

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – APRIL 12, 2010
CITY HALL CONFERENCE ROOM - 5:00 P.M.

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

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney

CLOSED SESSION

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

Mayor Peters read the Closed Session Statement.

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

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

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

The meeting adjourned to Closed Session at 5:00 p.m. and returned to regular session at 5:50 p.m.

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

The meeting adjourned at 5:50 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 12, 2010
VETERANS MEMORIAL HALL - 6:00 P.M.

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

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Bridgett Kessling	City Clerk
	Rick Algert	Harbor Director
	Rob Livick	Acting Public Services Director
	John DeRohan	Police Chief
	Tim Olivas	Police Commander
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &
PRESENTATIONS

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

PUBLIC COMMENT

Peter Candela, Chamber of Commerce, thanked Police Chief John Derohan for all his dedication and involvement with the Chamber, saying he will be missed. He said the police department's help at all the Chamber events certainly made the Chamber's job much easier. He said every year the Chamber holds the candidates forum, and this year the Chamber will partner with the Business Forum and the Lion's Club. To do this, they need the facility, and AGP will videotape the forum. He said they are considering passing the cost of AGP to the candidates, but would appreciate it if the cost of the facility could be waived. He then reported on the BID and the fulfillment program. They have gone from 200-300 fulfillments every month to over 1,000 every month. In the past five months, they have exceeded 6,000 fulfillments. As a comparison, last year there were 5,000 fulfillments in a 12-month period. He said Morro Bay is actually doing more fulfillments than Pismo right now.

Ed Krovitz announced that on Sunday, April 25, from 11:00 a.m. to 1:00 p.m., at Tognazzini's Dockside Too there will be an opportunity to meet Rick Grantham, who is a candidate for Mayor of Morro Bay. There will be complimentary food and music at the event. This will be a chance to talk with Rick on any issues or concerns people have regarding the City.

Marilyn Glesmann, representing the Morro Bay Garden Club, said in August they will be coordinating Dahlia Daze to celebrate Dahlias as Morro Bay's official flower. She gave a brief history of Dahlia Daze. She said this year the theme for Dahlia Daze is Dancing Dahlias and will feature Miss Karen's Dance Studio as dancing Dahlias, the local 4-H groups, Morro Bay Historical Society, and other area garden clubs and Dahlia growers. There will be a wine and cheese kickoff reception on Friday evening, August 27, from 4:00 p.m. to 6:00 p.m., at the Morro Bay Community Center. It will feature Kevin Larkin, the current president of the National Dahlia Growers Society. The program on Saturday will be from 1:00 p.m. to 4:00 p.m. There will be hundreds of varieties of Dahlias. Local artists' paintings will feature floral designs. Everyone is welcome to bring their cut Dahlias to display. There will be plants available for purchase. She requested the co-sponsor rate for this event.

Nancy Johnson announced her candidacy for City Council. She said she is running for City Council because she cares about Morro Bay. She said she will research thoroughly before making any decisions. She will work to make sound policies that will help to improve our City. She said she will be accountable to every voter who elects her and not to any special interest groups. She will make herself available to listen to people about their needs and interests. She is holding a series of "meet and greet" events. She encouraged people who are interested in learning more about her to get people together and she will go to their home to meet with them. She gave her phone number, 772-3738. She said she is having a get-together on April 23 from 5:30 p.m. to 7:00 p.m. at the Pelican Grill. People can get two tacos and a beer for \$10. There will be music and prizes.

D'Onna Kennedy announced her candidacy for City Council. She will be having a "meet and greet" at Fred's Grill on Sunday, April 18, from 4:00 p.m. to 6:00 p.m., including refreshments. She said she is against marijuana dispensaries in Morro Bay. She said she knows the effects this can have on a City. She has information and reports on the consequences other states have had with marijuana dispensaries. She thanked the people who came out for her town hall meeting.

Peter Beaman, a member of the Morro Bay 4th Committee, said Morro Bay will be having fireworks on the Fourth of July. He said their fundraiser last Sunday was rained out. They have rescheduled it for next Sunday, April 18 at Tognazzini's Dockside Too from 1:00 p.m. to dark. Tickets people bought for the original event will be honored. He encouraged everyone to come out and help support fireworks in Morro Bay.

Neil Farrell wanted to remind everyone about the Oyster Feed for the Morro Bay 4th event. He said Morro Bay Beautiful had a young artist here from Bakersfield on

Saturday to do some more tile mosaics on two art cans on the Harbor Walk. However, due to the weather, he could not finish the cans and will probably return on Wednesday to complete the work. Neil said to be sure to check out the can across from the restrooms by the rock. He said it is gorgeous. Neil thanked everyone for the citywide yard sale over the weekend. He talked about all the people that came into town for the event.

Bill Yates said he felt compelled to announce that he is a candidate for Mayor since everyone seemed to have done that tonight. He said he felt that by everyone talking about their candidacy is taking away from business time. He said he is running for Mayor because he is frustrated. He said he does not understand why the medical marijuana dispensary is the number one issue when there are so many other issues that he feels are more important. He said his reception will be April 25, from 5:00 p.m. to 7:00 p.m., at Windows on the Water. On May 5, Troy Leage is putting on a pig roast luau for Bill Yates and George Leage. In closing, he commended Chief Derohan.

Ken Vesterfelt reminded everyone that the car show is coming up the weekend of April 30. They are expecting 500 cars to be in the event this year. He encouraged any business, resident, or council member to buy a gift certificate to their favorite restaurant, gas station, grocery store, etc., to encourage car show participants to keep returning each year. The car show is very good for businesses in town that weekend. He thanked the "Follies" for their donation to the car show. In closing, he thanked Chief Derohan for all the work he has done for the city.

Perry Brennan reported on the Medical Marijuana Subcommittee. He said there were approximately 23 people in attendance at the meeting last week, of whom 10 or 11 were not Morro Bay residents. One doctor was from Santa Barbara. Of those in attendance, 15 were in favor of the dispensary, and six against. Of the 15, 10 or 11 were from out of the city. He said it looked to him that "we are being overwhelmed by the outsiders who can't get this approved in their city and they want to come to Morro Bay and bring their money and rent an expensive space and open their marijuana dispensaries." He feels this needs to be on the ballot so the citizens of Morro Bay can make the decision. He felt the City Council does not seem to want to make a decision on the issue.

Noah made a comment regarding the marijuana subcommittee, stating the next meetings are scheduled for May 4 and May 18, both from 5:30 p.m. to 7:30 p.m., at the Community Center.

Mayor Peters closed the hearing for public comment.

A. CONSENT CALENDAR

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

A-1 RESOLUTION NO. 18-10 COMMENDING POLICE VOLUNTEER KEN VESTERFELT; AND, RESOLUTION NO. 19-10 COMMENDING CORINNE

BLACK FOR THEIR SWIFT ACTIONS TO HELP CATCH BANK FRAUD SUSPECTS; (POLICE)

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

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

RECOMMENDATION: Approve as submitted.

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

RECOMMENDATION: Adopt Resolution No. 20-10.

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

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

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

RECOMMENDATION: Adopt Resolution No. 17-10.

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

RECOMMENDATION: Adopt Ordinance No. 554.

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

RECOMMENDATION: Adopt Proclamation.

Mayor Peters pulled Items A-1 and A-7 from the Consent Calendar; and Councilmember Winholtz pulled Items A-3 and A-5.

MOTION: Councilmember Grantham moved the City Council approve Items A-2, A-4 and A-6 of the Consent Calendar. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

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

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

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

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

Councilmember Winholtz said she will vote against this because she feels it is not legal according to Measure D. Since it is a tour business and not a fishing venture, it is not permitted. Rick Algert explained that all of Virg's are grandfathered in, pre-existing, nonconforming uses, in the proposition that was passed by the people.

MOTION: Councilmember Borchard moved the City Council approve Item A-3 of the Consent Calendar. The motion was seconded by Councilmember Grantham and carried with Councilmember Winholtz voting no. (4-1)

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

Councilmember Winholtz commented about the trees that were planted in the public right of way. She said this was more a side comment. She said according to past Council minutes, the Council was very strong in trying to obtain canopy trees for Morro Bay Boulevard. She said that wish did not happen for a variety of reasons. She wanted to encourage the tree committee to move swiftly forward with that list so things can get squared away.

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

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

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

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

Mayor Peters called for a break at 7:10 p.m.; the meeting resumed at 7:15 p.m.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

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

Harbor Director Rick Algert stated on September 14, 2009, the City Council held a public hearing to discuss strategies to prevent and reduce vacancies on the Embarcadero and stimulate business. On September 28, 2009, the City Council adopted Resolution No. 47-09 to authorize staff to negotiate payment plans on modern City lease agreements, allow for quarterly minimum rent payments on modern City leases, to waive the 2009-2010 CPI increase to minimum rent, and approve office uses on the second floor of lease site buildings in compliance with City planning and zoning requirements. In September 2009, the City Council also considered other rent concession concepts to promote new business establishments on City lease sites, but determined to monitor the situation and review those issues again within six months. The economy may be on the upswing, but the retail environment remains depressed with many commercial vacancies in the City and countywide. Mr. Algert recommended the City Council adopt Resolution No. 21-10 approving a one-time rent credit of up to \$6000 for those City tenants on modern format master leases subject to percentage of gross sales rent to reduce vacancies and stimulate business on the Embarcadero.

Mayor Peters opened the hearing for public comment.

Neil Farrell feels the problem is not the rent but the lack of customers. He suggested taking money from the Harbor reserve account and do a media blitz over in the Central Valley through radio ads, TV ads, newspaper ads, and get the name of Morro Bay in front of people, encouraging them to come here. He also suggested expediting a maritime museum to attract tourists to Morro Bay. He said he feels it would be a good fix for the long run.

Mayor Peters closed the public comment hearing.

Mayor Peters referred to Peter Candella's report that there have been many people coming to Morro Bay—they just are not buying things.

Councilmember Borchard reiterated that the Harbor Fund money is not for promoting. The BID, the Promotions, and the Visitor Center funds are used for promoting Morro Bay. The Harbor Reserve Funds need to be used for taking care of infrastructure such as replacing the pier and other things that need to be taken care of. She is in favor of offering the rent incentives and would like to see the rents stay status.

Councilman Smukler is in favor of the rent credit. He said the CPI recapture would not be a favorable thing to do. He is in favor of leaving last year's CPI increase and not try to recapture that. Leaving it at zero would be his preference.

Councilman Grantham is not in favor of recouping the 3.5 CPI. He is in favor of adopting the resolution.

Councilmember Winholtz is in favor of the Resolution.

MOTION: Councilmember Winholtz moved the City Council adopt Resolution No. 21-10 authorizing one-time rent credits for City tenants to reduce vacancies on the Embarcadero and stimulate business on the Embarcadero and to allow the Consumer Price Index to remain flat. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

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

Harbor Director Rick Algert stated last year Council authorized purchase of one automated parking payment machine for installation at the Tidelands Park Boat Launch Ramp and approved in the Harbor Master Fee Schedule a \$1 hour or \$5 daily maximum parking fee for the trailer and towing vehicle spaces at the Boat Launch Ramp. The machine has been purchased and will be installed shortly; however, Chapter 10 in the Morro Bay Municipal Code must be amended to provide authority for citing users who fail to pay the fee. Mr. Algert recommended the City Council approve Ordinance No. 555 for introduction and first reading by number and title only.

Councilmember Winholtz suggested an amendment to the title of the Ordinance in order to read ... SECTION 10.44.070 TO REGULATE MUNICIPAL PARKING LOTS; Council concurred.

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

Councilmember Winholtz questioned Mr. Schultz if this lot would be limited to 10 hours. Mr. Schultz explained the limit in this lot would be 72 hours for people with boats that go out for a longer period of time.

MOTION: Councilmember Grantham moved the City Council approve Ordinance No. 555 for introduction and first reading by number and title as amended. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

City Manager Andrea Lueker read Ordinance No. 555 by number and title.

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

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

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

MOTION: Councilmember Winholtz moved the City Council adopt Resolution No. 15-10 initiating the proceedings to levy the annual assessment for the Cloisters Park and Open Space Landscaping and Lighting Maintenance Assessment District. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

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

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

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

MOTION: Councilmember Borchard moved the City Council adopt Resolution No.16-10 initiating proceedings to levy the annual assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

C. UNFINISHED BUSINESS

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

Acting Public Services Director Rob Livick stated the City Council requested the Sign Exception Process be re-evaluated by staff to ensure that the process for approving the A-frame signs has been successful and, if necessary, make recommendations to improve the process. In evaluating the current A-Frame sign program staff was able to determine that the program is not successful. Currently when a business desires to utilize an A-frame sign they must apply for an A-Frame Sign Exception Permit. The processing of an A-Frame sign is more cumbersome than applying for a regular sign to be permanently installed. Most regular sign permits can be reviewed and approved administratively, but A-Frame sign exceptions must have a public hearing before the Planning Commission. This process has proven to be too burdensome on both the public and City staff and therefore, over the last few years, appears that while permits have been accepted accompanied by the necessary fee, none have been taken for approval. Mr. Livick recommended the City Council review the various options regarding A-frame sign regulations and give direction to staff as to how to proceed.

Mayor Peters stated she prefers Atascadero's A-frame sign regulations.

In answer to Councilmember Smukler's inquiry regarding the time it takes to hear back from the Coastal Commission once something is submitted to them, Mr. Livick said they are working to establish a better working relationship with them. Mr. Livick also said the current encroachment fee of \$116 covers the typical encroachment costs and does not need to be raised. He explained that the Atascadero plan has just a one-time fee.

Councilmember Borchard inquired if it was an annual fee or a one-time fee. Mr. Livick stated that under the Atascadero example, it is a one-time fee. However, they reserve the right to revoke it at any time if it were to become a problem. Then that business would have to re-apply.

Councilmember Smukler inquired if there is a plan for getting businesses into compliance and updating them on this transition. Mr. Livick stated it would take several weeks. They would meet with the Chamber, with the Merchants Association, and prepare informational flyers.

Councilmember Grantham stated he likes the idea of businesses signing an insurance waiver. He is not in favor of off-site signs, and that it needs to be determined what is actually off site. Public safety is an important factor. He would like an answer back on the encroachment permit. He would like to see at least a minimum four-foot clearance on an eight-foot sidewalk. He feels the signs are definitely an asset for the businesses but wants to make sure the safety aspect is covered. He would also like to know the difference between non-encroached and encroached.

Councilmember Winholtz stated she considers A-frame signs as clutter on sidewalks. She said a monument sign would be neater (with several businesses listed) and more effective in particular areas.

Councilmember Smukler stated he understands Councilmember Winholtz' statement about clutter. However, he stated that as long as it is determined to have a safe place for signs to be placed, he is comfortable with that. He feels that professional signs would cover the concern about clutter. He noted that some restaurants like to have signs out to promote specials. He would like to see insurance added to the permit and a minimum sidewalk width.

Councilmember Borchard stated she has seen A-frame signs in the back of a pickup truck advertising certain businesses in town and feels they are very unattractive. She added that sometimes they are not even close to the business. She would like the ordinance to address how far away from the business the sign can be.

Mayor Peters agreed with Councilmember Borchard that the A-frame signs in the back of pickup trucks are very unattractive and should not be encouraged.

MOTION: Councilmember Winholtz moved the City Council direct staff to forward the A-Frame Sign Ordinance to the Planning Commission and back to City Council, and then pass it on as an amendment to the Coastal Commission. The motion was seconded by Councilmember Borchard

Councilmember Winholtz amended her motion to include the entire Sign Ordinance; Councilmember Borchard amended her second. The motion carried unanimously. (5-0)

D. NEW BUSINESS

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

This item was pulled from the agenda.

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

Recreation & Parks Director Joe Woods stated when public properties are not in use by the City, they are made available for use by public groups or individuals for social, cultural or recreational activities. Such use shall require an application, from which a permit is granted provided compliance is met for all adopted guidelines, rules, regulations and conditions. Guidelines are developed by staff and reviewed and adopted by the Recreation and Parks Commission pursuant to Morro Bay Municipal Code Chapter 24.24.040.B. Applications are reviewed by the Special Events Team, which consists of the Recreation and Parks Director and City Department Heads or their representatives. If the use application is permitted, the applicant is presented with assessed fees and conditions which must be met prior to actual usage; any additional City services are invoiced to the applicant after the event. The Recreation and Parks Commission has reviewed the current guidelines for public area use and recommends no amendments to Council. Mr. Woods recommended Council review the current guidelines and procedures for public area use and direct staff accordingly.

Mayor Peters inquired about the \$1 million insurance policy. Mr. Woods explained the example of having a party of approximately 75 people for a reunion and having alcoholic beverages at the event would require the party to purchase a \$1 million insurance policy. He explained that the rates for this type of insurance are very reasonable. The party could purchase the policy either through the City or through a commercial policy.

Councilmember Grantham asked how often the Special Events Team meets. Mr. Woods said they meet on the second Thursday from 2:00 p.m. to 4:00 p.m. every month. They try to have the applicants at these meetings. He said they ask people to file for a reservation 10 days before their special event. Provided staff is available, they process it in five days. On each application, there is wording to the effect that the park must remain open for all public use. There is exclusive use of a reserved area.

Councilmember Winholtz expressed the importance of having recycling containers at City parks, and encourages individuals to recycle.

Councilmember Smukler agreed with Councilmember Winholtz regarding recycling containers for the parks.

Mr. Woods stated this is required for special events. He also explained that having recycling containers in all parks all the time would double the labor and be cumbersome on staff, and staff would also have to take the recycled items to a different location. They are working to expand their Adopt-A-Park program. When that really gets going, the recycling could work much better.

Councilmember Borchard expressed concern over a particular area or parking lot being used on an ongoing basis without notifying businesses in the area. She spoke specifically in reference to the idea that the Saturday Farmers Market possibly being move to the parking lot on the Embarcadero a few months ago. Mr. Woods said this is a different situation and would require a special use permit that must applied for. Mayor Peters suggested that when the permit is for a public street, such as where the Saturday Farmers

Market is located, could there possibly be a yearly review of the event which would include public comment. Mr. Livick said they do have to renew their permit yearly; however, it does not go through the Recreation and Parks Commission.

MOTION: Mayor Peters moved the City Council direct staff to continue processing permits allowing use of public property using current guidelines and policies with amendments to recycling and zoning to be examined. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

Mayor Peters called for a break at 8:52 p.m.; the meeting resumed at 9:00 p.m.

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

Recreation & Parks Director Joe Woods stated when amplified music is requested through a Public Area Use application, staff includes sections of Morro Bay Municipal Code Section 9.28 as a condition to the permit. The condition on the permit is usually Morro Bay Municipal Code 9.28.030.C. and is generally stated as: "Live or amplified music during the event between the hours of 7:00pm and 7:00am shall not be audible 50 feet from where the structure is located." Applicants are required to notify adjacent neighbors of their planned use prior to the event date. Notification methods vary depending on the location and type of usage. The Recreation and Parks Commission has reviewed the current procedures and ordinances for amplified sound during events in public parks and recommends to Council no amendments. Mr. Woods recommended Council review the current procedures and ordinance for amplified sound during events in parks and direct staff accordingly.

MOTION: Councilmember Smukler moved the City Council direct staff to continue processing permits allowing amplified sound during events in public parks using current guidelines, policies and ordinances. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

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

Mayor Peters stepped down due to a conflict of interest.

Recreation & Parks Director Joe Woods stated the Morro Bay Garden Club has recently requested co-sponsorship from the City of Morro Bay to support their annual Dahlia Daze event scheduled for August 27-28, 2010. Staff has reviewed the request and presented the application to the Recreation and Parks Commission at their regular meeting on March 23, 2010. After discussion, the Recreation and Parks Commission was in favor of co-sponsorship. The Recreation and Parks Commission found that the request for co-sponsorship met two of the three co-sponsorship conditions, and is recommending City Council waive the time of year condition based on the nature of the event. Mr. Woods recommended the City Council review and discuss the possibility of co-

sponsoring the Morro Bay Garden Club's annual Dahlia Daze event and direct staff accordingly.

Councilmember Grantham stated with the current shortfall, he is not supportive of the co-sponsorship; he would rather give a donation from discretionary funds.

MOTION: Councilmember Smukler moved the City Council support the co-sponsorship of the City and the Morro Bay Garden Club with their annual Dahlia Daze event on August 27-28, 2010 at the Morro Bay Community Center. The motion was seconded by Councilmember Winholtz and carried with Councilmember Grantham voting no. (3-1-1)

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

Councilmember Grantham and Councilmember Winholtz stepped down due to a conflict of interest.

Mayor Peters stated the Morro Bay Chamber of Commerce, the Business & Community Forum, Lion's Club have volunteered to arrange a candidates' forum for the Primary Election to be held on June 8, 2010. Such forums present a valuable public service in acquainting the voters with the views and goals of the candidates for Morro Bay Mayor and City Council. The volunteering organizations are requesting that the City Council waive the fee for the Veterans' Memorial Building for a three-hour event to be held on May 4, 2010. Mayor Peters recommended the City Council discuss the request and direct staff accordingly.

Councilmember Smukler stated the applicant should be responsible for insurance and liability, clean-up and set-up, open up and lock-down of the event; Councilmember Borchard concurred.

MOTION: Mayor Peters moved the City Council grant a fee waiver for the candidate forum on May 4, 2010 for the Primary Election with the understanding that they supply the insurance and liability, set-up and clean-up, and open up and lock-down of the event. The motion was seconded by Councilmember Smukler and carried unanimously. (3-0-2)

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

This item was pulled from the agenda.

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

Mayor Peters stated the City's advertising agent, John Sorgenfrei, has suggested the City send a letter to form a relationship with the Rock of Gibraltar and do a Sister City program with them. Karen and Harold Biaggini are planning on being in Gibraltar on April 29, 2010, and have offered to make the effort to reach out to them during that day. It is recommended the City Council approve sending a letter to Gibraltar to encourage potential future tourism business.

MOTION: Mayor Peters moved the City Council approve sending a letter to Gibraltar regarding a Sister City Program. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

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

This item was pulled from the agenda.

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Smukler requested to agendize a discussion on a reclaimed water ordinance (long-term planning item); Council concurred.

Councilmember Winholtz requested to agendize a discussion on Recreation and Parks Commission Ordinance (Morro Bay Municipal Code Chapters 2 and 9 - Prohibited Conduct); Council concurred.

Councilmember Winholtz requested to agendize a discussion on pulling the Local Coastal Plan from the Coastal Commission; Councilmember Winholtz will prepare a report.

ADJOURNMENT

The meeting adjourned at 9:32 p.m.

Recorded by:

Bridgett Kessling
City Clerk