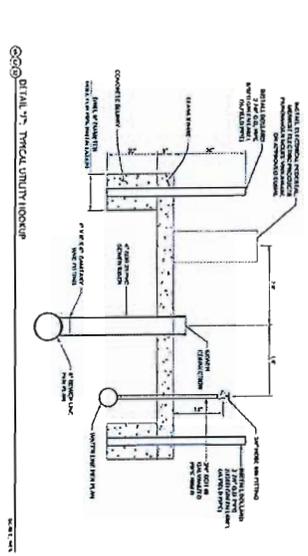
16. 12" MIN. CONC. CURB

17. 12" MIN. CONC. CURB

18. 12" MIN. CONC. CURB

19. 12" MIN. CONC. CURB

20. 12" MIN. CONC. CURB



MORRO STRAND STATE PARK

STATE OF CALIFORNIA
PARKS DEPARTMENT

MORRO STRAND STATE PARK
MORRO BAY, CA 93442
APN: 065-211-001

Ashley & Vance
ENGINEERING, INC.

840 Walnut St., Suite C
San Luis Obispo, CA 93401
(805) 545-0510 • (805) 744-6100
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Morro Strand Campground

Your space # _____

To
↑
Highway 1

Kiosk

Day Use Area

Proposed Layout



Legend

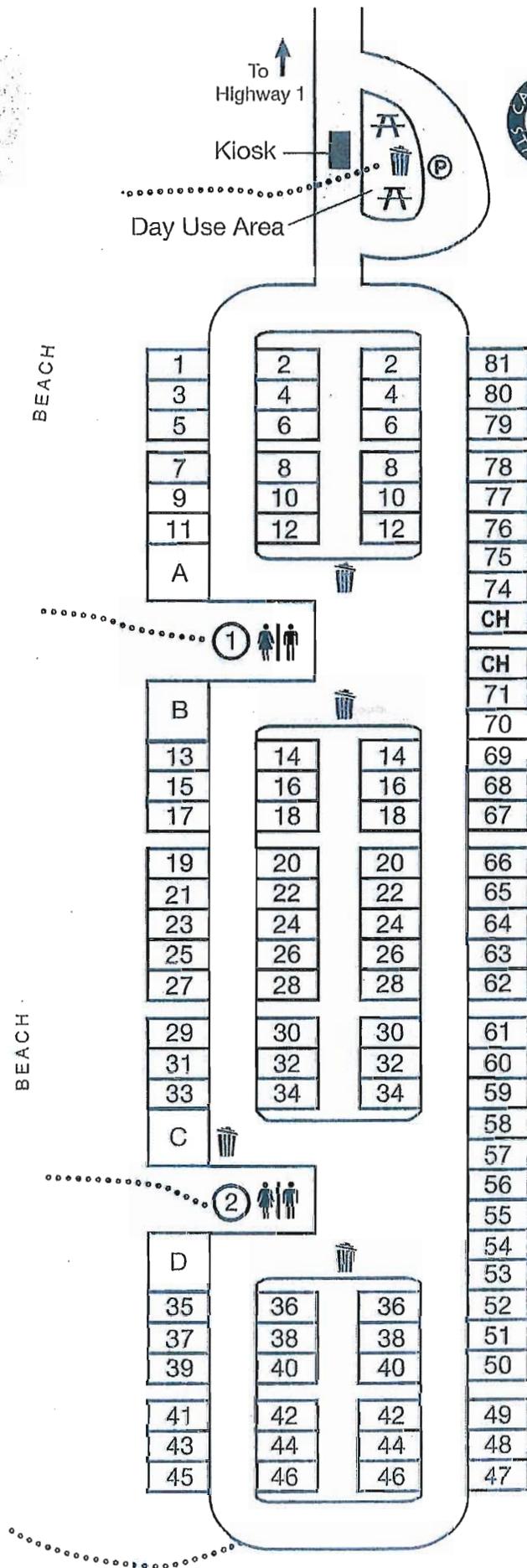
- Restrooms
- CH** Camp Host
- Picnic Area
- P** Parking
- Trail
- Trash Cans
- 1 - 46 Campsites 24ft or less
- 47 - 71 Campsites 30ft-40ft & A-D

Pacific Ocean

BEACH

BEACH

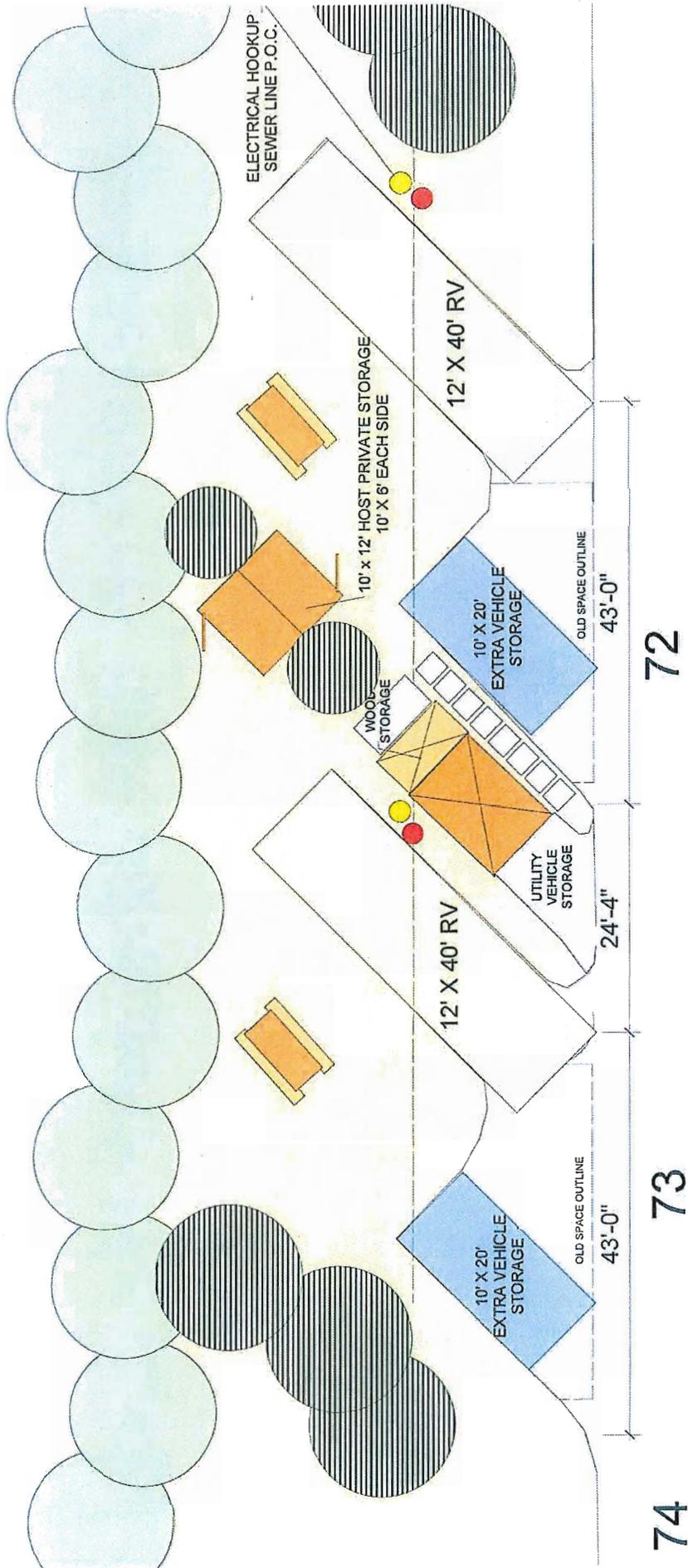
Project Area



For Emergencies
Dial **9-1-1.**

EXHIBIT E

Exhibit E



PROPOSED CAMP HOST PROJECT
MORRO STRAND STATE PARK





CAMP HOST

CAMP HOST

EXISTING RESTROOM

EXISTING RESTROOM



MORRO STRAND RV PROPOSAL

2 CAMP HOSTS
25 RV SITES

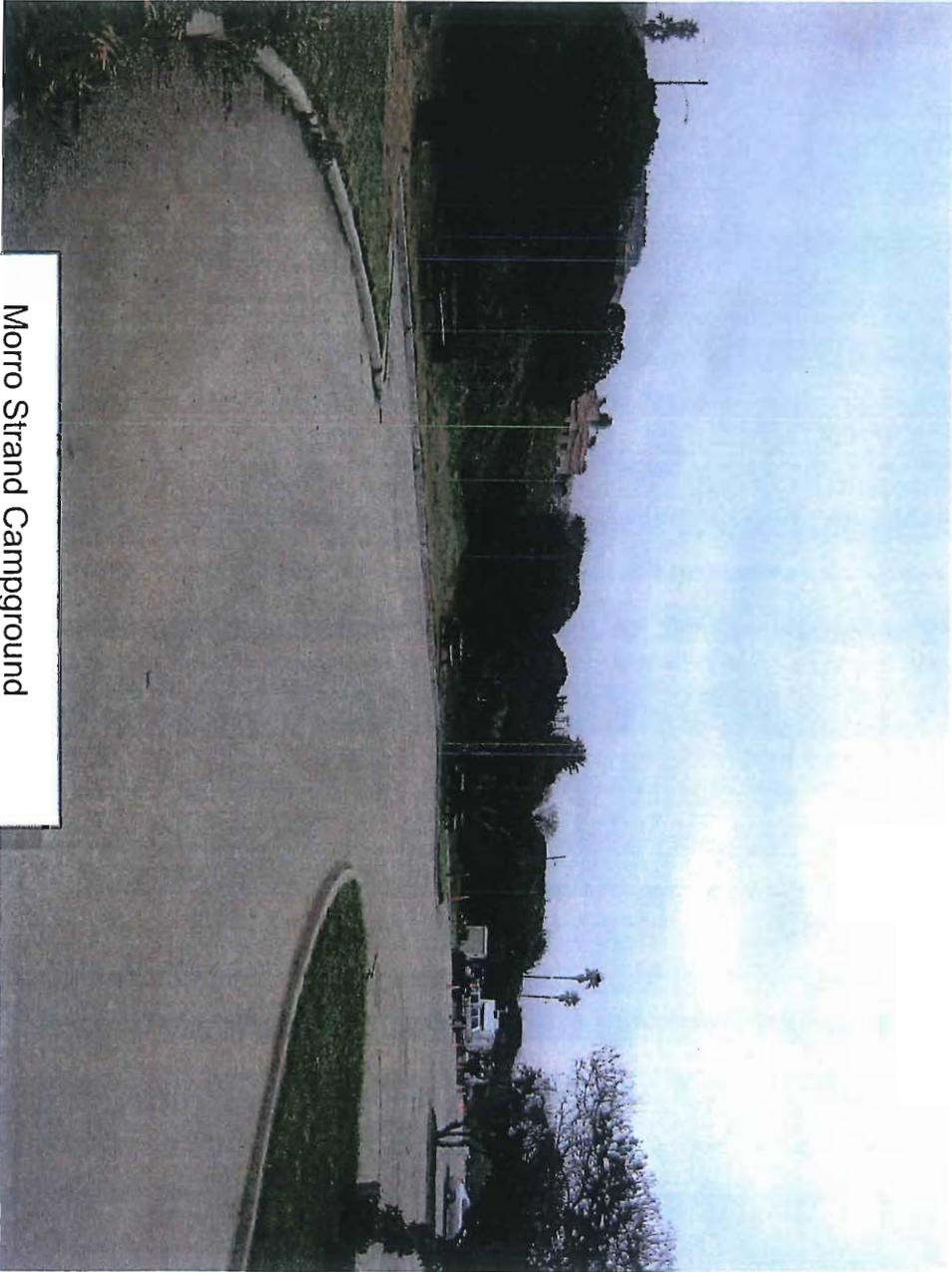


0 150 300



Morro Strand Campground
North View showing cut slope
below Beachcomber St

EXHIBIT E



Morro Strand Campground
South view from main entrance.
Note RV site below grade & out
of viewshed from residence
above.

EXHIBIT E



Morro Strand Campground
South View of campsite sites

EXHIBIT E



Morro Strand Campground
West view from Beachcomber st
Note diseased Myoporum and
viewshed impacts from trees

EXHIBIT E

Morro Strand State Beach
West view from east side of
Beachcomber St. Note viewshed
impact from trees.



EXHIBIT E



Morro Strand Campground
North view showing campsite
sites. Note RV height below
grade & out of viewshed from
residences above.



State of California • Natural Resources Agency

Edmund G. Brown Jr., Governor

DEPARTMENT OF PARKS AND RECREATION

Major General Anthony L. Jackson, USMC (Ret), Director

San Luis Obispo Coast District
750 Hearst Castle Road
San Simeon, CA 93452
(805) 927-2065 telephone
(805) 927-2031 fax

February 26, 2013

Kathleen Wold
Senior Planner
Public Services Department
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

Subject: Biological Description for Morro Strand Coastal Development Permit
application CP0-390

Dear Ms. Wold:

Although Morro Strand State Beach (Strand) is predominately characterized by coastal dune, strand, and dune wetland habitats, the campground at the Strand contains little, if any, of these sensitive habitats. The proposed campsite conversion located on the easterly side of the Beach campground will occur entirely on the existing footprint of the current campsites. The sites have been used for camping since the early 1980's and have had few improvements. The original site was constructed as a day use parking lot.

Very little vegetation occupies the area proposed for campsite realignment. The extant plant community would be classified as ruderal consisting of introduced plant species. Common species include iceplant (*Carpobrotus edulis*), buckhorn plantain (*Plantago coronopus*), myoporum (*Myoporum laetum*), sour grass (*Oxalis pes-caprae*), kikuyu grass (*Pennisetum clandestinum*), and radish (*Raphanus sativus*). One highly invasive plant occurs on site, spiny threecornerjack (*Emex spinosa*), currently being monitored and controlled by state park resource staff. The existing drainage ditch at the toe of slope has been manually cleared on an annual basis to facilitate drainage and sustains limited cover by introduced plant species.

Myoporum and Monterey cypress (*Cupressus macrocarpa*) are the only tree species located in the campground. Recent weather patterns have promoted a significant increase in myoporum thrips that have deleteriously affected the health of the species in the park (Plant "die back" has occurred on the nearby Cal Trans Right-of-Way as well.). The project proposes to replace some of the myoporum that may be removed with native tree/shrub species such as arroyo willow (*Salix lasiolepis*) that naturally occurs in the dune system.

EXHIBIT E

Kathleen Wold
Page 2
February 26, 2013

As the proposed project does not expand the footprint of the existing camping area, the project will not have any impact to sensitive species or habitat. The project will not disturb coastal dune or strand habitat, located to the west of the campground, or the riparian habitat located southerly of the campground. Adjoining Alva Paul Creek, known habitat for the federally listed California red-legged frog (*Rana draytonii*), will not be affected by the project. As the project footprint is limited to the easterly (inland) side of the campground, the proposed project will not impact the coastal dune community. Concomitantly, the project will not affect nesting habitat for the federally listed Western snowy plover (*Charadrius nivosus nivosus*). Currently, the dune system is fenced off separating westerly side of the campground from sensitive habitat. Access corridors are established and signed, and Western snowy plover habitat is fenced and monitored during the nesting season. As part of the Department's Natural Resource Program, these sensitive habitats have been restored and are being managed by ongoing state park natural resource projects.

As stated above, no impacts to sensitive species or habitat will occur as a result of this proposed project. Thank you for the opportunity to address any extant biological issues. Please do not hesitate to contact me if you have any questions.

Sincerely,



Vincent Cicero
Senior Environmental Scientist

cc: Cindy Jacinth, Assistant Planner, City of Morro Bay
Nick Franco, District Superintendent

EXHIBIT E

Exhibit I

RECEIVED

FEB 28 2013

City of Morro Bay
Public Services Department

February 28, 2013

To: Morro Bay Planning Commission

Re: Application from State Parks for Improvements to Morro Strand Campground

We would like to introduce some observations and comments about the State Parks proposal to improve/expand the Morro Strand State Beach Campground. In general, we support modest, environmentally and people-sensitive improvements to the park and campground. We also support public access to coastal resources, and some of our comments and thoughts result from what we perceive as a conflict between unfettered public access and paid campground uses that State Parks may be perpetuating by this proposal.

We had a brief opportunity to look at the contents of the file at the Planning Department, and spoke briefly with the applicant about a couple of our concerns. We appreciate the willingness of both Cindy Jacinth and Doug Barker to discuss these concerns in person.

The proposed site improvements are closer to our properties than any other adjoining properties along Beachcomber Drive. We (as well as many others along Beachcomber Drive) operate very popular vacation rentals that bring hundreds of people to Morro Bay each year, along with their vacation spending and occupancy taxes. We also enjoy our homes as residents as much as possible, so we are very aware of the campground and the effect it has on our properties and businesses. In short, we believe the project as proposed could have significant impacts on both, and urge the City to consider our comments in their deliberations. Our specific comments are listed below:

Change/Increase in Use: The application seems to represent this project as a simple conversion of existing campsites to the same number of larger campsites. While the map of existing camping "sites" shows that, these sites are not really used as individual sites at all. They are 10-foot by 20-foot paved parking stalls, which are rarely if ever full. In fact, the campground as a whole is rarely if ever full, and more regularly it seems to be virtually empty. We question whether the overall business model for this site is realistic, given how it is used and managed currently. We would ask that State Parks provide more revenue and user information on this and their other nearby facilities that demonstrates there is a current shortage of larger camp sites or revenue in general that requires immediate attention, and any alternative ways to address those shortfalls. For instance, today with apparently few changes they could allow larger vehicles to park parallel to the slope, entirely within the paved areas. If such a test reveals that these sites are in demand to the point where they are running out of availability, then it would seem appropriate to increase the number of larger campsites. Further, rather than expanding the facilities now for a select few users who are able to purchase very large and expensive rigs, why not consider the entire site in a master plan that looks to make improvements to facilities and address existing deficiencies across the board? State Parks must be aware that there are quite a few negative comments about this campground because it is "camping in a parking lot" and not a quality experience other than its' proximity to the beach. As you know, the site was a day use area long before it was a campground. We don't know what the decision process was in the conversion to a campground, but maybe that decision should be reconsidered as well. A comprehensive master plan would allow the

EXHIBIT E

February 28, 2013

Page 2

public to weigh in more thoroughly, and ensure these concerns as well as others listed here are vetted completely before such an investment of public funds is made.

Parking: State Parks does not currently provide sufficient space for public and overflow parking for the uses this campground and beach support, and that lack of parking impedes public access and enjoyment of Beachcomber Drive. Beachcomber Drive is a hugely popular street for pedestrians, dog walkers, bicycles and sightseers. Daily, winter and summer, there is an endless stream of non-motorized uses including many disabled users in wheelchairs, walkers, recumbent bikes and other personal mobility devices. These users come from all over the Beach Tract and the opposite side of Highway 1 because of the views, and the level and accessible roadway. We support and encourage expansion of these public uses, and support future bicycle improvements that are planned in the City's Bicycle Master Plan.

Public parking is necessary to this popular beach, but the State provides just a few spots at the entrance. This leaves everyone else to park along the road, climb down the slope, and walk through the campground to reach the beach, creating erosion and water quality issues. The layout of the proposed campsites creates a wall of large vehicles which will make that prospect even more difficult. The result will be more people parking along the street adjacent to our homes and businesses, where the only stairway exists leading down the slope to the campground.

The handout given to campers by State Parks staff encourages campers with additional vehicles to park them along Beachcomber Drive. While it is a city street and parking is allowed, campers use that opportunity to save money and park for extended periods of time on the street. Savvy campers may roll their vehicle to a new spot a few feet away before the 72-hour parking limit is up. In any case, a State Parks policy of encouraging offsite parking is inconsistent with their stated desire to increase revenue. Further, providing only one parking spot for a separate vehicle for each large campsite is insufficient, and longer-term campers will have even less willingness to pay extra vehicle fees. This will force even more vehicles onto Beachcomber Drive.

We believe that the use of Beachcomber Drive as an overflow parking lot for the campground will increase, as will the concentration and frequency of parking directly in front of our homes and businesses. City Code requires that onsite parking be provided in conjunction with any other commercial business. We have to provide it for our vacation rental, and we discourage our guests from parking on the street. We believe that State Parks should be required to provide sufficient parking for all public uses (day use and paid campground) in conjunction with expansion of the camping facilities, and stop encouraging campers to park offsite. This will improve access by the public to the State Beach, reduce conflicts between day users and campers, and improve access to the views and safety of Beachcomber Drive for the thousands of public users who enjoy it free of charge as a spectacular coastal promenade.

Lighting: The application seems to include a reference to new lighting associated with these campsites. We could not find any locations or details of lighting on the plans in the file. We would ask the Planning Commission to not approve any new lighting sources west of Beachcomber Drive. New lighting in that area would be inconsistent with the overall public enjoyment of coastal views.

EXHIBIT E

February 28, 2013

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Further, the existing lighting on the restroom buildings is not shielded, and casts a glare directly into the windows of all the homes on Beachcomber. This is noticeable and distinct from the intersection lights on the street. We would ask that State Parks be required to shield all existing lighting in the campground, consistent with best practices in other areas.

Noise/Odors: The proposed campsites are directly in front of our properties. Each of these large vehicles has a generator, and all of them will be running at about the same time for cooking, TV watching, etc. We would like the City to request more information on possible noise and odor impacts, and how those will be mitigated.

Visual: Separate from the lighting, we are concerned about the layout and visual impact of the proposed sites. The application suggests that there will be no impact, or any impacts will be mitigated by some tree removal and removal of a pole. This doesn't seem sufficient to us. The sheer number of the large RV sites seems inconsistent with enjoyment of a coastal view. What the walkers along the Beachcomber promenade will see is the top side of 25 or more diesel pushers, stacked up like a mobile home park. We ask that the Planning Commission consider additional ways to shield this view from the public who currently enjoy the view from Beachcomber Drive at no charge. Further, these vehicles are very large and very tall, and our opinion is that they will project above the top of bank view line from the residences along Beachcomber. We would like to see State Parks develop cross sections and alternative mitigation showing how that will be shielded from view.

Other: We often witness campers flying tall flags or kites in the parking lot below us. The public is prohibited from flying kites on the beach as it is a habitat for the Snowy Plover, so we don't understand why campers who pay to be there are allowed to fly flags or kites at all. This should be corrected in any proposed improvement to the site.

We hope that our comments are considered in the spirit intended; that of working as partners in this neighborhood to ensure that everyone's use and enjoyment of the coast is valued and protected.

Thanks for your consideration.

Sincerely,

Wally Auerbach and Cindy Gustafson, 3200 Beachcomber Drive

Fred and Candi Wickman, 3198 Beachcomber Drive

C: Doug Barker, via email to dbarker@hearstcastle.com

EXHIBIT F

AGENDA ITEM: A- 1

DATE: April 3, 2013

ACTION: APPROVED

SYNOPSIS MINUTES - MORRO BAY PLANNING COMMISSION
REGULAR MEETING – MARCH 6, 2013
VETERANS MEMORIAL HALL – 6:00 P.M.

Chairperson Grantham called the meeting to order at 6:00 p.m.

PRESENT:	Rick Grantham	Chairperson
	John Solu	Vice-Chairperson
	(via teleconference Haiku, HI)	
	John Fennacy	Commissioner
	Michael Lucas	Commissioner
	Robert Tefft	Commissioner
STAFF:	Rob Livick	Public Services Director
	Kathleen Wold	Planning Manager
	Cindy Jacinth	Assistant Planner

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS

PUBLIC COMMENT

Chairperson Grantham opened Public Comment period and hearing none, closed Public Comment period.

PRESENTATIONS – None.

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

A. CONSENT CALENDAR

A-1 Approval of minutes from Planning Commission meeting of February 6, 2013
Staff Recommendation: Approve minutes as submitted.

MOTION: Commissioner Fennacy moved to approve the Consent Calendar.

Commissioner Tefft seconded and the motion passed unanimously. (5-0).

EXHIBIT F

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION REGULAR MEETING – MARCH 6, 2013

Commissioner Lucas made a correction to the minutes. He asked that his comment on page 6 be changed from “future development *would* negatively impact” to “*could* negatively impact.”

Commissioners Fennacy and Tefft approved the correction.

B. PUBLIC HEARINGS

B-1 *Continued from February 6, 2013 meeting*

Case No.: Coastal Development Permit #CP0-382

Site Location: *nearest address* 2990 Alder

Proposal: Request to install a 29 foot wood pole in public right-of-way for purpose of installation of a solar-powered data collector unit for the Advanced Meter project.

CEQA Determination: Categorically exempt, Class 3

Staff Recommendation: Continue item to April 3, 2013.

Staff Contact: Cindy Jacinth, Assistant Planner, (805) 772-6577

B-2 *Continued from February 6, 2013 meeting*

Case No.: Coastal Development Permit #CP0-383

Site Location: *nearest address* 499 Little Morro Creek Road

Proposal: Request to install a 29 foot wood pole in public right-of-way for purpose of installation of a solar-powered data collector unit for the Advanced Meter project.

CEQA Determination: Categorically exempt, Class 3

Staff Recommendation: Continue item to April 3, 2013.

Staff Contact: Cindy Jacinth, Assistant Planner, (805) 772-6577

B-3 *Continued from February 6, 2013 meeting*

Case No.: Coastal Development Permit #CP0-384

Site Location: *nearest address* 781 Quintana. This location is located in the Coastal Commission Appeals Jurisdiction.

Proposal: Request to install a 29 foot wood pole in public right-of-way for purpose of installation of a solar-powered data collector unit for the Advanced Meter project.

CEQA Determination: Categorically exempt, Class 3

Staff Recommendation: Continue item to April 3, 2013.

Staff Contact: Cindy Jacinth, Assistant Planner, (805) 772-6577

B-4 *Continued from February 6, 2013 meeting*

Case No.: Coastal Development Permit #CP0-385

Site Location: *nearest address* 255 Driftwood

Proposal: Request to install a 29 foot wood pole in public right-of-way for purpose of installation of a solar-powered data collector unit for the Advanced Meter project.

CEQA Determination: Categorically exempt, Class 3

Staff Recommendation: Continue item to April 3, 2013.

Staff Contact: Cindy Jacinth, Assistant Planner, (805) 772-6577

B-5 *Continued from February 6, 2013 meeting*

Case No.: Coastal Development Permit #CP0-388

Site Location: *nearest address* 300 Kings

EXHIBIT F

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION REGULAR MEETING – MARCH 6, 2013

Proposal: Request to install a 29 foot wood pole in public right-of-way for purpose of installation of a solar-powered data collector unit for the Advanced Meter project.

CEQA Determination: Categorically exempt, Class 3

Staff Recommendation: Continue item to April 3, 2013.

Staff Contact: Cindy Jacinth, Assistant Planner, (805) 772-6577

Chairperson Grantham opened Public Comment period and hearing none, closed Public Comment period.

MOTION: Chairperson Grantham moved to continue Items B-1 through B-5 to the April 3, 2013 Planning Commission meeting.

The motion was seconded by Commissioner Lucas. Livick conducted a roll call vote and the motion passed unanimously. (5-0).

B-6 **Case No.:** Coastal Development Permit #CP0-390

Site Location: Morro Strand Campground, 065-211-001

Proposal: Request to upgrade 25 existing campsites to include recreational vehicle hookups in order to modernize services as well as increase visitation and revenue.

CEQA Determination: Categorically exempt, Class 1

Staff Recommendation: Conditionally approve.

Staff Contact: Cindy Jacinth, Assistant Planner, (805) 772-6577

Jacinth presented the staff report.

Commissioner Fennacy asked staff if there are any provisions to renovate or improve the restrooms at the campground. Jacinth stated that is not part of this proposal.

Livick clarified the applicant is only requesting a Coastal Development Permit. The project is brought forward by a state agency, and since the state is a superior agency, the City does not have authority over the building permit or use permit. As such, Livick requested that Standard Condition 8 regarding the approval of building plans be stricken from the motion.

Nick Franco, Applicant, stated the goal of this project is to increase visitation and revenue so the park is safer from the threat of park closures and budget cuts in the future. He stated the proposal is not a camp rehabilitation project, as funds are not available for this purpose. He addressed the following issues:

- Parking – Franco stated he is open to proposals for addressing parking issues on Beachcomber Drive.
- Viewsheds – Regarding slope and vegetation, Franco stated he was willing to accept conditions pertaining to height in order to address these issues.
- Access – The State will be working to resolve this issue but it is not part of the current proposal.

EXHIBIT F

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION REGULAR MEETING – MARCH 6, 2013

- Noise – Franco noted there are currently restrictions on allowable hours of operation for generators. He stated the proposal to provide full utility hook-ups will eliminate the need for generators, and this will mitigate the noise issue.

Chairperson Grantham opened Public Comment period.

Fred Wickman, resident of Morro Bay, asked for clarification regarding how often the campground is at full capacity. He spoke about the following issues:

- Visual – He would like the City to apply conditions to the project with respect to vegetation. He suggested adding screening vegetation between campsites.
- Parking – Parking is an issue for residents, as campground users are parking on Beachcomber Drive instead of in the designated parking lot. Wickman suggested converting some of the campsites to parking and lowering the parking fees at the park.
- Access – He would like public access improved leading to the beach by adding access to both the north and south ends of the campground.

Mark Starbol, resident of Morro Bay, expressed concern that the State is spending money unnecessarily. He stated the previous upgrades made to the campground are sufficient.

Lara Pick, resident of Morro Bay, stated she would like clarification regarding parking regulations along Beachcomber Drive. She expressed concern that RVs parked there block her view.

Steve Seamus, resident of Morro Bay, asked the Applicant how many State parks are located adjacent to residential areas. He expressed concern that the upgrades would not provide enough of a buffer between the campground and the adjacent residential area. He also stated parking is an issue and the City should work to better enforce the vehicle height limit along Beachcomber Drive.

Keith Taylor, resident of Morro Bay, expressed concern that the vegetation at the campground has exceeded the allowable height.

Barry Branin, resident of Morro Bay, stated the 25 upgraded sites are the equivalent of adding 25 new homes and therefore suggested the City collect impact fees from campground users in order to offset some of the infrastructure costs in the City.

Harold Wiebenga, resident of Morro Bay, stated he would like the park closed. He stated the smell coming from the campfires is a nuisance and he would like it to be “smokeless.”

Chairperson Grantham closed Public Comment period.

Commissioner Solu asked staff if the proposed project would increase the number of campsites at the park. Jacinth clarified the number of campsites would stay the same, but the sites would be upgraded to accommodate larger vehicles and provide full RV hookups. The purpose of the upgrade is to increase the amenities and recreational opportunities for campers and to make it a

EXHIBIT F

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION REGULAR MEETING – MARCH 6, 2013

more desirable campground. Solu asked if the campground had any original landscaping conditions that are not currently being met. Jacinth stated the campsite has existed since the 1980s and City records do not show information regarding the original conditions. City records also show that the campground was originally a day use parking lot.

Chairperson Grantham asked staff if the City would benefit financially from the proposed upgrades. Livick stated the City does not receive revenue or transient occupancy taxes from this campground, however, he also noted it is the City Council's goal to keep the campground open.

Chairperson Grantham asked staff if RV parking is allowed on Beachcomber Drive. Livick clarified RVs are prohibited from parking on Beachcomber as well as on other streets in the beach tract.

Chairperson Grantham asked the Applicant if the hook-up fee is the same at all of the state parks. Franco stated the State has established a fee schedule which specifies a range of fees for the entire State park systems, but the fees at Morro Strand Campground are the same as those at Morro Bay State Park.

Commissioner Tefft asked about the level of occupancy of the campground during the summer. Franco stated it varies but the park is usually full in the springtime and summer.

Commissioner Tefft asked if the proposal would increase revenue for the City. Franco stated there are two ways in which it would increase revenue: 1) hook-up campsites cost more than standard campsites; and 2) the improved campsites would increase visitation in the off season.

Commissioner Tefft asked about the restroom that is currently closed. Brook Guteras, Applicant's representative, clarified the back restroom is closed for seasonal closures when there is low occupancy and will re-open when demand increases.

Commissioner Tefft asked about the potential red legged frog habitat at the campground. Vince Cicero, Applicant's senior environmental scientist, provided a detailed environmental description of the campground. He stated surveys have been conducted and the only places in the City where red legged frogs are occurring is in Alva Paul Creek and at the wetlands just west of the Cloisters development.

Commissioner Solu asked about parking regulations at the park. Franco stated the existing parking regulations are standard for California State Parks, which allow for two vehicles per campsite. Franco stated not all park users bring multiple vehicles at a time.

Commissioner Lucas asked Franco if he expected park users to stay longer with the proposed hook-up availability. Franco stated it is likely that visitors will take advantage of the hook-ups in the off-season. Lucas discussed with Franco the proposed amenities for RV users.

Commissioner Lucas asked Franco if regulations vary based on location. Franco stated the State does have the authority to set different rules and regulations for occupancy.

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Commissioner Lucas asked if Morro Strand has a dump station. Franco clarified park users currently use the dump station at Morro Bay State Park, but the upgrade will include sewer hook-ups at each campsite. There would also be electric and water hook-ups.

Chairperson Grantham asked about vegetation at the campground. Franco stated the State would like to replace the existing trees with low-lying vegetation that requires less maintenance.

Commissioner Tefft asked if the existing restrooms are ADA compliant. Franco explained the State has a plan to eventually upgrade all restrooms to make them ADA compliant.

Commissioner Lucas noted the visual simulation appears to illustrate the southernmost campsite to be in the vegetation area, and asked if the proposal seeks to increase the footprint of the park. Tom Kidder, the State Park District Maintenance Chief, explained the simulation is not to scale and is only intended to provide a representation of the project.

Chairperson Grantham asked how noise is currently regulated at the campground with regard to generators. Franco explained generators are allowed between the hours of 10:00 am and 8:00 pm.

Commissioner Solu stated he would support this project if height restrictions and landscape issues are addressed.

Commissioner Fennacy expressed support for the project.

Commissioner Lucas stated he is not inclined to support the project unless conditions are imposed addressing landscaping and parking. He stated he would like parking restrictions with better signage or he would like to reduce parking from the 72 hour limit to an 8 hour limit in order to be more compatible with the surrounding neighborhood.

Commissioner Tefft expressed support for the project, stating this is consistent with the Coastal Act but questioned whether an exemption applies. Tefft also stated the sanitary facilities need to be upgraded.

Livick clarified for the Commission RV parking on Beachcomber and other streets in the City is a Police Department enforcement issue and not something controlled by the State.

Commissioner Tefft and Livick discussed the right-of-way along Beachcomber. Livick confirmed the screening for the campground would have to be done by the State, and not the City.

Livick stated views are a subject of the Local Coastal Plan, and landscaping could be added as a condition.

Commissioner Solu and Chairperson Grantham expressed support for the project.

EXHIBIT F

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION REGULAR MEETING – MARCH 6, 2013

MOTION: Commissioner Fennacy moved to conditionally approve and adopt the Findings included as Exhibit “A” to approve the Coastal Development Permit #CP0-390, subject to the Conditions included as Exhibit “B” and the site development plans dated January 3, 2013 with the deletion of Standard Condition #8.

The motion was seconded by Chairperson Grantham.

Commissioner Solu asked staff if language could be added to the motion regarding addressing landscaping issues. Wold suggested the Commission could address landscaping concerns by adding a condition that states the following:

1. Applicant shall submit a landscape plan to the approval of the Public Services Director, a simulation plan which illustrates the mature height of the vegetation, and provide a description of the maintenance of the vegetation.

Commissioners and staff discussed the various ways the landscaping concerns could be addressed.

AMENDED MOTION: Commissioner Lucas moved to include the condition as a condition to the original motion.

The amended motion was accepted by Commissioner Fennacy. Livick conducted a roll call vote and the motion passed (4-0-1), with Commissioner Lucas abstaining.

UNFINISHED BUSINESS

- C-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.
Upcoming Projects: SoCal Gas Advance Meter Project

Wold and Livick reviewed the Work Program with Commissioners.

NEW BUSINESS

- D-1 Discussion on Central Coast Greenhouse Gas Emission Reduction Plan
Recommendation: Review draft Greenhouse Gas Emission Reduction Plan and provide comments and direction to staff as necessary.

Wold reviewed the Plan with Commissioners.

Chairperson Grantham stated he had difficulty deciphering which actions are mandatory and which are voluntary.

Commissioner Lucas asked staff for clarification regarding what the Commission’s role is in reviewing the Plan. Wold stated the Commission should decide if the voluntary measures are sufficient to allow the City to meet its greenhouse gas reduction target. She stated Resolution No. 56-08 is intended to encourage the City to take leadership action on this issue.

EXHIBIT F

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION REGULAR MEETING – MARCH 6, 2013

Commissioner Lucas and staff discussed the Selected Strategies from the *Summary of Measures* section of the Plan.

Chairperson Grantham asked staff how many of the Five Milestones outlined in Exhibit “B” have been met. Wold explained the first two have been met and the City is currently working on the third, to develop a Climate Action Plan.

Commissioner Tefft expressed concern that the City is not achieving its goal of reducing GHG emissions by 15 percent because of the disconnect between property owners’ and tenants’ incentives to pursue GHG reduction measures. He suggested adopting an energy conservation ordinance that would apply to commercial properties.

Commissioner Fennacy stated he would not support the mandated provisions at this time, but stated he would support the voluntary measures.

Commissioner Lucas and Wold discussed the scope of the Plan. Wold stated the Commissioners may choose to continue the item in order to examine the document in greater detail.

MOTION: Commissioner Lucas moved to continue Item D-1 to the April 3, 2013 Planning Commission meeting.

The motion was seconded by Commissioner Tefft. Livick conducted a roll call vote and the motion passed unanimously. (5-0).

DECLARATION OF FUTURE AGENDA ITEMS

Livick reviewed some of the policies of the Brown Act with Commissioners.

ADJOURNMENT

The meeting adjourned at 8:05 pm to the next regularly scheduled Planning Commission meeting at the Veteran’s Hall, 209 Surf Street, on Wednesday, April 3, 2013 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary

EXHIBIT G

RESOLUTION NO. 15-12

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA TO TAKE IMMEDIATE STEPS TO KEEP MORRO STRAND STATE BEACH CAMPGROUND OPEN

THE CITY COUNCIL City of Morro Bay, California

WHEREAS, the California State Park system includes 278 state parks, beaches, historic parks, recreation areas, and other park units; and

WHEREAS, annually over 77 million visitors take advantage of the myriad low-cost opportunities for recreation, education, fitness and other outdoor pursuits in state parks; and

WHEREAS, many of the state's most unique natural, cultural, and historic resources and artifacts are contained in the state park system; and

WHEREAS, the City of Morro Bay relies on state parks for bringing California's history to life for schoolchildren, allowing families and friends to enjoy recreation and solace in nature, and protecting irreplaceable resources for future generations; and

WHEREAS, California's economy is dependent on travel and tourism revenues, a large portion of which are derived from visitation to the state's unmatched state park system; and

WHEREAS, California's state parks generate over \$4 billion in economic activity across the state while offering affordable vacation destinations for visitors and families; and

WHEREAS, State Parks are an important economic engine to the City of Morro Bay, the County of San Luis Obispo and California in general, and studies have shown that every dollar invested in the state park system returns more, largely in the form of economic activity in our area; and

WHEREAS, seventy state parks have been identified for closure as a direct result of the budget cuts proposed in Fiscal Year 2011-12 by Gov. Jerry Brown and adopted by the Legislature; and

WHEREAS, one of the seventy state parks identified for closure is the Morro Strand State Beach Campground located within the City of Morro Bay and is a unique, historic, culturally important and iconic state park and is an irreplaceable resource for our residents, visitors, and students alike; and

EXHIBIT G

WHEREAS, permanent closure of Morro Strand State Beach Campground will deny Californians access to lands and resources that belong to all of the state's residents; and

WHEREAS, permanent closure of Morro Strand State Beach Campground will create considerable harm for the City of Morro Bay that relies on tourism from state parks for their community's livelihood and community identity; and

WHEREAS, permanent closure of Morro Strand State Beach Campground will reduce revenues for local businesses and will result in overall losses in local fees and taxes, thereby eroding financial savings envisioned by the closure; and

WHEREAS, permanent closure of Morro Strand State Beach Campground will undermine Morro Bay's travel and tourism industry and impact hotels, locally-owned bed and breakfast establishments, restaurants, retail shops, tour operations and many more businesses that rely on parks for visitation and economic activity; and

WHEREAS, the permanent closure of Morro Strand State Beach Campground will cause an annual reduction of over 2.5 million dollars worth of economic activity in Morro Bay and diminish our day trip appeal for regional historic tourism, while at the same time requiring additional police resources to monitor safety around the area; and

WHEREAS, the City Council has determined that it would benefit the City, the residents and businesses of the City if the Morro Strand State Beach Campground remains open and accessible to the public; and

WHEREAS, the City Council finds that the continued operation of the Morro Strand State Beach Campground is in the public's interest, as it provides access to the ocean, and opportunities for interaction with nature; and

WHEREAS, on February 14, 2012 the City Council met and considered the permanent closure of Morro Strand State Beach Campground and all Councilmembers were in total support of keeping the park open; and

WHEREAS, on March 6 and 7 2012, during the City Council's Annual Goal Setting Workshop, the Council declared keeping the Morro Strand State Beach Campground open their number one goal; and

WHEREAS, pursuant to the provisions of Section 5080.30 et seq., of the California Public Resources Code, the State can enter into an operating agreement with a City for the operation of lands under its jurisdiction; and

WHEREAS, the City of Morro Bay and the State of California have already entered into, and currently have, an operating agreement of the Morro Bay State Park Marina pursuant to the provisions of Section 5080.30 et seq., of the California Public Resources Code; and

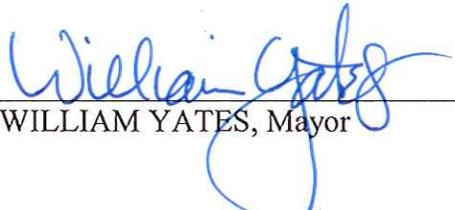
EXHIBIT G

WHEREAS, the City of Morro Bay desires to make certain that Morro Strand State Beach Campground remains open by taking all necessary steps and legal means available, including negotiating an agreement for the City of Morro Bay to provide for recreational development, operation, control, and maintenance of the Morro Strand State Beach Campground located within Morro Bay.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that the City hereby directs the City Manager to take all necessary steps and legal means available to make absolutely certain that the Morro Strand State Beach Campground remains open, including, but not limited to, authorizing the City Manager to negotiate an Agreement with the State of California for operation of the Morro Strand State Beach Campground, and also authorizes the City Manager to execute any further documentation in order to carry out the intent of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 27th day of March, 2012 on the following vote:

AYES: Borchard, Johnson, Leage, Smukler, and Yates
NOES: None
ABSENT: None



WILLIAM YATES, Mayor

ATTEST:



JAMIE BOUCHER, City Clerk



AGENDA NO: B-2

MEETING DATE: 04/9/2013

Staff Report

TO: Honorable Mayor and City Council **DATE:** 04/1/2013

FROM: Joseph M. Woods, Recreation and Parks Director

SUBJECT: Resolution No. 22-13 Initiating Proceedings to Levy the Annual Assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District

RECOMMENDATION:

Staff recommends the City Council adopt Resolution No. 22-13, ordering the preparation of an Engineer's Report detailing the expenses projected for Fiscal Year 2013-14 for the maintenance of the North Point Natural Area.

FISCAL IMPACT:

The F.Y. 2012-13 assessment provided \$5,645 for the maintenance of the North Point Natural Area.

BACKGROUND:

On June 27, 1994 the City Council accepted Lot 11 of the North Point subdivision and accepted the final map for Tract 2110. As per the conditions of approval, a Landscaping and Lighting Maintenance Assessment District was formed for the ongoing maintenance of the 1.3 acre natural area. The area includes a non-irrigated meadow area, decomposed granite and asphalt walkways, stairway/beach access, parking lot, drip irrigation system, public access signage and parking lot.

On December 9, 1996 the City Council adopted Resolution No. 89-96 which ordered the formation of the North point Landscaping and Lighting Maintenance Assessment District and confirmed the yearly assessment of \$5,645. On January 13, 1997 the City Council adopted Resolution No. 01-97 which approved and accepted the on and off-site improvements for Tract 2110. By adoption of Resolution No. 01-97, the City officially started the maintenance of the North Point Natural Area.

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

Staff Report 1 - North Point 2013

Prepared By: JMW

Dept Review: JMW

City Manager Review: _____

City Attorney Review: _____

DISCUSSION:

Upon adoption of Resolution No. 22-13, which initiates the proceedings to levy the annual assessment, an Engineer's Report will be prepared for the second public hearing scheduled for the May 14, 2013 City Council meeting. Also included will be a resolution declaring the City Council's intent to levy and collect the assessment. The resolution also lists the improvements, names the district and gives its general location, refers to the proposed assessment, gives notice of the time and place for the third and last public hearing regarding the levy of the proposed assessment as well as states whether or not the proposed assessment is an increase from the previous year.

The Government Code states that the third and final public hearing must be noticed ten (10) days prior to the actual hearing, which is tentatively scheduled for June 25, 2013. Any interested person may file a written and/or oral protest with the City Clerk stating all grounds of objection for levy of assessment. However, only protests by property owners in the proposed assessment district are used to determine if a majority protest exists. A majority protest would only affect the ability to increase the assessment amount, but would not be effective in dissolving the assessment district. However, the assessment amount cannot be increased over the highest assessment on record, \$5,645, should a majority protest exist.

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

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

CONCLUSION:

Resolution No. 22-13 has been prepared for City Council review and adoption. The Resolution serves as the initiation to the annual assessment proceedings and orders an Engineer's Report detailing the proposed costs for the maintenance of the North Point Natural Area for the purpose of assessing private property owners of Tract Map No. 2110 (excluding the City's property). The Resolution also gives notice that a public hearing on the intent to levy the assessment, review and accept the Engineer's Report, will be held on May 14, 2013.

RESOLUTION NO. 22-13

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

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

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

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

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

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

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

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

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

2. The improvements to be subject to assessment for maintenance by such District shall include those enumerated in the conditions of project approval and in Streets and Highways Code Section 22525 which are installed by the developer as a condition of approval of Tract 2110 or which are hereafter installed by developer; pursuant to the Final Improvement Plans for the North Point Project as approved by the City.
3. The Assessment District is a District located in the City of Morro Bay, County of San Luis Obispo. A map showing the boundaries of the proposed District is attached as Exhibit A which is hereby incorporated herein.
4. An Engineer's Report will be prepared for consideration at the May 14, 2013 City Council meeting.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 9th day of April, 2013 by the following vote:

AYES:

NOES:

ABSENT:

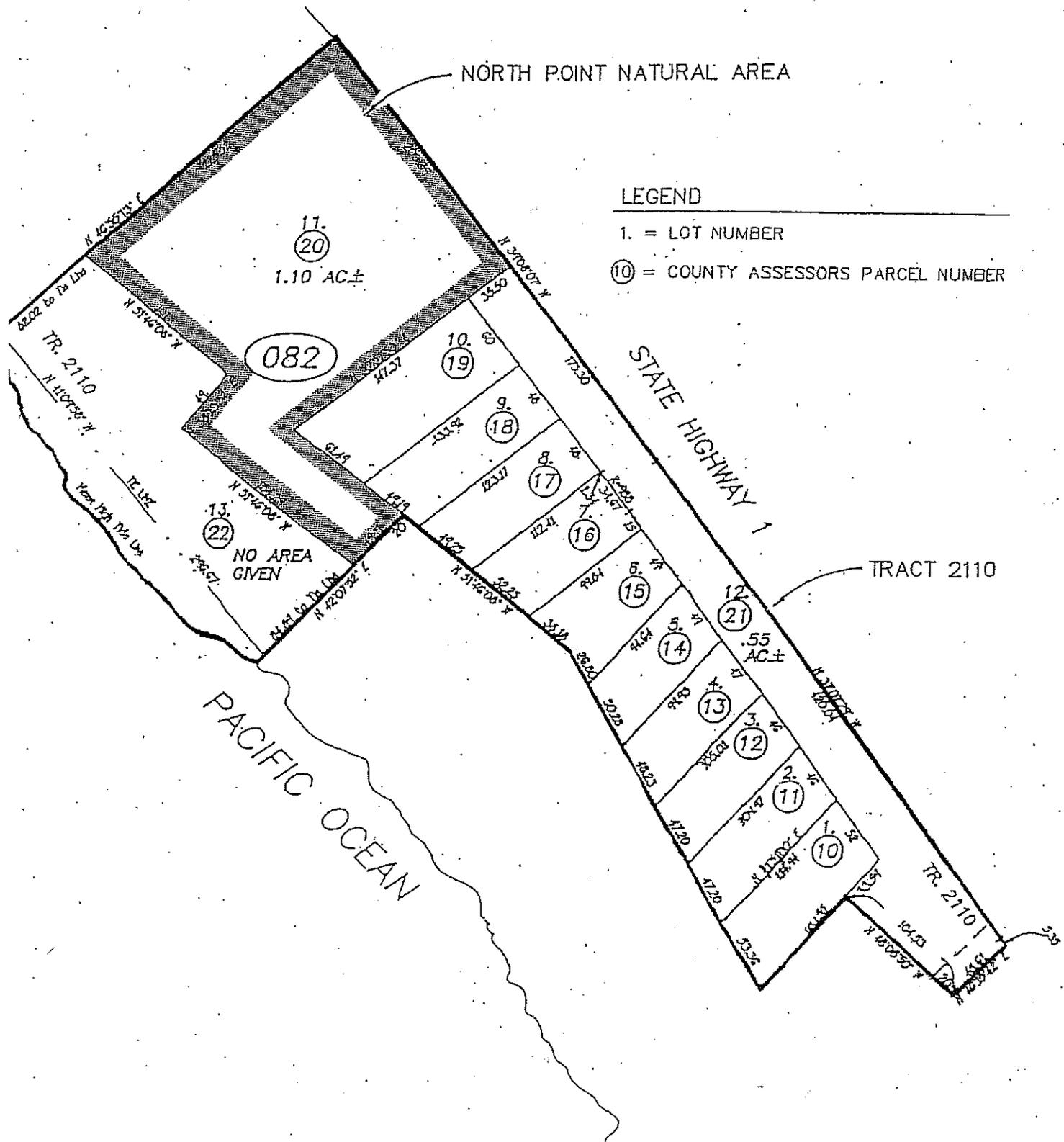
Jamie L. Irons, Mayor

ATTEST:

Jamie Boucher, City Clerk

NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT

ASSESSMENT DIAGRAM





AGENDA NO: B-3

MEETING DATE: 04/9/2013

Staff Report

TO: Honorable Mayor and City Council **DATE:** 04/1/2013

FROM: Joseph M. Woods, Recreation and Parks Director

SUBJECT: Resolution No. 23-13 Initiating Proceedings to Levy the Annual Assessment for the Cloisters Park and Open Space Landscaping and Lighting Maintenance Assessment District

RECOMMENDATION:

Staff recommends City Council adopt Resolution No. 23-13 ordering the preparation of an Engineer's Report detailing the expenses projected for Fiscal Year 2013-14 for the maintenance of the Cloisters Park and Open Space.

FISCAL IMPACT:

The F.Y. 2012-13 assessments provided \$148,944 for the maintenance of the Cloisters Park and Open space totaling 34 acres.

BACKGROUND:

On July 8, 1996 the City Council accepted lots 121 and 122 of the Cloisters Sub-division, thirty-four (34) acres of open space and organized park. On September 23, 1996 the City Council passed Resolution No. 69-96 which accepted the final map for Tract 1996 known as the Cloisters Sub-division, consisting of 124 lots. Lots 1 through 120 for single-family residential purposes, Lots 121, 122 and 124 (dedicated for a fire station) were offered to the City subject to completion of the public improvements.

Lot 123 was offered to the State. (Lot 122 is now Parcel 1 and Lot 123 is Parcel 2 as a result of subsequent MBAL 97-240 lot line adjustment.) Prior to the acceptance of the final map and pursuant to the Conditions of Approval, an assessment district was formed to cover the cost of maintenance of the parkland and open space. The assessment district formation proceedings began in August 1996 and concluded with the final public hearing for formation on September 23, 1996, which levied the annual assessment of \$148,944 for the maintenance of the thirty-four (34) acres of parkland and open space.

On January 26, 1998 the City Council adopted Resolution No. 10-98 which accepted the public improvements for Cloisters Tract 1996. Although the public improvements were completed, the developer was responsible for their maintenance for the one (1) year warranty period, with the City taking over the maintenance of the area on January 26, 1999.

Prepared By: JMW

Dept Review: JMW

City Manager Review: _____

City Attorney Review: _____

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

DISCUSSION:

Upon adoption of Resolution No. 23-13, which initiates the proceedings to levy the annual assessment, an Engineer's Report will be prepared for review at the May 14, 2013 City Council meeting. Also included will be a resolution declaring the City Council's intent to levy and collect the assessment. The Resolution lists the improvements, names the district and gives its general location, it also refers to the proposed assessment and gives notice of the time and place for the third and last public hearing regarding the levy of the proposed assessment, as well as stating whether or not the proposed assessment is an increase from the previous year. The Government Code states that the third and final public hearing must be noticed ten (10) days prior to the actual hearing, which is tentatively scheduled for June 25, 2013. Any interested person may file a written and/or oral protest with the City Clerk stating all grounds of objection for levy of assessment. However, only protests by property owners in the proposed assessment district are used to determine if a majority protest exists. A majority protest would only affect the ability to increase the assessment amount, but would not be effective in dissolving the assessment district.

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

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

CONCLUSION:

Resolution No. 23-13 has been prepared for City Council review and adoption. The Resolution serves as the initiation of the annual assessment proceedings and orders an Engineer's Report detailing the proposed costs for the maintenance of the Cloisters Park and Open Space for the purpose of assessing private property owners of Tract Map No. 1996 (excluding the City's property). The Resolution also gives notice that a public hearing on the intent to levy the assessment, review and acceptance of the Engineer's Report, will be held on May 14, 2013.

RESOLUTION NO. 23-13

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

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

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

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

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

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

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

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

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

- b. The improvements to be subject to assessment for maintenance by such District shall include those enumerated in the conditions of project approval and in Streets and Highways Code Section 22525 which are installed by the developer as a condition of approval of Tract 1996 or which are hereafter installed by developer; pursuant to the Final Improvement Plans for the Cloisters Project as approved by the City.
- c. The Assessment District is a District located in the City of Morro Bay, County of San Luis Obispo. A map showing the boundaries of the proposed District is attached as Exhibit A which is hereby incorporated herein.
- d. An Engineer's Report will be prepared for consideration at the May 14, 2013 City Council meeting.
- e. This District shall be called the "Cloisters Landscaping and Lighting Maintenance Assessment District".

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 9th day of April, 2013 by the following vote:

AYES:

NOES:

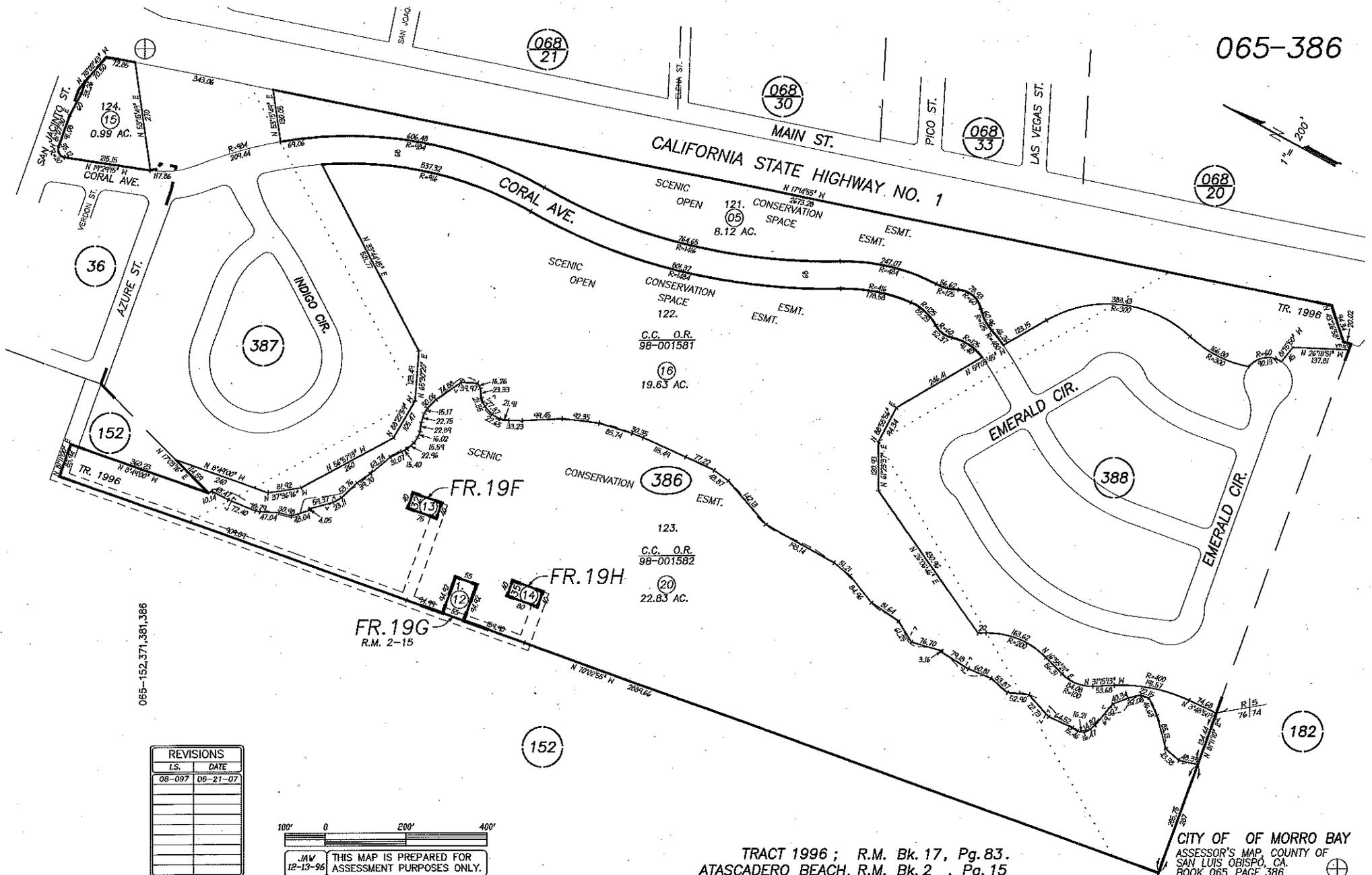
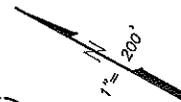
ABSENT:

Jamie L. Irons, Mayor

ATTEST:

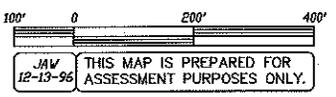
Jamie Boucher, City Clerk

065-386



065-152,371,381,386

REVISIONS	
I.S.	DATE
06-097	06-21-07



TRACT 1996 ; R.M. Bk. 17, Pg. 83.
 ATASCADERO BEACH, R.M. Bk. 2 , Pg. 15

CITY OF MORRO BAY
 ASSESSOR'S MAP, COUNTY OF
 SAN LUIS OBISPO, CA.
 BOOK 065 PAGE 386.



AGENDA NO: D-1

MEETING DATE: April 9, 2013

Mayor's Report

TO: Honorable City Council

DATE: April 1, 2013

FROM: Jamie L. Irons - Mayor

SUBJECT: Water Reclamation Facility (WRF) Project Status Update and Discussion

RECOMMENDATION

Discuss in open session, the progress to date on the Water Reclamation Facility (WRF) and provide direction to staff as necessary.

DISCUSSION

As requested by Council, this item will be placed on the Council agenda at each meeting to openly discuss the progress on the Water Reclamation Facility project. Direction to staff will be given as deemed necessary.

Prepared by: JI Dept. Review:

City Manager Review:

City Attorney's Review:



AGENDA NO: D-2

MEETING DATE: 04/9/2013

Staff Report

TO: Honorable Mayor and City Council

DATE: April 4, 2013

FROM: Andrea Lueker, City Manager

SUBJECT: Selection of Two (2) Citizen Members to Participate on the Selection Committee for Consultation Services for the Water Reclamation Facility

RECOMMENDATION

Staff recommends the City Council review the attached letters of interest and select two citizen members to serve on the selection committee for consultation services for the Water Reclamation Facility (WRF).

FISCAL IMPACT

This decision will not have any fiscal impact.

DISCUSSION

The attached announcement for the application period for participation on the selection committee was posted on the City's website on Wednesday, March 27, 2013. On that same day, the notice was also sent out in email form to City Councilmembers and all City Advisory Board Members soliciting their help in reaching out to residents who may be interested and qualified to serve on this committee. Applications were taken through Thursday, April 4, 2013, copies of which are attached.

CONCLUSION

Staff recommends the Council review the citizen applications, discuss the merits of each and by majority vote, select two citizens to sit on the selection committee along with Mayor Irons and Councilmember Christine Johnson.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____



City of Morro Bay

Morro Bay, CA 93442

(805) 772-6205

THE CITY OF MORRO BAY CITY COUNCIL

ANNOUNCES THE APPLICATION PERIOD FOR PARTICIPATION ON THE SELECTION COMMITTEE FOR CONSULTANT SERVICES FOR THE WATER RECLAMATION FACILITY

To be considered for this appointment, please submit a letter of interest, not to exceed two pages, and hand deliver it to the City Clerk, 595 Harbor, or email to jboucher@morro-bay.ca.us by Thursday, April 4, 2013 at 5:00pm. The letter should contain the following:

- Why you would like to serve
- How your individual qualifications make you the best candidate for the committee
- Confirm your availability to meet the selection process schedule identified in the RFP
<http://www.morro-bay.ca.us/bids.aspx?bidID=20>

Your letter of interest will be reviewed and the appointments made at the April 9, 2013 City Council Meeting.

Should you have any questions, please contact the City Clerk at (805) 772-6205.

MAR 28 2013

Administration

March 28, 2013

City of Morro Bay
595 Harbor Street
Morro Bay, Ca. 93442

Attn: City Clerk
Re: Selection Committee for the WRF

Dear Ms. Boucher,

In response to your email regarding invitations to serve on the Consultant Selection Committee for the Water Reclamation Facility, I would like to formally express my interest.

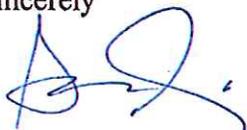
The reason I would like to serve is because I have decided to make Morro Bay my home. I see the City going through some challenging times as it relates to the present WWTP and still trying to meet the standards set by the RWQCB. I feel my experience and background in selecting viable consultants for Public Works Projects, as well as my knowledge with Water Treatment would be an asset in determining the next Project Manager for this important facility.

In regards to my experience, I have served as the District Engineer for the Los Alamos Community Services District (LACSD) as well as been the interim Public Works Director for the City of Solvang on several occasions. Solvang is a full service city which operates its own WWTP, as is Morro Bay. On numerous occasions I have been invited by the City of Santa Maria and Solvang to sit on selection committees such as this, not only for consultants of Capital Improvement Projects but city staff hiring as well.

I would be available to keep April 22 through 26 open as stated in your RFP for the interviews, as well as April 9th for the City Council meeting. If you have any further questions, do not hesitate to contact me.

Thank you again for your consideration.

Sincerely



Stephen Shively P.E.

Jamie Boucher - Fwd: Application to serve on WRF Consultant Selection Committee

From: Jamie Boucher
To: Jamie Boucher
Subject: Fwd: Application to serve on WRF Consultant Selection Committee

Dear Mayor and Council Members,

I am submitting this letter in response to your search for residents to serve on the Selection Committee for Consultant Services for the Water Reclamation Facility (WRF). I believe that I hold qualifications that will be of help to you in selecting the right candidate to help our WRF project move forward on the right track. The qualifications that I believe will enable me to be of service include the following:

- Broad understanding of the issues facing the City in regard to the WRF, including the issues behind our critical need for water reclamation
- Broad knowledge of the past history of the failed WWTP project, including key reasons why it failed.
- Experience in the RFP process during a 31-year career in software development
- Experience in all aspects of project management
- Experience in meeting facilitation

I will be happy to assist you with this effort in any way I can, regardless of whether I serve on the Committee. Due to my disability, I do not travel, so will be in town during the consultant selection process. However, as you know, my disability does prevent me from attending most evening meetings. If that is an issue for you, then it would be best for me to help by simply continuing to provide you with information that I believe may be helpful to you in achieving your goals.

Sincerely,
Linda Stedjee

APR 02 2013

Administration

Barry F. Branin
3290 Beachcomber Dr.
Morro Bay, CA 93442
805.771.9310

March 30, 2013

SUBJECT: Application for Participation on the Selection Committee for Consultant Services for the Water Reclamation Facility.

City Council of Morro Bay.

I would like to serve on the selection committee because of my continuing interest in obtaining the most long term economic and reliable water reclamation facility for our City. Water reliability is one of the most critical items for sustainability. I have examined all of the historic engineering studies prepared for this project and feel that I am well versed and can ask the right questions of the potential RFP bidders.

The selection of a consultant that can view the entire problem of water reclamation, cost, control, and sustainability in an unbiased manner is absolutely important.

I believe that my educational and career background provides me with a unique set of qualifications to aid in this selection process.

I have a Bachelor of Science in Mechanical Engineering and a Bachelor of Science in Business Administration, with a minor in Economics, from Oregon State University. I paid for my college education, in part, by working for a Consulting Engineering firm. We provided the function of a City Engineer for small city's. Our company designed, let bids and supervised the construction of streets, water facilities, and Waste Water projects in the Portland, Oregon area.

My professional work experience included 10 years with two major Oil Companies. I was in charge of the construction of facilities for the delivery and marketing of petroleum products. This included the design, bidding, permitting and construction for the West Coast. I had a staff of estimators, draftsmen, and field supervisors. My budgets were over \$50,000,000 annually in current dollars.

The second phase of my career was the ownership of a Petroleum equipment maintenance and construction Corporation in Southern California. I owned and operated this company for 30 years. We employed 50 service and installation people with an annual sales of \$20,000,000 in current dollars.

I have written request for bids and I have done bidding. I know how important and critical a clear outline of what is desired is to achieving a good result.

I view this committee as an opportunity to find a person who is not beholden to a preconceived answer of what should be done. I view this person as some one that will define the best solutions of solving our Water Reclamation problem, taking in to account what is possible, what is feasible and what is affordable for our community. There are many answers but all need to be presented in a balanced manner so they can be examined. The ultimate selection must be made by the citizens through their representatives, but this cannot be accomplished without accurate, unbiased information. I would like to be on the committee to select that person.

I will be available to meet the schedule of the selection process as identified in the RFP.

Sincerely,


Barry F. Branin

APR 03 2013

Administration

Tuesday, April 02, 2013

To: Mayor Jamie Irons and Morro Bay City Council members

From: Rick Grantham
29 40 Ironwood
Morro Bay, CA 93442
805 772-3133

I would like to request consideration as member of the Selection Committee for consultant services for the water reclamation plant.

As a former Morro Bay Council member (2006-2010), I had the privilege of working closely on the previous wastewater treatment project. I have a sincere ongoing interest in being part of a successful project, regardless of its location or time frame. Through my experiences, I have a strong understanding of the potable water situation in Morro Bay as well as the many issues surrounding reclamation. I have also had the opportunity to visit different plants utilizing different treatment modalities.

I have always been very conscientious in my decision making and feel that I possess the knowledge as well as the appropriate demeanor to be a fair representative in this very important selection process.

In spite of my point of view on the previous plan, I will bring an unbiased voice to the process.

I am available this month through Wednesday, April 24.

Thank you for your consideration,

Rick Grantham

Don Boatman
201

April 4,

Members of the Morro Bay City Council

Please consider my application to participate on the Selection Committee for Consultant Services for the New Water Reclamation Facility.

I have lived in Morro Bay for the last twenty five years. I welcome this chance to serve on a committee to help the City Council choose a consultant to guide it through the many decisions that will be made on the new reclamation facility. These decisions will not only build a new modern water reclamation facility for the City but also act as a guide for what the City can do on future projects.

I worked for a large utility for thirty years. I served in management for eighteen years and know what it is to complete work and large projects with various groups of people. I selected new hires for my maintenance group and also participated in reviewing and selecting a superintendant for the utility. After retiring I have spent the last twenty years working part time in construction on large power plants and substations on the East Coast and around the world. My work is technical; making sure equipment works and operates as designed, so I have spent many hours working with design and protection engineers on the operation of new equipment. I believe I can make good judgments about the capabilities of people I need to work with. I always liked having a strong impact on my work and will work hard to help select the right consultant for Morro Bay's Water Reclamation Facility.

Thank You

Don Boatman



495 Acacia

RECEIVED
City of Morro Bay

APR 04 2013

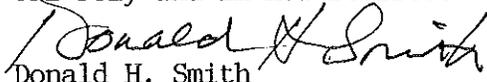
Administration

PAID
City of Morro Bay
APR 04 PAID
Finance Department

CITY OF MORRO BAY & CAYUCOS SANITARY DISTRICT

Re: selection of new project manager

I would be pleased to serve on your selection committee. I was educated at
Cal Poly and I'm now retired.


Donald H. Smith
534 Kings Ave.
Morro Bay Ca.
772 7612

DONALD H. SMITH, AIA

REPRESENTATIVE PROJECTS

Dysan Corporation Media Building, Colorado Springs, Colorado
- Construction Administrator for 120,000 square foot facility with class 100 clean rooms, laboratories, computer rooms and manufacturing and testing areas.

Dysan Corporation Substrate Building, Colorado Springs, Colorado - Project Manager and on-site field representative for 55,000 square foot facility housing manufacturing and testing areas, laboratories and office space.

Dysan Corporation Building #1, Santa Clara, California
- Project Manager and Field Representative during construction of 180,000 square foot industrial building housing offices, manufacturing, and research and development facilities.

Dysan Corporation Building #2, Santa Clara, California
- Project Manager and Field Manager during construction of 90,000 square foot industrial building housing offices, manufacturing, and research and development facilities.

Dysan Corporation Headquarters Building, Santa Clara, California - Project Manager and Field Representative during construction of award-winning corporate office building.

Dysan Corporation Building #4, Santa Clara, California
- Project Manager and Field Representative for 124,000 square foot low-rise industrial building.

Dysan Corporation Building #5, Santa Clara, California
- Project Manager in charge of technical production for 86,000 square foot industrial building.

Loews Paradise Valley Resort, Paradise Valley, Arizona
- Resident Field Representative in charge of construction supervision for 380-room luxury resort hotel outside of Phoenix.

Loews Ventana Canyon Resort, Tucson, Arizona - Construction Supervisor for a 400-room luxury desert resort.

Sandpiper Development, Scottsdale, Arizona - Principal in charge of design and construction administration for 110-acre planned unit development of luxury homes.

DONALD H. SMITH - ARCHITECT

Industrial Projects Completed - OFFICE OF EDWARD DURELL STONE, INC. and
F.H.M.B. 1977-1981

BIOMATION CORPORATION

SANTA CLARA

DYSAN CORPORATION

Manufacturing Buildings
Office Buildings

Industrial Projects Completed - PRIVATE PRACTICE 1960-1967

WAREHOUSE-5,000 SQ.FT. - DIESEL ELECT. SUPPLY	REDWOOD CITY	CALIFORNIA
WAREHOUSE ADDITION - DIESEL ELECTRIC SUPPLY	REDWOOD CITY	CALIFORNIA
WAREHOUSE-20,000 SQ.FT. - COOPER REALTY	MOUNTAIN VIEW	CALIFORNIA
WEBSTER MFG. CO. (3) BLDGS. - COOPER REALTY	MOUNTAIN VIEW	CALIFORNIA
MEAT PACKING PLANT	GANZALER	CALIFORNIA
UNITED TECHNOLOGY CENTER		
RESEARCH BUILDING	SUNNYVALE	CALIFORNIA
QUALITY CONTROL LAB.	COYOTE	CALIFORNIA
HARDWARE PREP. BUILDING	COYOTE	CALIFORNIA
CRANE BUILDING	COYOTE	CALIFORNIA
CAFETERIA BUILDING	COYOTE	CALIFORNIA
INSTRUMENTATION BUILDING	COYOTE	CALIFORNIA
FIELD OFFICE BUILDING	COYOTE	CALIFORNIA
CARPENTER PAINT SHOP	COYOTE	CALIFORNIA
TESTING OFFICE	COYOTE	CALIFORNIA
RECEIVING BUILDING	SUNNYVALE	CALIFORNIA
BOILER PLANT-ADDITION	SUNNYVALE	CALIFORNIA
DINING ROOM-ADDITION	SUNNYVALE	CALIFORNIA
WAREHOUSE AND OFFICES	SANTA CRUZ	CALIFORNIA
WAREHOUSE AND OFFICES	MILIPITAS	CALIFORNIA

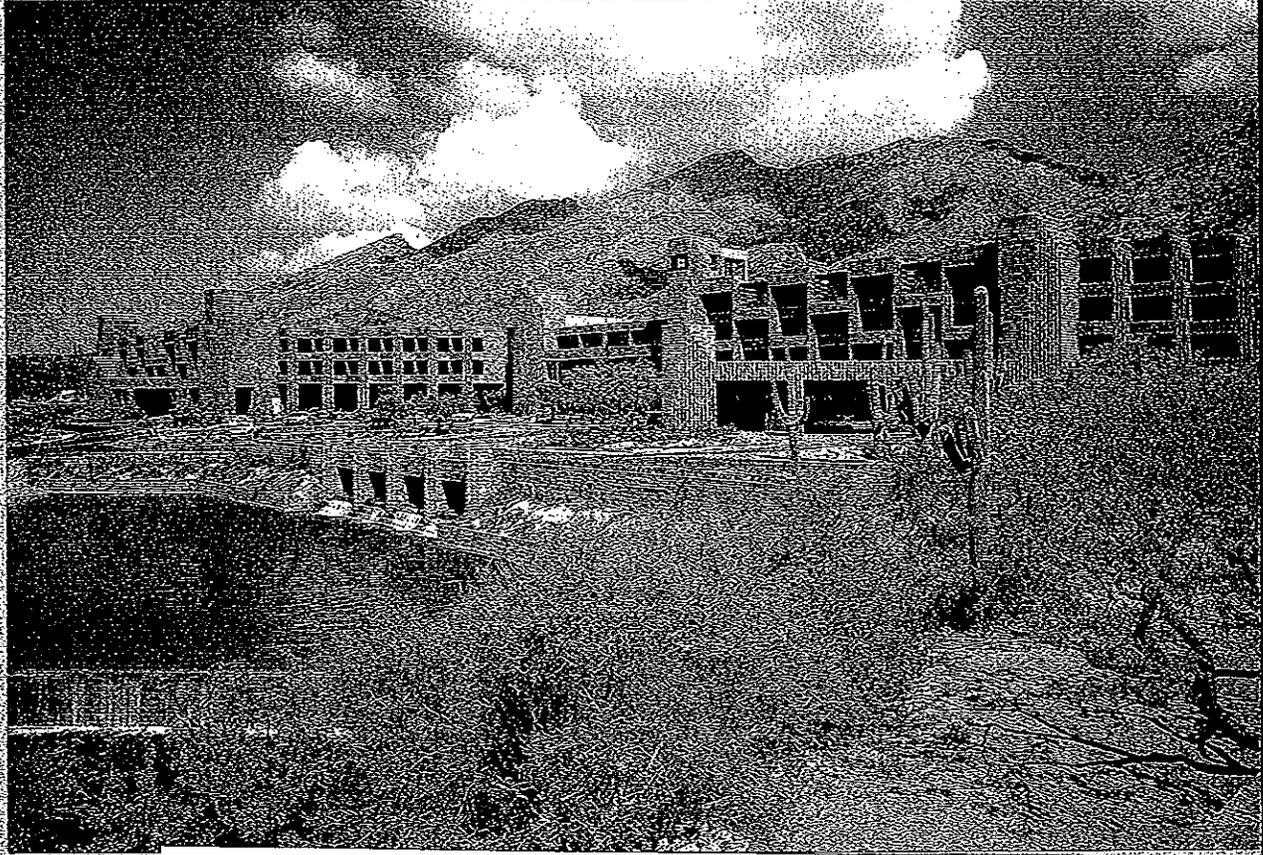
Industrial Projects Completed - PREVIOUS RESPONSIBLE EXPERIENCE 1951-1960

PAUL MASSON WINERY	SARATOGA	CALIFORNIA
CAMPBELL SOUP MUSHROOM PLANT	PESCADERO	CALIFORNIA
IBM CENTER	SAN JOSE	CALIFORNIA
RESEARCH BUILDINGS		
EDUCATION CENTER		
MANUFACTURING BUILDINGS		
BOILER PLANT		
ADMINISTRATION TOWER		
PRODUCT ENGINEERING		
MACY'S WAREHOUSE	SAN FRANCISCO	CALIFORNIA
THERMO MATERIALS BUILDING	MENLO PARK	CALIFORNIA
CHARLES BRUNING (OFFICES AND WAREHOUSE)	SAN FRANCISCO	CALIFORNIA
EASTMAN KODAK COMPANY	PALO ALTO	CALIFORNIA
PERSONAL PRODUCTS COMPANY	SUNNYVALE	CALIFORNIA
LAWRENCE LEATHER COMPANY	MAINE	CALIFORNIA
MILPRINT COMPANY	SO. SAN FRANCISCO	CALIFORNIA
THERMAL MATERIALS COMPANY	MENLO PARK	CALIFORNIA
G.S.A. WAREHOUSE	SO. SAN FRANCISCO	CALIFORNIA
G.S.A. WAREHOUSE	VIRGINIA	CALIFORNIA
FAFNIR BEARING COMPANY	SAN FRANCISCO	CALIFORNIA

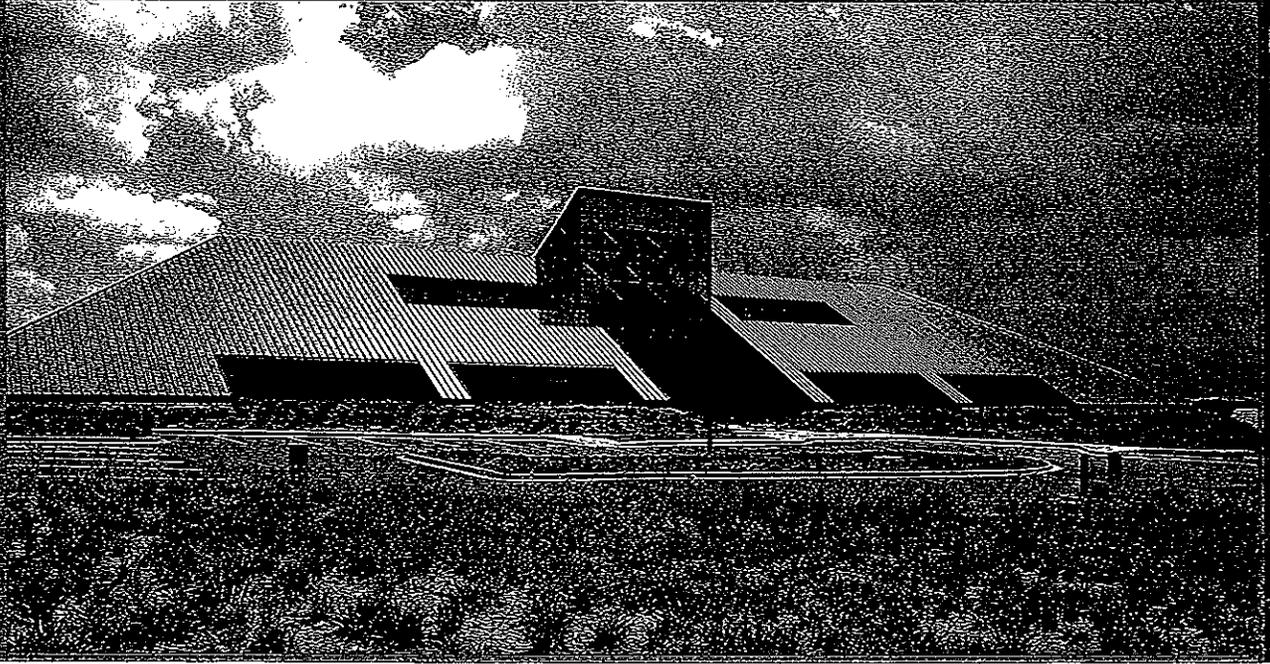
HILL ARCHITECTS

Donald H. Smith, Associate

Main Office • 700 Welch Rd., Palo Alto, CA 94304
Tel: 415.617.0360 • Fax: 415.617.0373 • SF Office 415.398.7147



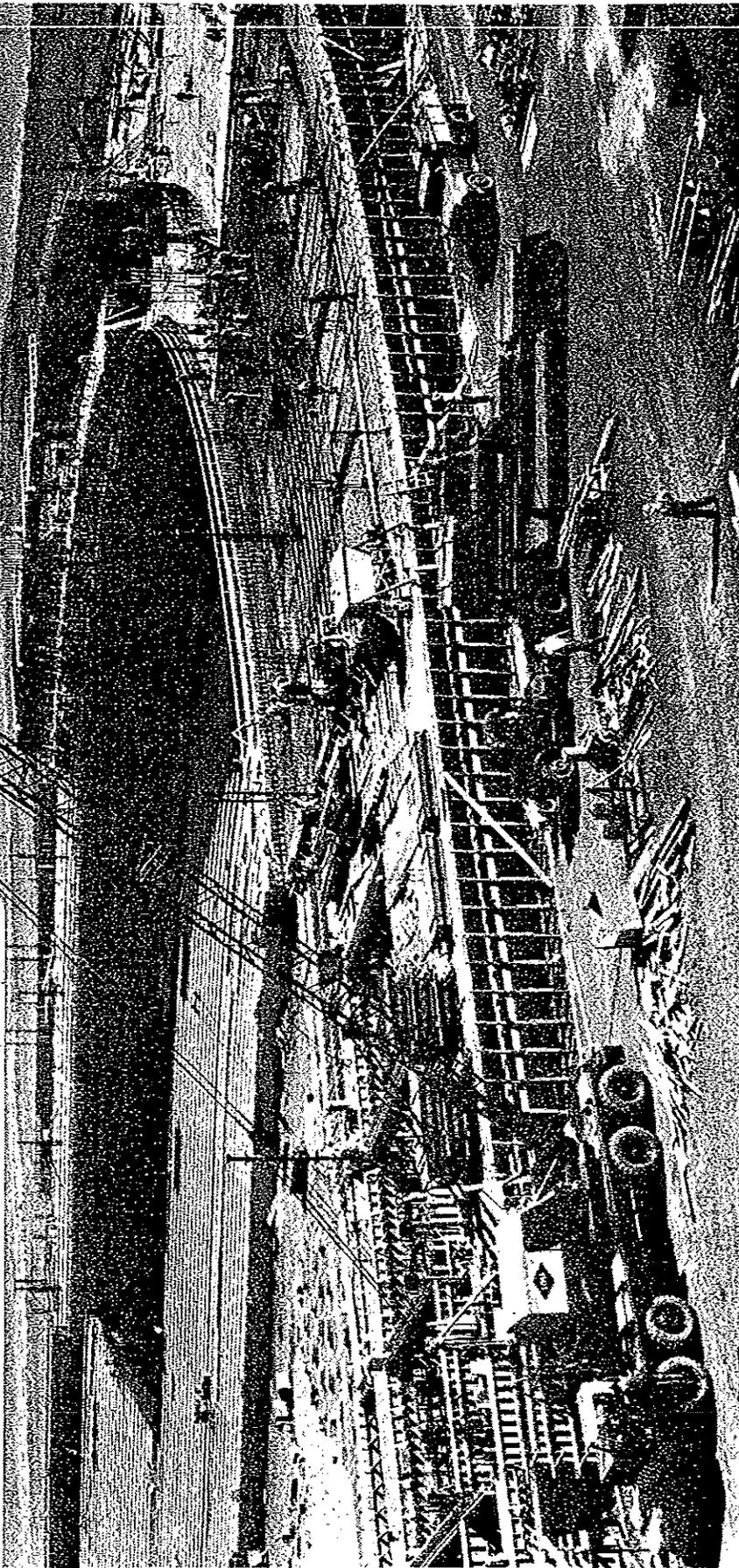
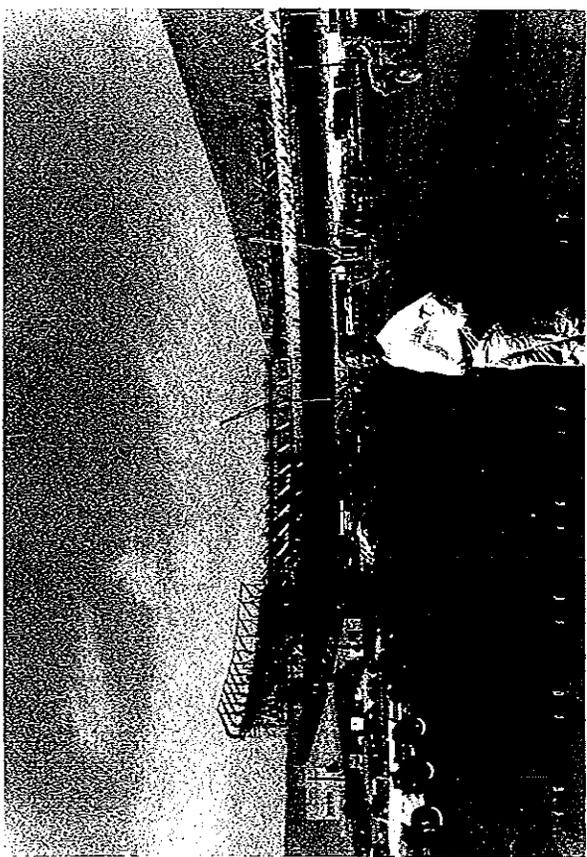
*Dysan Corporation
Colorado Springs, Colorado*



HILL ARCHITECTS

Donald H. Smith, Associate

Main Office - 700 Welch Rd., Palo Alto, CA 94304
Tel: 415.617-0366 • Fax: 415.617-2373 • SF Office 415.398-7142



DAN & BOLLES - ARCHITECT

CANDLESTICK PARK



April 4, 2013

To the City of Morro Bay,

I am delighted to hear that the city would like to have citizen participation in the process of selecting a consultant for assistance with the city's proposed Water Reclamation Facility Project. As a homeowner and rate payer, I am concerned about the potential expenses attributable to the development of such a project and how all of the rate payers in the city may endure those costs for a very long time. It is extremely important that the city retain a consultant who is best qualified to perform the required services and who is also sensitive to the citizen's limited resources.

My wife and I have lived in Morro Bay for 32 years now and have raised both of our children here. Over the years we have gladly volunteered to be on city committees and assist in events. My wife is a former member of the Recreation and Parks Commission and past president of the Morro Bay Harbor Festival. Myself, I was the former chairman of the city's Street Advisory Committee which later became the Street and Tree Committee. I served as the County Advisor to the city's Water Advisory Board as well. All of those past boards and committees were compiled into what is now known as the Public Works Advisory Board of which I was a member when that first came to be several years ago. I was also a Morro Bay City Councilmember and 25 years ago, I served as the city's Vice Mayor.

Aside from that, my other qualifications for this position are as follows;

- Registered Civil Engineer, licensed in the State of California and in the State of Hawaii
- Professional Land Surveyor, licensed in the State of California and in the State of Hawaii
- Former Project Manager and Resident Engineer for the Chorro Valley Water Transmission Pipeline Project which conveys State Project Water to the City of Morro Bay
- Former Project Manager of several bridge replacement projects in the County of San Luis Obispo including the Moonstone Beach Drive Bridge over Leffingwell Creek in Cambria which was awarded the Outstanding Architectural Engineering Award from the American Society of Civil Engineers
- Formerly employed by the San Luis Obispo County Department of Public Works for over 27 years; now retired
- Formerly employed by a private engineering firm in San Luis Obispo during the early 1980's
- Formerly employed by the City of Pasadena Department of Public Works during the late 1970's

In my career, I have reviewed and ranked proposals from dozens of professional consulting firms. I have also sat on several boards to interview consulting firms whose proposals were the most desirable. I have managed consultants who assisted me on my projects and was very attentive to their accounting. Like all agencies, the city deserves what is best and what will make the project successful. It is strongly recommended that references provided by any consultant who submits a proposal be checked just to be sure. Once the proposals have been ranked, the top 3 or 4 firms should be called in for an interview. I am available to assist in any one of these steps towards selecting the right consultant for the city. I have no conflicts with the schedule indicated in the city's Request for Proposals (RFP) for the subject project.

The professional services provided by the chosen consultant should include some experienced knowledge of land acquisition and environmental permitting. These elements could severely impact the schedule that they are expected to provide in great detail according to the RFP. If financial assistance from the federal government is expected for this project, then that consultant should be qualified to meet their requirements as well and have some experience in managing federally funded projects.

I hope that I can be helpful to the city in its selection of a consultant on this very important issue and look forward to your decision on the 9th.

Sincerely,



Paul F. Donnelly, P.E., P.L.S.

Morro Bay, CA

(805) 772-1374

April 4, 2013

Jamie Boucher, City Clerk
595 Harbor Street
City of Morro Bay, California
93442

APR 04 2013

Administration

Dear Jamie Boucher:

I am interested in participating as a citizen volunteer to sit on a committee, called the "Selection Committee for Consultant Services for the Water Reclamation Facility," to choose a consultant to work on the early stages of a new project to replace the sewer treatment plant. The committee will help select a company to act as the project manager and study the potential locations for the new plant. The new project manager will see the project through the first stages, including site selection, technology choice, and environmental review.

To answer the city's first question as to why I would like to serve, I offer the following: I have lived in Morro Bay since 1991 and I appreciate the unique qualities of our town, as well as the many challenges that the City faces with the development of the new sewer treatment plant. I would like to serve on the committee as a contribution to the city of Morro Bay, and because I believe I have many skills that are beneficial to both the City and the Selection Committee.

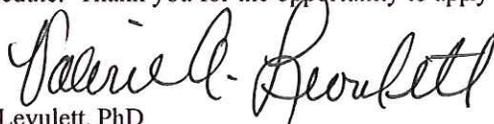
To answer the city's second question as to why I would like to serve, I offer the following: I have more than 30 years of professional experience as an environmental planner working for the California Department of Transportation (Caltrans) where I participate on numerous Project Development Teams. I know what it takes to plan, evaluate, design, permit, and build complex projects. As a Senior Planner and Task Manager I oversee the work of the technical specialist studies necessary in the development of highway projects, including archaeology, architectural history, hazardous waste, water quality, and paleontology. I have a good working knowledge of how to prepare the environmental documentation associated with a complex infrastructure project. I have worked on some of our most high profile transportation projects throughout the central coast, including Santa Cruz, San Benito, Monterey, San Luis Obispo, and Santa Barbara counties. My work has allowed me to work closely with various public agencies (e.g., SLOCOG and SBCAG), city and county public works and planning offices, as well as various review and permitting entities.

In addition I have a good understanding of what it takes to be an effective Project Manager, including the necessity to adhere to the project's scope, cost, and schedule and develop a risk management plan/risk register. I have worked on enough teams to know that the project is only as good as the sum of parts, but a Project Manager can make or break a project. The Project Manager must have a good understanding of project purpose and need, how to accomplish the project goals, be able to provide clear and concise guidance, assist team members when issues occur, and assure that the team has sufficient resources and tools to accomplish project goals.

I have many years of experience, dating back to 1980, in the development of consultant contracts, request for proposals, preparation of task orders, and consultant oversight. I have participated on numerous consultant selection committee's throughout my career with Caltrans and I am familiar with the selection process. A large portion of our work at Caltrans is accomplished by consultants both for our projects, as well as those of local agencies. I have more than 30 years experience overseeing the work of consultants, including review of cost estimates, and oversight of field work and technical reports.

I have reviewed the selection process schedule and I confirm that I am available to meet the selection process schedule. Thank you for the opportunity to apply for the Selection Committee.

Sincerely,



Valerie A. Levulett, PhD
915 Mesa Street, Morro Bay (235-5949-cell; 772-1971-home)

regular meeting of City Council on October 12, 2009, Council considered three options in regard to co-sponsorship agreements. Concluding the item, Council approved the continuance of co-sponsorships with the following conditions:

1. The event is held off-season (November 1st through April 30th).
2. The event is a multi-day event, or a one day event with financial return to the City.
3. The requesting party is a non-profit organization.

Currently the City co-sponsors two such events, the Morro Bay Winter Bird Festival and Morro Bay Dalia Daze. Both events were reviewed by the RPC and City Council during the initial review process and have subsequently been approved annually by staff.

Attached is the complete motion regarding this item for your review. Please note staff did amend the application to include a question of the applicant's recycling plan. Furthermore staff has developed expanded criteria for co-sponsorships which was recently reviewed by the RPC and will be agendaized for Council's review in the near future.

DISCUSSION

The Morro Bay 4th Inc. sponsors an annual event to celebrate the 4th of July for the City of Morro Bay. This 4th of July event is a family friendly, alcohol free picnic and fireworks celebration of our Nation's Independence Day. Over recent years, this event has increased in popularity with the addition of a bike parade and skateboarding event. Recently, staff has received an application for co-sponsorship from Morro Bay 4th, Inc., which is attached for your review. At the regular meeting of the RPC on March 21, 2013, Morro Bay 4th, Inc.'s application was reviewed and supported. The RPC recommended City Council approve the co-sponsorship with the Morro Bay 4th, Inc. and waive all related permit and City support services fees.

Presently, staff does not have a clear definition of "financial returns" to the City, which is linked to our ability to sponsor any one day event. This condition could be interpreted differently depending on the type of criteria and resources used in analysis. Potentially, one way to define "financial return" would be the realization of the additional increase of transient occupancy and sales taxes generated by attracting new visitors. Should the fees be waived for the 4th of July event, Morro Bay 4th Inc. could also realize an enhanced ability to reallocate resources to improve their program and marketing efforts. The funds generated could then be directed to program enhancement to better serve the community.

CONCLUSION

The City has previously co-sponsored events which mutually benefit both parties involved. Co-sponsorships should create community relationships, as well as support the City's mission to preserve and enhance the quality of life. Currently the City has basically three criteria used as qualifiers for requesting co-sponsorships: The event is multi-day, held off-season, and by a non-profit organization. If the event is one day, it must show a financial return to the City. Morro Bay 4th, Inc. is a non-profit organization; however, their event is not off-season and is not multi-day. Being one day, the financial return to the City could be realized with the additional increase of transient and sales taxes generated by attracting new visitors.

While the 2013 4th of July Event applied for by Morro Bay 4th, Inc. meets some but not all of these requirements; the RPC is recommending City Council approve the co-sponsorship request by Morro Bay 4th, Inc. and waive all permitting fees as well as fees associated with City support services. It is staff's hope that Council will review the application and supporting documentation and provide direction to staff that will allow them to complete the Public Area Use Permit Application.

- Attachments:
- Morro Bay 4th, Inc. application and Post Event invoice dated 7/30/2012
 - A. Council Report 8/10/2009
 - B. RPC Report 9/3/2009
 - C. RPC Report 10/1/2009
 - D. Council Report 10/12/2009
 - E. Council Minutes 10/12/2009



City of Morro Bay

Morro Bay, CA 93442
(805) 772-6278

May 29, 2012

Morro Bay 4th, Inc.
Mr. Dan Podesto
Post Office Box 43
Morro Bay, CA 93443

Dear Dan:

Thank you for meeting with City Staff regarding your request for a permit for the July 4th use of Tidelands Park, the Embarcadero, Coleman Drive and the Harborwalk Bike Path. Below are estimates of the costs for your event and conditions of approval. An invoice will be generated following the event based on actual usage/hours. Please review all documents carefully and contact me with any questions you may have.

Note: This permit shall not take the place of any other license or permit required by any other agency law. This permit shall continue for the period as designated. Permits are non-transferable and any change in use, occupancy, operation or ownership shall require a new permit. Permits shall be kept on the premises designated at all times and shall be posted in a conspicuous location. The permit is granted providing:

I. GENERAL CONDITIONS

- a. A permit and processing fee as well as the Park use fee are due 30 days prior to your event. Details of fees are presented on approved permit(s).
- b. Deposit check for \$500.00.

II. RISK MANAGEMENT CONDITIONS

- a. Liability insurance naming the City of Morro Bay as additional insured for 1 million from an "A" rated company (specifications included). **Both a certificate of insurance and a policy endorsement is required to cover Amp Surf, Bike Parade, Skate board Event, and Park Usage.** Please note the specific "Other Insurance Provisions" section requiring the policy endorsement to include primary and non-contributory language. The applicant/group that is named in the application and has control and authority over the event must provide the liability insurance. **Liability insurance must be approved at least 14 days prior to your event.** If you are unable to provide this insurance, the City works with a company to provide insurance. Please contact the Recreation and Parks Department for the application for insurance.
- b. Liability Insurance Coverage for the fireworks show falls under the attached "Fourth of July Fireworks Show Temporary Event Conditions" referred to in Section VIII-Legal Department Conditions.

III. PUBLIC SERVICES DEPARTMENT CONDITIONS

- a. Trolley use will be discussed at the Department Head/applicant meeting including trolley schedule, notification of street closures and special advertising to notify the general public regarding the amended trolley routes.

- b. Adequate trash and recycling receptacles shall be made available and emptied in a timely manner with continuous litter patrol.
- c. All vendors and food distributors to recycle at a minimum 50% of all material generated on site.
- d. Food and beverage distributors shall be encouraged to use paper or plastic containers that are recyclable and have recycled content. **Styrofoam and single use plastic water bottles shall be highly discouraged.**
- e. Compliance with the requirements for the Transient Vendor Business License Tax for vendors.

IV. POLICE DEPARTMENT CONDITIONS

- a. Estimate staffing for this year's event dedicated to the July 4th daytime and evening fireworks show is as follows:
 - 1. Two bicycle teams of two officers (4) officers total x 10 hrs. each = 40 hrs. x OT rate of \$55.00 = \$2,200.00.
 - 2. Additional Police Dispatcher - 6 hrs. x OT rate of \$30.00/hr = \$180.00
 - 3. Equipment Costs (vehicles, barricades) = No Charge
 - 4. Police Volunteer hours-130 hrs. = No Charge
 - 5. Event planning and meetings, traffic control planning, formulation of written plan, and briefing-Staff time 8 hrs. = No Charge

Total estimated Police Department staffing costs are \$4,600

- b. Applicant shall be responsible for staffing the vehicle stopping point at Tidelands Park and handling all parking issues and disputes for the Tidelands Boat Launch Ramp and parking area. Pending availability, Police Department volunteers will assist at this location by providing a volunteer to assist the event promoter staff.
- c. Bike Parade: Applicant shall be responsible for staffing any vehicle stopping/parking point at Morro Rock parking lot and handling minor parking issues and disputes for the Morro Rock parking area.
- d. Bike Parade: Parade shall have a police escort in the front and rear to provide a rolling traffic barrier.
- e. Bike Parade: Participants gathering time is scheduled for 11:00 a.m. with the parade beginning at 12:00 p.m. Route:
 - Parade starts at the Target Rock parking area.
 - Enters the bike path at the Coleman Drive intersection
 - Travels south on the bike path and exits to Embarcadero
 - Continues South along Embarcadero
 - Finish at Tidelands Park (N.W. parking lot)
- f. Bikes are scheduled to be stored at a bike valet corral at Tidelands Park.
- g. Bike corral is scheduled to operate from 12:00 p.m. to 6:00 p.m.
- h. Applicant to provide event traffic plan at least 14 days prior to event.

V. FIRE DEPARTMENT CONDITIONS

- a. Staffing consists of a crew of four, already on duty, augmented by two additional firefighters. Each unit will be staffed with two employees.
 - 1. Fire Marshal inspections range from \$0 to \$40.00/hour (inspect storage, loading of fireworks on barge, and safety inspection prior to ignition)
 - 2. One medic unit x 3 hrs (6:30 to 9:30) x \$76.88 = \$230.64
 - 3. One EMT unit x 3 hrs x \$30.00. = \$90.00

Total estimated Fire Department staffing costs = \$500

- b. The entire event site shall abide by all regulations listed in the “Tent and Canopy Guidelines for Special Event Cooking” and “Tents and Other Membrane Structures” Ch. 24. (attached)
- c. Applicant shall post City provided signs at the park outlining the City ordinance which prohibits safe and sane fireworks on public property.
- d. Emergency Vehicle access (min. 20 ft.) must be maintained at all times.
- e. Applicant must have possession of current and valid permit for Fireworks.
- f. Applicant must reserve one large parking space for City’s Fire vehicle.

VI. RECREATION AND PARKS CONDITIONS

- a. Streets Lead Worker-12 hrs. x \$33.55 = \$402.60
- b. Streets Maintenance Worker-12 hrs. x \$29.81 = \$357.72
Total estimated Public Services staffing and equipment costs = \$760.32
- c. It will be necessary to post temporary “No Parking” signs 72 hours prior to the event. Following the event, these signs must be removed by Thursday, July 5, 2012. Barricades for traffic/crowd control will also need to be gathered, assembled, disassembled and returned to the Corp. Yard.
- d. “No Parking” signs shall include Event Name, Date and Hours of no parking, and
“MBMC 10.08.030; CVC §22651 (m) (n)”
Reservations/closures of Handicapped parking stalls are prohibited.
- e. Estimated Recreation and Parks Department staffing costs: City Maintenance Worker II - 12 hrs. x \$26.03 = \$312.36 (trash pick-up, general park maintenance during the event, including restroom maintenance).
- f. **The park must be completely cleaned by July 5 at noon with all trash, staging, electrical cords, etc. cleared from the park.**
- g. Provide adequate port-a-potties to sustain the participants in the event (15-20 units, 2 handicap accessible units and several wash stations).
- h. Applicant must maintain an open parking stall in front of the park restroom for both trolley stops and maintenance vehicle.
- i. All setup and breakdown must be performed within the hours stated on the permit.
- j. Follow and adhere to all adopted rules and policies set by the Recreation and Parks Commission and the Recreation and Parks Department as stated on the reverse side of the P.A.U.P. application.
- k. A map/diagram of the event area shall be provided at least two weeks prior to the event.
- l. Pony Rides: This attraction must be contained to the south end of Tidelands Park. Vehicles and trailers must remain in the parking lot. Applicant shall be responsible for all cleanup associated with the pony attraction.
- m. Contact Mike Wilcox, Maintenance Superintendent, at 772-6278 regarding the use of City barricades and traffic signs and equipment. Arrangements must be made at least 2 weeks prior to the event. Please note the City will not be able to provide the total number of barricades and traffic control devices necessary. Please make the appropriate arrangements.

VII. HARBOR DEPARTMENT CONDITIONS

- a. Contact the Harbor Department concerning use of the side-tie dock. The Harbor Department does reserve the right to retain at least a boat length of space for public use/Coast Guard use.
- b. Maintain public access to the Tidelands Boat Launch Ramp and trailer-towing vehicle

- c. parking spaces until at least 2:00 p.m.
- c. Coordinate landing craft/barge placement with vessel operators; 1 officer 1.5 hours @ \$65/hour = \$97.50.
- d. One Harbor Patrol vessel underway with two officers from 7:30 pm to 10:00 pm; 2.5 hours X 2 personnel, 5 man hours @ \$65/hour = \$325.
- e. Additional safety vessel underway with two officers from 8:00 pm to 10:00 pm; 2hoursX 2 personnel, 4 man hours @ \$65/hour = \$260.
- f. Total estimated Harbor Dept. costs: \$682.50.
- g. Applicant must obtain a valid Marine Event Permit from the USCG 30 days prior to event.
- h.

SURF CONDITIONS

- a. The Harbor Patrol access from Morro Rock parking lot to the beach must remain open at all times.
- b. No vehicles are allowed on the beach under any circumstances.
- c. Beach/ocean access may not be restricted at any time and must remain open to all.
- d. Any banners, signage or structures built/displayed for the event must have prior approval.
- e. Activity is prohibited in the area of designated Snowy Plover habitat, as a result, no activity will be allowed north of the creek (pursuant to the State approved Snowy Plover Recovery Plan).
- f. One USLA-certified lifeguard must be provided for your event and present and ready to respond when participants are in the water. If needed, the Harbor Department may be contacted (772-6254) for names of local USLA-certified lifeguards that may be contracted-with independently for their services or the Harbor Department can provide one at the current rate of \$65.00/hr. **If independently contracted, at least 15 days prior to the event, the life guard must contact Harbor Operations Manager Eric Endersby or Harbor Patrol Supervisor Becka Kelly with their contact information and to brief about their proposed plan for providing water safety for the event.**

VIII. RISK MANAGEMENT/LEGAL DEPARMENT CONDITIONS

FOURTH OF JULY FIREWORKS SHOW TEMPORARY EVENT

Information and Education of Public. The attached “Attention” memorandum will be posted at key locations on the Embarcadero, at Boat and Kayak launch areas and on the City Trolleys. The attached “Sharing the Sand Spit with the Western Snowy Plover” memorandum along with a State Parks brochure will be given to each and every boat launched from the Tidelands boat launch ramp. This area will be barricaded, requiring each boater to stop and receive the memorandum before entering the boat launch ramp area.

Location. The fireworks shall be launched from a barge in the same location as 2008. The location is approximately ½ mile from critical habitat area on the sand spit and the rookery at Fairbanks Point. The fireworks show will last approximately 20 minutes.

Fencing. All suitable plover-nesting habitats on the Sand Spit shall be identified by a qualified biologist and delineated with posts and warning signs or symbolic fencing on or before Memorial Day weekend. All posts and warning signs or symbolic fencing shall remain in place until Labor Day weekend.

Marine Resources Monitoring. A report shall be prepared by a qualified coastal biologist detailing the

effect of the event on any marine wildlife. Such report shall identify a baseline condition of wildlife present in the event vicinity in advance of the event and describe wildlife movement from field observations during the day of the event and include follow-up monitoring following the event. The report shall include recommended event modifications meant to avoid and/or lessen the adverse effect of any identified negative impact on marine wildlife.

Monitors and Law Enforcement Personnel. Provide adequate numbers of monitors and law enforcement personnel in the vicinity of plover breeding areas to patrol fenced areas from the time when spectators begin congregating on the Sand Spit until the crowd disperses after the event. Assure that monitors and enforcement personnel receive accurate current information about the locations of threatened birds and plants so that they can minimize any disruptions from their own activities.

Pets. Pets must be leashed and under their owners' control at all times. Pets will be prohibited on the Sand Spit if, based on observations and experience, pet owners fail to keep pets leashed and under control.

Cleanup and Restoration of Sand Spit. The Sand Spit and the water area surrounding the Sand Spit shall be cleared of all debris, including but not limited to all fireworks detritus, and returned to their pre-event condition by July 5 at 5 p.m. The Permitted shall inspect the Sand Spit and the water area surrounding the Sand Spit for a minimum of two days following the conclusion of the fireworks (i.e., on Monday and Tuesday) for any remaining event debris, including but not limited to all fireworks detritus. All such debris found shall be properly disposed of and the inspections shall continue for at least 24 hours from the time that any such debris is located, and indefinitely until such inspections do not identify any more debris.

Post-Event Monitoring Report. Within three months of the conclusion of the event, the Permitted shall submit a brief Post-Event Monitoring Report to the City for review and approval. The Report shall include a narrative description with photographs of the event, including event set-up, the event itself, and event clean-up.

Upon receipt of verification of insurance, receipt of permit and use fees, compliance with the above conditions, your permit will be granted. Should you have any questions, please contact me at your earliest convenience.

Sincerely,

Joseph M. Woods
Recreation and Parks Director

cc: City Manager
Department Heads

Attachments: Tent and Canopy Guidelines for Special Event Cooking
Sharing the Sand Spit with the Western Snowy Plover



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

PERMIT #:

**PUBLIC AREA USE PERMIT
APPLICATION**

Group or Company Name: (Applicant's Name) MORRO BAY ATH, INC.
 Resident Non-Resident Profit Non-Profit IRS # 37-1589135
 Contact Person: DANIEL PIVESTO
 Mailing Address: PO BOX 43
 City: MORRO BAY State: CA Zip: 93443
 Telephone: Home: _____ Work: 805.776.7301 Fax: _____
 Cell: 805.704.5466 EMAIL: MORROBAYFOURTH@gmail.com

FACILITY/AREAS REQUESTED (if no electricity available)

<input type="checkbox"/> Hillside Area	<input type="checkbox"/> BBQ Area	<input type="checkbox"/> Coleman	<input type="checkbox"/> Centennial Parkway	<input type="checkbox"/> Monte Young Park *
<input type="checkbox"/> Meadow Area *	<input type="checkbox"/> East Field	<input type="checkbox"/> City Park	<input type="checkbox"/> Giant Chessboard	<input type="checkbox"/> Court 1 OR <input type="checkbox"/> Court 2
<input type="checkbox"/> Hockey Rink *	<input type="checkbox"/> West Field	<input type="checkbox"/> Anchor Memorial *	<input type="checkbox"/> Bayshore Bluffs	<input type="checkbox"/> Open Public Space (please specify):
<input type="checkbox"/> Court 1 OR <input type="checkbox"/> Court 2		<input checked="" type="checkbox"/> Tidelands	<input type="checkbox"/> Morro Rock	
		<input type="checkbox"/> Cloisters	<input checked="" type="checkbox"/> Morro Rock Parking Lot	

EQUIPMENT REQUESTED:

Volleyball Set Bocce Ball
 Horseshoes Barricades
 Softball Set
 Other: _____

EVENT DATE AND TIME REQUESTED:

Day and Date: THURSDAY, JULY 4TH, 2013
 Set-up Time: From: 6 AM To: 1 PM
 Event Time: From: 1 PM To: 9 PM
 Clean-up Time: From: 9 PM To: MIDNIGHT
 TOTAL HOURS: 18 HRS

EVENT INFORMATION:

Name of Event: 4TH OF JULY
 Purpose: FAMILY FRIENDLY, ALCOHOL FREE PICNIC & FIREWORKS INDEPENDENCE DAY CELEBRATION
 Estimated Attendance: 4000+ Adults: 3000+ Youth: 1000+ % of Morro Bay Residents: 50
 Will a fee be charged? NO YES: please explain: _____
 Do you plan to have amplified music/sound (ie: live music, DJ, PA System, etc.)? NO YES: Explain LIVE BANDS, STAGE, ETC.
 Will alcohol be consumed? NO YES Will alcohol be sold? NO YES (An ABC License will be required)
 Will a bounce house be provided at this event? NO YES: Name of company: _____
 Will any other attraction be provided at this event? NO YES: Explain: _____

If you want your event to be listed on the community calendar and/or website, and to learn about other potential promotional opportunities, please contact the Morro Bay Chamber of Commerce at (805) 772-4467.

SITE INFORMATION:

NO YES Electricity required?
 NO YES City streets and/or parking areas must be closed for this event.
 NO YES Temporary structures are to be built for this event.
 NO YES Tents or canopies will be used for event cooking.
 NO YES Open flames, refueling of vehicles or other fire hazards exist for this event.

- ◆ General Liability Insurance with a Policy Endorsement naming the City as Additional Insured will be required for all events.
- ◆ This application must be accompanied by a Permit Processing Fee and Security Deposit check.
- ◆ Applicants providing bounce houses must provide their own generators. Bounce houses may not be operated from the power sources at the park.
- ◆ If closures of City streets and/or parking areas are requested the permit must be submitted at least 30 working days in advance. Closures of City streets and/or parking areas will require additional conditions of approval and/or fees.
- ◆ Public places are Smoke Free Zones, therefore smoking is prohibited within the permitted area(s).

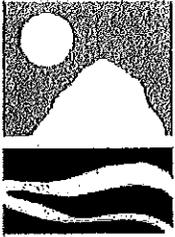
AGREEMENT FOR USE OF CITY PROPERTY:

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

Applicant's Signature

2-1-2013
Date

(RULES AND REGULATIONS ON BACK)



City of Morro Bay

Morro Bay, CA 93442

(805) 772-6200

REQUEST CONSIDERATION FOR CITY CO-SPONSORSHIP
PLEASE COMPLETE THIS FORM AND SUBMIT WITH YOUR APPLICATION
(To be attached to Permit Application – Retain in City files)

Requesting Organization: Morro Bay 4th, Inc.

Address: PO Box 43, Morro Bay, CA 93443

Contact Person: Daniel Podesto Daytime Phone: 805.704.5466
(Authorized to sign all documents)

Email: morrobayfourth@gmail.com Organization Website: www.morrobay4th.org

Non-Profit Resident Non-Resident Profit

If Non-Profit, please provide Tax Exempt #: 37-1589135

Event Dates: Thursday, July 4th, 2013 Location: Tidelands Park

Time: (Include setup and take down) 6am to midnight

Is event scheduled between Nov. 1st and April 30th? No Offered more than one day? No

Total attendance per day: (include participants, spectators, guests, exhibitors, performers, entertainers, volunteers and employees)

Day 1: 4000+ Day 2: Day 3: Day 4: Day 5:

Detailed description of event: Family friendly, alcohol free picnic and fireworks
to celebrate America's Independence Day

Who is the target audience for the event? Families, Morro Bay residents and visitors

Will the event be advertised for participants outside of San Luis Obispo County? Yes

Will the event be advertised for participants from outside the State of California? Yes

How will your event be advertised? Print, radio and TV in collaboration with TBID

Is this event an Annual Event? Yes How many previous? 236

Why is your group requesting City co-sponsorship? This is a community event that attracts residents and visitors alike. The event draws in revenue to the businesses of Morro Bay and to the City of Morro Bay via tax revenue.

What are your group's expectations of a City co-sponsorship? The City of Morro Bay would waive all City Services fees and allow the 4th of July festivities to be covered under the City's liability insurance policy.

How does the City benefit from co-sponsorship of your event? The 4th of July event draws thousands of SLO County and out-of-town residents to Morro Bay for a long 4-day weekend to spend money at local hotels, restaurants and retailers.

Describe the type of Vendors / Exhibitors / Concessionaires: Food vendors and Independence Day paraphernalia

Do you have a Recycling Program? Yes Please describe: Collaborate with the Morro Bay Guerilla Gardeners to make the 4th of July a zero waste event.

Describe any food service to be provided at event: Food vendors will be present

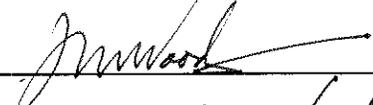
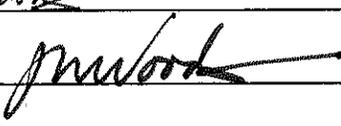
Caterer	Alcoholic Beverages Served	Alcoholic Beverages Sold
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List entertainment activities:

On site: Multiple bands, kids activities and fireworks

Off site: Bike parade and skateboard contest

***** CITY REVIEW *****

1. Department Head Review: 
2. RPC Review: 3-21-2013 
3. Department Head Approval: _____
4. City Council Approval (if required): _____



CITY OF MORRO BAY

1001 Kennedy Way
Morro Bay, CA 93442
(805) 772-6278
fax: (805) 772-2693

INVOICE NUMBER | 1
DATE | 7/30/2012
DATE DUE | Upon Receipt

BILL TO:
Morro Bay 4th, Inc.
Daniel Podesto
P.O. Box 43
Morro Bay CA 93443

DATE	SERVICE DESCRIPTION	AMOUNT DUE
July-12	Harbor - Patrol Vessel 2 Officers/ 2-1/2 Hours @ \$65/Hour	\$325.00
July-12	Harbor - Patrol Vessel 2 Officers/ 4-1/2 Hours @ \$65/Hour	\$585.00
July-12	Police - Bicycle Officer - 12 Hours @ \$49.30	\$591.60
July-12	Police - Bicycle Officer - 12 Hours @ \$51.71	\$620.52
July-12	Police - Bicycle Officer - 12 Hours @ \$53.83	\$645.96
July-12	Police - Bicycle Officer - 12 Hours @ \$42.72	\$512.64
July-12	Police - Dispatcher - 6 Hours @ \$33.86	\$203.16
July-12	Fire - RR Firefighters (3) 10-1/2 Hours @ \$8.50	\$89.25
July-12	Fire - RR Firefighters (2) 7 Hours @ \$9.00	\$63.00
July-12	Fire - Full Time Firefighter - 3-1/2 Hours @ \$34.44	\$120.54
July-12	Fire Marshall Inspection - 6 @ \$21.00	\$126.00
July-12	R & P Director - 1/2 Hour @ \$67.76	\$33.88
		\$3,916.55
		TOTAL DUE

MAKE CHECKS PAYABLE TO:
City of Morro Bay



Attachment A

AGENDA NO:

MEETING DATE: 8/10/2009

Staff Report

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

RECOMMENDATION:

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

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

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

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

FISCAL IMPACT:

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

SUMMARY:

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

Winter Bird Festival as the event attracts visitors from out of the area, during the winter months, and for multiple night stays.

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

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

DISCUSSION:

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

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

The City in turn received:

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

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

Morro Bay Photo Expo-2009

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

Morro Bay Winter Bird Festival-2009

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

Morro Bay Dahlia Daze-2009

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

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

CONCLUSION

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



Attachment B

AGENDA NO:

MEETING DATE: 09/03/2009

Staff Report

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

RECOMMENDATION:

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

FISCAL IMPACT:

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

SUMMARY:

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

BACKGROUND:

Approval of co-sponsoring a special event has been and still is the authority of the City Manager. Staff is aware of three specific events that have been included in co-sponsorship:

The Morro Bay Winter Bird Festival, the Morro Bay Jazz Festival, and the Teach Foundation Telethon Fundraiser. Each special event had an agreement with the City and conditions varied.

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

DISCUSSION:

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

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

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

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



Attachment C

AGENDA NO: C-1

MEETING DATE: 10/1/2009

Staff Report

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

RECOMMENDATION:

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

FISCAL IMPACT:

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

SUMMARY:

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

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

BACKGROUND:

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

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

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

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

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

DISCUSSION:

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

The City's co-sponsorship currently includes two special events: the Morro Bay Winter Bird Festival and the Teach Foundation Telethon Fundraiser. Both events were approved by the City Administrator and are well beyond 10 years in existence. The City Council has requested the Recreation and Parks Commission (RPC) to review the current policy and recommend any improvements such as guidelines for qualifications, application review procedures, and event logistics. Through discussion, the RPC has agreed on the desire to continue with a co-sponsorship program, and the need to qualify requesting agencies based on various criteria. Information received from the requesting agency's application for co-sponsorship should be reviewed and approved by the RPC and Recreation and Parks Director.

BACKGROUND/ DISCUSSION:

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

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

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

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

CONCLUSION

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

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – OCTOBER 12, 2009

~~Mr. Schultz answered the questions raised in public comment.~~

MOTION: Councilmember Winholtz moved the City Council authorize staff to seek bids to sell the real property located at the Northeast Corner of Market Avenue and Pacific Street and at 781 Market Street. The motion was seconded by Councilmember Borchard and carried unanimously. (4-0)

B-2 RESOLUTION TO APPROVE A BUSINESS LICENSE APPLICATION FOR AN ARCADE IN CONFORMANCE WITH MORRO BAY MUNICIPAL CODE 5.04.330 AT 725 EMBARCADERO ROAD; (ADMINISTRATION)

City Manager Andrea Lueker stated the City received a business license request to establish a "family fun zone" video arcade at 725 Embarcadero. Pursuant to the Municipal Code, approval of the business license application for this type of business is required by the City Council in a public hearing setting. Ms. Lueker recommended the City Council adopt Resolution No. 53-09 approving a business license application for an arcade located at 725 Embarcadero Road.

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

Councilmember Borchard expressed concern with another business in the visitor serving area that will not be providing sales tax.

Councilmember Winholtz stated she will vote in support of this application with the condition of reviewing it in one year.

Mayor Peters stated she is supportive because it will give kids something to do.

MOTION: Councilmember Smukler moved the City Council adopt Resolution No. 53-09 approving a business license application for an arcade located at 725 Embarcadero Road with conditions 1-5 as listed. The motion was seconded by Mayor Peters and carried unanimously. (4-0)

C. UNFINISHED BUSINESS

C-1 CONTINUED CONSIDERATION OF THE CITY'S CO-SPONSORSHIP OF EVENTS; (RECREATION & PARKS)

Mayor Peters stepped down due to a conflict of interest.

Recreation & Parks Director Joe Woods stated the City's co-sponsorship currently includes two special events: the Morro Bay Winter Bird Festival and the Teach Foundation Telethon Fundraiser. Both events were approved by the City Administrator

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – OCTOBER 12, 2009

and are well beyond 10 years in existence. The City Council has requested the Recreation and Parks Commission (RPC) review the current policy and recommend any improvements such as guidelines for qualifications, application review procedures, and event logistics. Through discussion, the RPC has agreed on the desire to continue with a co-sponsorship program, and the need to qualify requesting agencies based on various criteria. Information received from the requesting agency's application for co-sponsorship should be reviewed and approved by the RPC and Recreation and Parks Director. Staff feels that groups requesting co-sponsorship must meet the minimum of criteria consisting of the following: 1) event is off-season (November 1st through April 30th); 2) event is multi-day or one day with financial return to the City; and, 3) requesting party is a nonprofit organization. Furthermore, staff feels co-sponsored events should be reviewed on an annual basis along with their re-submittal of a Facility Use Application. Additionally, current co-sponsored events would need to reapply under any new policies or procedures which may be adopted. Mr. Woods recommended the City Council consider one of the three options: 1) continue with the existing co-sponsorship program without amendments; 2) approve the City's co-sponsorship of events with conditions; or 3) no longer support the City's co-sponsorship of events.

Councilmember Smukler stated he supports option 2 that would include a recycling plan on the questionnaire; Councilmember Borchard and Councilmember Winholtz agreed.

Staff clarified there is a policy that would allow events to apply for co-sponsorship on a regular basis with an evaluation each year.

Councilmember Winholtz requested the Recreation and Parks Commission define what the financial return to the City is from the various events.

MOTION: Councilmember Borchard moved the City Council continue the co-sponsorship of events, with the following conditions: 1) event is off-season (November 1st through April 30th); 2) event is multi-day, or one day with financial return to the City; and, 3) requesting party is a non-profit organization. The motion was seconded by Councilmember Smukler.

Councilmember Winholtz requested a friendly amendment to the motion to direct the Recreation & Parks Department to explore criteria further with more delineation.

Councilmember Borchard accepted the amendment to her motion; Councilmember Smukler accepted the amendment to his second.

VOTE: The motion carried with Mayor Peters abstaining. (3-0-1)



AGENDA NO: D-4

MEETING DATE: 04/9/2013

Staff Report

TO: Honorable Mayor and City Council

DATE: April 4, 2013

FROM: Andrea Lueker, City Manager

SUBJECT: Discussion of Items to Place on the Joint City Council / Planning Commission Meeting and Rescheduling of the Joint Meeting to Tuesday, April 23, 2013

RECOMMENDATION

Staff recommends the City Council discuss and direct staff to agendaize items for the Joint City Council / Planning Commission Meeting. Staff further recommends that this meeting be rescheduled to Tuesday, April 23, 2013 beginning at 4:30pm.

DISCUSSION

The City of Morro Bay Planning Commission Bylaws stipulates that, *“The Planning Commission shall: ... D. Upon the request of the City Council, hold a joint meeting with the city council twice annually to discuss proposed policies, programs, goals and objectives, budgeting, future planning, or any other planning matter requiring joint deliberation. The city clerk shall in January of each year bring forth an agenda item to the city council to schedule the two joint meetings;”*

The minutes from the January 8, 2013 City Council meeting, Council reflect:

D-5 CITY COUNCIL ANNUAL MEETING SCHEDULE - 2013; (ADMINISTRATION)

“City Manager Andrea Lueker presented the staff report.

MOTION: Councilmember Nancy Johnson moved approval of the annual meeting schedule as presented. The motion was seconded by Councilmember Leage and carried unanimously 5-0.

There was discussion about scheduling the Joint Planning Commission/City Council meetings. There was consensus to look into scheduling them on the 5th Tuesdays of the months of April and October.”

Due to member scheduling conflicts, the meeting originally scheduled for Tuesday, April 30, 2013 is unable to occur. After polling the Council and the Planning Commissioners, it has been mutually agreed upon to hold this meeting on Tuesday, April 23, 2013 beginning at 4:30pm.

CONCLUSION

So that Councilmembers, Planning Commissioners and staff can be prepared, staff requests discussion and direction on appropriate items for the agenda as well as reschedule the meeting to April 23, 2013 at 4:30pm.

Prepared By: _____ Dept Review: _____

City Manager Review: _____

City Attorney Review: _____