



# CITY OF MORRO BAY CITY COUNCIL AGENDA

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The City of Morro Bay provides essential public services and infrastructure to maintain a safe, clean and healthy place for residents and visitors to live, work and play.

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## Regular Meeting Tuesday, October 25, 2022 – 5:30 P.M. Veterans Memorial Hall 209 Surf St., Morro Bay, CA

Pursuant to Assembly Bill 361 (2021-22) and Government Code section 54953 this Meeting will be conducted in a hybrid format with both in-person and virtual public participation. Ways to watch this meeting and submit public comment are provided below.

### **Public Participation:**

Public participation is allowed in the following ways:

- Community members may attend the meeting in person at the Morro Bay Veterans Hall.
- Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the “raise hand” feature to indicate your desire to provide public comment.

Please click the link below to join the webinar:

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcwTHlRTk9xaTlmWVNWRFUQT09>

Password: 135692

- Or Telephone Attendee: 1 (408) 638-0968 or 1 (669) 900 6833 or 1 (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press \*9 to “Raise Hand” for Public Comment

- Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).
- Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the City Council at [council@morrobayca.gov](mailto:council@morrobayca.gov) prior to the meeting. Agenda Correspondence received at [council@morrobayca.gov](mailto:council@morrobayca.gov) by 10 a.m. on the meeting day will be posted on the City website.

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE  
PLEDGE OF ALLEGIANCE  
RECOGNITION  
CLOSED SESSION REPORT  
MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS  
CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

#### PRESENTATION

- National Adoption Month Proclamation
- National Apprenticeship Week Proclamation

#### 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. For those desiring to speak on items on the agenda, but unable to stay for the item, may also address the Council at this time.

Public comment is an opportunity for members of the public to provide input to the governing body. To increase the effectiveness of the Public Comment Period, the City respectfully requests the following guidelines and expectations be followed:

- Those desiring to speak are asked to complete a speaker slip, which are located at the entrance, and submit it to the City Clerk. However, speaker slips are not required to provide public comment.
- When recognized by the Mayor, please come forward to the podium to speak. Though not required, it is helpful if you state your name, city of residence and whether you represent a business or group. Unless otherwise established by the Mayor, comments are to be limited to three minutes.
- All remarks should 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.
- The Council in turn agrees to abide by its best practices of civility and civil discourse according to Resolution No. 07-19.

#### A. CONSENT AGENDA

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion. The public will also be provided an opportunity to comment on consent agenda items.

A-1 APPROVAL OF MINUTES FOR THE SEPTEMBER 27, 2022, CITY COUNCIL MEETING;  
(CITY CLERK)

**RECOMMENDATION: Approve as submitted.**

A-2 APPROVAL OF MINUTES FOR THE OCTOBER 11, 2022, CITY COUNCIL SPECIAL  
CLOSED SESSION MEETING; (CITY CLERK)

**RECOMMENDATION: Approve as submitted.**

A-3 CONSIDER ADOPTION OF RESOLUTION NO. 91-22 APPROVING THE CREATION OF  
THE UTILITY DIVISION SUPERVISOR CLASSIFICATION AND JOB DESCRIPTION  
AND RESOLUTION NO. 92-22 APPROVING THE REVISED COMBINED MASTER  
SALARY SCHEDULE; (PUBLIC WORKS DEPARTMENT/CITY CLERK/HUMAN  
RESOURCES MANAGER)

**RECOMMENDATION: Staff recommends the City Council take the following action:  
1) Adopt Resolution No. 91-22 approving the creation of the Utility Division  
Supervisor classification and job description; and 2) Adopt Resolution No. 92-22  
approving the revised Combined Master Salary Schedule.**

- A-4 APPROVAL OF FISCAL YEAR 2021-22 YEAR-END BUDGET AMENDMENTS;  
(ADMINISTRATIVE SERVICES DEPARTMENT)

**RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 93-22 approving Fiscal Year (FY) 2021-22 Year-End Budget Adjustments.**

- A-5 APPROVAL OF CONTRACT WITH SAN LUIS OBISPO COUNTY FOR ANIMAL CARE AND CONTROL SERVICES FOR FY 2022/23 THROUGH FY 2024/25; (POLICE DEPARTMENT)

**RECOMMENDATION: City Council authorize the City Manager to execute a three-year contract with the County of San Luis Obispo for the continued provision of Animal Care and Control Services from July 1, 2022, to June 30, 2025.**

- A-6 APPROVAL OF AMENDMENT NO. 2 TO CONTRACT WITH SUPERIOR TANK SOLUTIONS FOR KINGS TANKS AND BLANCA TANKS REHABILITATION PROJECT;  
(PUBLIC WORKS DEPARTMENT)

**RECOMMENDATION: Staff recommends that the City Council approve in substance Amendment No. 2 to Contract with Superior Tank Solutions for Kings Tanks and Blanca Tanks Rehabilitation Project for the amount of \$441,738 and authorize the City Manager to execute the contract amendment.**

- A-7 FIRST QUARTER INVESTMENT REPORT FOR FISCAL YEAR (FY) 2022-23 (PERIOD ENDING SEPTEMBER 30, 2022); (ADMINISTRATIVE SERVICES DEPARTMENT)

**RECOMMENDATION: Receive the attached First Quarter Investment Report for FY 2022-23 (period ending September 30, 2022).**

- A-8 RESOLUTION MAKING FINDINGS RELATED TO THE CONTINUED EXISTENCE OF A STATE OF EMERGENCY DUE TO COVID-19 AND RE-AUTHORIZING FOR PUBLIC HEALTH AND SAFETY THE CONDUCT OF PUBLIC MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY VIA REMOTE TELECONFERENCING (INCLUDING PARTIALLY REMOTE) FOR A 30-DAY PERIOD PURSUANT TO THE RALPH M. BROWN ACT AS AMENDED BY ASSEMBLY BILL NO. 361; (CITY ATTORNEY)

**RECOMMENDATION: Staff recommends Council consider adoption of attached Resolution No. 94-22 reauthorizing for public health and safety the conduct of public meetings of the legislative bodies of the City via remote teleconferencing (including partially remote) for 30 days, thereby allowing the City Council and the City's advisory bodies to meet remotely (including partially remote) through November 24, 2022.**

**With approval of this motion and until such further notice, City Council and advisory bodies will continue to hold their meetings in public at the Veterans Hall, with the option for individual Councilmembers and advisory body members to teleconference.**

- A-9 PROCLAMATION DECLARING NOVEMBER AS "NATIONAL ADOPTION MONTH";  
(ADMINISTRATION)

**RECOMMENDATION: Approved as submitted**

- A-10 PROCLAMATION DECLARING "NOVEMBER 14-20, 2022 AS NATIONAL APPRENTICESHIP WEEK"; (ADMINISTRATION)

**RECOMMENDATION: Approved as submitted**

B. PUBLIC HEARING ITEMS

- B-1 INTRODUCTION AND FIRST READING OF ORDINANCE 654: AMENDMENTS TO MORRO BAY MUNICIPAL CODE, REPEALING TITLE 17 AND REPLACING WITH ADOPTION OF ZONING CODE/ COASTAL IMPLEMENTATION PLAN (IP) AND ASSOCIATED WATERFRONT MASTER PLAN AND MUNICIPAL CODE AMENDMENTS; (COMMUNITY DEVELOPMENT DEPARTMENT)

**RECOMMENDATION:** Council review Planning Commission recommendation and introduce for first reading by number and title only, with further reading waived, Ordinance No. 654, (i) repealing Title 17 of the Morro Bay Municipal Code in its entirety and replacing with adoption of Zoning Code; (ii) text amendment to page 5-3 of the Waterfront Master Plan; and (iii) miscellaneous amendments to Chapters 5.50, 5.60, 7.16, 8.32, 9.28, 10.60, 12.08, 12.12, 13.04, 13.20, 14.44, 14.42, 16.36, 16.40, and 16.48 of the Morro Bay Municipal Code with a finding that no further environmental review is required pursuant to State CEQA Guidelines section 15162.

- B-2 INTRODUCTION OF ORDINANCE NO. 655 REPEALING AND REENACTING MULTIPLE CHAPTERS OF TITLE 14 (BUILDINGS AND CONSTRUCTION) OF THE CITY OF MORRO BAY MUNICIPAL CODE, INCORPORATING THE 2022 CALIFORNIA BUILDING STANDARDS CODE, AS ADOPTED BY THE STATE OF CALIFORNIA, AND LOCAL MODIFICATIONS THERETO; (COMMUNITY DEVELOPMENT DEPARTMENT)

**RECOMMENDATION:** Council Introduce for first reading by title only and with further reading waived, Ordinance No. 655: An Ordinance of the City Council of the City of Morro Bay, California repealing, amending and reenacting Chapters 14.01 – 14.12 of the Morro Bay Municipal Code (MBMC) (Buildings and Construction) adopting by reference and amending the 2022 California Building Code, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Fire, Existing Building, Green Building, Reference Standards, and Administrative Codes, the 2021 International Property Maintenance Code, and 1997 Uniform Housing and Abatement of Dangerous Building Code.

C. BUSINESS ITEMS

- C-1 ADOPT RESOLUTION NO. 95-22 AWARDDING FISCAL YEAR 2022-23 COMMUNITY GRANTS; (CITY MANAGER)

**RECOMMENDATION:** Staff recommends the City Council: 1) Adopt Resolution No. 95-22, awarding Community Grants for Fiscal Year 2022-23, outlining adjustments, if any, consistent with the Community Grants Policy and American Rescue Plan Act (“ARPA”) funding requirements; and 2) Authorize the City Manager to enter into agreements with all grantees, reviewing and adjusting insurance requirements on a case-by-case basis, in coordination with California JPIA and City Attorney’s Office, depending on the level of risk associated.

- C-2 ADOPTION OF ORDINANCE NO. 653 AUTHORIZING AN AMENDMENT TO THE CALPERS CONTRACT TO IMPLEMENT 2% COST SHARING FOR LOCAL FIRE MEMBERS IN THE MORRO BAY FIREFIGHTERS ASSOCIATION, IAFF LOCAL 3725; (CITY CLERK/HUMAN RESOURCES MANAGER)

**RECOMMENDATION:** Staff recommends the City Council adopt Ordinance No. 653 Authorizing an Amendment to the Contract between the City of Morro Bay and the Board of Administration of the California Public Employees’ Retirement System Implementing Section 20516 (Employees Sharing Additional Cost) for local fire members in the Morro Bay Firefighters’ Association, IAFF Local 3725 (MBFFA).

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

E. ADJOURNMENT

The next Regular Meeting will be held on **Tuesday, November 22, 2022 at 5:30 p.m.**

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 805-772-6205 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 UPON REQUEST BY CALLING THE CITY CLERK'S OFFICE AT 805-772-6205.

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 REASONABLE ARRANGEMENTS CAN BE MADE TO PROVIDE ACCESSIBILITY TO THE MEETING.

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*Pursuant to Assembly Bill 361 (2021-22) and Government Code section 54953 this Meeting will be conducted in a hybrid format with both in-person and virtual public participation.*

PRESENT:	John Headding	Mayor
	Dawn Addis	Council Member
	Laurel Barton	Council Member
	Jennifer Ford	Council Member
	Jeff Heller	Council Member
ABSENT:	None	
STAFF:	Scott Collins	City Manager
	Chris Neumeyer	City Attorney
	Dana Swanson	City Clerk
	Sarah Johnson-Rios	Assistant City Manager/Admin Services Dir.
	Scot Graham	Community Development Director
	Jody Cox	Police Chief
	Eric Endersby	Harbor Director
	Matt Vierra	Deputy Chief/Fire Marshal
	Eric Riddiough	City Engineer

#### ESTABLISH QUORUM AND CALL TO ORDER

Mayor Headding called the meeting to order at 5:30 p.m., with all but Council Member Barton present. Council Member Barton joined the meeting at 5:34 p.m.

#### MOMENT OF SILENCE

#### PLEDGE OF ALLEGIANCE

RECOGNITION – None

CLOSED SESSION REPORT – City Attorney Neumeyer stated no reportable action was taken by the City Council in accordance with the Brown Act.

#### MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS

<https://youtu.be/sO6SboF2VeA?t=156>

#### CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

<https://youtu.be/sO6SboF2VeA?t=755>

#### PRESENTATIONS

<https://youtu.be/sO6SboF2VeA?t=806>

- National Hispanic Heritage Month Proclamation presented to C.R. Lara.
- Peace and Nonviolence Month Proclamation presented to Ruth Ann Angus.

#### PUBLIC COMMENT

<https://youtu.be/sO6SboF2VeA?t=1469>

Judi Brown, Morro Bay, spoke regarding the BESS Project, suggesting it be located at Diablo Canyon, rather than Morro Bay.

Rachel Wilson, Cayucos, expressed concern regarding the potential battery storage facility in Morro Bay and suggested Diablo Canyon would be a safer location.

Terry Simons, Morro Bay, spoke to Item A-9 from the August 9, 2022, City Council Meeting and the perception it was predetermined the Vistra battery storage project would be approved.

Rigmor, Morro Bay, urged owners of R4 properties listen to the September 20<sup>th</sup> Planning Commission meeting to hear discussion of potential downzoning of those properties.

Mania Bedikian spoke regarding the disappearance of the Beach Street Specific Plan and effects downzoning would have in that area. She urged the City to consider protecting this area to allow transitional and mixed uses.

Joan Behrick, Morro Bay, spoke against the Vistra Energy battery storage facility proposed to be located in Morro Bay, expressing concern about potential health and safety risks to residents and visitors.

Cindy Muir, Morro Bay, spoke against the proposed Vistra battery storage facility.

Joyce Hunter, Morro Bay, expressed safety and environmental concerns regarding the proposed battery storage plant.

Barry Branin, Morro Bay, spoke regarding the recent fire at a Moss Landing battery storage facility.

Linda Winters, Morro Bay, asked Council candidates to familiarize themselves with the Morro Bay mobile home rent stabilization ordinance.

Garry Johnson, Morro Bay, opined downtown Morro Bay is not the right place for a battery storage facility.

Judy Setting, Morro Bay, spoke in opposition to the proposed BESS project and environmental effects on residents, visitors, and wildlife.

Lynda Merrill, Morro Bay, shared her appreciation for the City Council and staff and stated her support for the battery storage facility and wind farm.

Erica Crawford, Morro Bay Chamber of Commerce, announced upcoming events and invited residents to attend a candidate forum moderated by the League of Women Voters to be held Wednesday, October 5<sup>th</sup> at the Veterans Hall.

David Yeager, Vistra Corporation, clarified the most recent event in Moss Landing occurred on an adjacent property not owned by Vistra and that there had never been a fire or explosion at the Vistra property. He shared there will be several opportunities for public input throughout the application process.

Dave Boyd, Morro Bay, spoke regarding fire concerns associated with lithium batteries.

Pam Dougherty, Morro Bay, expressed safety concerns regarding lithium batteries.

Tory Stanley, Morro Bay, opposed the battery storage facility.

Lauralee Waldorf asked how the City government was established and how the agenda is set.

Franklin opposed having a battery storage facility located near Morro Bay High School.

Betty Winholtz, Morro Bay, was concerned with condition of the former Bank of America and asked what influence City had over the owner to make improvements.

Nancy Bast, Morro Bay, opposed a battery storage facility in Morro Bay.

Linda Donnelly, Morro Bay, shared she was traveling and rerouted due to the Moss Landing last week and expressed concern about how a similar event would affect Morro Bay.

Melanie Williams-Mahan, Morro Bay, due to health and safety concerns, opposed a battery storage facility being located in Morro Bay.

Carole Truesdale, Morro Bay, agreed with previous comments and urged the Council to not allow a lithium battery storage project in Morro Bay.

Mayor Heading closed public comment.

The Council and staff responded to issues raised during public comment.

A. CONSENT AGENDA  
<https://youtu.be/sO6SboF2VeA?t=5814>

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion. The public will also be provided an opportunity to comment on consent agenda items.

A-1 APPROVAL OF MINUTES FOR THE AUGUST 9, 2022, CITY COUNCIL MEETING;  
(CITY CLERK)

**RECOMMENDATION: Approve as submitted.**

A-2 APPROVAL OF MINUTES FOR THE AUGUST 23, 2022, CITY COUNCIL MEETING;  
(CITY CLERK)

**RECOMMENDATION: Approve as submitted.**

A-3 APPROVAL OF MINUTES FOR THE SEPTEMBER 13, 2022, CITY COUNCIL SPECIAL  
CLOSED SESSION MEETING; (CITY CLERK)

**RECOMMENDATION: Approve as submitted.**

A-4 APPROVAL OF MINUTES FOR THE SEPTEMBER 13, 2022, CITY COUNCIL MEETING;  
(CITY CLERK)

**RECOMMENDATION: Approve as submitted.**

A-5 APPROVAL OF THIRD AGREEMENT BETWEEN THE SAN LUIS OBISPO COUNTY  
INTEGRATED WASTE MANAGEMENT AUTHORITY (“IWMA”), THE CAYUCOS  
SANITARY DISTRICT (“CSD”) AND THE CITY OF MORRO BAY (“CITY”) FOR THE  
OPERATION OF A HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY AT  
170 ATASCADERO ROAD; (PUBLIC WORKS DEPARTMENT)

**RECOMMENDATION: Staff recommends the City Council approve and authorize the City Manager to execute the Third Agreement between the San Luis Obispo County Integrated Waste Management Authority (“IWMA”), the Cayucos Sanitary District (“CSD”) and the City of Morro Bay for the continued operation of a**

**household hazardous waste collection facility at 170 Atascadero Road through February 23, 2023.**

- A-6 PROCLAMATION RECOGNIZING SEPTEMBER 15 – OCTOBER 15, 2022, AS “NATIONAL HISPANIC HERITAGE MONTH”; (ADMINISTRATION)

**RECOMMENDATION: Approved as submitted**

- A-7 PROCLAMATION DESIGNATING SEPTEMBER 21<sup>ST</sup> OF EACH YEAR TO BE THE DAY OF PEACE AND THE MONTH OF SEPTEMBER AS PEACE & NONVIOLENCE MONTH; (ADMINISTRATION)

**RECOMMENDATION: Approved as submitted**

Mayor Headding opened public comment for the Consent Agenda.

Betty Winholtz, Morro Bay, spoke to Item A-5, questioning the term of the agreement and whether an alternate site would be identified before it expired.

Terry Simons, Morro Bay, stated items placed on consent agenda should be ministerial items only.

The public comment period was closed.

Mayor Headding pulled Item A-5.

MOTION: Council Member Addis moved approval of all items on Consent except Item A-5. The motion was seconded by Council Member Barton and carried 5-0 by roll call vote.

- A-5 APPROVAL OF THIRD AGREEMENT BETWEEN THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY (“IWMA”), THE CAYUCOS SANITARY DISTRICT (“CSD”) AND THE CITY OF MORRO BAY (“CITY”) FOR THE OPERATION OF A HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY AT 170 ATASCADERO ROAD; (PUBLIC WORKS DEPARTMENT)

<https://youtu.be/sO6SboF2VeA?t=6038>

Staff responded to questions raised during public comment.

MOTION: Mayor Headding moved approval of Item A-5. The motion was seconded by Council Member Addis and carried 5-0 by roll call vote.

**B. PUBLIC HEARINGS – NONE**

The Council took a brief recess at 7:13 p.m. The meeting reconvened at 7:20 p.m. with all members present.

**C. BUSINESS ITEMS**

- C-1 ESTABLISHMENT OF A PARS POST-EMPLOYMENT BENEFITS TRUST PROGRAM TO PRE-FUND PENSION AND RETIREE HEALTH CARE OBLIGATIONS; (ADMINISTRATIVE SERVICES DEPARTMENT)

<https://youtu.be/sO6SboF2VeA?t=6586>

Assistant City Manager/Admin Services Director Johnson-Rios opened the item and introduced PARS Senior Manager, Rachel Sanders, who provided the report and responded to Council inquiries.

The public comment period for Item C-1 was opened.

Betty Winholtz, Morro Bay, raised various questions regarding the report.

The public comment period for Item C-1 was closed.

MOTION: Mayor Headding moved to adopt Resolution No. 85-22 authorizing participation in the PARS Post-Employment Benefits Trust Program to be administered by Public Agency Retirement Services (PARS) and U.S. Bank, appointing the City Manager as the City's Plan Administrator, authorizing the City Manager to execute the documents to implement the Program subject to the City Attorney's review and approval, authorizing the City Manager to take necessary actions to dissolve the current OPEB trust and move funds to the PARS OPEB trust, and directing the City Manager to select specified portfolios that I just discussed for initial investments and make changes if needed to continue to implement City fiscal goals. The motion was seconded by Council Member Barton and carried 5-0 by roll call vote.

- C-2 ADOPTION OF RESOLUTION NO. 86-22 DECLARING THE CITY'S INTENTION TO APPROVE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) CONTRACT AMENDMENT AND INTRODUCTION AND FIRST READING OF ORDINANCE NO. 653 AUTHORIZING AN AMENDMENT TO THE CALPERS CONTRACT TO IMPLEMENT 2% COST SHARING FOR LOCAL FIRE MEMBERS IN THE MORRO BAY FIREFIGHTERS ASSOCIATION, IAFF LOCAL 3725; (HUMAN RESOURCES)  
<https://youtu.be/sO6SboF2VeA?t=9321>

City Clerk/Human Resources Manager Swanson provided the report.

The public comment period for Item C-2 was opened.

Betty Winholtz, Morro Bay, questioned why hourly employees were excluded.

The public comment period for Item C-2 was closed.

MOTION: Council Member Addis moved that Council take the following separate actions:  
1) Adopt Resolution No. 86-22 giving notice of the City's intention to approve an amendment to the contract between the City and the CalPERS Board of Administration; and 2) Introduce for first reading by title only, with further reading waived, Ordinance No. 653 Authorizing an Amendment to the Contract between the City of Morro Bay and the Board of Administration of the California Public Employees' Retirement System Implementing Section 20516 (Employees Sharing Additional Cost) for local fire members in the Morro Bay Firefighters' Association, IAFF Local 3725 (MBFFA). The motion was seconded by Council Member Heller and carried 5-0 by roll call vote.

- D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS  
None

E. ADJOURNMENT

The meeting adjourned at 8:12 p.m.

Recorded by:

Dana Swanson  
City Clerk

MINUTES - MORRO BAY CITY COUNCIL  
SPECIAL CLOSED SESSION MEETING –  
OCTOBER 11, 2022 – 3:30 P.M.  
TELECONFERENCE

AGENDA NO: A-2  
MEETING DATE: October 25, 2022

*Pursuant to Assembly Bill 361 (2021-22) and Government Code section 54953 this Meeting will be conducted in a hybrid format with both in-person and virtual public participation.*

PRESENT:            John Headding                    Mayor  
                      Dawn Addis                        Council Member  
                      Laurel Barton                    Council Member  
                      Jennifer Ford                    Council Member  
                      Jeff Heller                        Council Member

STAFF:              Scott Collins                      City Manager  
                         Chris Neumeyer                  City Attorney  
                         Joe Pannone                      Special Counsel

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Headding called the meeting to order at 3:30 p.m. with all but Council Member Addis present. Council Member Addis joined the meeting at 3:33 p.m.

SUMMARY OF CLOSED SESSION ITEMS – The Mayor read a summary of Closed Session items.

CLOSED SESSION PUBLIC COMMENT – Mayor Headding opened public comment for items on the agenda.

T. Mastro spoke regarding the proposed bike connector trail being considered along Toro Lane and suggested an alternate route along the east side of Highway 1 be considered.

Karl Levy, President of North Point Morro Bay Homeowners' Association, submitted written comments and spoke on behalf of the 10 property owners on Toro Lane, expressing opposition to the plan to use Toro Lane for the connector trail.

Jim Shuler, Toro Lane property owner and former HOA President, expressed safety concerns and questioned the County and City's legal right to develop a connector trail along Toro Lane.

The public comment period was closed.

The City Council moved to Closed Session and heard the following items:

**CS-1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code subdivision 54956.9(d)(2): One Matter regarding the potential use of the easement over Toro Lane for a bike path connecting Cayucos and Morro Bay

RECONVENE IN OPEN SESSION – The City Council reconvened in Open Session. The Council did not take any reportable action in accordance with the Brown Act.

ADJOURNMENT - The meeting adjourned at 4:15 p.m.

Recorded by:

Dana Swanson  
City Clerk

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**AGENDA NO: A-3**  
**MEETING DATE: October 25, 2022**

# Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** October 20, 2022

**FROM:** Greg Kwolek, Public Works Director  
Dana Swanson, City Clerk/Human Resources Manger

**SUBJECT:** Consider adoption of Resolution No. 91-22 approving the creation of the Utility Division Supervisor classification and job description and Resolution No. 92-22 approving the revised Combined Master Salary Schedule

**RECOMMENDATION**

Staff recommends the City Council take the following action:

1. Adopt Resolution No. 91-22 approving the creation of the Utility Division Supervisor classification and job description, and
2. Adopt Resolution No. 92-22 approving the revised Combined Master Salary Schedule.

**ALTERNATIVES**

Reject the staff recommendation and provide other direction to staff.

**FISCAL IMPACT**

There is minimal fiscal impact (\$1,000 to \$1,200) to the creation of this classification due to potential overlap between the new Supervisor and existing Supervisor positions and no change in the number of full-time equivalent (FTE) employees.

**BACKGROUND/DISCUSSION**

In 2018, the Utility Division of the Public Works Department underwent structural changes to move away from compartmentalized operations units to a more nimble, blended operational model. Specifically, the division was comprised of the water, wastewater, and collection units that each had their own supervisor and small crew of operators who in general only held certifications and performed duties in their own area of work, i.e., a wastewater treatment plant operator would only hold wastewater certificates and would only work at the wastewater treatment plant. The new model eliminated these operational units by creating a multi-certificate utility operator classification, where a utility operator was required to hold certifications in all areas and would be called upon to perform duties in those areas. Further, supervisory positions for these units were gradually eliminated through attrition with the exception of the Wastewater Systems Supervisor classification. This position remained and acted as the chief plant operator of the old treatment plant. Now that the old wastewater treatment plant is being decommissioned, the Wastewater Systems Supervisor classification will be eliminated and the employee holding that position, along with other current employees meeting the minimum qualifications, will have the opportunity to compete for this new position.

Prepared By: <u>  DS/DH  </u>	Dept Review: <u>  GK  </u>
City Manager Review: <u>  SC  </u>	City Attorney Review: <u>  MH  </u>

The new Water Resources Center (WRC), which houses both advanced treatment of wastewater and water treatment components, requires a supervisory classification that covers areas of work including wastewater and water treatment. The proposed Utility Division Supervisor classification achieves this by including oversight and supervision of all day-to-day water, wastewater, and collections operations. This position may also serve as chief plant operator of the new WRC.

**Classification Details**

The Utility Division Supervisor classification annual pay scale would be \$84,175 to \$102,315. The position would be included in the Miscellaneous Employees Unit and represented by Service Employees International Union (SEIU) Local 620. The position will report to the Utilities Division Manager and will oversee all the Operational Technology Specialist, all Lead Utility Operators, all Multi-Certification Operators, and the Single-Certification Operator positions. The City and SEIU have successfully met and conferred regarding the addition of the Utility Division Supervisor classification to the City's Miscellaneous Employees Unit and are in discussions on how the addition will be memorialized.

**CONCLUSION**

Staff recommends the creation of a Utility Division Supervisor classification to provide for supervision of all operators at the new Water Resources Center.

**ATTACHMENTS**

1. Resolution No. 91-22 adopting Utility Division Supervisor classification, with draft Job Classification
2. Resolution No. 92-22 adopting the revised Combined Master Salary schedule

**RESOLUTION NO. 91-22**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA,  
APPROVING UTILITY DIVISION SUPERVISOR CLASSIFICATION  
AND JOB DESCRIPTION**

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

**WHEREAS**, the Council desires to approve a new “Utility Division Supervisor” job classification and adopt a job description and set a compensation range for the classification; and,

**WHEREAS**, the City and Service Employees International Union Local 620 (SEIU Local 620) met and conferred regarding the addition of the Utility Division Supervisor classification to the City’s Miscellaneous Employees Unit and regarding compensation and job description for this classification.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Morro Bay does hereby:

1. The represented full-time classification of “Utility Division Supervisor” is hereby created. The classification will be included within the City’s Miscellaneous Employees Unit, which is represented by the Service Employees International Union, Local 620 (SEIU Local 620).

2. The initial annual compensation for the Utility Division Supervisor classification shall be as follows:

<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
84,175	88,383	92,802	97,443	102,315

3. The job description for the Utility Division Supervisor classification, attached hereto, is hereby adopted.

4. This resolution shall be effective as of the date of its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 25<sup>th</sup> day of October 2022 by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk

## **CITY OF MORRO BAY**

### **UTILITY DIVISION SUPERVISOR**

#### **DEFINITION**

Under general direction, the Utilities System Supervisor leads and directs utilities operational staff and is responsible for supervising maintenance and operations of the Water Resources Center, wastewater collections system, water distribution and treatment system, including related facilities to ensure compliance with all Federal and State regulations. Operates equipment, treatment facilities, pump/lift stations, and related appurtenances as found in an advanced wastewater treatment facility, wastewater collection systems and water distribution systems.

#### **SUPERVISION RECEIVED AND EXERCISED**

Receives direct or general supervision from the Utility Division Manager or Public Works Director. The Utilities Division Supervisor has responsibility to regularly direct the Utility Leads in wastewater treatment, sewer collection system and water distribution/treatment; assists the Utility Division Manager in exercising technical and functional supervision over water and wastewater staff. When the Utility Division Manager is unavailable, this person may have the responsible charge for all Utility Division operations. This position may act as the Chief Plant Operator and/or Chief Treatment/Distribution Operator for the Utilities Division for Morro Bay.

#### **CLASS CHARACTERISTICS**

This is the supervisor class in the utilities operations series and serves as the senior member of the Utilities Division crew. This position requires a complete working knowledge and understanding of the City's water, advanced wastewater treatment, and collection systems. Responsibilities include assisting the Utility Division Manager organizing, supervising, reviewing, and evaluating the work of water, wastewater collections and advanced wastewater treatment plant operations and maintenance staff. Incumbents are expected to independently perform the full range of wastewater collections and advanced wastewater treatment plant operations and maintenance duties, including a complete working knowledge of wastewater treatment plant laboratory operations. Incumbents in this class may be required to perform qualitative and quantitative chemical, physical, and biological analysis of water and wastewater. Performance of the work requires the use of considerable leadership, independence, initiative, and discretion within established guidelines.

#### **ESSENTIAL DUTIES & RESPONSIBILITIES**

*Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.*

- Supervises and trains assigned personnel in the operation and maintenance of the water distribution system, Water Resources Center and collection system; performs or assists with performance evaluations; and provides general leadership to operations and maintenance crews.
- Plans, organizes, assigns, supervises, and reviews the work of assigned staff in the Utilities Division.
- Participates in the development and implementation of goals, objectives, policies, and priorities for assigned services, projects, and programs; identifies resource needs; recommends and implements policies, procedures, and standards.
- Ensures compliance with state and federal regulatory requirements. Oversees and ensures compliance with National Pollutant Discharge Elimination System (NPDES) permit and Waste Discharge Requirements (WDR) and Division of Drinking Water Permits.

- Supervises and participates in the daily operation of the wastewater section, including providing for adjustment of plant operations within prescribed limits to meet NPDES permit standards, changing conditions, and emergencies; and supervises and assists a crew of assigned personnel engaged in operating and maintaining utilities system facilities and appurtenances.
- Assists in selection and promotion, and evaluation of employee performance; counsels employees, and initiates and implements work assignments and when needed disciplinary procedures.
- Trains staff in work and safety procedures and in the operation and use of equipment and supplies; implements procedures and standards.
- Monitors operations and activities of assigned operations division; identifies opportunities for improving service delivery methods and procedures; provides recommendations and implements process changes and improvements; reviews with appropriate management staff.
- Determines and recommends equipment, materials, and staffing needs for assigned operations projects; participates in the annual budget preparation; prepares detailed cost estimates with appropriate justifications, as required; maintains a variety of records and prepares routine reports of work performance.
- Identifies equipment problems; suggests methods of minimizing such problems in an operational setting.
- Participates in planning and laying out maintenance projects; monitors and controls supplies and equipment; orders supplies and tools as necessary; prepares documents for equipment procurement; participates in bid processes for vendor selection.
- Participates in the administration of preventive maintenance, in-service training, and safety programs; ensures compliance with safety procedures.
- Assists in the design, engineering, construction, and field inspection processes for Capital Improvement Program projects and private developments to ensure contractors' and developers' compliance with Agency standards; attends pre-construction meetings; performs detailed plan checks of construction and design to ensure adherence to established policy and sound engineering practices.
- Performs the most technically advanced wastewater treatment plant operations, maintenance, and repair duties and provides technical assistance to staff.
- Stays current on the status of new and pending regulatory legislation; recommends changes to current policies and procedures in order to comply with changes in legislation.
- Collects, compiles, and analyzes information from various sources on a variety of specialized topics related to assigned programs and projects.
- Writes reports that present and interpret data, identify alternatives, and make and justify recommendations.
- Maintains logs and records of work performed.
- Answers questions and provides information to the public, investigates complaints, and recommends corrective actions to resolve issues.
- May be required to respond to emergency calls and serve as incident commander.
- As Chief Plant Operator, responsible for reporting plant operations to all applicable regulatory agencies in accordance with all permits for the various wastewater facilities.
- Reports activities and conditions to Utilities Division Manager.
- Performs other job-related duties as assigned.

## **QUALIFICATIONS**

### **Knowledge of:**

- Basic principles, practices, tools, and materials as they relate to the operation, cleaning, and preventive maintenance of advanced wastewater treatment, collection systems, water distribution and their associated facilities, and equipment.
- Principles and practices of leadership and employee supervision, including work planning, assignment, review and evaluation, employee coaching and guidance, discipline, and the training of staff in work procedures.
- Advanced principles and practices of wastewater treatment plant operations.
- Procedures used in the repair, maintenance, and adjustment of advanced wastewater treatment plant equipment.
- Mechanical, electrical, and hydraulic principles.
- Advanced arithmetic and statistical techniques.
- Applicable Federal, State, and local laws, regulatory codes, ordinances, and procedures relevant to assigned area of responsibility.
- Basic principles and practices of budget and capital improvement program development, administration, and accountability.
- Principles and practices of contract administration and evaluation.
- Safe work methods, practices, and safety equipment regarding occupational hazards, including the handling and storage of hazardous chemicals.
- Safe driving rules and practices.
- Record keeping principles and procedures.
- English usage, grammar, spelling, vocabulary, and punctuation.
- Techniques for providing a high level of customer service to public and Agency staff, in person and over the telephone.
- Basic principles and practices of qualitative and quantitative chemistry, mathematics, biology, and bacteriology; sampling procedures and equipment; safe work practices.
- Knowledge of principles and practices of effective supervision.
- Standard chemical and physical tests of wastewater, sludge, and related materials.
- Applicable Federal, State, and local laws, regulatory codes, ordinances, and procedures.
- Basic equipment troubleshooting principles and practices.
- Basic mechanical, electrical, and hydraulic principles.
- Basic arithmetic and statistical techniques.
- Computers and a variety of computer software programs and record and log data.
- Utilizes computerized asset management and maintenance software including Computerized Maintenance and Monitoring System (CMMS) (i.e., CityWorks, NextGen or equal); issues and monitors work orders and closes work orders when complete; maintains employee work time and schedules; keeps records; prepares necessary reports, logs, and activities.
- Utilize SCADA (supervisory control and data acquisition) for plant operations and adjustments as needed.

### **Ability to:**

- Assist in developing and implementing goals, objectives, practices, policies, procedures, and work standards.
- Effectively supervise, lead, train, coach, guide, plan, organize, schedule, assign, review, and evaluate the work of staff.
- Organize, implement, and direct operations programs, projects, and activities.

- Interpret, apply, and ensure compliance with applicable Federal, State, and local policies, procedures, laws, and regulations.
- Understand, interpret, and successfully communicate, orally and in writing, pertinent department and City policies and procedures.
- Identify problems, research, and analyze relevant information, develop and present recommendations, and justification for solution.
- Develop cost estimates for supplies and equipment.
- Research, analyze, and evaluate new service delivery methods, procedures, and techniques.
- Prepare clear and concise reports, correspondence, procedures, and other written materials.
- Make sound, independent decisions within established policy and procedural guidelines.
- Organize and prioritize a variety of projects and multiple tasks in an effective and timely manner; organize own work, set priorities, and meet critical time deadlines.
- Operate modern office equipment including computer equipment and software programs.
- Use English effectively to communicate in person, over the telephone, and in writing.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Establish, maintain, and foster positive, effective, and harmonious working relationships with those contacted in the course of work.
- Be on standby duty and respond to after-hours emergencies.
- Operate, maintain, and repair a variety of wastewater treatment, disposal, and collection systems, facilities, and equipment.
- Recognize and correct or report unusual, inefficient, or dangerous operating conditions.
- Read a variety of gauges, charts, and meters, record data accurately and make appropriate process adjustments.
- Perform the daily duties of the lab analyst.
- Conduct standard chemical and physical tests of wastewater, sludge, and related materials.
- Handle hazardous chemicals in a safe manner.
- Interpret and apply the policies, procedures, laws, codes, and regulations pertaining to assigned programs and functions.
- Assist in the development and implementation of all safety programs.
- Set up and operate traffic area construction zones, including cones, barricades, and flagging.
- Locate underground utilities by use of blueprints and electronic locating equipment in accordance with Underground Service Alert (USA) regulations.
- Read, interpret, and apply technical information from manuals, drawings, specifications, layouts, blueprints, and schematics.
- Diagnose operating problems and take effective courses of action.
- Follow department policies and procedures related to assigned duties.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Conduct routine chemical, biological, and bacteriological examinations and analyses.
- Maintains routine documentation, including worksheet/ log sheet entries, sample documentation, and chain-of custody forms. Records data precisely and accurately.
- Accurately perform complex mathematical calculations associated with the laboratory analysis of water and wastewater.
- Maintain analytical laboratory equipment.
- Communicate effectively, both oral and in written form.

- Organize time, staff and materials to meet deadlines.

### **Education and Experience:**

*Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:*

Associate degree or completion of sixty (60) semester units at a college or university, either of which includes fifteen (15) units of basic science courses; and a minimum of five (5) years of progressively responsible experience in the operations of a wastewater treatment facility, water distribution system including two (2) years in a supervisory or lead position; and

### **Licenses and Certifications**

- Possession of a valid Class C California driver's license.
- Possession of a minimum Grade III Wastewater Treatment Plant Operator certificate issued by the State Water Resources Control Board (SWRCB).
- Possession of an Advanced Water Treatment Operator Certification from the California Water Environment Association within twelve (12) months of employment or the date of entry into the position, if required by the State drinking water permit
- Possession of a Grade II Water Treatment Plant Operator certificate T2 issued by the State Water Resources Control Board (SWRCB)
- Possession of a Grade III Water Distribution Operator certificate D3 issued by the State Water Resources Control Board (SWRCB).
- Possession of a Collection System Maintenance Grade 1 Certification from the California Water Environment Association.

*Note: The education requirement may be waived with four (4) or more years of experience performing the functions of a Wastewater Treatment Plant Operator while certified as a Grade III operator or above.*

### **PHYSICAL DEMANDS**

Must possess mobility to work in and around standard wastewater collection systems and treatment plant facilities, and in the field; strength, stamina, and mobility to perform medium to heavy physical work, to work in confined spaces, around machines and to climb and descend ladders, and to operate varied hand and power tools and equipment; vision to read printed materials and a computer screen; color vision to read gauges and identify appurtenances; and hearing and speech to communicate in person and over the telephone or radio. The job involves frequent walking in operational areas to identify problems or hazards. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate above-mentioned tools and equipment. Positions in this classification bend, stoop, kneel, reach, and climb to perform work and inspect work sites. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 50 pounds, and heavier weights with the use of proper equipment.

### **ENVIRONMENTAL ELEMENTS**

Employees work partially indoors and partially in the field and are exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, confining workspace, chemicals, mechanical and/or electrical hazards, and hazardous physical substances, odors, and fumes. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

**WORKING CONDITIONS**

May be required to be on-call and to work various shifts or emergencies on evenings, weekends, and holidays.

**TOOLS & EQUIPMENT USED**

Motor vehicle, heavy equipment, commercial rated vehicles, generators, pumps, gauges, common hand and power tools, shovels, wrenches, detection devices, mobile radio, telephone, calculator, and a variety of lab equipment.

**SELECTION GUIDELINES**

Formal application, rating of education and experience, oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approved by the Morro Bay City Council on \_\_\_\_\_

**RESOLUTION NO. 92-22**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA,  
SUPERSEDING AND REPLACING RESOLUTION NO. 75-22 AND  
APPROVING UPDATED FISCAL YEAR 2022-2023 SALARY SCHEDULE**

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

**WHEREAS**, the California Public Employees' Retirement System (CalPERS), has requested all CalPERS employers list their compensation levels on one document, approved and adopted by the governing body, in accordance with 2 California Code of Regulations (CCR), section 570.5, and meeting all of the following requirements thereof:

1. Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws;
2. Identifies the position title for every employee position;
3. Shows the pay rate for each identified position, which may be stated as a single amount or as multiple amounts within a range;
4. Indicates the time base, including, but not limited to, whether the time base is hourly, daily, bi-weekly, monthly, bi-monthly, or annually;
5. Is posted at the office of the employer or immediately accessible and available for public review from the employer during normal business hours or posted on the employer's internet website;
6. Indicates an effective date and date of any revisions;
7. Is retained by the employer and available for public inspection for not less than five years; and
8. Does not reference another document in lieu of disclosing the pay rate; and

**WHEREAS**, the Council has approved a new job classification "Utility Division Supervisor" subject to any meet and confer requirements established by State Law with the employee representative, Service Employees International Union Local 620 (SEIU Local 620); and

**WHEREAS**, the formal approval of the pay schedules requires that they are duly approved and adopted by the City Council, and the 2 CCR 570.5 regulation requires the re-adoption of the Salary Schedule for Fiscal Year 2022-23, attached as Exhibit A and incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Morro Bay does hereby:

1. Resolution No. 75-22 shall be superseded and replaced by this resolution, and

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2. The Combined Salary schedules, attached hereto as Exhibit A shall be effective October 29, 2022.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 25<sup>th</sup> day of October 2022 by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk



<b>CITY OF MORRO BAY</b>							
<b>COMBINED SALARY SCHEDULE</b>							
<b>FISCAL YEAR 2022-23: Effective 10/29/22</b>							
<b>TITLE</b>	<b>GROUP</b>	<b>STEP 1 Annual</b>	<b>STEP 2 Annual</b>	<b>STEP 3 Annual</b>	<b>STEP 4 Annual</b>	<b>STEP 5 Annual</b>	<b>STEP 6 Annual</b>
<b>MORRO BAY FIRE FIGHTERS ASSOCIATION</b>							
FIREFIGHTER	F	66,979	70,328	73,845	77,537	81,414	
FIRE ENGINEER	F	73,226	76,887	80,732	84,768	89,007	
FIREFIGHTER/PARAMEDIC	F	73,677	77,361	81,229	85,291	89,555	
FIRE ENGINEER/PARAMEDIC	F	80,549	84,576	88,805	93,245	97,908	
FIRE CAPTAIN	F	84,173	88,382	92,801	97,441	102,313	
FIRE CAPTAIN/PARAMEDIC	F	92,590	97,220	102,081	107,185	112,544	
FIRE MARSHAL	F	99,922	104,918	110,164	115,672	121,455	
<b>UNREPRESENTED CONFIDENTIAL</b>							
HUMAN RESOURCES ANALYST I	C	60,871	63,914	67,110	70,465	73,988	
EXECUTIVE ASSISTANT/DEPUTY CLERK	C	65,405	68,675	72,109	75,715	79,500	
SENIOR ACCOUNTING TECHNICIAN	C	67,989	71,389	74,958	78,706	82,642	
FISCAL ANALYST	C	73,196	76,856	80,699	84,734	88,970	
HUMAN RESOURCES ANALYST II	C	73,196	76,856	80,699	84,734	88,970	
<b>UNREPRESENTED MANAGEMENT</b>							
MANAGEMENT ANALYST	M	74,742	78,479	82,403	86,523	90,849	
POLICE SUPPORT SERVICES MANAGER	M	74,742	78,479	82,403	86,523	90,849	
CITY CLERK	M	87,407	91,777	96,366	101,184	106,243	
MAINTENANCE SUPERINTENDENT	M	87,407	91,777	96,366	101,184	106,243	
ENVIRONMENTAL PROGRAMS MANAGER	M	87,407	91,777	96,366	101,184	106,243	
INFORMATION SYSTEMS TECHNICIAN	M	87,407	91,777	96,366	101,184	106,243	
RECREATION SERVICES MANAGER	M	87,407	91,777	96,366	101,184	106,243	
SR. ADMINISTRATIVE SERVICES ANALYST	M	87,407	91,777	96,366	101,184	106,243	
SENIOR PLANNER	M	87,407	91,777	96,366	101,184	106,243	
CHIEF BUILDING INSP/PLANS EXAMINER	M	87,407	91,777	96,366	101,184	106,243	
PLANNING MANAGER	M	96,148	100,956	106,004	111,304	116,869	
HUMAN RESOURCES/RISK MANAGER	M	96,148	100,956	106,004	111,304	116,869	
FINANCE MANAGER	M	96,148	100,956	106,004	111,304	116,869	
SENIOR CIVIL ENGINEER	M	96,148	100,956	106,004	111,304	116,869	
CITY CLERK/HR MANAGER	M	111,971	117,570	123,448	129,620	136,101	
CITY ENGINEER	M	113,312	118,977	124,926	131,173	137,731	
UTILITY DIVISION MANAGER	M	113,312	118,977	124,926	131,173	137,731	
OPERATIONS INTERFACE MANAGER	M	113,312	118,977	124,926	131,173	137,731	
FIRE MARSHAL/DIVISION CHIEF	M	116,798	122,638	128,770	135,209	141,969	
POLICE COMMANDER	M	127,216	133,577	140,256	147,268	154,632	
<b>DEPARTMENT HEADS / EXECUTIVE</b>							
COMMUNITY DEVELOPMENT DIRECTOR	E	138,885	145,830	153,121	160,777	168,816	
ASST CITY MANAGER/ADMIN SERVICES DIR	E	144,066	151,269	158,832	166,774	175,113	
PUBLIC WORKS DIRECTOR	E	144,066	151,269	158,832	166,774	175,113	
HARBOR DIRECTOR	E	146,753	154,090	161,795	169,885	178,379	sworn
FIRE CHIEF	E	146,753	154,090	161,795	169,885	178,379	sworn
POLICE CHIEF	E	146,753	154,090	161,795	169,885	178,379	sworn
CITY MANAGER	E	194,179	199,034	204,010	209,110	214,338	

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AGENDA NO: A-4

MEETING DATE: October 25, 2022

# Staff Report

**TO:** Mayor and City Council **DATE:** October 20, 2022

**FROM:** Emily Conrad, Acting Assistant City Manager / Admin Services Director

**SUBJECT:** Approval of Fiscal Year 2021-22 Year-End Budget Amendments

## RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 93-22 approving Fiscal Year (FY) 2021-22 Year-End Budget Adjustments.

## DISCUSSION/FISCAL IMPACT

### **Preliminary Year-End Position**

While year-end close and audit preparation are currently underway and year-end numbers are not yet final, preliminary numbers indicate a positive end to Fiscal Year 2021-22 (July 1, 2021-June 30, 2022).

General Fund: Primary General Fund revenue sources were stable or increasing from the prior year. Property tax was up 2% from the prior year, and Bradley-Burns sales tax revenues increased by approximately 15% from prior year (though that growth is expected to slow dramatically in the coming year). Transient Occupancy Tax revenue increased by over 11% from the prior year. Cannabis taxes were also higher than budgeted, generating about \$32,000 more than anticipated. Business license revenues were also up from the prior year, potentially indicating a continued recovery from the pandemic. Finally, planning and permitting fee revenue was up significantly in FY 21-22, due to a few large projects moving forward (revenues in that category may fall back to more average levels in FY 2022-23). Recreation’s community pool revenues came in higher than budgeted due to increased community usage during the fiscal year.

General Fund expenditures came in under budget by about 4% due to factors such as staffing turnover and savings from previously budgeted other post-employment benefits (OPEB) trust contributions since the trust is fully funded (those funds will fall back to fund balance to help support future contributions to the City’s new pension trust to address that much larger unfunded liability). As a result and in combination with revenues exceeding budgeted amounts, staff anticipates that the General Fund may have an operating surplus of \$1.5-\$2.5 million. During FY 22-23 budget development, a portion of that projected surplus was anticipated, and incorporated into projected General Fund balance numbers for FY 22-23. Employee labor agreements have already incorporated a four percent wage increase for FY 23-24, for example, and Council adopted a new pension reserve policy that will call for some of the surplus to be allocated to addressing the City’s unfunded pension liability. Staff will track final year-end numbers and incorporate recommendations for use of those

01181.0001/829043.1

Prepared By: SJR, EC

Dept Review: \_\_\_\_\_

City Manager Review: SC

City Attorney Review: LNL

funds in the FY 23-24 budget development process for Council consideration in the Spring 2023. Maintaining a healthy fund balance and reserve is particularly prudent given the macroeconomic uncertainty on the horizon.

Measure Q&E Fund: Measure E tax revenues, which now reflect the full 1.5% local sales tax, exceeded budget by approximately 20%. There were also savings on the expenditure side of the fund, resulting in an operating surplus that will be available to budget for capital needs or other Council priorities for the Measure Q&E fund during the next budget cycle).

Enterprise Funds: The City's major enterprise funds, Water, Sewer, and Harbor also performed well in FY 21-22, all ending the year within budget and with some level of surplus. The Harbor Fund's lease revenues were up approximately 15% from the prior year and harbor expenditures came in under budget, also resulting in an operating surplus (though staff anticipate the revenue growth will decline in the Harbor fund this year). Water and Sewer ratepayer revenues were down slightly from the prior year, likely reflecting the fact that rates did not increase in FY 21-22 and conservation efforts were underway during the drought. Water and Sewer funds had expenditure budget savings and still ended the year with operating surplus as planned, to be utilized for capital improvements.

This positive end to FY 21-22 puts the City in a good position to weather the macroeconomic uncertainty that is on the horizon. Industry experts are predicting a dramatic cooling of sales tax revenue growth in the next six to twelve months; staff will be monitoring that closely given the importance of sales tax revenues in supporting critical City services. A more comprehensive view of the City's finances will be provided to City Council and the community with the Annual Comprehensive Financial Report (ACFR) in the coming months.

### **Year-End Budget Amendments**

As staff is preparing year-end entries to close out FY 2021-22 books, a few budget variances were identified. Staff recommends that the City Council adopt Resolution No. 93-22 authorizing staff to proceed with FY 2021-22 year-end budget adjustments. With approval of staff's recommendation, the year-end close-out process can continue in preparation for the auditor's field work and audit completion.

The proposed year-end budget adjustments are generally minor, truing-up revenues and expenditures to actual expenses and are summarized below.

#### General Fund:

The General Fund ended the year with an operating surplus and will not need any infusion of reserves.

Increase the General Fund Revenue budget by \$4,500 to recognize the Traffic Safety Fund Revenues received over the budgeted amount.

#### Other Funds:

A few Other Funds required budget increases, as follows:

- General Fund Emergency Reserve (GFER) - the FY20-21 budget included a Transfer Out to CIP for the Public Safety Power Shutoff project. The project was completed and funds expended in FY21-22; this amendment is to carry forward prior year budget to cover actual expenditures of \$20,347.

- Traffic Safety Fund – these revenues are recorded in a Special Revenue fund and transferred to General Fund through Interfund Transfer Out. Actual revenues exceeded budget by approximately \$4,500, therefore the Transfer Out of revenues to General Fund exceeded budget by the same amount. This will bring the budget in line with the Transfer Out expense.
- Cloisters Park Maintenance – expenditures in this fund for personnel were greater than budgeted; an increase of \$13,200 will bring fund expenditures within budget and will come from available fund balance.
- Cloisters Park Accumulation – expenditures for Transfer Out to Cloisters Park CIP to cover actual expenditures of \$5,810; these funds will come from available fund balance.

**CONCLUSION**

Staff recommends that the City Council adopt Resolution No. 93-22 approving Fiscal Year 2021-22 Year-End Budget adjustments, allowing staff to continue preparing for the annual year-end audit and closure of FY 2021-22 financial records.

**ATTACHMENT**

1. Resolution No. 93-22 Approving Fiscal Year 2021-22 Year-End Budget Adjustments

**RESOLUTION NO. 93-22**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA,  
APPROVING FISCAL YEAR 2021-22 YEAR-END BUDGET ADJUSTMENTS**

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

**WHEREAS**, City staff is preparing year-end accounting entries to close out the City's Fiscal Year 2021-22 financial records; and

**WHEREAS**, in preparing year-end accounting entries staff have identified budget adjustments needed to ensure that the City ends the year consistent with Council's fiscal direction; and

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

1. The operating budgets of the City are amended by the additional revenues and expenditures, as shown on the attached Exhibit A, to finalize Fiscal Year 2021-22 accounting records.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 25<sup>th</sup> day of October 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk

**Exhibit A - FY 2021-22 Year-End Budget Adjustments**

General Fund Revenues					
Fund	Dept	Acct	Description	Purpose	Adjustment
001	7710	3820	Transfer to General Fund (from Traffic Safety Fund)	To recognize funds received	4,500.00
<b>Total</b>					<b>4,500.00</b>

Other Funds Expenditures					
Fund	Dept	Acct	Description	Purpose	Adjustment
051	7710	8410	Carryforward Budget from FY20-21 for Public Safety Power Shutoff project	FY20-21 Budgeted Transfer Out	20,347.00
280	7710	8510	Transfer to General Fund (from Traffic Safety Fund)	To recognize funds received	4,500.00
570	6167	4110	Cloisters Park Maintenance Personnel	To cover cost over budget	13,200.00
575	7710	8501	Cloisters Park Accumulation	To cover CIP Expend in FY 21-22	5,810.00
<b>Total General Fund</b>					<b>43,857.00</b>

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**AGENDA NO: A-5**

**MEETING DATE: October 25, 2022**

# Staff Report

**TO: Honorable Mayor and City Council**

**DATE: October 19, 2022**

**FROM: Jody Cox, Chief of Police**

**SUBJECT: Approval of Contract with San Luis Obispo County for Animal Care and Control Services for FY 2022/23 through FY 2024/25**

## **RECOMMENDATION**

City Council authorize the City Manager to execute a three-year contract with the County of San Luis Obispo for the continued provision of Animal Care and Control Services from July 1, 2022, to June 30, 2025.

## **ALTERNATIVES**

None proposed.

## **FISCAL IMPACT**

The contract fee for Fiscal Year (FY) 22-23 is \$47,053 is budgeted for this year and the remaining two years on the proposed contract will be based on a service fee methodology as outlined in this report.

## **BACKGROUND/DISCUSSION**

State law requires that the City provide a certain level of animal care and control services within its borders. For many years, the City of Morro Bay (along with other cities in the County), has contracted with the County of San Luis Obispo (“County”) for the provision of Animal Care and Control Services. This is the only animal control and care service available in the County, and all other cities in the County contract with the County for this service. Services provided pursuant to the proposed contract include: emergency and non-emergency response of Animal Services Officers for injured and stray animals; investigative services for animal bites, abuse and neglect; sheltering and quarantine services; dog licensing; animal adoption; and, other services as required either by State law or the Morro Bay Municipal Code. The Police Department administers the contract on behalf of the City.

The current three-year contract with the County expired on June 30, 2022, with the County continuing to provide the same services to the City, under the previous agreement and terms, up to this point in the new fiscal year. The costs for the remaining two years (July 1, 2023, through June 30, 2025) will be determined annually based on the cost for services in each of the previous years. This contract does not include the City’s share of costs associated with the new animal shelter recently developed by the County.

Prepared By: <u>   JC   </u>	Dept Review: <u>          </u>
City Manager Review: <u>   SC   </u>	City Attorney Review: <u>   LNL   </u>
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### **Contract Provisions and Costs**

The proposed contract provides for the provision of Animal Care and Control services to the City for three years, from July 1, 2022, through June 30, 2025. Services include, but are not limited to:

- Sheltering and medical care of stray, owner surrendered, confiscated, and quarantined household animals.
- Reunification of sheltered animals with owners or adopted into new homes.
- Receipt and publication of lost and found animal reports.
- Response to calls for service from the Police Department or residents for stray or loose animals, dangerous or vicious animals, bite and neglect/abuse investigations, potential rabies exposure investigations and quarantines, pick up of deceased animals.
- Regulation of breeders and sales of domestic animals.
- Animal-related nuisance investigation.
- Enforcement of state and local animal-related laws.

The contract fee for FY 2022-23 is \$ \$47,053, which is consistent with the past two fiscal years. The County shall compute on an annual basis the fee assessed to the City for services provided under this contract. The County shall use a service-based methodology for determining city service fees. The service-based methodology shall be based on four key facets of Animal Services' operations:

- Field Service
- Licensing
- Shelter Operations
- Education Service

The contract includes a provision for the parties to reopen the contract and address specific issues as needed during the contract term. This provision allows for continued negotiations on various terms that were not able to be addressed in time for the new contract to begin and provide continuous animal control and care services. The contract also provides that either party may terminate the contract at any time by giving the other party 30 days written notice. Staff proposes that the Council approve the attached contract which would continue those services through FY 2024/25.

### **CONCLUSION**

Approval of this contract would be an extension of the existing contract between the City of Morro Bay and the County of San Luis Obispo Animal Control Services through FY 2024/25.

### **ATTACHMENT**

1. Contract for Animal Care and Control Services with County of San Luis Obispo

**CONTRACT FOR  
ANIMAL CARE AND CONTROL SERVICES**

**THIS CONTRACT FOR ANIMAL CARE AND CONTROL SERVICES** (“Contract”), is made and entered into by and between the County of San Luis Obispo, a public entity in the State of California, ("County") and, the City of Morro Bay, an incorporated city in the State of California, ("City").

**WITNESSETH:**

**WHEREAS**, County has established the Division of Animal Services to provide animal care and control functions including the enforcement of the ordinances of San Luis Obispo County Code Title 9 and of California state codes pertaining to the care, keeping, and management of animals; and

**WHEREAS**, County, through Animal Services, maintains and operates an animal shelter and a humane education program; and

**WHEREAS**, City is desirous of contracting with County for the provision of such services;

**NOW THEREFORE**, in consideration of the covenants, conditions, agreements, and stipulations set forth herein, the parties hereby agree that County shall perform the services described herein for the compensation set forth herein, subject to the terms and conditions set forth herein.

**1. Services.** The parties agree to perform the services described in Exhibit A, attached hereto and incorporated herein by reference as if set forth in full by this reference.

**2. Compensation.** The parties agree to the compensation described in Exhibit B, attached hereto and incorporated herein by reference as if set forth in full by this reference.

**3. Duration.** The parties agree to the duration described in Exhibit C, attached hereto and incorporated herein by reference as if set forth in full by this reference.

**4. General Conditions.** The parties agree to the general conditions described in Exhibit D, attached hereto and incorporated herein by reference as if set forth in full by this reference.

**5. Notices.** Notices required in this Contract shall be provided to:

COUNTY  
Eric Anderson, DVM  
Animal Services Manager  
885 Oklahoma Ave.  
San Luis Obispo, CA 93406

CITY  
Jody Cox  
Police Chief  
850 Morro Bay Blvd.  
Morro Bay, CA 93442

**IN WITNESS WHEREOF**, County and City have executed this Contract on the day and year set forth below.

CITY OF MORRO BAY  
An Incorporated City in the State of California

By: \_\_\_\_\_  
Scott Collins, City Manager

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Dana Swanson, City Clerk

Date: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
Christopher F. Neumeyer, City Attorney

Date: \_\_\_\_\_

COUNTY OF SAN LUIS OBISPO,  
A Public Entity in the State of California

By: \_\_\_\_\_  
Chair, Board of Supervisors

Date: \_\_\_\_\_

ATTEST:

WADE HORTON  
Ex-Officio Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

Approved as to form and legal effect:

RITA L. NEAL  
COUNTY COUNSEL

By: \_\_\_\_\_  
Deputy County Counsel

Date: \_\_\_\_\_

**CONTRACT FOR  
ANIMAL CARE AND CONTROL SERVICES**

**EXHIBIT A - SCOPE OF SERVICES**

1. County Obligations. The County shall perform the following duties:

*a) Shelter Services*

- i) Maintain, or cause to be maintained, an animal shelter whereat stray, owner surrendered, confiscated, quarantined and custodially impounded household pets are received and provided with appropriate care, housing, and shelter services in accordance with state regulations, local ordinances, and policies governing the humane treatment of such animals.
- ii) Provide services allowing sheltered animals to be returned to their owners, adopted into new homes, or to be humanely euthanized.
- iii) Provide for the receipt and publication of lost and found animal reports.
- iv) Provide services for the humane euthanasia of household pets and for the disposal of their remains.

*b) Field Services*

- i) Receive and respond to public calls for service related to alleged violations of local or state codes pertaining to the care, keeping, treatment, and management of animals.
- ii) Provide for the response to any of the following circumstances 24 hours a day, seven days a week:
  - (1) Domestic animals posing an active and present threat to public safety.
  - (2) Domestic animals which are severely injured, sick, or in eminent risk and whose owner is unknown or unavailable.
  - (3) Domestic or wild animal demonstrating signs of possible rabies infection.
  - (4) Calls for assistance from law enforcement or emergency response personnel.
  - (5) Reported animal bites where the animal remains in the area

unconfined and whose owner is unknown or unavailable.

(6) Loose livestock roaming on roadways or other public areas.

iii) Provide for the response to any of the following during Animal Services' normal business hours:

(1) Pick-up and impoundment of unlimited numbers of stray confined domestic animals.

(2) Pick-up and disposal of unlimited numbers of dead domestic animals from roadways, parks, and other public areas.

(3) Pick up and transfer to shelter of owned animals for surrender or euthanasia.

(4) Pick up of dead owned animals for disposal.

iv) Provide for the necessary medical treatment and emergency care for domestic animals picked up by Animal Services personnel and for those domestic animals presented directly to veterinarians by private citizens and emergency response personnel.

v) Provide for the receipt, processing and investigation of animal bite reports as well as the subsequent quarantine of animals in accordance with state codes pertaining to rabies control.

vi) Request assistance from the San Luis Obispo County District Attorney's Office Bureau of Investigations when an animal bite results in significant injury causing death or likely to cause death or in any case Animal Services believes may require significant criminal investigation beyond the experience of Animal Services Officers.

vii) Receive and respond to reports of animals, domestic or wild, which are suspected to be rabid or to have been exposed to rabies infection and attempt to affect their capture. Captured animals will be processed in accordance with state codes pertaining to rabies control.

viii) Receive and process all applications related to the keeping and sale of household pets; inspect and regulate permitted operations in accordance with local and state codes.

ix) Provide for the recording, investigation, administrative hearings, and issuance of findings and orders related to animal nuisances, animal seizures or confiscations, and dangerous or vicious animals. Nuisances which remain

unresolved following the issuance of an abatement order will be processed to court through the City Attorney's office.

- x) Assist in the preparation and filing of court documents related to the civil and/or criminal prosecution of cases involving violation of municipal codes pertaining to the care, treatment, and keeping of domestic animals.
  - xi) Provide for the preparation, filing and civil or criminal prosecution of cases involving violations of California state codes pertaining to the care, treatment, and keeping of domestic animals.
  - c) *Reporting*: Provide to the City bi-annual service activity and financial reports reflecting field services, licensing, shelter operations, and humane education programs. Reports will detail this information for both the individual quarter and year-to-date.
  - d) *Collaboration*: Participate collaboratively with the City in regards to matters impacting the provision of animal care and control services. County shall not append or modify the provisions of Title 9 of the San Luis Obispo County Code without having first consulted with the City.
2. City Obligations. The City shall perform the following duties:
- a) *Ordinance Conformity*: Adopt, either by direct incorporation in the municipal code or by way of reference, animal control ordinances which are in conformity to and are not in substantial conflict or in variation from Title 9 of the San Luis Obispo County Code.
  - b) *Prosecution of Municipal Code Violations*: Through the City Attorney, provide for the preparation, filing and civil or criminal prosecution of cases involving violation of municipal codes, pertaining to the care, treatment, and keeping of animals, including all such codes incorporated into the municipal code by way of reference.
  - c) *Assistance*: Provide such assistance and support to Animal Services personnel as may be reasonably necessary to safely and effectively execute the operations required by this Contract within the City limits.
3. Animal Care and Control Coordination Group: The County and City agree that Animal Services is a shared interest of all parties and that all participating jurisdictions will share in the cost and revenue generated based on actual costs and fees generated in each jurisdiction. Further, policy-setting and procedure development will happen in a collaborative manner, with all participating jurisdictions having input into the best way to conduct these

services in San Luis Obispo County.

To coordinate efforts, the participating jurisdictions, including the City and County agree to meet and confer periodically to discuss current issues as they relate to the fiscal and practical application of this Contract, along with other potential items identified by the group. Such meetings shall be coordinated by the Health Agency Director from time to time as necessary, but no less than once quarterly.

This group commits to a goal of reducing animal intakes and total animal nights by an average of 5% annually for the next five years while maintaining the compassionate and responsible provision of services and improving Animal Services revenues to decrease the net cost of services. The targeted reductions are to be accomplished primarily by reducing the need for services and the costs of those services, not by reducing or denying needed services.

As part of this commitment, the County agrees to develop performance benchmarks and communicate them quarterly to the group on the following:

- a) Cost of Services/per Capita (by City) over time.
- b) Cost of services/per City over time.
- c) Number of Full-Time Equivalent (FTE) positions within Animal Control over time.
- d) Number of field FTE within Animal Control over time.
- e) Geographical Information Service (GIS) heat maps of calls for service over time by City (requested development from County IT Department, maps to be provided when available).
- f) Average response times by call types over time by City.
- g) Percentage of animals licensed by the City over time.
- h) Other data points charted out over time that were used to spread out the Animal Shelter costs.

In the first quarter of year one of this Contract, the group will propose Ordinance updates aimed at lowering domestic animal populations and costs and increasing animal services related revenues. The County agrees to present the collaborative Ordinance updates for consideration by the County Board of Supervisors. The City agrees to present the Ordinance updates for consideration by their City Council.

**CONTRACT FOR  
ANIMAL CARE AND CONTROL SERVICES**

**EXHIBIT B - COMPENSATION**

- 1) First Year Service Fee: The City agrees to pay to the County the amount of \$47,053 for services provided under this Contract during the first year of service.
- 2) Subsequent Years' Service Fee: The County shall compute on an annual basis a service fee assessed to the City for services provided under this Contract.
- 3) Timing of Service Fee: The County shall calculate annual service fees and provide them to the City prior to April 15th of each year, with service fees becoming effective on July 1st of that year. No further action by either party is necessary to implement new fees in subsequent years.
- 4) Service Fee Methodology: The County shall use a service-based methodology for determining City service fees. The service-based methodology shall be based on four key facets of Animal Services' operations:
  - Field Service
  - Licensing
  - Shelter Operations
  - Education Services
  - a) *Determination of Cost of Service* - The cost of providing services to the City will be calculated by determining the average percentage of service allocated to the City over the preceding three years for each of the four facets of operations and multiplying this percentage against Animal Services operational cost for each facet. Combined, this then represents the City's total service cost in proportion to the County and all other contracting parties.
  - b) *Credit for Fees* - The average annual revenue generated from fees or fines assessed directly to residents of the City by Animal Services over the preceding three years will be applied against the City's total service cost.
  - c) *Determination of Service Fee* - The fee assessed to the City for provision of services outlined in this Contract shall be determined by subtracting the average revenue as determined by item 4b of this exhibit from the average cost of service as determined by item 4a of this exhibit.
- 5) Billing: County shall bill City for contracted services in quarterly increments. City shall remit payment to the County within thirty (30) days of receipt of billing.

**CONTRACT FOR  
ANIMAL CARE AND CONTROL SERVICES**

**EXHIBIT C - DURATION**

- 1) Effective Date: This Contract shall be effective July 1, 2022, or fifteen (15) days following of the date of the signature of the County, whichever is later. The County shall be the last to sign this Contract.
  
- 2) Service Date: City and County acknowledge that the services provided under this Contract are a continuation of those established during the preceding contract term and that these services may have been provided uninterruptedly between July 1, 2022, and the date of execution by the County in order to ensure the interest of public service.
  - a) Both City and County expressly and retroactively authorize the provision of these services.
  
  - b) For the purposes of billing and determination of the First Year Service Fee as provided in Exhibit B, the first year of service will be presumed to have begun on July 1, 2022.
  
- 3) Duration: The term of this Contract shall expire June 30, 2025, unless terminated sooner as provided in Exhibit D.

**CONTRACT FOR  
ANIMAL CARE AND CONTROL SERVICES**

**EXHIBIT D - GENERAL CONDITIONS**

- 1) Termination: Either party may terminate this Contract at any time by giving the other party thirty (30) days written notice of termination. Termination for convenience shall have no effect upon the rights and obligations of the parties arising out of any services provided occurring prior to the effective date of such termination. County shall be paid for all work satisfactorily completed prior to the effective date of termination. In the event that the Contract is terminated prior to the conclusion of a quarterly billing cycle, the City shall remit to the County a prorated amount based upon the number of days of service relative to the total number of days in the billing cycle.
  
- 2) Indemnification: Nothing in the provisions of this Contract is intended to create duties or obligations to, or rights in third parties not party to this Contract or affect the legal liability of either party to contract, by imposing any standard of care respecting the regulation and enforcement of laws regarding animals different from the standard of care imposed by law.

It is understood and agreed that neither City, nor any officer or employee thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by the County under or in connection with any work, authority or jurisdiction delegated to the County under this Contract. It is also understood and agreed that pursuant to Government Code 895.4, County shall defend, indemnify and save harmless the City, all officers, and employees from all claims, suits or actions of every name, kind, and description brought forth or on account of injuries or death of any person or damage to property resulting from anything done or omitted to be done by the County under this Contract except as otherwise provided by Statute.

It is understood and agreed that neither County nor any officer or employee thereof, is responsible for any damage or liability occurring by reason of anything done or omitted to be done by the City under or in connection with any work, authority or jurisdiction delegated to the City under this Contract. It is also understood and agreed that pursuant to Government Code Section 895.4, the City shall defend, indemnify and save harmless the County, all officers and employees from all claims, suits or actions of every name, kind and description brought forth on account of injuries or death of any person or damage to property resulting from anything done or omitted to be done by City under connection with any work, authority or jurisdiction delegated to the City under this Agreement except as otherwise provided by Statute.

3) Notices: Any notice, payment, statement, or demand required or permitted to be given hereunder by either party to the other shall be affected by personal delivery in writing or by mail, postage prepaid. Mailed notices shall be addressed to the parties at the addresses appearing below, but each party may change its address by written notice in accordance with this section. Mailed notices shall be deemed communicated as of three days after mailing.

Notices for County shall be addressed to:

Eric Anderson  
Animal Services Manager  
885 Oklahoma Ave.  
San Luis Obispo, California 93406

Notices for City shall be addressed to:

Jody Cox  
Police Chief  
850 Morro Bay Blvd.  
Morro Bay, CA 93442

- 4) Status of the Parties' Officers/Employees/Agents: Neither party's officers, employees, agents, partners, other contractors or subcontractors shall be deemed to be employees of the other party at any time. Nothing in this contract shall be construed as creating a civil service employer - employee relationship or a joint venture relationship. No officer, employee, agent, partner, other contractor or subcontractor of the other party shall be eligible for membership in or receive benefits from any plan for hospital, surgical, or medical insurance, or be eligible for membership in any retirement program, paid vacation, paid sick leave, other leave, with or without pay, collective bargaining rights, grievance procedures, appeals to the Civil Service Commission or any other benefits which inures to or accrues to an employee of the other party. The only performance and rights due the other party are those specifically stated in this Contract.
- 5) Governing Law and Venue: This Contract shall be governed by and construed in accordance with the laws of the State of California. Additionally, this Contract has been formed and shall be performed in San Luis Obispo County; the venue for any legal action on the Contract shall be in San Luis Obispo County.
- 6) Entire Agreement: This Contract embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties relating to matters herein; and except as otherwise provided herein, cannot be modified without the prior written agreement of the parties.

- 7) Severability: In case any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Contract shall be considered as if such invalid, illegal, or unenforceable provision had never been contained in this Contract.
- 8) Successors and Assigns: This Contract shall be binding upon and insure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and, except as otherwise provided in this Contract, their assigns.
- 9) Captions: The captions to the various clauses of this Contract are for information purposes only and shall not alter the substance of the terms and conditions of this Contract.
- 10) Authorization: Each of the parties represents and warrants to the other that this Contract has been duly authorized by all necessary corporate or governmental action on the part of the representing party and that this Contract is fully binding on such party.

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AGENDA NO: A-6

MEETING DATE: October 25, 2022

# Staff Report

**TO:** Honorable Mayor & City Council

**DATE:** October 18, 2022

**FROM:** Eric Riddiough, P.E. – City Engineer

**SUBJECT:** Approval of Amendment No. 2 to Contract with Superior Tank Solutions for Kings Tanks and Blanca Tanks Rehabilitation Project

## RECOMMENDATION

Staff recommends that the City Council approve in substance Amendment No. 2 to Contract with Superior Tank Solutions for Kings Tanks and Blanca Tanks Rehabilitation Project for the amount of \$441,738 and authorize the City Manager to execute the contract amendment.

## ALTERNATIVE

The recommended action is to approve Amendment No. 2 to the contract with Superior Tank Solutions (STS). The alternative is not to move forward with Amendment No. 2 to the contract. This action would mean that the Blanca 3 and 4 tanks would need to be removed from the scope of the contract with STS which would likely result in penalty fees to the City for removing scope from the project. The contract items to blast and coat or factory rehab the bolted steel tanks are not advised without making the necessary upgrades to the foundation and anchoring. In addition, the contingency is crucial to ensuring that the roof of the remaining tanks can be completed and warranted for future years as part of the City's 10-year maintenance agreement with STS.

## FISCAL IMPACT

The total cost for Amendment No. 2 with Superior Tank Solutions (STS) is \$441,738. If approved, the total amount for the STS Contract will increase from \$2,366,123 to \$2,807,861.

The value of Amendment No. 2 with STS and other anticipated project costs are estimated to be covered by the approved budget for the Kings/Blanca Tank Rehabilitation Project. The project budget was originally \$2,691,152 with the FY 21/22 budget. An increase of \$600,000 was added to the project and approved through the FY 22/23 budget process to bring the total project budget to \$3,291,152. With the proposed STS Contract Amendment, the new total contract with STS will total \$2,807,861, leaving a remaining project budget of \$208,291. A summary of currently contracted and additional costs as part of Amendment No. 2 for the Kings/Blanca Tank Rehab Project are provided in the table below.

**Kings/Blanca Tank Rehab Project Cost Summary**

<b>FY 21/22 Budgeted Amount</b>	<b>\$2,691,152</b>
<b>FY 22/23 Budget Increase</b>	<b>\$600,000</b>
<b>Total Project Budget</b>	<b>\$3,291,152</b>

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Prepared By: ER

Dept Review: GK

City Manager Review: SC

City Attorney Review: LNL

<b>Original STS Contract</b>	<b>\$2,039,628</b>
<b>STS Amendment No. 1</b>	<b>\$326,495</b>
<b>Current STS Total Contract Amount</b>	<b>\$2,366,123</b>
<b>Proposed STS Amendment No. 2</b>	<b>\$441,738</b>
Cost Difference for New Epoxy Coated Bolted Tank Panels and Erection Versus Factory Rehabilitation, Foundation and Seismic Improvements (additional cost = \$843,810 – \$512,800 )	\$331,010
Blanca 1 and 2 and Kings 2 Additional Cathodic Protection	\$15,728
Additional Contingency Blanca 1 and 2 and Kings 2 (roof repairs, patch plates, etc.)	\$95,000
<b>New STS Total Amended Contract Amount (Including Amendments 1 and 2)</b>	<b>\$2,807,861</b>
<b>Additional Anticipated Project Costs Not Part of this Contract (Construction Management, Inspection, Testing, Etc.)</b>	<b>\$275,000</b>
<b>Total Estimated Project Cost At Completion</b>	<b>\$3,082,861</b>
<b>Estimated Remaining Budget at Completion</b>	<b>\$208,291</b>

**DISCUSSION**

On November 9, 2021, the City of Morro Bay (City) authorized the City Manager to execute a contract with (STS or “Contractor”) for recoating and rehabilitation of the Kings and Blanca Water Storage Tanks (Kings/Blanca Tank Rehab Project). After awarding the contract, it was determined that it would be beneficial to include additional items into the contract with STS to better protect the City’s water storage tanks and improve the operability of the City’s water system. Those items were added to the contract with Amendment No. 1 and included tank mixers and couplings, additional maintenance scope, washout and spot repair of Elena tanks, factory rehabilitation of Blanca 3 and 4, and project contingency. Amendment No. 1 was approved by City Council at the March 8, 2022 regular meeting.

Upon further consideration of the factory rehabilitation with STS, and since Blanca 3 and 4 are bolted tanks that are being completely disassembled and reassembled with new panels and gaskets, the City elected to have seismic upgrades and other foundation work done to project the life of the bolted steel tanks and added safety for seismic concerns due to the age of the tanks and foundations. The existing Blanca 3 and 4 tanks were built in the 1960’s, and bolted tanks are by design to be replaced in kind over time with new panels; however, with the opportunity of rehabilitation, the time is right to have seismic and foundation issues addressed as well. The replacement bolted tanks will be assembled in the same footprint as the existing Blanca 3 and 4 tanks. Blanca 1 and 2 are welded steel tanks in front of Blanca 3 and 4 and will continue to be sandblasted and recoated as planned in the contract.

Another item that has been added to the scope of this Amendment No. 2 is additional cathodic protection for the Blanca 1 and 2 and Kings 2 Tanks for \$15,728. During construction, there was a deficiency found in the cathodic protection system for the Blanca tanks that had only two anode locations. Also, eight extra handholes and covers are needed for the Kings 2 Tank. This deficiency was not accounted for in the design but is essential for the tanks now that rehabilitation is taking place. The City will request that the contractor increase the anodes to four locations as recommended for better long-term performance and protection of the Blanca tanks.

Also, additional contingency is being requested in order to finish patch repairs on Blanca Tanks 1 and

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2 and Kings Tank 1. Kings Tank 2 alone required around \$70,000 in additional scope repairs and patching. The quantity was not fully captured in the design due to heavy corrosion and not begin able to fully scope metal loss of the roof during design. Added contingency is necessary since metal loss on the exterior of the tanks cannot be accurately quantified until blasting operations have been performed. The City is confident that the addition of \$95,000 will provide enough contingency to address these repairs for a total contingency of \$196,000, which is about 6-7% of the project contract.

### **CONCLUSION**

The requested Amendment No. 2 for STS will provide necessary added repairs and improvements to the City's Water Storage Tanks. These modifications will extend the life of these critical water system facilities, improve operability, and better protect public health and safety by enhancing water quality in the distribution system.

### **ATTACHMENT**

1. Amendment No. 2 to the contract with Superior Tank Solutions for Kings Tanks and Blanca Tanks Rehabilitation Project

CITY OF MORRO BAY

AMENDMENT NO. 2 TO THE AGREEMENT  
FOR CONSTRUCTION SERVICES  
BETWEEN THE CITY OF MORRO BAY  
AND SUPERIOR TANK SOLUTIONS, INC.

This AMENDMENT NO. 2 TO THE AGREEMENT FOR CONSTRUCTION SERVICES BETWEEN THE CITY OF MORRO BAY AND SUPERIOR TANK SOLUTIONS, INC. ("Amendment 2") is entered by and between the City of Morro Bay, a municipal corporation ("City") and Superior Tank Solutions, Inc., a California corporation ("Contractor").

**RECITALS**

WHEREAS, City and Contractor (collectively, the "Parties") entered into an agreement as of January 20, 2022, for construction services for Contractor to complete the work for the Kings Tanks and Blanca Tanks Rehabilitation Project, (the "Project") which was approved by the City Council for a not to exceed amount of \$2,039,628 (the "Agreement");

WHEREAS, the Parties amended the Agreement, as of March 8, 2022, to expand the tasks to be provided by Contractor and to increase the compensation payable in the amount of \$326,495 ("Amendment 1"), increasing the total compensation payable pursuant to the Agreement to \$2,366,123;

WHEREAS, the Agreement and Amendment 1 are referred to collectively as the "Amended Agreement;"

WHEREAS, the Parties agree to amend the Amended Agreement because the construction services for the Project require an expansion of the tasks to be provided by Contractor pursuant to the Amended Agreement;

WHEREAS, due to the expansion of tasks to be provided, the compensation payable pursuant to the Agreement must be increased.

NOW THEREFORE, City and Contractor mutually agree to amend the Amended Agreement as follows:

1. The additional services to be provided by Contractor, pursuant to the Amended Agreement, are hereby amended to include the following additional scope items ("Additional Work") as listed below totaling \$346,738 and further described in the Exhibits to this Amendment 2:
  - a. Blanca Tank 3 & 4 Bolted Steel Tanks Replacement in lieu of Factory Rehabilitation (Exhibit A, Bid Item 1).
  - b. Replacement of Ring Foundations and Installation of Anchors and Seismic Restraints (Exhibit A, Bid Item 2)
  - c. Additional piping for filling replacement tanks (Exhibit A, Bid Item 3)

d. Additional Cathodic Protection at Blanca 1 and 2 and Kings 2 Tanks (Exhibit B)  
Contractor shall not commence work on the Blanca Tank 3 & 4 Bolted Steel Tanks fabrication portion of the Additional Work until and unless Contractor receives a written notice to proceed signed by City's Public Works Director.

2. Additionally, included in this Amendment 2 is an additional "Contingency" budget of \$95,000. Contingency of \$101,981 has been used on the project to date, with the main contributor being \$70,000 in required additional repairs to the Kings 2 tank before coating that could only be quantified and estimated after blasting had occurred during construction. All four Kings and Blanca welded steel tanks have experienced heavy corrosion over their useful life. An additional \$95,000 of contingency is projected to cover the additional patch repairs on Blanca Tanks 1 and 2 and Kings Tank 1. This contingency will also assist the City in addressing any identified deficiencies or funding improvement opportunities that may come up as the Project is being completed. The use of the Contingency is only allowed under the authorization of the City Manager.

3. The compensation for this Amendment 2 shall not exceed \$441,738 (including any Contingency). The activities for this Amendment 2 shall be paid in accordance with (i) the amounts set forth in Exhibits A and B, and (ii) the process established by the Amended Agreement on a lump sum basis. With the amount added for the Additional Work, the total compensation paid pursuant to the Amended Agreement, as hereby amended, shall not exceed \$2,807,861.

4. Contractor shall not be compensated for any further services rendered in connection with its performance of the Amended Agreement that are in addition to those set forth in this Amendment 2.

5. Except as expressly stated herein, all terms and conditions in the Amended Agreement shall remain in full force and effect.

6. The effective date of this Amendment 2 shall be deemed to be October 25, 2022.

IN WITNESS WHEREOF, the parties have caused this Amendment 2 to be executed by their duly authorized representatives as of the day first written above.

CITY OF MORRO BAY

CONTRACTOR

By: \_\_\_\_\_

By: \_\_\_\_\_

Scott Collins,  
City Manager

Its \_\_\_\_\_

Attest:

By: \_\_\_\_\_

\_\_\_\_\_  
Dana Swanson, City Clerk

Its \_\_\_\_\_

Approved As To Form:

---

Chris Neumeyer, City Attorney



Matt Hoose  
 Central Region Manager  
 Cell: 661.304.7352  
 mhoose@superiortanksolutions.com

## Proposal

Authorized Signature:	<i>Matt Hoose</i>	Date:	October 14, 2022
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CUSTOMER INFORMATION		TANK INFORMATION	
Customer Name	City of Morro Bay	Tank Name	Blanca Tanks 3 & 4
Contact Name	Mr. Matt Scholfield C/O Morro Bay	Size and Style	(2) 38' D x 26' H Bolted Tanks
Billing Address	955 Shasta Avenue	Site Address	575 Blanca St
City, State, Zip	Morro Bay, CA 93442	City State, Zip	Morro Bay, CA 93442

<b>SCOPE OF WORK</b>
----------------------

**Superior Tank Solutions, Inc. (STSI) agrees to furnish all necessary labor, tools, equipment, supplies, insurance, and supervision to perform following scope of work:**

**Bid Item 1:** To furnish labor, materials & equipment necessary to fabricate, deliver ring-wall foundations (See Bid Item 2), the following powder epoxy factory coated cone deck bolted steel tanks per AWWA D-103 specifications, **100 MPH** Wind load, **20 PSF** Deck Live Load, **each** including the following appurtenances:

- Shell & roof manways & vent
- Encapsulated hardware
- Stamped drawings & calculations
- 4" drain shell nozzle
- Exterior HDG caged ladder w/enclosure
- (2) 5' handrails w/safety gate
- 8" overflow nozzle w/down-comer & flap-gate
- HDG interior ladder w/safety climb
- 8" outlet shell nozzle w/vortex breaker
- 8" inlet roof nozzle w/down-comer
- Disinfection (Water Quality Testing by others)
- Superior LLI
- (26) anchor bolts
- Labor to KD & haul off existing tank(s)
- **Interior Coating:** Fusion Bonded Epoxy Powder 5 - 7 Mils Min. D.F.T. (N. S. F. 61 Approved) Axalta Tank Tan
- **Exterior Coating:** Fusion Bonded Polyester Powder 5 Mils Min. D.F.T. Axalta Superior Sand
- **Delivery Time:**
- 8 – 10 Weeks For Fabrication After Approval of Submittal
- 5 Working days per tank for demo and haul off of existing tanks
- 10 Working days per tank for erection

**Total Cost Including Sales Tax: Two (2) 38' Dia. x 26' Ht. FPC Bolted Tanks: \$326,905.00 PER TANK**

**General Notes:**

Prevailing wage rates have been included in all field labor. Included in the above prices is a water leak test by our erection crew. Filling the tank is the responsibility of the customer. Water for the initial filling and for any subsequent re-fillings required for water testing is also the responsibility of the customer.

**Terms:**

- 10% Upon Proof of Receipt of Materials for Shop Fabrication
- 5% Upon Disassembly of Existing Tanks
- 5% Upon Completion of Removal of Existing Tank Foundation
- 25% Upon Completion of Tank Foundations
- 45% Upon Tank Erection
- 10% Upon Tank Hydro-tested

**Bid Item 2:** To furnish labor, materials & equipment necessary to form & pour Two (2) 2'-6" wide x 2'-6" deep concrete ring-wall foundations, including setting the anchor bolts (Per Drawings) for above mentioned bolted steel tanks.

Price includes over-excavation & re-compaction per soils report.

Price includes demolition & hauling off existing 2' x 3' concrete ring-wall(s). Clean construction water to be provided by the owner.

**Total Cost Including Sales Tax: \$93,000.00 PER TANK**

**Foundation:**

25 Working for demo and construction of new foundations

**Bid Item 3:** To furnish labor, materials & equipment to add an additional 2' to the Two (2) existing 8" inlet top fill piping for above mentioned bolted steel tanks.

**Total Cost Including Sales Tax: \$2,000.00 PER TANK**

**Exclusions/Qualifications:** AIS Certification, Lightening Protection, Cathodic Protection, Surveying and Setting of Monuments for Foundation Work, Valves, Filling Tank, Pumps, Mixers, Permits, Controls, Sensors, Sub-Base, Sub-grade Piping, Water For Hydro-Test, Electrical, Interior/Exterior Piping After First Flanged Nozzle (except where noted), and Flexible Couplings, Chlorinated Water Disposal If Required, Not Included.

**Warranty:**

Our materials and workmanship are warranted for a period of (1) one year. We encourage our customers to fill the tank immediately with water and hold the fluid in for a minimum of 24 – 48 hours. If you should experience any leakage, we will dispatch a repairman as quickly as possible. Thereafter, a certain amount of fluid should be kept in the tank at all times.

**The following qualifications are to be made:**

- Standard one (1) year warranty on all workmanship and materials as required by the State of California shall apply.
- All mechanical/steel work shall be performed in accordance with API 650, AWWA D.100 & D.103 Standards.
- 25 additional working days shall be added to the contract for foundation work.
- STS will have full access to the work site.
- Pricing does not include any permits.
- All work proposed is based on a one-time mobilization and demobilization.
- No other repairs to the existing structure are included herein.

**CA License #939335 • AZ License #269751**

<b>EIGHT HUNDRED FORTY-THREE THOUSAND EIGHT HUNDRED TEN AND 00/100 (Dollars)</b>	<b>TOTAL</b>	<b>\$843,810.00 (taxes included)</b>
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<b>Customer Signature:</b>		<b>Date:</b>	
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9500 Lucas Ranch Rd. Rancho Cucamonga, CA 91730 • T. 909.912.0599 F. 909.912.0585 • Toll Free 877.764.2121  
[SUPERIORTANKSOLUTIONS.COM](http://SUPERIORTANKSOLUTIONS.COM)

## RFC No.5

Authorized Signature:	<i>Matt Hoose</i>	Date:	September 23, 2022
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CUSTOMER INFORMATION		TANK INFORMATION	
Customer Name	City of Morro Bay	Tank Name	Blanca Tanks 1 & 2
Contact Name	Mr. Matt Scholfield C/O Morro Bay	Size and Style	(2) 30' D x 28' H
Billing Address	955 Shasta Avenue	Site Address	575 Blanca ST.
City, State, Zip	Morro Bay, CA 93442	City State, Zip	Morro Bay, CA 93442

### SCOPE OF WORK

**Superior Tank Solutions, Inc. (STSI) agrees to furnish all necessary labor, tools, equipment, supplies, insurance, and supervision to perform following scope of work:**

**Request for Change Scope:**

**Blanca Tank 1 & 2 Roof Repairs:**

- Fabricate and install 63 sq ft of steel patch plates various sizes to repair holes and loss of substrate on the Blanca Tanks 1 & 2 roof as directed by the City's representative. (33 sq ft on Tank 1 and 27 sq ft on Tank 2)  
 63 sq ft at bid item No. 44 unit price of \$162.00/sq ft.

**Total Cost for Roof Repairs: \$10,206.00**

**Blanca Tank 1 & 2 Roof Vent Replacement:**

- Demo (2) existing 18" roof vents.
- Fabricate and install (2) 24" roof vents (1/4" neck with 3/16" cone on top equipped with stainless steel #24 screens and 1/4" bands).

**Cost for Roof Vents: \$3,571.00 Per Tank**

**Total Cost for Roof Repairs: \$7,142.00**

**Blanca Tanks 1 & 2 Hoist Demo:**

- Demo and haul off existing out of service roof hoists.

**Cost Per Tank: \$215.00**

**Total Cost for Hoist Demo: \$430.00**

**Blanca Tanks 1 & 2 Cathodic Protection Handholes and Anodes:**

- Install (4) new CP handholes and caps (2) per tank. (4) at Bid item No. 15 unit price of \$158.00ea.
- Install (4) additional new anodes and hangers (2) per tank at Bid item 16 unit price of \$3,458.00ea.

**Total Cost for CP Handholes and Anodes: \$14,464.00     \$14,464 (Blanca 1&2) + \$1,264 (Kings 2) = \$15,728**

**Mobilization & Demobilization for Roof Repairs:**

- Repairs will take approximately 7-10hr shifts (not included in unit price Bid Item No. 44) original bid item No. 44 had a quantity of 30 patched 12" x 12" or smaller for all six tanks and were assumed to be performed on the same mobilization.

**Total Cost for Mechanical Re-mobilization: \$3,000.00**

## BID FORM (Revised)

TO: The City of Morro Bay, California, hereinafter called "City":

1. BID

Pursuant to and in compliance with your Notice to Bidders and Contract Documents relating to the project: **Kings Tanks and Blanca Tanks Rehabilitation Project**: MB2021- U1-WATER, including Addenda Nos. One, Two, Three the undersigned bidder, having become thoroughly familiar with the terms and conditions of the Contract Documents and with local conditions affecting the performance and the costs of the WORK at the place where the WORK is to be done, hereby proposes and agrees to fully perform the WORK within the time stated in strict accordance with the Contract Documents (including the furnishing of any and all labor, materials, tools, expendable equipment, and utility and transportation services necessary to fully perform the WORK and complete it in a workmanlike manner) for the total Bid in the following bid schedule:

BID SCHEDULE					
Item No.	Description	Units	Quantity	Unit Cost	Total Cost
1	Mobilization and Demobilization - Kings Tanks	1	LS	\$33,020.00	\$33,020.00
2	Mobilization and Demobilization - Blanca Tanks	1	LS	\$53,075.00	\$53,075.00
3	Bonds and Insurance	1	LS	\$19,685.00	\$19,685.00
4	Demolition	1	LS	\$21,100.00	\$21,100.00
5	Install 36-inch Square Roof Curb	5	EA	\$3,500.00	\$17,500.00
6	Install 36-inch Square Roof Hatch	5	EA	\$700.00	\$3,500.00
7	Install 39-inch Square Roof Hatch	1	EA	\$4,200.00	\$4,200.00
8	Install 40-inch Diameter Roof Vent	2	EA	\$7,000.00	\$14,000.00
9	Install 48-inch Diameter Roof Vent	1	EA	\$7,790.00	\$7,790.00
10	Replace Roof Vent Screens	3	EA	\$200.00	\$600.00
11	Install Fall Protection Anchors	8	EA	\$335.00	\$2,680.00
12	Install New Interior Ladder	3	EA	\$7,000.00	\$21,000.00
13	Install Interior Ladder Safety Climb	6	EA	\$2,000.00	\$12,000.00
14	Install Exterior Ladder and Cage	4	EA	\$9,395.00	\$37,580.00
15	Install New CP Handholes and Caps	24	EA	\$158.00	\$3,792.00
16	Install New CP Anodes and Hangers	24	EA	\$3,458.00	\$82,992.00
17	Install Hand Railings	198	LF	\$232.00	\$45,936.00
18	Install Self Closing Swing Gate	6	EA	\$1,200.00	\$7,200.00
19	Install 36-inch Halo Ring	2	EA	\$14,670.00	\$29,340.00
20	Install 24x36 Catch Basin	2	EA	\$6,321.00	\$12,642.00
21	Modify 8-Inch Overflow - Kings Tank No. 1	1	LS	\$1,900.00	\$1,900.00
22	Modify 8-Inch Overflow - Kings Tank No. 2	1	LS	\$1,900.00	\$1,900.00
23	Install 36-inch Access Manway	2	EA	\$7,300.00	\$14,600.00
24	Interior Coating Complete Removal and Replacement - Blanca Welded Tanks	2	EA	\$74,235.00	\$148,470.00
25	Interior Coating Complete Removal and Replacement - Blanca Bolted Tanks	2	EA	\$89,115.00	\$178,230.00

8 extra  
handho W@  
\$158 each  
= \$1264

**BID FORM**

Project No. MB2021- U1-Water

Kings and Blanca Tanks Rehabilitation Project

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7/8/2021



AGENDA NO: A-7

MEETING DATE: October 25, 2022

# Staff Report

**TO:** Honorable Mayor and Councilmembers **DATE:** October 20, 2022  
**FROM:** Emily Conrad, Acting Assistant City Manager/Admin Services Director  
**SUBJECT:** First Quarter Investment Report for Fiscal Year (FY) 2022-23 (period ending September 30, 2022)

## **RECOMMENDATION**

Receive the attached First Quarter Investment Report for FY 2022-23 (period ending September 30, 2022).

## **FISCAL IMPACT**

There is no fiscal impact associated with this recommendation.

## **DISCUSSION**

Attached for Council consideration is the First Quarter Investment Report for FY 2022-23. As of September 30, 2022, the City's weighted portfolio yield of 1.032% for the quarter was slightly below the Local Agency Investment Fund (LAIF) yield of 1.35% for that quarter. This is due to the City's need to hold more cash than normal in the checking account given high cash expenditures on the Water Reclamation Facility (WRF), and the scheduled additional lag in loan disbursements from the State Revolving Loan leading up to the fiscal year end. Yields remain low but are continuing to climb gradually. As of September 30, 2022, the City had recorded \$19,240.22 in interest earnings for the fiscal year to date.

Staff continues to keep significant cash in the City's LAIF account to ensure cash flow for the ongoing WRF project. Staff continues to replace maturing certificates of deposit with similar instruments as they mature. In this quarter, staff also added additional certificates of deposit to the investment portfolio given higher available yields. Staff recommends that no additional investment actions be taken at this time due to the ongoing liquidity needs for the WRF project. Staff plans to evaluate investment options more comprehensively when the WRF project is complete or nearing completion, likely toward the end of the current fiscal year. At that time, staff will focus on renewed assessment of cash flow needs and research the most prudent ways to balance Council adopted investment goals of safety, liquidity, and yield as well as social responsibility in accordance with Resolution No. 50-21.

## **CONCLUSION**

Staff recommends that the City Council receive and file the First Quarter Investment Report (period ending September 30, 2022) for Fiscal Year 2022-23.

## **ATTACHMENT**

1. First Quarter Investment Report for FY 2022-23 (period ending September 30, 2022).

Prepared By: EC

Dept Review: SJR

City Manager Review: SC

City Attorney Review: LNL

**CITY OF MORRO BAY  
 QUARTERLY PORTFOLIO PERFORMANCE  
 9/30/2022**

<b>INVESTMENT OR CUSIP NUMBER</b>	<b>INSTITUTION</b>	<b>PURCHASE PRICE</b>	<b>INTEREST RATE</b>	<b>PURCHASE DATE</b>	<b>MATURITY DATE</b>	<b>DAYS TO MATURITY</b>
LAIF	LOCAL AGENCY INVESTMENT FUND	\$ 40,904,153	1.35%	DAILY	DAILY	1
<b>MONEY MARKET ACCOUNT:</b>						
MM	MECHANICS BANK - MONEY MARKET	1,946,426	0.04%	DAILY	DAILY	1
SWEEP	MECHANICS BANK - SWEEP	16,471,616	0.01%	DAILY	DAILY	1
<b>CERTIFICATES OF DEPOSIT:</b>						
27002YFE1	ZION BANK - Eaglebank - Bethesda	249,000	3.300%	8/18/2022	8/18/2025	1,053
254673Q33	ZION BANK - Discover Bank Greenwood	245,000	3.350%	8/16/2022	8/17/2026	1,417
20825WAZ3	ZION BANK - Connexus Cred. Union	249,000	3.400%	8/15/2022	8/15/2025	1,050
052392BM8	ZION BANK - Austin Telco Fed. Cred. Union Tex	249,000	3.400%	8/12/2022	8/12/2024	682
795451BQ5	ZION BANK - Sallie Mae	245,000	3.400%	7/6/2022	7/7/2025	1,011
856285G21	ZION BANK - State Bank of India NY	250,000	1.750%	2/9/2022	2/9/2027	1,593
02589ABQ4	ZION BANK - American Express Natl	247,000	2.000%	3/9/2022	3/9/2027	1,621
14042TFJ1	ZION BANK - Capital One	246,000	2.700%	4/6/2022	4/13/2027	1,656
61760AUU1	ZION BANK - Morgan Stanley	246,000	3.000%	1/24/2019	1/24/2023	116
61690UDL1	ZION BANK - Morgan Stanley	246,000	3.100%	1/24/2019	1/24/2024	481
1731202F5	ZION BANK - Citibank	246,000	3.200%	1/25/2019	1/25/2024	482
3090683803	US BANK (FORMERLY STATE FARM BANK)	250,435	3.050%	10/21/2013	10/24/2023	389
		<u>\$ 62,290,630</u>				
			<b>RECORDED INTEREST AS OF 9/30/2022</b>	<b>% OF LIQUID PORTFOLIO HOLDINGS</b>	<b>WEIGHTED AVERAGE RATE OF EARNINGS</b>	<b>WEIGHTED AVERAGE MATURITY</b>
			<u>19,240.22</u>	<u>95.235%</u>	<u>1.032%</u>	<u>47</u>

**Portfolio holdings as of the quarter ended September 30, 2022, are in compliance with the current Investment Policy. With 95.235% of the portfolio held in liquid instruments, allowing the City to meet cash flow needs for at least six months, in compliance with the investment policy approved by the City Council in June 2021.**



**AGENDA NO: A-8**

**MEETING DATE: October 25, 2022**

# Staff Report

**TO: Honorable Mayor and City Council**

**DATE: October 19, 2022**

**FROM: Chris F. Neumeyer, City Attorney**

**SUBJECT: Resolution Making Findings Related to the Continued Existence of a State of Emergency Due to COVID-19 and Re-Authorizing for Public Health and Safety the Conduct of Public Meetings of the Legislative Bodies of the City via Remote Teleconferencing (including partially remote) for a 30-Day Period Pursuant to the Ralph M. Brown Act as Amended by Assembly Bill No. 361**

## **RECOMMENDATION**

Staff recommends Council consider adoption of attached Resolution No. 94-22 reauthorizing for public health and safety the conduct of public meetings of the legislative bodies of the City via remote teleconferencing (including partially remote) for 30 days, thereby allowing the City Council and the City’s advisory bodies to meet remotely (including partially remote) through November 24, 2022.

With approval of this motion and until such further notice, City Council and advisory bodies will continue to hold their meetings in public at the Veterans Hall, with the option for individual Councilmembers and advisory body members to teleconference.

## **ALTERNATIVES**

Do not consider adoption of the attached resolution and/or provide further direction to staff.

## **FISCAL IMPACT**

No immediate fiscal impact.

## **BACKGROUND**

On March 4, 2020, the Governor proclaimed a State of Emergency to exist in California because of the spread of COVID-19. Beginning in March, 2020 the Governor also issued a number of Executive Orders (e.g., N-25-20, N-29-20, N-35-20) (the “Brown Act Orders”) for the public health and safety that waived requirements in the Brown Act that expressly or impliedly required the physical presence of City Councilmembers, staff, or the public at meetings of the City Council, Planning Commission and other City boards, commissions and committees (“legislative bodies”) that are subject to the Brown Act. The Brown Act Orders allowed City legislative bodies that are subject to the Brown Act to modify how meetings were conducted to protect the health and safety of staff and the public while ensuring transparency and accessibility for open and public meetings. The most recent Brown Act Order expired on September 30, 2021.

Prepared By: <u>  CFN  </u>	Dept Review: _____
City Manager Review: <u>  SC  </u>	City Attorney Review: <u>  CFN  </u>

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (“AB 361”) into law. AB 361 was made effective on October 1, 2021, on an urgency basis, to correspond to the timing of expiration of the Brown Act Orders. AB 361 provides for the ability to teleconference (whether completely or hybrid) Brown Act meetings of City legislative bodies for public health and safety reasons under certain conditions, akin to the authority to do so under the Brown Act Orders.

## **DISCUSSION**

Assembly Bill 361 allows City legislative bodies to utilize remote/virtual platforms for public meetings (consistent with certain statutory requirements) during a state of emergency proclaimed by the Governor that includes the City if certain conditions are met.

On October 26, 2021, the City Council adopted Resolution No. 70-21 making findings related to the continued existence of a state of emergency due to COVID-19 and re-authorizing for public health and safety the conduct of public meetings of City’s legislative bodies via remote teleconferencing for an initial 30-day period pursuant to the Ralph M. Brown Act as amended by Assembly Bill No. 361. On November 9, 2021, and no later than every 30 days thereafter, through June 28, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City’s legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted resolutions authorizing such meetings for an additional thirty days. AB 361 Resolution No. 61-22, which was adopted on June 28, 2022, expired by its own terms on July 28, 2022, as AB 361 resolutions are active for thirty days. On August 9, 2022, the City Council upon making necessary findings adopted Resolution 72-22, reauthorizing the use of remote teleconferencing by City’s legislative bodies for public health and safety, as authorized by AB 361. On August 23, the City Council reviewed the need for continuing the conduct of public meetings of City’s legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted a resolution authorizing such meetings for an additional thirty days, and the City Council took similar continuing actions thereafter upon making the same findings.

If a state of emergency remains active, or State or local officials have imposed or recommended measures to promote social distancing, AB 361 imposes certain requirements to continue use of its provisions after the initial 30-day period, or a 30-day period thereafter, has elapsed.

Government Code section 54953(e)(3) provides that “not later than 30 days after teleconferencing for the first time pursuant” to AB 361, “and every 30 days thereafter,” the City Council shall make the following findings by majority vote for the City to continue using the teleconferencing provisions of AB 361:

1. The City Council has reconsidered the circumstances of the state of emergency; **and**
2. Either of the following circumstances exist:
  - a. The state of emergency continues to directly impact the ability of the members to meet safely in person, **or**
  - b. State or local officials continue to impose or recommend measures to promote social distancing.

At the March 22, 2022 Meeting, the City Council directed staff to continue bringing AB 361 resolutions to provide a remote option for Council Members and Advisory Board members should the need occur.

**CONCLUSION**

Staff recommends Council consider adoption of the proposed Resolution No. 94-22 making the findings required to re-authorize use of AB 361. Doing so will allow meetings of the City Council, City boards and City commissions to occur by teleconference (including under a hybrid format) for the public health and safety. Continued reliance on AB 361 will require adoption of a new resolution making the required findings every 30 days thereafter.

**ATTACHMENT**

1. Resolution No. 94-22

**RESOLUTION NO. 94-22**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA,  
MAKING FINDINGS RELATED TO THE CONTINUED EXISTENCE OF A STATE OF  
EMERGENCY DUE TO COVID-19 AND RE-AUTHORIZING FOR PUBLIC HEALTH AND  
SAFETY THE CONDUCT OF PUBLIC MEETINGS OF THE LEGISLATIVE BODIES OF THE  
CITY VIA REMOTE TELECONFERENCING FOR A  
30-DAY PERIOD PURSUANT TO THE RALPH M. BROWN ACT  
AS AMENDED BY ASSEMBLY BILL NO. 361**

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

**WHEREAS**, the City Council of the City of Morro Bay (“City”) is committed to preserving and nurturing public access and participation in meetings of the Legislative Bodies (as that term is defined in Government Code §54952, including the City Council, commissions, boards and committees subject to the Brown Act) of the City; and

**WHEREAS**, all meetings of the Legislative Bodies are open and public as required by the Ralph M. Brown Act, codified as Government Code §§ 54950 *et seq.*, so that any member of the public may attend, participate, and observe the Legislative Bodies conduct their business; and

**WHEREAS**, the Brown Act, at Government Code § 54953(e), as amended by Assembly Bill (AB) 361 effective October 1, 2021, makes provision for remote teleconferencing participation in public meetings by members of a Legislative Body without compliance with the provisions of Government Code § 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition under Government Code § 54953(e) for its initial use is that the meeting is held during a state of emergency that has been declared by the Governor pursuant to Government Code § 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code § 8558; and

**WHEREAS**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the City’s boundaries, caused by natural, technological, or human-caused disasters

**WHEREAS**, a required condition under Government Code § 54953(e) for its initial use is that state or local officials have imposed or recommended measures to promote social distancing, or that the legislative body is meeting to determine or has previously determined that meeting in person would present imminent risks to the health or safety of attendees; and

**WHEREAS**, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor proclaimed a state of emergency for the State of California and thereafter issued a number of executive orders aimed at containing COVID-19; and

**WHEREAS**, on March 19, 2020, the City Council adopted Resolution No. 23-20, proclaiming and affirming the existence of a local emergency, and confirming and ratifying proclamation by City's Director of Emergency Services of Existence of a Local Emergency, in response to COVID-19 (Coronavirus). The Legislative Bodies have since conducted meetings via remote teleconferencing consistent with the declaration of local emergency and executive orders issued by the Governor; and

**WHEREAS**, the executive orders issued by the Governor, among other things, for the public health and safety waived requirements of the Brown Act expressly or impliedly requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting; and

**WHEREAS**, on June 11, 2021, the Governor issued Executive Order N-08-21, which rescinded the modifications made by the aforementioned executive orders, effective September 30, 2021. On September 16, 2021, the Governor signed AB 361, creating a modified set of provisions for local agencies for compliance with the Brown Act relative to remote meetings. AB 361 was made effective on October 1, 2021; and

**WHEREAS**, on October 26, 2021, the City Council adopted Resolution No. 70-21 making findings related to the continued existence of a state of emergency due to COVID-19 and re-authorizing for public health and safety the conduct of public meetings of City's legislative bodies via remote teleconferencing for an initial 30-day period pursuant to the Ralph M. Brown Act as amended by Assembly Bill No. 361; and

**WHEREAS**, On November 9, 2021, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 78-21 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On November 18, 2021, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 81-21 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On December 14, 2021, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 84-21 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On January 11, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 03-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On January 25, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 07-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On February 22, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 16-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On March 22, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 25-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On April 12, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing (including partially remote) for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 29-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On May 10, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing (including partially remote) for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 40-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On May 24, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing (including partially remote) for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 43-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On June 14, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing (including partially remote) for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 50-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On June 28, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing (including partially remote) for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 61-22 authorizing such meetings for an additional thirty days, and by its own terms Resolution No. 61-22 expired on July 28, 2022; and

**WHEREAS**, On August 9, 2022, the City Council adopted Resolution No. 72-22 making findings related to the continued existence of a state of emergency due to COVID-19 and re-authorizing for public health and safety the conduct of public meetings of City's legislative bodies via remote teleconferencing (including partially remote) for a 30-day period pursuant to the Ralph M. Brown Act as amended by Assembly Bill No. 361; and

**WHEREAS**, On August 23, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing (including partially remote) for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 78-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On September 13, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing (including partially remote) for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 83-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On October 11, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing (including partially remote) for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 87-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, the Governor's proclaimed state of emergency and the City's proclaimed local emergency related to COVID-19 remain in effect and encompass the jurisdictional boundaries of the City; and

**WHEREAS**, the California Department of Public Health continues to impose or recommend measures to promote social distancing, and the Centers for Disease Control and Prevention ("CDC") continues to impose or recommend measures to promote social distancing; and

**WHEREAS**, Government Code Section 54953(e)(3) requires that the City Council review the need and make findings for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing as authorized by AB 361 at least once every thirty days until the Governor terminates the state of emergency; and

**WHEREAS**, for the public health and safety the Council wishes to affirm the need and findings necessary for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing as authorized by AB 361; and

**WHEREAS**, the City Council does hereby intend that, as a consequence of the persisting state of emergency and the imposed or recommended social distancing measures, the Legislative Bodies shall be authorized to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code § 54953, as authorized by subdivision (e) of Government

Code § 54953, and that the Legislative Bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code § 54953; and

**WHEREAS**, consistent with AB 361, during the effectiveness of this Resolution, the Legislative Bodies meeting pursuant to the requirements of Government Code § 54953(e)(2) and their staff will give notice of the manner by which members of the public may access the Legislative Bodies' meetings and offer public comment; identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option; and allow members of the public to access the meeting, and the agenda shall include an opportunity for members of the public to address the Legislative Body directly.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are true and correct and are incorporated herein by reference.

**SECTION 2.** The City Council hereby acknowledges and affirms the continued effectiveness of the Governor's proclaimed state of emergency and the City's proclaimed local emergency (as may have been amended since their initial proclamation) which encompass their jurisdictional boundaries.

**SECTION 3.** The City Council finds as follows: 1) they have reconsidered the circumstances of the state of emergency; 2) the state of emergency remains active within their jurisdictional boundaries; 3) the state of emergency continues to directly impact the ability of the City Council, the City's Legislative Bodies, City staff and the public to meet safely in person; and 4) State officials continue to impose or recommend measures to promote social distancing.

**SECTION 4.** The Legislative Bodies and staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting all open and public meetings of the Legislative Bodies in accordance with Government Code § 54953(e) and other applicable provisions of the Brown Act.

**SECTION 5.** This Resolution shall take effect immediately upon its adoption by the City Council and shall be effective for until the earlier of (i) November 24, 2022, or (ii) such time as the City Council adopts a subsequent resolution in accordance with Government Code §54953(e)(3) to extend the time during which the Legislative Bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code §54953.

**SECTION 6.** Should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

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**SECTION 7.** The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 25th day of October 2022 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk

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**A PROCLAMATION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA,  
PROCLAIMING NOVEMBER AS  
“NATIONAL ADOPTION MONTH”**

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

**WHEREAS**, The City of Morro Bay recognizes the importance of providing children safe, healthy and loving homes in which they may become a permanent part of a family through adoption; and

**WHEREAS**, there are more than 120,000 children in the United States adopted annually; and

**WHEREAS**, more than 5,500 children in California are adopted annually; and

**WHEREAS**, 33 children in San Luis Obispo County will be adopted by the end of this year; and

**WHEREAS**, to help these children have permanent, loving families and to support the families that provide these homes, the County of San Luis Obispo Department of Social Services is acknowledging National Adoption Month to raise awareness about the need for adoptive homes for local children and join other organizations to celebrate adoptive families in our community; and

**WHEREAS**, this effort, along with similar celebrations in all 50 states and the District of Columbia, will offer children the chance to live with loving, healthy, permanent families when they cannot live with their birth families and encourage other dedicated individuals to make a powerful difference in the lives of a child through adoption.

**NOW, THEREFORE, BE IT RESOLVED**, that the Morro Bay City Council does hereby proclaim November as “National Adoption Month” in the City of Morro Bay and in so doing, urge all citizens to join in a national effort to raise awareness about the importance of adoption.

IN WITNESS WHEREOF I have hereunto  
set my hand and caused the seal of the city  
of Morro Bay to be affixed this 25th day of  
October 2022

\_\_\_\_\_  
JOHN HEADDING, Mayor  
City of Morro Bay, California

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**A PROCLAMATION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA,  
RECOGNIZING NATIONAL APPRENTICESHIP WEEK  
AS NOVEMBER 14-20, 2022**

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

**WHEREAS**, the Workforce Development Board of San Luis Obispo County, the San Luis Obispo County Office of Education and Construction Trades Unions in San Luis Obispo County Including the International Brotherhood of Electrical Workers Local 639 & Pipe Trades UA Local 403 have partnered to expand apprenticeship opportunities and head of household jobs in the Construction Trades in San Luis Obispo County; and

**WHEREAS**, the advancement and well-being of the City of Morro Bay, San Luis Obispo County, State of California and United States of America depends upon the continued development of a skilled and trained workforce in the building & construction trades; and

**WHEREAS**, an ever growing number of job creators and career seekers are discovering the benefits of apprenticeship's unique learn-while-you-earn model; and

**WHEREAS**, the City of Morro Bay recognizes that robust apprenticeship programs provide tangible value to both job creators and apprentices, with the potential to increase productivity, improve diversity and inclusion, and reduce recruitment and training costs while providing a pathway to prosperous careers for job seekers.

**WHEREAS**, National Apprenticeship Week which is celebrating its 8th anniversary of raising awareness of the vital role apprenticeships provide in creating a qualified and highly-skilled workforce in the building & construction trades in the City of Morro Bay, the County of San Luis Obispo and across the nation; and

**NOW, THEREFORE BE IT RESOLVED**, that the Morro Bay City Council recognize National Apprenticeship Week from November 14-20, 2022 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 25th day of October 2022

\_\_\_\_\_  
JOHN HEADDING, Mayor  
City of Morro Bay, California

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**AGENDA NO: B-1**

**MEETING DATE: October 25, 2022**

# Staff Report

**TO: Honorable Mayor and City Council      DATE: October 13, 2022**

**FROM: Scot Graham, Community Development Director  
Cindy Jacinth, Senior Planner**

**SUBJECT: Introduction and First Reading of Ordinance 654: Amendments to Morro Bay Municipal Code, Repealing Title 17 and Replacing with Adoption of Zoning Code/ Coastal Implementation Plan (IP) and associated Waterfront Master Plan and Municipal Code Amendments**

## **RECOMMENDATION**

Council review Planning Commission recommendation and introduce for first reading by number and title only, with further reading waived, Ordinance No. 654, (i) repealing Title 17 of the Morro Bay Municipal Code in its entirety and replacing with adoption of Zoning Code; (ii) text amendment to page 5-3 of the Waterfront Master Plan; and (iii) miscellaneous amendments to Chapters 5.50, 5.60, 7.16, 8.32, 9.28, 10.60, 12.08, 12.12, 13.04, 13.20, 14.44, 14.42, 16.36, 16.40, and 16.48 of the Morro Bay Municipal Code with a finding that no further environmental review is required pursuant to State CEQA Guidelines section 15162.

## **ALTERNATIVES**

The City Council may move to revise, add to, or otherwise modify proposed Zoning regulations.

## **FISCAL IMPACT**

The comprehensive update to the City’s existing Zoning Code is the conclusion of the Plan Morro Bay project which began in 2015 to comprehensively update the City’s General Plan, Local Coastal Program (LCP) Coastal Land Use Plan, and Zoning Code/ Coastal Implementation Plan (IP). Overall project costs total approximately \$1,215,000 (\$662,000 is grant funded by the Coastal Commission and Ocean Protection Council).

## **DISCUSSION / BACKGROUND:**

The Planning Commission (PC) reviewed the adoption draft of this Zoning Code amendment on August 16, 2022, September 6, 2022, and September 20, 2022, which resulted in adoption of PC Resolution 08-22 forwarding a recommendation for adoption to City Council (Exhibit B). The public hearing draft of the Zoning Code was first released in 2018 and reviewed by the previous General Plan Advisory Committee (GPAC), Planning Commission, and Coastal Commission staff. This input and public feedback was used to iteratively update the Zoning Code into the Adoption Hearing draft that was reviewed and recommended for approval by PC on September 20, 2022. The Zoning Code now presented for formal adoption implements the 2021 General Plan.

Prepared By: <u>SG/CJ</u>	Dept Review: _____
City Manager Review: <u>SC</u>	City Attorney Review: <u>LNL</u>

**PUBLIC COMMENT:**

Because of the complexity of the Zoning Code update, public comment and input received was compiled into a Comment Summary Matrix with corresponding staff responses identifying where changes were made or not in cases of conflict, similar to the format of the General Plan update. (See online Link #3). The public comment received included comments from residents as well as key local stakeholders such as the Chamber of Commerce Government Affairs Committee (GAC) and the Embarcadero Master Leaseholders (EML) group. Recent updates to the spreadsheet are noted in bold font.

**PLANNING COMMISSION RECOMMENDATION:**

Upon PC direction, the format of the adoption hearings presented the Zoning Code document as a Top 10 list of key changes followed by additional public comment received. PC reviewed the Zoning Code Top 10, received public comment, and provided the following recommendations for revision. The top 10 list of key changes to the Zoning Code are:

1. **Coastal Resources (Chapter 17.14)**. The proposed Zoning Code amendment has been reformatted to separate the Coastal Implementation Plan (IP) from the remainder of the Zoning Code. This formatting was done after consulting with Coastal Commission staff to clearly identify those policies that comprise the IP which is the implementing ordinance for the City's Local Coastal Program. The reformatted document will allow more flexibility to the City when updating Zoning Code policies that are not a part of the IP eliminating the need for an LCP amendment in cases where coastal resource protection issues are not impacted.
  - **PC recommendation:** Accept as is. No changes recommended.
  
2. **Development Standards (Chapter 17.07 and 17.08)**: These chapters include updated development standards for residential and commercial districts to provide clarity on property standards and building design standards included for multi-unit and commercial development.
  - **PC recommendation:** Delete hotels/motels as a conditionally permitted use in the RH high density residential zoning district (17.07.020). This revision was based on the goal to support housing and preserve RH zones for residential uses, with the recognition that hotels are allowed in the VSC, TMU, CC and NC zones.
  
  - **PC recommendation:** Allow mobilehome parks as conditionally permitted use in the VSC zone (17.080.020). This revision was based on the goal to support existing mobilehome parks in the City and preserve a type of affordable housing.
  
3. **Commercial heights (Chapter 17.08)**: The 2018 Draft Zoning Code reviewed by PC included an increased height allowance in the core downtown area up to 37 feet (where 30 feet is the current limit) to incentivize investment in this area and to provide for more housing, infill development, and more commercial flexibility consistent with General Plan policies and Downtown Waterfront Strategic Plan (DWSP) goals.
  - **PC recommendation:** Limit commercial building heights in the downtown CC zone district to the current 30-foot requirement. (17.08.030) based on PC discussion regarding the need for balance, and preservation of downtown character. Planning Commission instead recommended that a Design District PC subcommittee be established with Council authorization, through a process separate from this zoning code update. The Planning Commission by-laws state the function of the PC is to

perform such other functions as the City Council may direct, which can include the requested creation of a Design District subcommittee. Intent behind the subcommittee is to develop a more tailored approach to where and when development would be allowed to extend up to 37 feet in height in the downtown.

4. **Citywide Regulations (Chapter 17.23)**: Citywide Regulations includes more defined standards such as for increased fence height, accessory structures, etc.
  - **PC recommendation**: In 17.23.050, revise setback requirement for accessory structures less than 120sf in size, and less than 8 feet in height to be allowed at the lot line only when behind the primary structure.
  - **PC recommendation**: In 17.23.060, revise fences and freestanding wall regulations in front and corner side setbacks to allow for 1-foot higher fence heights for parcels north of Alva Paul Creek and east of Highway One and otherwise maintain existing citywide fencing standards for all other parcels in town.
5. **Nonconforming (Chapter 17.26)**: Revised policies to incentivize re-use of existing housing stock, utilizing affordable by-design principles, and eliminate requirement for conditional use permit approval for additions to non-conforming structures.
  - **PC recommendation**: Accept as is. No changes recommended.
6. **Parking (Chapter 17.27)**: Revised parking policies to eliminate garage requirements for residential uses (on-site parking still required) to provide more flexibility to property owners. Also, parking requirements were reduced for commercial uses to facilitate re-use of existing businesses, encourage outdoor dining, and eliminate on-site parking requirements in waterfront district.
  - **PC recommendation**: Accept as is. No changes recommended.
7. **Signs (Chapter 17.29)**: Sign Ordinance updated to reflect standards by four main business districts in town and adds standards for when a master sign program is required.
  - **PC recommendation**: Accept as is. No changes recommended.
8. **Design (Chapters 17.38 and 17.42)**: Design Review Chapter 17.38 is a new section that establishes review authority for design review among single-unit, multi-unit, and non-residential development. The City's current Planned Development overlay regulations are deleted and replaced with Design Review and Modifications chapters. The new Planned Development overlay in Chapter 17.18 is intended for proactive application of larger, coordinated development projects.
  - **PC recommendation**: Accept public input edits by Mr. John Mandeville to revise text at 17.38.080 to tie-back to General Plan community character areas.
9. **Housing (Chapter 17.24)**: This section includes several updates to the Inclusionary Housing/Density Bonus section. This chapter includes new requirements that affordable units be provided or in lieu fees paid on commercial development over 2,500 sq.ft., multi-family (when units exceed 1,500 sq.ft.), and condo conversions. It also requires new development of large homes (2,500 sq.ft. or over) to pay in lieu or provide an accessory dwelling unit (ADU). The code is updated to allow housing in more zones, encourage housing and mixed use in the downtown area, allow housing in the DC (district commercial) zone where under the

current C-2 zoning, it would not be allowed unless permitted as a security unit.

- **PC recommendation:** Allow housing in-lieu fees to be used outside of city limits to provide most benefit to residents with priority given to project located within city limits.

In addition, staff has been actively working on Housing Element (HE) implementation since HE certification by the State Department of Housing and Community Development (HCD) in 2020. The City received grant funding from various sources including: a SB2 planning grant from HCD, REAP (Regional Early Action Planning) grant funding from Association of Monterey Bay Governments, and LEAP grant funding (Local Early Action Planning grant also from HCD). In addition, the City participates with other local cities as part of a 5-city REAP jurisdictional grant award to develop ADU pre-designed stock plans (i.e. building permit-ready other than site conditions and coastal requirements (i.e. CDP). Together these grants are funding the following housing initiatives:

- ADU ordinance development,
- Affordable Housing density bonus policies,
- Objective Design Standards,
- Residential By Right policies,
- ADU pre-designed plans (multiple floor plans and design options - free for use by residents), and
- On-line building permit submittal and processing (software/setup/annual fees)

As a comparison, a summary of inclusionary housing policies from cities in the County was prepared for illustration purposes:

Inclusionary Housing Requirements by jurisdiction		
City	Applicability	Requirement
City of Morro Bay	Residential Applies to: single-family homes of 2500sf or more; development projects of 5 or more units; multi-family projects with unit sizes in excess of 1500sf, and condominium conversion projects	<ul style="list-style-type: none"> <li>• Single-family homes of more than 2500sf required to include an ADU or pay in-lieu fee.</li> <li>• Shall provide one affordable unit; or 10% whichever is greater to be affordable to very-low, low, or moderate-income families;</li> <li>• Inclusionary fee for residential is \$25 per square foot.</li> </ul>
	Commercial New projects consisting of more than 2,500 sf; and  Mixed-use projects of 2,500sf or more of commercial floor area that also include either 1, 2, 3, or 4 residential units larger	<ul style="list-style-type: none"> <li>• 1 affordable dwelling unit within the project or pay an in-lieu fee of \$5 per square foot for commercial</li> </ul> <p>Mixed-use projects required to meet residential requirements and pay applicable commercial</p>

	than 1,500sf or 5 residential units of any size.	fees. In-lieu fee for mixed-use is \$25 for residential square footage and \$5 for commercial square footage.
City of Arroyo Grande	<p>Applies to:</p> <ul style="list-style-type: none"> <li>the construction of any new residential project of two or more housing units</li> <li>the substantial rehabilitation of two or more housing units</li> <li>any development that results from the conversion of two or more existing housing units from an exempt use to nonexempt use</li> </ul>	<ul style="list-style-type: none"> <li>5% very low-income units; or</li> <li>10% of lower-income; or</li> <li>15% moderate-income units; or</li> <li>An equivalent combination as determined by community development director</li> <li>In-lieu fees are also accepted</li> </ul>
City of Pismo Beach	<p>Residential</p> <p>Applies to new development projects of 5 or more lots or new dwelling units</p>	<ul style="list-style-type: none"> <li>For each 10 residential units provide one affordable unit; or</li> <li>For 5 or more residential units provide in-lieu fees equal to or more than 5% of building permit value; or</li> <li>For each 10 residential units dedicate one used dwelling or real property equal to or more than the applicable in-lieu fee; or</li> <li>A combination of the above methods, subject to Council Approval</li> </ul>
	<p>Commercial</p> <p>New projects consisting of more than 5,000 sf of gross floor area</p>	<ul style="list-style-type: none"> <li>1 affordable unit for every 5,000 sf of commercial area</li> <li>In-lieu fee of 2% or more of building permit value</li> </ul>

City of San Luis Obispo	Residential	<ul style="list-style-type: none"> <li>Projects consisting of five or more residential lots or new dwelling units</li> </ul>	<ul style="list-style-type: none"> <li>3% low-income Affordable Dwelling Units</li> <li>5% moderate income Affordable Dwelling Units</li> <li>*Must be more than one Affordable Dwelling Unit per project</li> <li>In-lieu fee equal to 5% of building valuation</li> </ul>
	Commercial	<ul style="list-style-type: none"> <li>Projects consisting of 2,500 sf or more of gross floor area</li> </ul>	<ul style="list-style-type: none"> <li>Build 2 Affordable Dwelling Units per acre</li> <li>*Cannot be less than one Affordable Dwelling Unit per project</li> <li>In-lieu fee equal to 5% of building valuation</li> </ul>
County of San Luis Obispo		<ul style="list-style-type: none"> <li>Units larger than 900 sf</li> </ul>	<ul style="list-style-type: none"> <li>20% of units must be affordable</li> <li>Reductions offered</li> </ul>

As recommended by PC, the updated housing policies have been developed to incentivize creation of more housing units of all types such as market rate, workforce, and affordable units as well as utilizing affordable by design principles to encourage re-use of existing housing stock.

**10. State law updates:** The new Zoning Code has been updated to be consistent with State law. This includes new standards for Accessory Dwelling Units at 17.30.040; Density Bonus Provisions at 17.24.040; and SB 9 policies (urban lot splits) at 17.07.030.

- **PC recommendation:** Accept as is. No changes recommended.

**OTHER RECOMMENDATIONS:**

In addition to the PC recommendations, miscellaneous refinements were made to the document to provide clarity and avoid inconsistency based on public comment and Coastal Commission input. These refinements are shown in the track change version of the Zoning Code (Online link # 2 below). In summary these include:

- 17.02.030.F. Determining Floor Area: Clarification text edits regarding determining floor area to provide clarity per public comment received from Ms. Cathy Novak.
- 17.11.040 Waterfront (WF) Zoning standards: Modify the WF zoning rear setback from 10 foot to “must allow for 10-foot harborwalk” to provide clarity due to lease line boundaries per public comment received from Ms. Cathy Novak
- 17.14.040.C – Low Cost Visitor Serving Accommodations: Modify the definition of low-cost & high-cost room per Coastal Commission staff input.
- 17.14.040.C4 – Low Cost Visitor Serving Accommodations: Modify what low-cost visitor accommodation in-lieu fees received can be spent on including land acquisition per Coastal Commission staff input.
- 17.14.080.H – Environmentally Sensitive Habitat: Cleanup language regarding Noise Mitigation Plan requirements when using vibratory hammers for pile driving activities in order to provide clarity per public comment received from Ms. Cathy Novak.

- 17.24.020 Inclusionary Housing requirements: Delete word “gross” to match language in section 17.02.030

### **MISCELLANEOUS AMENDMENTS**

As part of the Zoning Code Update, miscellaneous amendments to update zoning language references in other City documents are identified below.

- **Waterfront Master Plan Text Amendment**

The Waterfront Master Plan (WMP) was adopted by City Council in 1996 by Council Resolution 43-96. Included on page 5-3 is reference to the previous Planned Development overlay with a needed language reference update as shown below in strikethrough and underline:

*"Increased Building Height: "Standard building heights" will be the maximum allowable height unless there is a use permit or planned development approved by the Planning Commission allowing for greater height ~~pursuant to the Planned Development (PD) Overlay district~~. In addition to the required finding of significant public benefit, increases in height may be allowed up to a maximum of 25 feet with approval of a Use Permit or Planned Development, upon ~~under the "PD" zoning overlay district, with the finding that the overall viewshed characteristics will be improved or, at a minimum, not diminished from the public viewing locations established on Figure 5 .4 and upon~~ meeting the following additional requirements: "*

- **Municipal Code Amendments**

Ordinance 654 includes miscellaneous amendments to update zoning language references in Chapters 5.50, 5.60, 7.16, 8.32, 9.28, 10.60, 12.08, 12.12, 13.04, 13.20, 14.44, 14.42, 16.36, 16.40, and 16.48 of the Morro Bay Municipal Code (Attachment 1).

### **COASTAL COMMISSION COORDINATION:**

Coordination on Coastal Implementation Plan (IP) document edits with CCC staff were held throughout the project similar to the General Plan update process. The IP, more commonly referred to as the Zoning Code, implements the City’s Coastal Land Use Plan as part of the LCP. The IP consists of Chapters 17.11, 17.14, and 17.39 and Sections 17.01.050 (LCP Program Implementation) and 17.030.220 (Short-term Vacation Rentals). Coastal Commission comments received related to ensuring compliance with the Coastal Act and consistency with the City’s certified LCP on policies including low cost visitor-serving accommodation (17.14.040), environmental justice (17.14.070, 17.39.050), environmentally sensitive habitat (17.14.080), visual resource protection (17.14.090), coastal hazards and shoreline protection (17.14.100), and coastal public access (17.14.110).

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Pursuant to State CEQA guidelines, a Program EIR for the Plan Morro Bay project was prepared, released for a 45-day public review process on October 19, 2020 to December 4, 2020 and certified by the City Council on May 25, 2021 (State Clearinghouse number 2021111026).

The proposed Zoning Code / Coastal Implementation Plan update project implements the General Plan/ LCP which was considered through the programmatic EIR review referenced above. That

document provides a programmatic review of the potential impacts associated with implementation of the overall Plan Morro Bay project. State CEQA Guidelines Section 15162 provides that no further review is required under CEQA when there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR. The proposed Zoning Code/ IP Update Amendment is consistent with and implements the General Plan/ LCP Coastal Land Use Plan and is consistent with the analysis presented in the EIR and therefore, pursuant to State CEQA Guidelines Section 15162, no subsequent analysis is required.

### **PUBLIC NOTICE**

Notice of this public hearing was published in the San Luis Obispo Tribune newspaper on October 14, 2022, and posted in public notice kiosks at City Hall, the Community Development Department, and the Morro Bay Public Library. In addition, notice of the City Council public hearing was posted on the City website.

### **CONCLUSION**

Staff recommends the City Council review the PC recommendation and Introduce for first reading, with further reading waived, Ordinance 654, (i) repealing Title 17 of the Morro Bay Municipal Code in its entirety and reenacting Title 17 Zoning Code; (ii) text amendment to page 5-3 of the Waterfront Master Plan; and (iii) miscellaneous amendments to Chapters 5.50, 5.60, 7.16, 8.32, 9.28, 10.60, 12.08, 12.12, 13.04, 13.20, 14.44, 14.42, 16.36, 16.40, and 16.48 of the Morro Bay Municipal Code with a finding that no further environmental review is required pursuant to State CEQA Guidelines section 15162.

### **ATTACHMENTS**

1. Ordinance No. 654
2. Planning Commission Resolution No. 08-22
3. PowerPoint Presentation

### **ONLINE LINKS:**

1. Council Adoption Hearing Draft of Zoning Code/ Implementation Plan, October 2022: <https://www.morrobayca.gov/DocumentCenter/View/17188/Council-Adoption-Draft-Zoning-w-IP>
2. Council Adoption Hearing Draft with track change formatting of PC recommendations and miscellaneous refinements: <https://www.morrobayca.gov/DocumentCenter/View/17187/Council-Adoption-Draft-Zoning-w-IP-track-changes>
3. Comment Summary Matrix with Zoning document edits: <http://www.morrobayca.gov/DocumentCenter/View/17030/Updated-Zoning-Public-Comments-matrix->

**ORDINANCE NO. 654**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA,  
REPEALING AND REPLACING TITLE 17 (ZONING), AND MISCELLANEOUS  
AMENDMENTS TO UPDATE ZONING LANGUAGE REFERENCES IN PAGE 5-3 OF  
THE WATERFRONT MASTER PLAN AND CHAPTERS 5.50, 5.60, 7.16, 8.32, 9.28,  
10.60, 12.08, 12.12, 13.04, 13.20, 14.44, 14.42, 16.36, 16.40, AND 16.48 OF THE  
MORRO BAY MUNICIPAL CODE**

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

**WHEREAS**, duly noticed public hearings for the Zoning Code / Coastal Implementation Plan (IP) Update of Plan Morro Bay were held by Planning Commission on August 16, 2022, September 6, 2022, September 20, 2022; and

**WHEREAS**, the Planning Commission of the City of Morro Bay conducted a hybrid public hearing both in-person at 209 Surf Street, Morro Bay, and via video conference on September 20, 2022 for the purpose of considering a favorable recommendation to the Morro Bay City Council for adoption of the Zoning Code Update as part of the Plan Morro Bay project, and forwarded a favorable recommendation with adoption of Planning Commission 08-22; and

**WHEREAS**, pursuant to State CEQA guidelines, a Program Environmental Impact Report (EIR) for the Plan Morro Bay project was prepared, released for a 45-day public review process on October 19, 2020 to December 4, 2020 and certified by the City Council on May 25, 2021 (State Clearinghouse number 2021111026); and

**WHEREAS**, the proposed Zoning Code / Coastal Implementation Plan update project implements the General Plan/ Local Coastal Plan (LCP) Coastal Land Use Plan which was considered through a programmatic EIR review and that document provides a programmatic review of the potential impacts associated with implementation of the overall Plan Morro Bay project; and

**WHEREAS**, State CEQA Guidelines Section 15162 provides that no further review is required under CEQA when there are no substantial changes in the Project, and there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR; and

**WHEREAS**, the proposed Zoning Code/ IP Update Amendment is consistent with and implements the General Plan / LCP Coastal Land Use Plan and is consistent with the analysis presented in the EIR and therefore, pursuant to State CEQA Guidelines Section 15162, no subsequent analysis is required; and

**WHEREAS**, upon adoption of the Zoning Code / IP, certain miscellaneous amendments will be required in both the 1996 Waterfront Master Plan adopted by Council Resolution 43-96

and several other Municipal Code amendments to update Zoning language references for consistency; and

**WHEREAS**, the City Council of the City of Morro Bay (the “City”) conducted a hybrid public hearing both in-person at the Morro Bay Veteran’s Hall at 209 Surf Street and via video conference on October 25, 2022, for the purpose of considering the favorable recommendation by the Planning Commission and for purposes of adoption of the Zoning Code / Coastal Implementation Plan (IP) Update of Plan Morro Bay and finding that no further environmental review is necessary pursuant to CEQA State Guidelines Section 15162; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORRO BAY DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council of the City of Morro Bay finds:

A. The above referenced recitals are true and correct and material to the adoption of this Ordinance and are incorporated herein by reference.

B. The proposed Zoning Ordinance will not be injurious or detrimental to the health, safety, comfort, general welfare, or well-being of the persons residing or working in the neighborhood.

C. The Local Coastal Plan Implementation Plan Amendments are intended to further the goals of the California Coastal Act, as set forth in Section 30001.5 of the Public Resources Code, to:

1. Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

2. Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

3. Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

4. Assure priority for coastal-dependent and coastal-related development over other development on the coast.

5. Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

D. Pursuant to Morro Bay Municipal Code Section 17.64.080, no amendment to the

Zoning Ordinance shall be legally effective in the coastal zone until the amendment is certified by the Coastal Commission. If the Coastal Commission certifies this Ordinance conditioned on substantive changes being made, then the Council will consider the introduction and adoption of another ordinance to incorporate those substantive changes. If the Coastal Commission certifies this Ordinance conditioned on non-substantive changes being made to this Ordinance, then the City Clerk is authorized to amend this Ordinance to reflect those non-substantive changes.

**SECTION 2.** Title 17 (Zoning) of the Morro Bay Municipal Code is hereby repealed in its entirety upon both final certification by the California Coastal Commission, as well as the effective date as an operation of law, of a new Title 17 of the Morro Bay Municipal Code, in a form substantially similar to the Zoning Code / IP located on the City's Plan Morro Bay website at [www.morrobayca.gov/planmb](http://www.morrobayca.gov/planmb). Non-substantive/typographical changes to the Zoning Code replacement at [www.morrobayca.gov/planmb](http://www.morrobayca.gov/planmb) may be authorized by the City Attorney; no material changes beyond typographical corrections may be made prior to second reading.

**SECTION 3.** Section 5.50.120.C.1 of the Morro Bay Municipal Code is amended to read as follows:

C. Location Restrictions.

1. No retail operation shall locate or operate in any zone of the city of Morro Bay, other than in the ~~central business (C-1)~~ community commercial (CC) district, the ~~general commercial (C-2)~~ district commercial (DC) district, or the ~~light industrial~~ industrial-general (M-1IG) district.

**SECTION 4.** Section 5.50.130.C.1 of the Morro Bay Municipal Code is amended to read as follows:

C. Location Restrictions.

1. No distribution operation shall locate or operate in any zone of the city of Morro Bay, other than in the community commercial (CC) ~~central business (C-1)~~ district, the district commercial (DC) ~~general commercial (C-2)~~ district, or the ~~light industrial-general~~ (M-1IG) district.

**SECTION 5.** Section 5.60.010.H of the Morro Bay Municipal Code is amended to read as follows:

- H. "Residential district" means any area zoned ~~exclusively as residential~~ as a Residential District in Title 17 of the municipal code or any other area with exclusively residential uses.

**SECTION 6.** Section 7.16.040.A of the Morro Bay Municipal Code is amended to read as follows:

- A. Except as otherwise permitted in this chapter, no person shall own, keep, maintain, stake or pasture any bovine, swine, sheep, goat, horse or other livestock upon any premises in the city unless the lot or parcel size is a minimum twenty thousand square feet or, the parcel is in a properly zoned agricultural district in which case the number of animals shall not exceed the maximum density allowed for such animals pursuant to Section ~~17.24.020~~17.30.060 of this code.

**SECTION 7.** Section 8.32.180 of the Morro Bay Municipal Code is amended to read as follows:

Filming shall not be permitted under any circumstances in any environmentally sensitive habitat as identified pursuant to ~~Chapter 17.42~~Section 17.14.080 of this code.

**SECTION 8.** Section 9.28.030 of the Morro Bay Municipal Code is amended to read as follows:

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

- A. Horns, Signaling Devices, Etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the city except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- B. Radios, Phonographs, Etc. The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operating and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, or device between the hours of seven p.m. and seven a.m. in a residential district or between two a.m. and seven a.m. in a ~~business or commercial~~nonresidential district in such a manner as to be plainly audible at a distance of fifty feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- C. Live Music. Amplified music, being performed by any live band of two or more persons or by any solo performer between the hours of seven p.m. and seven a.m. in a residential district or between two a.m. and seven a.m. in a ~~business or commercial~~nonresidential district, in such a manner as to be plainly audible at a distance of fifty feet from the building or structure in which it is located shall be prima facie evidence of a violation of this section.
- D. Loud Speakers, Amplifiers for Advertising. The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure for commercial purposes.

- E. Yelling, Shouting, Etc. Yelling, shouting, hooting, whistling, or singing on the public streets between the hours of two a.m. and seven a.m. in a ~~business or commercial~~ nonresidential district or at any place in a residential district between the hours of seven p.m. and seven a.m. for an unnecessary, unreasonable period of time so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence or of any persons in the vicinity.
- F. Steam Whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- G. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- H. Loading, Unloading, Opening Boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- I. Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the community development department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration and repair of any building or the excavation of streets and highways within the hours of seven p.m. and seven a.m. on weekdays and seven p.m. and eight a.m. on weekends and if he further determines that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of seven p.m. and seven a.m. on weekdays and seven p.m. and eight a.m. on weekends upon application being made at the time the permit for the work is awarded or during the progress of the work.
- J. Schools, Courts, Churches, and Hospitals. The creation of any excessive noise other than that resulting from construction or excavation work on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
- K. Pile Drivers, Hammers, Etc. The operation between the hours of seven p.m. and seven a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector or the director of public services authorizing such devices to be operated during the otherwise prohibited hours while the emergency continues.
- L. Blowers and Motor-driven Cycles. The operating of any noise-creating blower or power fan or any cycle powered by an internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is properly muffled and such engine is equipped with a muffler device sufficient to

reduce such noise to a level which will not disturb the surrounding neighborhood. The noise limits set forth in Section 23130 of the California Vehicle Code shall be deemed to be the applicable standard for noise emissions; provided, however, the basis for measuring such limits for devices operated on private property shall be a distance of fifty feet from the property line of the parcel of real property on which the device is located or where the neighboring property is lawfully devoted to residential complies with the required yard setbacks as established in the zoning regulations for the applicable district.

**SECTION 9.** Section 10.60.020 of the Morro Bay Municipal Code is amended to read as follows:

At intersections not controlled by a stop sign or traffic signal, no plant, structure, or other solid object over three feet high (above adjacent curb) which would obstruct visibility may be located within the area indicated in Section ~~17.48.210~~17.23.180 of the zoning regulations. At controlled intersections, the city engineer may determine visibility requirements for proper sight distance.

**SECTION 10.** Section 12.08.080 of the Morro Bay Municipal Code is amended to read as follows:

Any person aggrieved by the determination of the public works director of ~~public services~~ may file an appeal to the planning commission following the payment of the applicable fee. A public hearing shall be held following public notice of property owners within three hundred feet per Section ~~17.60.110~~17.36.060. Said public notice shall also include posting of the subject tree(s) with two placards that are clearly visible indicating the purpose, time, date, and location of the hearing.

The appellant shall submit a report prepared by a certified arborist or landscape architect describing the condition of the tree(s) and the reason(s) for the removal of the tree(s) from the public right-of-way. Trees shall not be removed solely for the preservation of private views.

A tree(s) shall not be removed unless authorized by the proper review authority within the scope of a construction project. Said removal shall be appropriately mitigated on a not less than two-to-one tree replacement. Said tree(s) shall be maintained in a healthy, live condition for a period of five years.

Following the public hearing, the planning commission shall grant or deny the appeal. The granting of the appeal by the planning commission may be subject to conditions deemed appropriate to mitigate the impacts to the community and neighborhood due to the removal of the tree(s). Any person aggrieved by the decision of the planning commission may file an appeal to the city council. The city council shall then conduct a public hearing under the same provisions as stated above.

**SECTION 11.** Section 12.12.060.E.2 of the Morro Bay Municipal Code is amended to read as follows:

2. Appeals on Major WTFPs shall proceed as provided in accordance with the appeal provisions in Title 17 of the Municipal Code, Sections ~~17.58.400 and 17.60.130~~17.36.130 (Appeals). The appellate authority may hear the appeal de novo.

**SECTION 12.** Section 13.04.020.K of the Morro Bay Municipal Code is amended to read as follows:

- K. Licensed Health Care Facility. "Licensed health care facility" means, for the sole and exclusive purpose of this chapter, any facility meeting the definition of a "health facility" set forth in Section 1250 of the state of California Health and Safety Code. This definition shall also include any "residential care facility" as defined under Section 1502(a)(1) of the state of California Health and Safety Code ~~and any "rest home" as defined in Section 17.12.512 of this code~~ so long as all of these facilities are located on the same property, are under common ownership and are served by the same water meter or meters as a "health care facility" as defined by Health and Safety Code Section 1250.

**SECTION 13.** Section 13.20.080.B.5 of the Morro Bay Municipal Code is amended to read as follows:

5. Family day care homes, as defined in Section ~~17.12.272~~17.53.010 of this code, as may be amended.

**SECTION 14.** Sections 14.44.020.A and B of the Morro Bay Municipal Code are amended to read as follows:

Property owners and/or applicants for development permits shall at their own expense design, construct and install frontage improvements consisting of curb, gutters, thru-curb drains, sidewalks, street, and street trees along the entire frontage of the subject property and/or shall correct existing deficiencies in them pursuant to the following provisions:

- A. Such improvements shall be constructed by owner/applicant on all properties within commercial ~~and mixed-use~~, industrial, residential medium density (RM), or ~~multiple-family residential (R-3 and R-4 zoning)~~ residential high density (RH) districts within the city.
- B. Sidewalk improvements shall not be required for properties within the ~~single-family (R-1 and R-2 zoning)~~ residential low density (RL) or residential single unit (RS) districts on which a single-family home is being constructed or altered.

**SECTION 15.** Section 14.42.060.A of the Morro Bay Municipal Code is amended to read as follows:

- A. The building division shall adopt an administrative, nondiscretionary review process for the department to expedite approval of small residential rooftop solar energy systems within thirty days of the adoption on this chapter. The department shall issue a building permit or other nondiscretionary permit the same day for over-the-counter applications or within three business days for electronic applications of receipt of a complete application and meets the requirements of the approved checklist and ~~city-city~~ standard plan. The building official may require an applicant to apply for a use permit if the official finds, based on

substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the city planning commission per Section ~~47.60.130~~17.36.130 of this code, except references to "director" shall instead refer to the "building official."

**SECTION 16.** Section 14.42.060.C of the Morro Bay Municipal Code is amended to read as follows:

- C. If a use permit is required, the building official may deny an application for the use permit if the official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the city planning commission per Section ~~47.60.130~~17.36.130 of this code, except references to "director" shall instead refer to the "building official."

**SECTION 17.** Section 16.36.010 of the Morro Bay Municipal Code is amended to read as follows:

The layout of streets and lots within a subdivision shall be consistent with the densities and types of uses authorized by the general plan, specific plans, and zoning. The subdivision design shall also recognize the physical conditions of the site, such as slope, soil types, and adjacent land use, which may further limit uses of the property. The subdivider must simultaneously consider such factors as terrain, development objectives, and options available under these regulations in order to design a subdivision which best meets the needs of those who will occupy it as well as the community as a whole.

The subdivider must also consider the ~~R-4RS~~ district is intended to provide a single-family-unit residential area free of disturbing noises, excessive traffic, and hazards created by moving automobiles. The ~~R-4RS~~ district is designed to prevent burdens on the public facilities, including sewer, water, electricity and schools by an influx and increase of people to a degree larger than the city's limits, tax base or financial capabilities can reasonably and responsibly accommodate. The ~~R-4RS~~ district affords protection from deleterious environmental effects and serves to maintain and protect the existing character of the residential neighborhood.

**SECTION 18.** Section 16.36.050.A of the Morro Bay Municipal Code is amended to read as follows:

- A. In general, subdivisions shall be designed to be compatible with existing lots, residences, and zoning in their vicinity. Subdivisions are to be built, to the extent possible, to foster the appearance of neighborhoods with houses facing one another across public streets, cottage designs and garden courts. Except as otherwise allowed pursuant to State law or any other part of this code, Minimum lot sizes shall be as established in the tables below for the underlying zoning district for which a subdivision or other action pursuant to this Title is proposed. ~~Except in the area bounded by Kern Avenue, Bradley Avenue, Cabrillo Place, and Main Street, also known as Tract 41- Recorded in Volume 5 of Maps, page 60 filed in the San Luis Obispo county recorders~~

~~office June 16, 1946, no further subdividing of these lots will be approved in order to preserve the single family neighborhood character and general consideration discussed in Section 16.36.010.~~

Minimum Lot Size by District	
Zoning	(Lot size - sq. ft.)
<del>R-1RL</del>	<del>6,000</del> 5,000
<del>R-A-AG</del>	20,000
<del>R-1/S-2A</del>	<del>6,000</del>
<del>R-1/S-2</del>	<del>4,300</del>
<del>R-1/S-1-RS</del>	<del>4,300</del>
<del>R-2RM</del>	<del>6,000</del> 5,000
<del>R-4RH</del>	<del>6,000</del> 5,000
All Commercial and Mixed-Use and Industrial Zones	6,000

**SECTION 19.** Chapter 16.40 of the Morro Bay Municipal Code, Compact In-Fill Developments is deleted in its entirety.

**SECTION 20.** Section 16.48.030 of the Morro Bay Municipal Code is amended to read as follows:

The procedures and standards contained in this chapter shall govern all condominium and conversion projects. Commercial and industrial condominium projects may be exempt from the provisions intended to govern residential living units. Detached residential condominium projects shall be subject to the same criteria for ~~Compact In-Fill Development, Chapter 16.40~~Small Lot Single-Unit Development, Section 17.07.040.D.

**SECTION 21. CEQA Findings.** Pursuant to State CEQA guidelines, a Program EIR for the Plan Morro Bay project was prepared, released for a 45-day public review process on October 19, 2020 to December 4, 2020 and certified by the City Council on May 25, 2021 (State Clearinghouse number 2021111026). The proposed Zoning Code / Coastal Implementation Plan update project implements the General Plan/ LCP which was considered through the programmatic EIR review referenced above. That document provides a programmatic review of the potential impacts associated with implementation of the overall Plan Morro Bay project. State CEQA Guidelines Section 15162 provides that no further review is required under CEQA when there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR. The proposed Zoning Code/ IP Update Amendment is consistent with and implements the General Plan/ LCP Coastal Land Use Plan and is consistent with the analysis presented in the EIR and therefore, pursuant to State CEQA Guidelines Section 15162, no subsequent analysis is required.

**SECTION 22. Severability.** If any section, subsection, phrase, or clause of this ordinance

or any part thereof is for any reason held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional or otherwise unenforceable.

**SECTION 23. Effective Date.** This Ordinance shall take effect 30 days after its adoption and upon certification required as an operation of law.

**SECTION 24. Certification.** The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Morro Bay.

**INTRODUCED** at a regular meeting of the City Council held on the 25<sup>TH</sup> day of October 2022, by motion of \_\_\_\_\_ and seconded by \_\_\_\_\_.

**PASSED AND ADOPTED** on the \_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
JOHN HEADING, MAYOR

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
CHRIS F. NEUMEYER, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO )  
CITY OF MORRO BAY )

I, Dana Swanson, City Clerk for the City of Morro Bay, California, do hereby certify that the foregoing Ordinance No. 654 was duly passed and adopted by the City Council of the City of Morro Bay at the regular meeting thereof, held on the \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:  
NOES:  
ABSENT:  
RECUSED:

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Morro Bay, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
DANA SWANSON, City Clerk

RESOLUTION NO. PC 08-22

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION FORWARDING A FAVORABLE RECOMMENDATION TO THE MORRO BAY CITY COUNCIL FOR ADOPTION OF THE ZONING CODE / COASTAL IMPLEMENTATION PLAN FOR THE PLAN MORRO BAY: GENERAL PLAN/LOCAL COASTAL PROGRAM UPDATE PROJECT AND FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO STATE CEQA GUIDELINES SECTION 15162 AND ADOPT THE PROPOSED ZONING AMENDMENT OF TITLE 17 OF THE MORRO BAY MUNICIPAL CODE

**WHEREAS**, California Government Code Section 65300 requires the City adopt a comprehensive, long-term general plan for the physical development of the City; and

**WHEREAS**, Government Code Section 65860 requires that the city's zoning regulations be consistent with the General Plan and that in the event that zoning regulations become inconsistent with the general plan by reason of amendment to the General Plan, the zoning shall be amended so that it is consistent with the General Plan as amended; and

**WHEREAS**, in May 2021 the City adopted a comprehensive update to its General Plan and Local Coastal Program Coastal Land Use Plan (LCP) known as Plan Morro Bay; and

**WHEREAS**, amendments to the Morro Bay Municipal Code (MBMC), including its zoning regulations, are necessary to provide consistency with the 2021 General Plan/LCP Update; and

**WHEREAS**, the City determined that the General Plan /LCP Update, including the Plan Morro Bay's Zoning Code/ Coastal Implementation Plan (IP) Update (also referred to herein as "Project") was a project requiring review pursuant to the California Environmental Quality Act (CEQA), Public Resources Code 21000 et seq. and that an Environmental Impact Report (EIR) should be prepared to evaluate the potential environmental effects of the Project; and

**WHEREAS**, on May 26, 2021, the City Council adopted Resolution 20-21, certifying the EIR for the General Plan Update (State Clearinghouse Number SCH#2021111026), adopting Findings of Fact and Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and

**WHEREAS**, amendments to the MBMC are necessary in order to provide consistency between the General Plan/LCP and MBMC;

**WHEREAS**, a duly noticed public hearing for the Public Hearing Adoption Draft of the Zoning Code/ Coastal Implementation Plan Update was held by Planning Commission on December 7, 2021; and

**WHEREAS**, duly noticed public hearings for the Adoption Hearing Draft of the Zoning Code/ Coastal Implementation Plan Update were held by Planning Commission on, August 16, 2022, and September 6, 2022; and

**WHEREAS**, the Planning Commission of the City of Morro Bay (the "City") conducted a public hearing on September 20, 2022 conducted in a hybrid format with both an in-person meeting at the Morro Bay Veterans Memorial Building, 209 Surf Street, Morro Bay, CA 93442 as well as through virtual public participation provided telephonically through Zoom, for the purpose of considering a favorable recommendation to the Morro Bay City Council for adoption of the Zoning Code / Coastal Implementation Plan for the Plan Morro Bay: General Plan/Local Coastal Program Update project which is Title 17 of the Morro Bay Municipal Code ("Project"); and

**WHEREAS**, notice of the public hearing was provided at the time and in the manner required by law; and

**WHEREAS**, the Planning Commission has duly considered all evidence, including the written and oral staff report, presentation, public testimony on the Project, and whether the Project should be adopted; and

**WHEREAS**, the written staff report regarding the Project are found to be true and accurate in all respects and is incorporated herein by this reference;

**WHEREAS**, prior to the final consideration and any possible approval of any and all physical aspects of the proposed Project, the Planning Commission and all City legislative bodies involved with the proposed Project will consider the Project and the Planning Commission recommends all other governmental agencies and legislative bodies that must review or approve, if at all, the proposed Project do the same; and

**WHEREAS**, the Planning Commission has completed review of the Project and related materials.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Morro Bay recommends that the City Council find adopts the Zoning Code / Coastal Implementation Plan Update Amendment based upon the follow findings:

### Section 1: California Environmental Quality Act

Finding: No further environmental review is required pursuant to State CEQA Guidelines Section 15162.

Evidence: The proposed Zoning Code Update implements the General Plan/LCP, which was considered through the General Plan /LCP Update Environmental Impact Report (EIR) (SCH No. 2021111026). That document provides a programmatic review of the potential impacts associated with implementation of the overall General Plan/LCP. The EIR is comprised of a Draft EIR (Draft EIR) and Final EIR (Final EIR). The Final EIR was released for public review on October 19, 2020 and certified by the City Council on May 25, 2021.

The proposed MBMC Zoning Code Update amendment is consistent with the analysis presented in the EIR and, pursuant to State CEQA Guidelines Section 15162, no subsequent analysis is required.

Therefore, there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR, and no further environmental review is required.

Section 2: The Local Coastal Plan Implementation Program Amendments are intended to further the goals of the California Coastal Act, as set forth in Section 30001.5 of the Public Resources Code, to:

Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

Assure priority for coastal-dependent and coastal-related development over other development on the coast.

Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

Pursuant to Morro Bay Municipal Code Section 17.64.080, no amendment to the Zoning Ordinance shall be legally effective in the coastal zone until the amendment is certified by the Coastal Commission. If the Coastal Commission certifies this Ordinance conditioned on substantive changes being made, then the Council will introduce and adopt another ordinance to incorporate those substantive changes. If the Coastal Commission certifies this Ordinance conditioned on non-substantive changes being made to this Ordinance, then the City Clerk is authorized to amend this Ordinance to reflect those non-substantive changes.

Section 3: Municipal Code (Zoning Code /Coastal Implementation Plan Update)  
Amendment

Finding: The proposed municipal code amendments (text and map) are consistent with the General Plan/LCP goals, policies, and implementation programs and are necessary in order to provide consistency with the 2021 General Plan / LCP.

**ACTION.** The Planning Commission does hereby forward a favorable recommendation to the City Council to adopt the MBMC Zoning Code/ Coastal Implementation Plan Amendment for the Plan Morro Bay Update Project with the following recommendations:

1. 17.07.020 Delete hotel/motels as a conditionally permitted use in RH zone.
2. 17.08.020 Allow mobilehome parks as a conditionally permitted use in VSC zone.
3. 17.08.030 Delete 37 foot height allowance in CC zone.
4. 17.23.050 Revise side setback requirement for accessory structures to be located behind primary structure.
5. 17.23.060 Revise fencing and freestanding wall regulations to only allow additional 1 foot in front and corner side setbacks for parcels north of Alva Paul Creek and east of Highway One and maintain existing height requirements for all other parcels in town.
6. 17.24.060 Allow housing in-lieu fees to be used outside of the city with priority given to projects located within city limits.
7. 17.38.080 Accept public input edits to design review criteria section to clarify implementation of General Plan vision for community character areas.

**PASSED AND ADOPTED** by the Morro Bay Planning Commission at a regular meeting thereof held on this 20<sup>th</sup> day of September, 2022 on the following vote:

AYES: Ingraffia, Rodriguez, King, and Stewart

NOES:

ABSENT:  
ABSTAIN:

  
Susan Stewart, Chairperson

ATTEST



Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 20<sup>th</sup> day of September, 2022.

Attachment 3

# City Council

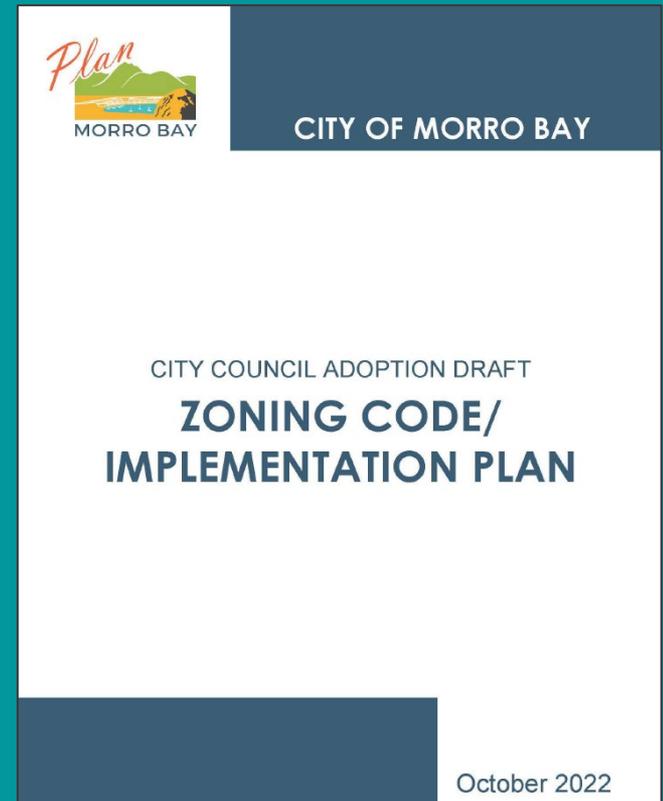
*October 25, 2022*



# Zoning Code Update – Plan Morro Bay

## Presentation Agenda:

- Plan Morro Bay Project Objectives
- Public Input / Coastal Commission Input
- Planning Commission Recommendation for Adoption
- Miscellaneous refinements for recommendation include associated amendments to Waterfront Master Plan and MBMC
- Staff Recommendation



# Project Objectives

**To craft an updated Zoning Code/ Coastal Implementation Plan that:**

- Is consistent with and implements the General Plan/Coastal Land Use Plan;
- Promotes high quality design;
- Responds to community concerns about neighborhood character and project design;
- Is modern and reflects the City's current uses, practices, and development patterns;
- Provides clear decision-making protocols and streamlined review processes, where appropriate;
- Complies with State and federal law; and
- Is clear, concise, understandable, and easy to use.

# Public Input / Coastal Commission Input

- Comment summary matrix which catalogued public comment with corresponding staff responses with changes identified or not in cases of conflict.
- Public comments received from residents, local stakeholders, and input coordinated with Coastal Commission staff.
- Staff worked with Coastal Commission staff on formatting of the Implementation Plan (IP) portion of the Zoning Code to be clear what was part of the IP and what was not.
- CCC staff comments addressed policies on low-cost visitor-serving accommodations, environmental justice, environmentally sensitive habitat areas (ESHA), visual resource protection, coastal hazards, and coastal public access.

# Planning Commission Recommendation

- Planning Commission adopted PC Resolution 08-22 with Recommendation for Adoption on September 20, 2022.
- Public Draft of Zoning Code first released in 2018 and reviewed by GPAC, PC, and Coastal Commission along with public input and feedback received.
- Adoption Draft of Zoning Code reviewed by PC and public hearings held 8/16/22, 9/6/22, and 9/20/22.
- Upon PC direction, major changes to the Zoning Code draft were presented in a “Top 10” format along with summary of public comments which were catalogued in a Comment Summary Matrix.

# Top 10 Changes

## 1. Coastal Resources (Chapter 17.14) – No recommended changes

The portion of the Zoning Code that comprises the IP include Chapters 17.11, 17.14, and 17.39, as well as Sections 17.01.050 (LCP Program Implementation) and 17.30.220 (Short-term Vacation Rentals).

## 2. Development Standards (17.07 and 17.08) – Recommended changes include:

- **PC recommendation:** Delete hotels/motels as a conditionally permitted use in the RH high density residential zoning district (17.07.020). This revision was based on the goal to support housing and preserve RH zones for residential uses, with the recognition that hotels are allowed in the VSC, TMU, CC and NC zones.
- **PC recommendation:** Allow mobilehome parks as conditionally permitted use in the VSC zone (17.080.020). This revision was based on the goal to support existing mobilehome parks in the City and preserve a type of affordable housing.

# Top 10 Changes

**3. Commercial heights (17.08):** The draft 2018 Zoning Code reviewed by the former PC included an increased height allowance in the downtown area up to 37 feet (where 30 feet is the limit otherwise) to provide for more housing in downtown and more commercial flexibility consistent with the General Plan/LCP and Downtown Waterfront Strategic Plan (DWSP) goals. **Recommended changes include:**

- **PC recommendation:** Limit commercial building heights in the downtown CC zone district to the current 30- foot requirement. (17.08.030)
- Form a Design District PC subcommittee (authorized by Council) to develop a more tailored approach to where and when development would be allowed to extend up to 37 feet.

# Top 10 Changes

## 3. Commercial heights (17.08) – continued

- Map image shows downtown area properties that would be allowed increased height up to 37 feet in the CC zone district.



Draft Zoning Code illustration – approx. 75 parcels in dark shaded areas. Parcels shown in light shading would remain at 30 feet limit.

# Top 10 Changes

## 4. Citywide Regulations (Chapter 17.23) – Fence Heights and Accessory Structures. Recommended changes include:

- PC recommendation: In 17.23.050, revise setback requirement for accessory structures less than 120sf in size, and less than 8 feet in height to be allowed at the lot line only when behind the primary structure.
- PC recommendation: In 17.23.060, revise fences and freestanding wall regulations in front and corner side setbacks to allow for 1 foot higher fence heights for parcels north of Alva Paul Creek and east of Highway One and otherwise maintain existing citywide fencing standards for all other parcels in town.

# Top 10 Changes

**5. Nonconforming (17.26).** Additions to nonconforming residential structures would no longer require a conditional use permit (CUP) and allow a nonconforming setback to be maintained or extended in order to incentivize re-use of existing housing stock and serves to shorten / streamline permitting.

**6. Parking (17.27).** Reduced parking requirements for both residential & nonresidential uses. Eliminates garage requirements (on-site parking still applies) and for commercial areas, requirements modified to facilitate commercial re-use of buildings. On-site parking not required in WF district.

**7. Signs (Chapter 17.29).** Ordinance updated to reflect standards by four main business districts (North Main, Quintana, Downtown, and Embarcadero).

- Planning Commission reviewed and accepted these sections as is. No recommended changes made. **No recommended changes.**

# Top 10 Changes

## 8. Design (17.38 and 17.42)

- Design Review is a new chapter that establishes review authority among single-unit, multi-unit, and non-residential development. The current Planned Development overlay chapter is replaced with standards in both Design Review (17.38) and Modifications (17.42). The new PD Overlay in 17.18 would be reserved for larger, coordinated development.  
**Recommended changes include:**
- PC recommendation: Accept public input edits by resident Mr. John Mandeville to revise text at 17.38.080 to tie back to General Plan community character areas.

# Top 10 Changes

## 9. Housing (17.24)

- This section includes several updates to the Inclusionary housing/Density Bonus section. Requires affordable units be provided or in lieu fees paid on larger commercial development, multi-family, and condo conversions. Development of new single-family homes greater than 2500sf or new multifamily units greater than 1500sf would be required to include an ADU or pay in-lieu fee.
- Code also updated to allow more housing in more zones, encourage mixed use in downtown area, and allow housing in the DC zone district where currently only allowed for security units. **Recommended changes include:**
- **PC recommendation:** Allow housing in-lieu fees to be used outside of city limits to provide most benefit to residents with priority given to project located within city limits.

# Top 10 Changes

## 9. Housing (17.24) - continued

- Additional housing initiatives in progress as part of Housing Element implementation as a result of various grant funding received:
  - ADU policy development,
  - Affordable Housing density bonus policies,
  - Objective Design Standards,
  - Residential By Right policies,
  - ADU pre-designed plans (multiple floor plans and design options - free for use by residents), and
  - On-line building permit submittal and processing (software/setup/annual fees)

# Top 10 Changes

## 10. State Law updates – new standards for:

- Accessory Dwelling Units at 17.30.040
  - Density bonus provisions at 17.24.040
  - SB 9 policies at 17.07.030 regarding urban lot splits in single family zones that meet certain criteria.
- Planning Commission reviewed and accepted these sections as is. **No recommended changes.**

# Other Recommendations:

## Miscellaneous refinements for clarity and consistency and to update Zoning language references:

- 17.02.030.F. Determining Floor Area: Clarification text edits regarding determining floor area to provide clarity per public comment received from resident Ms. Cathy Novak.
- 17.11.040 Waterfront (WF) Zoning standards: Modify the WF zoning rear setback from 10 foot to “must allow for 10 foot harborwalk” to provide clarity due to lease line boundaries per public comment received from Ms. Cathy Novak
- 17.14.040.C – Low Cost Visitor Serving Accommodations: Modify the definition of low cost & high cost room per Coastal Commission staff input.
- 17.14.040.C4 - Low Cost Visitor Serving Accommodations: Modify what low cost visitor accommodation in-lieu fees received can be spent on including land acquisition per Coastal Commission staff input.
- 17.14.080.H – Environmentally Sensitive Habitat: Cleanup language regarding Noise Mitigation Plan requirements when using vibratory hammers for pile driving activities in order to provide clarity per public comment received from Ms. Cathy Novak.
- 17.24.020 Inclusionary Housing requirements: Delete word “gross” to match language in section 17.02.030

# Miscellaneous Amendments / CEQA

**Waterfront Master Plan and Morro Bay Municipal Code (MBMC) Miscellaneous refinements for clarity and consistency and to update Zoning language references:**

- Waterfront Master Plan page 5-3 updated reference to reflect correct planning process, text amendment.
- Updated Zoning language references in various Chapters of the Morro Bay Municipal Code at Chapters 5.50, 5.60, 7.16, 8.32, 9.28, 10.60, 12.08, 12.12, 13.04, 13.20, 14.44, 14.42, 16.36, 16.40, and 16.48.
- A Program EIR for the Plan Morro Bay project was prepared and circulated to the State Clearinghouse for the required 45-day public review process from 10/19/2020 – 12/4/2020 and certified by the City Council on May 25, 2021.
- The proposed Zoning Code / Coastal Implementation Plan is consistent with and implements the City's General Plan/ LCP Coastal Land Use Plan which was considered through the programmatic EIR process. No substantial changes have occurred in the Project nor is there new information that was not known at the time of certification and therefore pursuant to State CEQA Guidelines 15162, no further environmental review is required.

# Zoning Code / Implementation Plan Adoption

Staff recommends Council review the Planning Commission recommendation and introduce Ordinance 654 for first reading with further reading waived, (i) repeal and replacement of Title 17 of the Morro Bay Municipal Code; (ii) text amendment to page 5-3 of the Waterfront Master Plan; and (iii) miscellaneous amendments to Chapters 5.50, 5.60, 7.16, 8.32, 9.28, 10.60, 12.08, 12.12, 13.04, 13.20, 14.44, 14.42, 16.36, 16.40, and 16.48 of the MBMC and find that no further environmental review is required pursuant to State CEQA Guidelines section 15162.

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AGENDA NO: B-2

MEETING DATE: October 25, 2022

# Staff Report

TO: Honorable Mayor and City Council

DATE: 10/13/22

FROM: Scot Graham, Community Development Director

SUBJECT: Introduction of Ordinance No. 655 Repealing and Reenacting Multiple Chapters of Title 14 (Buildings and Construction) of the City of Morro Bay Municipal Code, incorporating the 2022 California Building Standards Code, as adopted by the State of California, and local modifications thereto

## RECOMMENDATION

Council Introduce for first reading by title only and with further reading waived, Ordinance No. 655: An Ordinance of the City Council of the City of Morro Bay, California repealing, amending and reenacting Chapters 14.01 – 14.12 of the Morro Bay Municipal Code (MBMC) (Buildings and Construction) adopting by reference and amending the 2022 California Building Code, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Fire, Existing Building, Green Building, Reference Standards, and Administrative Codes, the 2021 International Property Maintenance Code, and 1997 Uniform Housing and Abatement of Dangerous Building Code.

## ALTERNATIVES

Staff does not recommend any alternatives to adopting Ordinance No. 655 for the Building Code Update.

## FISCAL IMPACT

None. The ordinance does not modify any of the City of Morro Bay adopted permit or impact fees.

## BACKGROUND/DISCUSSION

The 2022 California Building Standards Code will become effective statewide on January 1, 2023. The California Building Standards Code is published by the California Building Standards Commission and is located in Title 24 of the California Code of Regulations (CCR). The building standards in the California Building Standards Code are State regulations, adopted by various State agencies in the Executive Branch of State government. State laws require various State agencies to develop building standards for specific types of buildings, building equipment and other features. The provisions of CCR Title 24 include requirements for the structural, plumbing, electrical and mechanical systems of buildings, and for fire and life safety, energy conservation, and accessibility in buildings.

Prepared By: SG Dept Review: \_\_\_\_\_

City Manager Review: SC City Attorney Review: LNL

All architects, engineers, designers, developers, owners and contractors must be familiar with the codes in effect at the time of plan submittal. The City's Building Division, as required by State law, cannot approve projects that do not comply with the codes in effect at the time of plan submittal. All projects submitted on or before December 31, 2022, are permitted to comply with the 2019 Edition of the California Building Standards Code.

Beginning on January 1, 2023, The City of Morro Bay is required by State Law to enforce the 2022 Edition of the California Building and Standards Code (also known as Title 24 of the California Codes of Regulations).

The Building and Construction codes are updated every three years. The State of California Building Standards Commission adopts new State standards, which cities and counties are then mandated to adopt. If codes are not adopted locally, then cities and counties are required to follow State Codes only. The 2022 California Building Codes are codified in the City of Morro Bay Municipal Code (MBMC) and adopted by reference to allow local deviations/amendments from the State Code, as determined necessary by the local jurisdiction (City). The codification process also enables the City to enforce the Building Code through the local methods and processes contained in the MBMC.

#### 2022 CALIFORNIA BUILDING CODE CHANGES OF NOTE

The 2022 California Building Code has undergone many changes from the 2019 edition and some of the more noteworthy changes include:

- **Energy Storage System (ESS) Ready Requirements.** New residential structures, excluding apartment buildings with more than two units, are required to include ESS infrastructure including interconnection equipment or a dedicated raceway, a minimum of four (4) branch circuits, a minimum busbar rating of 225 amps, and space for future installation of system isolation equipment or transfer switch.
- **Electric Ready Requirements.** New residential construction, excluding apartment buildings with more than two units, are required to include electric infrastructure for space heating, cooking and clothes dryers when gas equipment is installed. The electric infrastructure must be located and reserved in the gas appliance location for future installation of electric appliances.
- **Future Heat Pump.** New residential construction, excluding apartment buildings with more than two units, where gas water heater installation is proposed, must also include a designated space for a future electric heat pump water heater.
- **New Heating, Ventilation and Air Conditioning (HVAC).** HVAC duct leakage testing is now mandatory for new residential construction, and for projects where the duct system is replaced.
- **Electric Heating Appliance Required.** New residential construction, excluding apartment buildings with more than two units, is required to include at least one electric heating appliance.

#### LOCAL AMENDMENTS OF NOTE TO THE BUILDING/FIRE CODE

The definition for "Alteration of Floor Area" in conjunction with fire sprinkler requirements for substantial remodels has been added to read as follows:

***ALTERATION OF FLOOR AREA: "For the purpose of this definition, the following criteria shall be considered in determining the percentage of "alteration of floor area." The 50% referred to under "Substantial Remodel" applies to the entire building's gross floor area in plain view. The entire room or space where the remodel is taking place will be considered in the calculation, either alone or in combination with***

**any of the following:**

**a. Removing wall finishes and exposing framing of; Interior wall (where finishes are removed from one side only the room or space to which the framing is exposed will be included in the calculation). Perimeter exterior wall (one or both sides).**

**b. new wall construction, removing, or repositioning, either interior or perimeter exterior walls, the rooms, or spaces on both sides of the wall will be included in the calculation.**

**c. Removal of the ceiling in any room or space to expose rafters, trusses, beams, purlins, or floor joists.**

**d. Removal of the roof structure (only rooms or spaces that are directly below the removed roof structure will be included in the calculation).**

**e. Removal of floor finishes which exposes floor framing and/or removal of concrete**

**f. Relocating plumbing fixtures in a bathroom or kitchen will cause that entire room or space to be included in the calculation.**

**g. other alterations considered substantial by the Fire Code Official.**

- **Previous Sprinklers Required language:**

- All new residential and commercial structures
- Additions or alterations to existing structure where the following applies:
  - Additions of more than 50% of existing square footage or in excess of 500 square feet
  - Alterations encompass more than 50% of the existing square footage and/or exceed 500 square feet or where there is a change in occupancy to a more hazardous use as determined by the Building Official or Fire Chief
  - When alterations and/or repairs result in removal, alteration, modification, or replacement of 50% or more of the external walls of a building or 50% or more of the existing internal structural and/or nonstructural framework, subject to the determination of the Fire Code Official.
  - 300 square foot additions to single family homes/duplexes/Accessory Structures or additions in excess of 50% of the existing square footage

### ELECTRIFICATION CODE

Staff is in the process of working with 3C-REN on development of an Electrification Code that would require electric infrastructure for all new or significantly remodeled homes, apartments, significant additions, and accessory dwelling units (ADU)s. All-electric residential buildings have the benefit of being emissions free, which improves indoor and outdoor air quality, increases energy efficiency, and helps achieve local, regional, and statewide greenhouse gas emission reduction goals. The intent behind this initiative was to incorporate the All-Electric code into the 2022 Building Code update, however, staff received a significant amount of concern from the public in response to our Electrification survey that collected community input in July/August of 2022. Staff is now working on an educational campaign that will include development of a flyer to be mailed out in utility bills, likely in November, followed by an educational forum to provide an opportunity for the public to ask questions and obtain answers on issues of concern.

A copy of the draft Electrification code can be found at the following link: <https://www.morrobayca.gov/DocumentCenter/View/16985/Chapter-1410-Draft-Electrification-Code>

### PUBLIC HEARING NOTICE

Notice of the public hearing on this item was published in the San Luis Obispo Tribune

newspaper on October 14, 2022

**CONCLUSION**

Staff recommends the City Council introduce for first reading by title only, with further reading waived, Ordinance No. 655, repealing, amending and reenacting Chapters 14.01-14.12 of Title 14 (Buildings and Construction) of the Morro Bay Municipal Code, incorporating the 2022 California Building Standards Code, as adopted by the State of California, and the local modifications thereto.

If Ordinance 655 is introduced, then it will be presented for a second reading and adoption at the Council meeting on November 22, 2022. If adopted, the Ordinance and new Morro Bay Building Codes will become effective January 1, 2023.

**ATTACHMENT**

1. Attachment 1. Ordinance 655, "Red-lined" changes to Chapter 14.01-14.12 of the MBMC

**ORDINANCE NO. 655**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA, REPEALING, AMENDING AND REENACTING CHAPTERS 14.01-14.12 OF TITLE 14 (BUILDINGS AND CONSTRUCTION) OF THE MORRO BAY MUNICIPAL CODE, THEREBY ADOPTING BY REFERENCE AND AMENDING THE 2022 CALIFORNIA BUILDING (VOLUMES 1 AND 2), RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, HISTORICAL BUILDING, FIRE, EXISTING BUILDING, GREEN BUILDING, ADMINISTRATIVE, AND REFERENCE STANDARDS CODES, THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS**

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

**WHEREAS**, there are certain state and model codes relating to buildings, construction fire and life safety as follows:

- A. 2022 California Building Code (volumes 1 and 2)
- B. 2022 California Residential Code
- C. 2022 California Electrical Code
- D. 2022 California Mechanical Code
- E. 2022 California Plumbing Code
- F. 2022 California Energy Code
- G. 2022 California Historical Building Code
- H. 2022 California Fire Code
- I. 2022 California Existing Building Code
- J. 2022 California Green Building Standards Code
- K. 2022 California Administrative Code
- L. 2022 California Referenced Standards Code
- M. ~~2021~~<sup>18</sup> International Property Maintenance Code
- N. 1997 Uniform Code for the Abatement of Dangerous Buildings

**WHEREAS**, Government Code § 50022.1, et seq. and Health and Safety Code § 17922 authorize the City to adopt by reference the California Building Standards Code as provided in Titles 24 and 25 of the California Code of Regulations and other codes, including, without limitation, the ~~2021~~<sup>18</sup> International Property Maintenance Code and, the 1997 Uniform Code for the Abatement of Dangerous Buildings; and

**WHEREAS**, pursuant to Health and Safety Code § 17950 and 18938(b), the California Building Standards Code is applicable to all occupancies throughout the State of California, whether or not the City takes affirmative action to adopt the California Building Standards Code; and

**WHEREAS**, Health and Safety Code § 17960, requires a local building department to enforce State Housing Law, the California Building Standards Code, and the implementing regulations of the Department of Housing and Community Development for residential structures; and

**WHEREAS**, Health and Safety Code § 17958.5 allows the City to make those changes or modifications to the requirements contained in the provisions published in the California Building Standards Code as it determines, pursuant to the provisions of Health and Safety Code § 17958.7, are reasonably necessary because of local climatic, geological, or topographical conditions; and

**WHEREAS**, pursuant to the immediately foregoing Health and Safety Code sections and Health and Safety Code § 18941.5, certain express findings have been made and are as follows:

### **FINDINGS**

1. The topographic, underlying geologic and surface soil conditions of the hillsides of the City of Morro Bay are of a gradient and composition such that movement has historically been known to occur. Soils testing has revealed the presence of potentially hazardous geologic conditions, including expansive soils, questionable soils, soils prone to liquefaction and seasonally high ground-water. Therefore, it is reasonably necessary to adopt regulations for grading operations that are more detailed and restrictive than those adopted by the State of California and codified in the California Building Standards Code.
2. Due to topographic and geologic conditions, development in Morro Bay has historically been constrained such that building occurred predominantly in the flatter areas, a scarcity of which resulted in the creation of small lots and the construction of structures in ~~relative~~relatively close proximity to one-another. Those conditions are known to be conducive to the spread of fire and, therefore, it is reasonably necessary to adopt standards more restrictive than those adopted by the State of California and codified in the California Building Standards Code and California Fire Code for the installation of automatic fire sprinklers on new and existing buildings, limiting the use of wood shakes or shingles, and to otherwise establish construction and fire prevention regulations more restrictive than those adopted by the State of California and codified in the California Building Standards Code to reduce and minimize the potential for loss of and damage to life and property resulting from fire, hazardous materials, explosions and to protect firefighters and emergency personnel during emergency operations. More particularly, this finding supports the modification of California Building Code, California Fire Code, California Residential Code and California Electrical Code.
3. Due to topographic conditions and in order to protect the estuarine environment of and adjacent to the City of Morro Bay, it is reasonably necessary to adopt regulations more restrictive than those adopted by the State of California and codified in the California

**Ordinance No. 655**

Page 2 of ~~2530~~

Building Standards Code, creating more stringent thresholds for when a building permit is required for construction of sidewalks, driveways, decks, paving, or flatwork, prohibiting the construction of private sewage disposal systems and requiring the installation of sewer backwater valves. More particularly, this finding supports the modification of California Building Code Section 105.2, California Plumbing Code section 713.0, and the addition of Plumbing Code section 709.5.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA FINDS AND ORDAINS AS FOLLOWS:**

**SECTION 1.** The City Council hereby declares and adopts the foregoing recitals and findings as true and correct and they are incorporated herein.

**SECTION 2.** Effective January 1, 2023, Chapters 14.01-14.12 –of the Morro Bay Municipal Code are hereby repealed and reenacted to read as follows (with redline changes below to show amendments made):

**Chapter 14.01**

**GENERAL**

**Sections:**

- |                  |   |
|------------------|---|
| <b>14.01.010</b> | <b>Title and Purpose.</b>                           |
| <b>14.01.020</b> | <b>Adoption of Codes.</b>                           |
| <b>14.01.030</b> | <b>Building Official and Fire Chief Designated.</b> |

**14.01.010 Title and Purpose.**

This title shall be known and may be cited as "The Buildings and Construction Ordinance of the City of Morro Bay," Title 14 of the Morro Bay Municipal Code (MBMC). These regulations are hereby established and adopted to protect and promote public health, safety and welfare. This title establishes minimum regulations for construction, fire prevention, and the use and occupancy of buildings and other structures. This title prescribes regulations and standards that are consistent with the State Housing Law of California.

**14.01.020 Adoption of Codes.**

Fourteen documents, one each of which are on file in office of the Building Official, identified by the seal of the City of Morro Bay, marked and designated as the:

- A. ~~2022~~19 California Building Code (volumes 1 and 2),
- B. ~~2022~~19 California Residential Code,

**Ordinance No. 655**

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- C. ~~2022~~19 California Electrical Code,
- D. ~~2022~~19 California Mechanical Code,
- E. ~~2022~~19 California Plumbing Code,
- F. ~~2022~~19 California Energy Code,
- G. ~~2022~~19 California Historical Building Code,
- H. ~~2022~~19 California Fire Code,
- I. ~~2022~~19 California Existing Building Code,
- J. ~~2022~~19 California Green Building Standards Code,
- K. ~~2022~~19 California Administrative Code
- L. ~~2022~~19 California Referenced Standards Code
- M. ~~2021~~18 International Property Maintenance Code,
- N. 1997 Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials;

are hereby adopted, including chapters and sections not otherwise adopted by agencies of the State of California, and the appendices thereto as the buildings, construction, and fire prevention regulations of the City of Morro Bay. The provisions of the above-mentioned are hereby referred to, adopted, and made a part hereof as if fully set out in this title except as modified hereinafter.

**14.01.030 Building Official and Fire Chief Designated.**

The City’s community development director is hereby designated as the Building Official and Building Code Official for the City of Morro Bay. The Fire Chief is hereby designated as the Fire Code Official for the City of Morro Bay. Where the “authority having jurisdiction” is used in the adopted codes, it shall mean the Building Official or the Fire Chief, as applicable.

**Chapter 14.02**

**ADMINISTRATION AND ENFORCEMENT**

**Sections:**

- 14.02.010 Administration and Enforcement.**
- 14.02.020 Modification of Division II of Chapter 1 of the California Building Code.**

**14.02.010 Administration and Enforcement.**

The Administration and Enforcement of this title shall be in accordance with Division II of Chapter 1 of the California Building Code as adopted, modified, amended, and supplemented herein.

**14.02.020 Modifications of Division II of Chapter 1 of the California Building Code.**

The California Building Code, adopted in Section 14.01.020, is hereby modified, amended, and supplemented as follows:

A. Amend Section 103.1 to read as follows:

**103.1 Creation of Enforcement Agency.** The Building Division of the Community Development Department of the City of Morro Bay is hereby created and the official in charge thereof shall be known as the Building Official. Where reference is made to the Authority Having Jurisdiction or Code Official in the adopted Codes, it shall mean the Building Official.

B. ~~Add~~ Section 104.8.~~2-1~~ to read as follows:

**104.8.1 Liability or Responsibility due to Error or Omission.** This title shall not be construed so as to impose upon the City, or upon any of its officials or employees, any liability or responsibility for injury or damage resulting from any work approved or performed with respect to this title, or by reason of any inspection performed hereunder. No person shall be relieved of the responsibility of compliance with this title because of an error or omission made by a city official or employee.

C. Add Section 104.9.2 to read as follows:

**104.9.2 Cargo Containers, Rail Cars, and Vehicle Bodies.** Any person who intends to bring into the City or otherwise use, alter or relocate within the City any cargo container, streetcar, boxcar, refrigerator car, motorbus body or similar vehicle body for the purpose of use or occupancy, shall first make application to the Building Official and obtain the required permit. The application shall demonstrate the proposed use, occupancy, structure, construction, and alteration will conform to the provisions of this title.

~~D. Amend Section 105.2, Building Exception 6 to read as follows:~~

~~6. Sidewalks, driveways, decks, paving, or flatwork not more than 30 inches (762 mm) above adjacent grade, not exceeding 200 square feet, not over any basement or story below, and not part of an accessible route.~~

~~E.D.~~ Amend Section 109.2 to read as follows:

**109.2 Schedule of permit fees.** Permit fees shall be as prescribed in the City's Master Fee Schedule.

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F.E. Amend Section 113 to read as follows:

## **SECTION 113 BOARD OF APPEALS**

**113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the technical provisions this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the City Council and hold office at its pleasure. The Building Official shall be an ex officio member and shall act as secretary to the board but shall have no vote upon any matter before the board. The board shall adopt rules of procedure for conducting its business.

The board of appeals shall also serve as the Local Appeals Board, Housing Appeals Board, and Accessibility Appeals Board, as defined in Health and Safety Code § 17920.5, 17920.6 and 19957.5.

**113.2 Limitations on authority.** An application for appeal shall be based on a claim the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code, nor shall the board have any authority relative to the administration of this code.

**113.3 Qualifications.** The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the appeal and are not employees of the City. Two members of the board of appeals shall be physically handicapped, two members shall be persons experienced in construction, and one member shall be a public member.

**113.4 Appointment.** Upon receipt by the Building Official, of a qualified application for appeal, the Building Official shall within 60 days, recommend to the City Council five persons who, based on their qualifications and experience, appear to be suited to hear and decide the appeal. Upon finding those individuals indeed appear to be qualified to hear and deciding the appeal, the City Council shall appoint those persons and they shall be known as the Board of Appeals and shall have the authority and be tasked with the duties thereof for the purposes of hearing and deciding that specific appeal.

G.F. Amend Section 114.4 to read as follows:

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**114.4 Violation Penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, extends, repairs, moves, removes, demolishes or occupies any building, structure, or equipment in violation of the approved construction documents, a directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be subject to fines and penalties as established in Title 1 of the MBMC, in addition to other penalties as prescribed by law.

## Chapter 14.03

### BUILDING CODE

#### 14.03.010 Modifications of the California Building Code.

The California Building Code, adopted in Section 14.01.020, is hereby modified, amended, and supplemented as follows:

- A. Adopt appendices H, I and J. Delete appendices A, B, C, D, E, F, G, K, L, M, N, ~~and O and P~~.
- B. Amend section 1808.1 (Foundations) and adopt section 1808.1.1 which shall have the same force and effect as if printed here in its entirety and is hereby modified, amended, and supplemented as follows:

**1808.1.1 Foundation setback verification.** Prior to the placement of concrete and upon completed form installation, a licensed surveyor is required to measure and record the distance from the proposed foundation walls to the established lot lines. The contractor shall submit these findings in letter format to the building inspector upon the request for a foundation inspection. Letter shall specify the findings of front, sides and rear yard setbacks as defined in Title 17 of the MBMC.

- C. Amend section 2304.8.2 (Structural Roof Sheathing) and adopt section 2304.8.2.1 which shall have the same force and effect as if printed here in its entirety and is hereby modified, amended, and supplemented as follows:

**2304.8.2.1 Building height verification.** Prior to roof sheathing or shear wall inspection, a licensed surveyor is required to measure and record the height of the structure. The contractor shall submit this finding in letter format to the building inspector upon the request for roof sheathing/shear wall inspection. Letter shall specify the recorded height of structure as defined in Title 17 of the MBMC.

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D. Amend Appendix J section J103.1 (Permits Required) and adopt section J103.1.1 which shall have the same force and effect as if printed here in its entirety and is hereby modified, amended, and supplemented as follows:

8. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524 mm) after the completion of such structure.

9. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1 ½ units horizontal (66.7% slope).

10. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m<sup>3</sup>) on any one lot and does not obstruct a drainage course.

## Chapter 14.04

### RESIDENTIAL CODE

#### 14.04.010 Modifications of the California Residential Code.

The California Residential Code, adopted in Section 14.01.020, is hereby modified, amended, and supplemented as follows:

A. Delete Division II of Chapter 1. Administration and Enforcement of the Residential Code shall be as set forth in the California Building Code, as modified, amended and supplemented by Chapter 14.02 of this code. Fees shall be as prescribed in the City's Master Fee Schedule.

B. Adopt Appendices AH, AS, AT and AX. Delete Appendices AA, AB, AC, AD, AE, AF, AG, AI, AJ, AK, AL, AM, AN, AO, AP and AQ, AR, AV, AW, AX, AY, AZ and W.

C. Amend Section R313.1 and R313.2 to read as follows:

#### **R313.1 Townhouse and One- and Two-family dwellings automatic fire sprinkler systems.**

An automatic residential fire sprinkler system shall be installed in all new townhouses and one and two family dwellings, and in all existing townhouses and one and two family dwellings where alteration results in an increase in floor area in excess of 50 percent, or ~~300+000~~ square

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feet. This section shall be applicable to mobile homes and factory-built housing not located in a mobile home or special occupancy park.

**R313.2 Determination of Floor Area.** For the purposes of this section, floor area shall be defined as the area within the exterior walls of the building under consideration. The floor area of a building, or portion thereof, not provided with surrounding walls, shall include the usable area under the horizontal projection of the roof or floor above.

For the purposes of this section, buildings shall be considered separate when:

1. The fire separation distance as defined in CBC Sec. ~~705.2.51~~ is not less than that permitted in CBC Table ~~705.5 and~~ 705.8 where unprotected openings are allowed in an exterior wall of a non-sprinklered building, or
2. The buildings are structurally independent, the adjoining walls are constructed of fire-resistant construction as prescribed in CBC Table ~~705.5602~~ without openings or penetrations, projections comply with CBC Section 705.2, and parapets are constructed where required by CBC Section 705.11.

D. Add Section R313.3.3.5 to read as follows:

**R313.3.3.5 Waterflow Alarm.** A local waterflow alarm and remote inspector's test valve, installed in accordance with NFPA 13, shall be installed on all sprinkler systems.

E. Amend Section R105.2 (Work exempt from permit), No. 3, to read as follows:

3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or a sloping backfill. Retaining walls supporting a surcharge or a sloping backfill exceeding 20%, require calculations and plans signed by a registered civil or structural engineer.

## Chapter 14.05

### ELECTRICAL CODE

14.05.010 Modifications of the California Electrical Code.

The California Electrical Code, adopted in Section 14.01.020, is hereby modified, amended, and/or supplemented as follows:

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A. Delete annexes A, B, C, D, E, F, G, H, I, and J. Administration and Enforcement of the Electrical Code shall be as set forth in the California Building Code as modified, amended and supplemented by Chapter 14.02 of this code. Fees shall be as prescribed in the City's Master Fee Schedule.

B. Amend Article 230-70(A)(1) to read as follows:

**230-70(A)(1) Readily Accessible Location.** A service disconnecting means shall be installed at a readily accessible location either outside the building or structure, or inside nearest the point of entrance of the service conductors.

The disconnecting means shall be accessible to emergency personnel, either directly or by a remote actuating device, without requiring travel through the building interior.

## Chapter 14.06

### MECHANICAL CODE

14.06.010 Modifications of the California Mechanical Code.

The California Mechanical Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows:

A. Delete Division II of Chapter 1. Administration and Enforcement of the Mechanical Code shall be as set forth in the California Building Code as modified, amended and supplemented by Chapter 14.02 of this code. Fees shall be as prescribed in the City's Master Fee Schedule.

B. Adopt appendices A, B, C, D, E, F, G, and H and ~~G~~.

## Chapter 14.07

### PLUMBING CODE

#### Sections:

**14.07.010 Modifications of the California Plumbing Code**  
**14.07.020 Retrofitting with water-saving devices required.**  
**14.07.030 Required sewer backwater valve.**

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14.07.010 Modifications of the California Plumbing Code.

The California Plumbing Code, adopted in Section 14.01.020, is hereby modified, amended, and supplemented as follows:

- A. Delete Division II of Chapter 1. Administration and Enforcement of the Plumbing Code shall be as set forth in the California Building Code as modified, amended and supplemented by Chapter 14.02 of this code. Fees shall be as prescribed in the City's Master Fee Schedule.
- B. Adopt Appendix K . Delete appendices A, B, C, D, E, F, G, H, I, J, and L.
- C. Amend Section ~~710.109.5~~ to read as follows:

~~71009.15~~ A Backwater Valve, extended to and accessible from grade for maintenance, shall be installed on every Building Sewer.

**Exception:** In new construction, plumbing fixtures installed on a floor level that is above the next upstream manhole cover elevation shall not discharge through the required backwater valve.

- D. Amend Section 713.0 to read as follows:

**713.0 Sewer Required.**

**713.1** Every building in which plumbing fixtures are installed and every premises having drainage piping thereon shall have a connection directly to a public or private sewer.

**713.2** Private Sewage Disposal Systems shall not be permitted.

**14.07.020 Retrofitting with water-saving devices required.**

- A. Every property owner, prior to the sale or transfer of any real property upon which is located any structure connected to the city's water supply shall retrofit the structure with the water-saving devices required for new construction as set forth in this title. In cases where the Building Official determines the use of such fixtures in existing structures would fail to meet the requirements of the Plumbing Code, fixtures using the least amount of water which do meet the requirements of the Plumbing Code shall be utilized.
- B. In cases where a buyer intends to demolish all structures on such property within ninety days from the date of transfer, the structure need not be retrofitted prior to transfer; provided a covenant and a bond are filed with the city as follows:

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1. The property owner shall file with the city clerk a notarized covenant agreeing to either demolish all structures located on the property connected to the city water system, within ninety days from the date of transfer or to perform the retrofit required in subsection A of this section, together with a faithful performance bond, in a form satisfactory to the city in an amount equal to one hundred and fifty percent of the full cost of retrofitting all such structures securing faithful performance of the agreement.

2. The agreement shall also authorize and grant the city permission to enter onto the property and to perform such retrofit in the event the property owner fails to do so. Further, the property owner shall agree to reimburse the city for all cost incurred by the City in the event the bond is insufficient.

C. Determination of compliance with the requirements of subsection A shall be made by the Building Official after an inspection performed by the Building Official or a qualified plumbing contractor under the supervision of the Building Official, who shall issue a certificate indicating same to the seller or title company involved. Seller shall pay the fee set forth in the Master Fee Schedule for such retrofit inspection at the time seller submits the request for the retrofit inspection. No property transfer shall be recorded until such certificate has been received by the seller and transferred with the title to the buyer. If noncompliance is found, the property owner (both seller and buyer) and any title company involved in the transfer shall be in violation of this code and subject to those penalties as prescribed in Title 1 of this code.

#### **14.07.030 Required sewer backwater valve.**

A. Any existing lateral sewer piping upon any premises which services fixtures whose elevation is lower than the elevation of the first upstream sewer manhole rim, lamp hole, or pump station receiving manhole, and for which the city has record of a previous sewage backflow incident involving a clogged sewer main shall be protected from backflow of sewage by installing backwater valves of a type approved by the Building Official. The property owner shall be required to provide and install such device.

B. If the property owner fails to install and maintain a backwater valve in good working condition when required under this section, then the Building Official may declare said sewer connection to be a nuisance and abate such nuisance pursuant to Section 8.12.010 et seq. of this code by installing an approved-type backwater valve at the owner's expense. Said property owner may, in addition, be subject to fines as outlined in subsection E of this section.

C. All house connection sewers, industrial sewers, private sewage disposal systems and appurtenances thereto, now existing, or hereafter constructed, shall be maintained by the owner of the property in a safe and sanitary condition and all devices or safeguards which are required by this section for the operation thereof shall also be maintained in a good working order by the

owner. It shall be the property owner's responsibility to maintain that portion of the sewer to the public main, including the connection to the public main.

D. The Public Works Director, the health officer, and other duly authorized employees of the city and the health department bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this section. The Public Works Director, the health officer, or their representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste treatment.

E. Violations and Penalties. Any person who is convicted of violation of any provisions of this section is guilty of an infraction punishable as provided in Chapter 1.16 of this code.

## **Chapter 14.08**

### **FIRE CODE**

#### **Sections:**

<b>14.08.010.</b>	<b>Purpose.</b>
<b>14.08.020.</b>	<b>Bureau of fire prevention.</b>
<b>14.08.030.</b>	<b>Fire district established.</b>
<b>14.08.040.</b>	<b>Penalties for turning in false alarms.</b>
<b>14.08.050.</b>	<b>Fire injury report.</b>
<b>14.08.060.</b>	<b>Storage of gasoline driven vehicles.</b>
<b>14.08.070.</b>	<b>Citation powers.</b>
<b>14.08.080.</b>	<b>Fire Hazard Severity Zones</b>
<b>14.08.090.</b>	<b>Modifications of the California Fire Code</b>

#### **14.08.010. Purpose.**

This chapter shall be known and may be cited as "The Fire Prevention Regulations of the City of Morro Bay," Chapter 14.08 of Title 14 of the Morro Bay Municipal Code. This chapter prescribes minimum regulations to reduce and minimize the potential for loss of and damage to life and property resulting from fire, panic, hazardous materials, and explosions.

#### **14.08.020. Bureau of fire prevention.**

The California Fire Code shall be enforced by the fire department or building division of the Community Development Department under the supervision of the Fire Chief.

**14.08.030. Fire district established.**

The entire incorporated area of the city is declared to be and is established a fire district.

**14.08.040. Penalties for turning in false alarms or for conviction of intentionally setting a fire.**

Individuals responsible for turning in false alarms shall be responsible for the cost the fire department incurs while responding to the alarm. The cost of the false alarm shall be determined in accordance with the master fee schedule. The intent of this section is not to penalize those persons who make honest mistakes. Persons convicted of intentionally setting a fire in violation of any law or ordinance within the city limits shall pay the cost of fighting that respective fire.

**14.08.050. Fire injury report.**

Any physician, first aid station, ambulance company or persons who treat or aid any person injured by a fire, explosion or chemical burn within the City shall, within twenty-four hours, report such treatment and pertinent information to the fire department.

**14.08.060. Storage of gasoline driven vehicles.**

No one shall store, repair or use any motorcycle, moped or any other gasoline driven vehicle inside of any dwelling. Storage and repair of gasoline driven vehicles are permitted in garage areas adjacent to dwellings.

**14.08.070. Citation powers.**

The Morro Bay Fire Chief (Fire Chief), Fire Marshal and full-time safety members of the Fire ~~Department authority~~Department authority to issue citations as provided in Title 1 of this code. Arson investigators who are full-time members of the Fire Department shall have the powers of a peace officer in performing their duties under this Code, and shall have the powers of a peace officer as provided in California Penal Code, Sections 830.37

**14.08.080. Fire Hazard Severity Zones.**

A. Purpose and Intent. The purpose of this chapter is to provide authority for the identification of local fire hazard severity zones and provide authority for enforcement of state and local codes in these zones. The intent of this chapter is to reduce the potential for fire losses by providing minimum requirements for the protection of properties constructed in very high hazard severity zones and other wildland/urban interface areas designated by the fire chief and supported by substantial evidence.

B. Designation-Recommendation. The Fire Chief is hereby authorized to designate very high fire hazard severity zones within one hundred twenty days of receiving recommendations from the California Department of Forestry and Fire Protection.

C. Designation-Not identified. The Fire Chief may designate areas not identified as very high fire hazard Severity Zones by the California Department of Forestry and Fire Protection

following a finding supported by substantial evidence in the record that the requirements for very high fire hazard severity zones are necessary for effective fire protection within the area(s).

D. Designation-Declined. The Fire Chief may decline to designate areas identified by the California Department of Forestry and Fire Protection as Very high fire hazard severity zones following a finding, supported by substantial evidence in the record, the requirements for very high fire hazard severity zones are not necessary for effective fire protection with the area(s).

E. Supported by substantial evidence in the record. "Supported by substantial evidence in the record" shall require the City Council to hold a public hearing and make findings there is competent substantial evidence in the record to support the Fire Chief's designation as fire hazard areas.

F. Enforcement. The Building Official shall enforce the provisions of Chapter 7A of the California Building Code and Chapter 49 of the California Fire Code in all very high fire hazard severity zones and other areas designated by the Fire Chief and supported by substantial evidence in the record.

G. Permits. All submittals for subdivision, entitlement, or building permits shall demonstrate that the proposed project allows for compliance with the provisions of Government Code Section 51182 and Public Resource Code Section 4291, except where otherwise allowed by law, to the satisfaction of the Fire Chief and the Building Official.

**14.08.090. Modifications of the California Fire Code.**

The California Fire Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows:

A. Adopt Appendix Chapter 4 and appendices B, BB, C, CC, D, H, I, K, and N. Delete appendices A, E, F, G and J.

B. Section 101.1 is amended to read as follows:

**Section 101.1 Title.** These regulations shall be known as the Fire Code of the City of Morro Bay.

C. Section 103.1 is amended to read as follows:

**Section 103.1 General.** The Fire Department of the City of Morro Bay is hereby established and the person in charge thereof shall be known as the Fire Chief. Where the Code uses the term Fire Official, it shall mean the Fire Chief.

D. Section 113.2 is amended to read as follows:

**113.2 Schedule of permit fees.** Fees shall be paid in accordance with the City's Master Fee Schedule.

E. Section 302.1, "Definitions," is amended to add the following definition in correct alphabetical order:

**SKY LANTERN.** An airborne lantern typically made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. Sky candles, fire balloons and airborne paper lanterns mean the same as sky lanterns.

F. Section 507.5.4 is amended to read as follows:

**507.5.4 Obstruction.** Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

The Fire Chief shall have the authority to remove or cause to be removed, without notice, any vehicle, vessel, or object that is in violation of this section. The owner of said item, so removed, shall be responsible for all towing, storage, or other costs incurred therein.

G. Section 308.1.1.1 is added to read as follows:

**308.1.1.1 Burning Prohibited.** Open burning, bon fires, recreational fires, and all other outdoor fires are prohibited.

Exception:

Barbeques and portable outdoor fireplaces that conform with the following provision are allowed.

1. Fires shall be conducted at a safe distance from and in accordance with the applicable manufacturer's instructions to prevent the spread of fire to a minimum of 15-feet from adjacent structures or other combustible materials.
2. Fire shall be contained in a non-combustible container, not to exceed 3 feet in diameter and 2 feet in height.
3. Fuel loading shall not exceed 3 feet in diameter or 2 feet in height.
4. Fire shall be fueled by propane, natural gas, charcoal, dried wood, commercial fire logs, or pellets. Fuels shall not include green waste, yard trimmings, pressure treated wood, trash, plastic, or other noxious or hazardous materials.
5. Ground fires, sub-surface or pit fires, and earth floored fire rings are prohibited.
6. If in the opinion of the Fire Chief or his or her designee, a fire is potentially hazardous or smoke is causing a nuisance, the fire shall be extinguished immediately.

H. Section 308.1.6.3 is amended to read as follows:

308.1.6.3 Sky Lanterns. The ignition and launching of sky lanterns is prohibited.

Exception: The ignition and launching of sky lanterns may be allowed, subject to the approval of a permit by the Chief, where it has been determined that adequate safeguards will be in place.

I. Section 511 is added to read as follows:

SECTION 511  
FIRE SERVICE ELEVATOR

**511.1 Elevator car to accommodate ambulance stretcher.** Where elevators are provided, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches with not less than 5-inch radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches high and shall be placed inside on both sides of the hoistway door frame.

Exception: Elevators located within one- and two-family dwellings and townhouses.

J. Section 901.4.7 is added to read as follows:

**901.4.7 Partial Sprinkling of Buildings.** Partial sprinkling of buildings shall not be permitted, except where otherwise allowed by NFPA 13R, 13D, and Section 903.3.1.1.1.

K. Delete Sections 903.2 through 903.2.1.4 and 903.2.2 through 903.2.10.1.

L. Add Section 903.2 to read as follows:

**903.2 Where Required.** An approved automatic fire sprinkler system shall be installed throughout:

1. In all new buildings and structures with more than Zero (0) square feet regardless of type or use.
2. In all new buildings and structures with more than Zero (0) square feet regardless of type or use, on the west side of the Embarcadero road
3. In additions or alterations of floor area for all buildings or structures as follows:
  - a. Throughout structures where additions to existing buildings and substantial remodels more than 50% of the existing floor area adds more than 50% of the existing square footage to the structure AND/OR is in excess of 500 square feet;
  - b. ~~Throughout existing structures where alterations encompass more than 50% of~~

~~the existing square footage of the structure AND/OR is in excess of 500 square feet OR where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief;~~

~~c. When alterations and/or repairs result in the removal, alteration, modification, replacement of 50% or more of the external walls of a building, or result in the removal, modification, replacement and/or repair of 50% or more of the existing internal structural and/or non-structural framework. The determination under this section of the requirement for upgrading any existing structure shall be at the sole discretion of the Fire Code Official.~~

ALTERATION OF FLOOR AREA: "For the purpose of this definition, the following criteria shall be considered in determining the percentage of "alteration of floor area." The 50% referred to under "Substantial Remodel" applies to the entire building's gross floor area in plain view. The entire room or space where the remodel is taking place will be considered in the calculation, either alone or in combination with any of the following:

a. Removing wall finishes and exposing framing of; Interior wall (where finishes are removed from one side only the room or space to which the framing is exposed will be included in the calculation). Perimeter exterior wall (one or both sides).

b. new wall construction, removing, or repositioning, either interior or perimeter exterior walls, the rooms, or spaces on both sides of the wall will be included in the calculation.

c. Removal of the ceiling in any room or space to expose rafters, trusses, beams, purlins, or floor joists.

d. Removal of the roof structure (only rooms or spaces that are directly below the removed roof structure will be included in the calculation).

e. Removal of floor finishes which exposes floor framing and/or removal of concrete

f. Relocating plumbing fixtures in a bathroom or kitchen will cause that entire room or space to be included in the calculation.

g. other alterations considered substantial by the Fire Code Official.

Exceptions:

- a. group R-3 and U occupancies

**903.2.1 Where Required.** An approved automatic fire sprinkler system shall be installed throughout:

1. In all new R-3 and U occupancies private garages and carports accessory to:
  - a. Including all attached structures;

b. Including all structures within 10 feet.

2. In additions or alterations of floor area for all buildings or structures as follows:

a. Throughout structures where additions ~~to existing buildings adds more than 50% of the existing square footage to the structure AND/OR~~ is in excess of 300 square feet and substantial remodels more than 50% of the existing floor area;

b. ~~Throughout existing structures where alterations encompass more than 50% of the existing square footage of the structure AND/OR is in excess of 300 square feet OR where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief;~~

~~When alterations and/or repairs result in the removal, alteration, modification, replacement of 50% or more of the external walls of a building, or result in the removal, modification, replacement and/or repair of 50% or more of the existing internal structural and/or non-structural framework. The determination under this section of the requirement for upgrading any existing structure shall be at the sole discretion of the Fire Code Official.~~

ALTERATION OF FLOOR AREA: "For the purpose of this definition, the following criteria shall be considered in determining the percentage of "alteration of floor area." The 50% referred to under "Substantial Remodel" applies to the entire building's gross floor area in plain view. The entire room or space where the remodel is taking place will be considered in the calculation, either alone or in combination with any of the following:

a. Removing wall finishes and exposing framing of; Interior wall (where finishes are removed from one side only the room or space to which the framing is exposed will be included in the calculation). Perimeter exterior wall (one or both sides).

b. new wall construction, removing, or repositioning, either interior or perimeter exterior walls, the rooms, or spaces on both sides of the wall will be included in the calculation.

c. Removal of the ceiling in any room or space to expose rafters, trusses, beams, purlins, or floor joists.

d. Removal of the roof structure (only rooms or spaces that are directly below the removed roof structure will be included in the calculation).

e. Removal of floor finishes which exposes floor framing and/or removal of concrete

f. Relocating plumbing fixtures in a bathroom or kitchen will cause that entire room or space to be included in the calculation.

g. other alterations considered substantial by the Fire Code Official.

Exception:

Installation of an automatic fire sprinkler system shall not be required when, to the satisfaction of the Fire Chief and the Building Official, it is demonstrated the proposed construction, use, and occupancy are minor in scope and nature, the installation of an automatic fire sprinkler system would be impractical, and the intent and purpose of this section is otherwise met.

**M. Amend Section 903.3.1.1 to read as follows:**

**903.3.1.1 NFPA 13 sprinkler systems.** Where other provisions of this code require a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, or where a building contains two or more occupancies or uses, sprinklers shall be installed throughout in accordance with NFPA 13 as amended in Chapter 47 except as provided in Section 903.3.1.1.1.

M. Section 3604.1 is amended to read as follows:

**3604.1 General.** Piers, marinas, docks, fuel docks, wharves and similar boat mooring facilities shall be equipped with fire protection equipment in accordance with Section 3604.1 through 3604.6 and as otherwise required by the Chief.

N. Section 5609 is added to read as follows:

SECTION 5609.1  
SALE AND USE OF FIREWORKS

**5609.1 Sale and Use of Fireworks Unlawful.** The sale or use of fireworks, pyrotechnics, and others explosives shall be unlawful.

Exceptions:

1. The sale of fireworks, approved by the State Fire Marshal as “safe and sane,” shall be permitted, subject to the approval of a permit by the Fire Chief.

2. The use of fireworks, approved by the State Fire Marshal as “safe and sane,” shall be permitted on private property only.
3. Public fireworks displays may be allowed, subject to the approval of a permit by the Fire Chief.
4. Pyrotechnics for use in movie industry operations may be allowed, subject to the approval of a permit by the Fire Chief.
5. This section shall not apply to the sale and use of State Fire Marshal approved and listed party poppers and snap caps.
6. Any person violating this provision will be guilty of a misdemeanor and subject to a \$1,000 fine for each offense.
7. Notwithstanding any other provision of this code, any Morro Bay Police Officer may issue an administrative citation for a first offense without first issuing a warning; and the administrative fine shall be \$1,000 for each offense.

## **Chapter 14.09**

### **EXISTING BUILDING CODE**

#### 14.09.010 Modifications of the California Existing Building Code

The California Existing Building Code, adopted in Section 14.01.020, is hereby modified, amended, and supplemented as follows and shall be the technical strengthening provisions for buildings subject to Chapter 14.18 of this title:

Amend Section 505.3 Replacement window emergency escape and rescue openings. to read as follows:

Where windows are required to provide emergency escape and rescue openings, replacement windows shall comply with the maximum sill height requirements of section R310.2.~~32~~ and the minimum opening area requirements of sections R310.2.1, and R310.2.2.

## **Chapter 14.10**

### **RESERVED**

## **Chapter 14.11**

### **HOUSING CODE**

14.11.010 Modifications of the International Property Maintenance Code.

The 20~~21~~<sup>18</sup> International Property Maintenance Code, adopted in Section 14.01.020, shall have the full force and effect as if printed here in its entirety and is hereby modified, amended, and/ or supplemented as follows:

A. Amend Section 101 to read as follows:

#### **SECTION 101.2.1-SCOPE**

101.2.1 Where any building or portion thereof is used or intended to be used as a combination apartment house- hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.

101.2.2 Rooming houses, congregate residences or lodging houses shall comply with all requirements of this code for structures.

## **Chapter 14.12**

### **DANGEROUS BUILDINGS CODE**

14.12.010 Modifications of the Uniform Code for the Abatement of Dangerous Buildings.

The 1997 Uniform Code for the Abatement of Dangerous Buildings, adopted in Section 14.01.020, shall have the full force and effect as if printed here in its entirety and is hereby modified, amended, and/ or supplemented as follows:

A. Amend Section 103 to read as follows:

**Ordinance No. 655**

Page 22 of ~~2530~~

SECTION 103- ALTERATIONS, ADDITIONS AND REPAIRS

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of Chapter 34 of the Building Code.

B. Amend the following definitions, located in Section 301, to read as follows:

BUILDING CODE is the California Building Code, as adopted and amended by this title.

HOUSING CODE is the 1997 Uniform Housing Code, as adopted and amended by this title.

**SECTION 3.** This Ordinance shall take effect January 1, 2023. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be published and posted in the manner required by law.

**SECTION 4.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**INTRODUCED** at a regular meeting of the City Council of Morro Bay, held on the 25th day of October 2022 by motion of Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_.

**PASSED AND ADOPTED** on the \_\_\_\_\_<sup>12<sup>th</sup></sup> day of \_\_\_\_\_ ~~November 2022~~<sup>19</sup>, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
CHRIS F. NEUMEYER, City Attorney

**Ordinance No. 655**  
Page 24 of ~~2530~~

STATE OF CALIFORNIA \_\_\_\_\_ )  
COUNTY OF SAN LUIS OBISPO \_\_\_\_\_ )  
CITY OF MORRO BAY \_\_\_\_\_ )

I, Dana Swanson, City Clerk for the City of Morro Bay, California, do hereby certify that the foregoing Ordinance No. 655 was duly passed and adopted by the City Council of the City of Morro Bay at the regular meeting thereof, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
RECUSED: \_\_\_\_\_

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Morro Bay, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
DANA SWANSON, City Clerk

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AGENDA NO: C-1

MEETING DATE: October 25, 2022

# Staff Report

**TO:** Honorable Mayor and City Council

**DATE:** October 19, 2022

**FROM:** Scott Collins, City Manager

**SUBJECT:** Adopt Resolution No. 95-22 Awarding Fiscal Year 2022-23 Community Grants

## **RECOMMENDATION**

Staff recommends the City Council:

1. Adopt Resolution No. 95-22, awarding Community Grants for Fiscal Year 2022-23, outlining adjustments, if any, consistent with the Community Grants Policy and American Rescue Plan Act ("ARPA") funding requirements; and
2. Authorize the City Manager to enter into agreements with all grantees, reviewing and adjusting insurance requirements on a case-by-case basis, in coordination with California JPIA and City Attorney's Office, depending on the level of risk associated.

## **ALTERNATIVES**

City Council may choose to:

- 1) Adjust the funding recommendations for some or all of the applicants,
- 2) Seek additional review by City staff.
- 3) Choose not to fund any of the requests.
- 4) Provide other direction as appropriate.

## **FISCAL IMPACT**

The Adopted Fiscal Year (FY) 2022-23 Budget includes \$35,000 in General Fund and \$25,000 in ARPA Funds for this purpose, of which at least \$10,000 will go to youth serving programs (per Council direction at Budget adoption). The total recommended grant award amount is \$60,189, just slightly above the budgeted amount for FY 2022-23.

Staff will need to submit reporting information associated with ARPA-funded grants; there is a slim possibility that if those awards are deemed ineligible, the City would need to backfill that funding with General Fund dollars, though that is not anticipated.

## **BACKGROUND**

Grants and Council bequests are a mechanism by which the City Council and City of Morro Bay can assist non-profit and other government agencies in providing direct or indirect services to the Morro Bay residents and communities. The City Council annually allocates grant funds to various community groups and organizations. The bequests have ranged from a total of approximately \$7,000 in FY 2015-16 up to \$15,000-\$20,000 in more recent years, with a hiatus in FY 2020-21 due

Prepared By: SC

Dept Review: SC

City Manager Review: SC

City Attorney Review: CFN

to fiscal impacts of COVID-19 on the City’s finances, and a total award of \$50,000 in FY 2021-22 (\$25,000 from General Fund, and \$25,000 from ARPA for programs impacted by COVID-19).

The Government Finance Officers Association (GFOA) recommends that governments develop formal grant policies to outline criteria for awarding government funds, and requirements for reporting back on use of grants funds. Council adopted a Community Grants Policy in 2019 (Resolution 67-19) that provides guidance for the program and outlines contract and reporting requirements for grantees.

In the current FY 2022-23 budget year, Council adopted the City’s budget in June, and included up to \$60,000 total for community grant awards, comprised of \$35,000 of General Funds and \$25,000 in federal funds from the ARPA, of which at least \$10,000 is set aside for youth service programs.

The City accepts funding requests after City Council adopts the budget. There is an application period of one month, and then staff reviews the applications and makes recommendations to City Council. Council then votes to allocate available funding. Following approval, staff provides awarded entities with notification that the City Council has awarded funding and also indicates that the City would like follow-up reporting back in July, via e-mail, on the benefits/services provided, number of clients served and anticipated upcoming work to be done.

**DISCUSSION**

On August 4, 2022, the City published notice that grant applications would be accepted through September 2, 2022. The City Manager and other City staff reviewed the application in September-October. Staff used the criteria in the grants policy to formulate their recommendations. They also evaluated applications for eligibility for ARPA funds in regards to COVID-19, given that organizations will most likely need to demonstrate economic impact from COVID-19 in the City’s reporting documentation for ARPA funds (reporting details are still being developed by the U.S. Treasury Department) as well as eligibility for the youth services funding.

Staff recommends the following grant awards for FY 2022-23. Staff seeks Council direction on the proposed awards.

<b>Organization</b>	<b>Amount Requested</b>	<b>Regular Community Grant (Gen Fund)</b>	<b>COVID-19 Impacted Grant (ARPA Funds)</b>
Senior Nutrition Program	\$7,500	0	\$7,500
Estero Bay Kindness Coalition, Bags of Love	\$8,000	\$8,000	0
Morro Bay Maritime Museum	\$7,500	0	\$7,500
Community Foundation of Estero Bay, Inc.	\$11,000	\$1,000	\$10,000
Historical Society of Morro Bay	\$6,000	\$6,000	0
Morro Bay Senior Citizens, Inc., Tunes at Tidelands	\$13,400	0	0
By the Sea Productions	\$4,689	\$4,689	0
Five Cities Diversity Coalition DBA Diversity Coalition	\$6,000	\$6,000	0
Morro Bay Open Space Alliance	\$1,500	\$1,500	0
Morro Bay Art Association	\$8,000	\$8,000	0
<b>Total</b>	<b>\$73,589</b>	<b>\$35,189</b>	<b>\$25,000</b>

Staff recommends funding each request in full, with one exception. All applications submitted met the criteria established by City Council for the grant program. The only program staff does not recommend grant funding for at this time is the Morro Bay Senior Citizens, Inc “Tunes at Tidelands” concert series for 2022. This recommendation does not reflect upon the program’s eligibility or compatibility with the grants” criteria. Rather, the recommendation is based upon the fact that City Council has already directed staff to provide direct funding of \$10,000 to the concert series in FY 2022-23 through Council action taken on August 23, 2022. The Seniors’ program administrators, along with City Recreation staff, are currently evaluating the revenues and expenses from this year’s concert series that concluded in October 2022. Should that evaluation determine that the Seniors’ require additional funding to support the concert series, City staff will bring that item back to Council for consideration as part of the FY 2022-23 mid-year budget process in February 2023.

The Community Grants Policy requires that funded applicants provide appropriate insurance and workers compensation coverage as well as sign a Community Grant agreement outlining the terms of the grant award and further indemnifying the City. The Community Grants Review Committee suggested that staff evaluate insurance requirements, which may be cost prohibitive to nonprofit organizations. Staff seeks Council authorization to review and adjust insurance requirements on a case by case basis based on the type of funding request and level of risk associated with the activity, in coordination with California JPIA and the City Attorney’s office.

**CONCLUSION**

Awarding these Community Grants for FY 2022-23 represents a balance of funding from the City to community nonprofits, between the General Fund and COVID relief funding. This will allow several nonprofit organizations to continue work to benefit the Morro Bay community.

**ATTACHMENTS:**

1. Resolution No. 95-22
2. Community Grant Applications

**RESOLUTION NO. 95-22**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
APPROVING AWARD OF FY 2022-23 COMMUNITY GRANTS**

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

**WHEREAS**, grants and Council bequests are a mechanism by which the City Council and City of Morro Bay can assist non-profit and other government agencies in providing direct or indirect services to the Morro Bay residents and communities; and

**WHEREAS**, the Morro Bay City Council annually allocates grant funds to various community groups and organizations; and

**WHEREAS**, in the current FY 2022-23 budget year, Council adopted the City's budget in June, and included up to \$60,000 total for community grant awards, comprised of \$35,000 of General Funds and \$25,000 in federal funds from the American Rescue Plan Act (ARPA), of which a minimum of \$10,000 shall support youth services programs. The total recommended grant award amount is \$60,189, just slightly above the budgeted amount for FY 2022-23; and

**WHEREAS**, the City solicited grant applications from local nonprofits and City staff reviewed those applications consistent with the Community Grants Policy guidelines and provided recommendations to Council to make funding awards that are anticipated to have a positive impact on the community of Morro Bay.

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

1. The following Community Grant awards for FY 2022-23 are hereby approved:

<b>Organization</b>	<b>Regular Community Grant (Gen Fund)</b>	<b>COVID-19 Impacted Grant (ARPA Funds)</b>
Senior Nutrition Program	0	\$7,500
Estero Bay Kindness Coalition, Bags of Love	\$8,000	0
Morro Bay Maritime Museum	0	\$7,500
Community Foundation of Estero Bay, Inc.	\$1,000	\$10,000
Historical Society of Morro Bay	\$6,000	0
By the Sea Productions	\$4,689	0
Five Cities Diversity Coalition DBA Diversity Coalition	\$6,000	0
Morro Bay Open Space Alliance	\$1,500	0
Morro Bay Art Association	\$8,000	0
<b>Total</b>	<b>\$35,189</b>	<b>\$25,000</b>

//

//

2. The City Manager is hereby authorized to execute agreements with all grantees, reviewing and adjusting insurance requirements on a case-by-case basis in coordination with California JPIA and the City Attorney's Office depending on the level of risk associated.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 25<sup>th</sup> day of October 2022 on the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk



**CITY OF MORRO BAY ❖ FY 2022/23**

**APPLICATION FOR COMMUNITY GRANT FUNDING**

**COVER PAGE**

<b>Application No.</b>	<b>Business Name</b>	<b>Project Name</b>
1	Senior Nutrition Program/Meals That Connect	Senior Nutrition Program/Meals That Connect
2	The Estero Bay Kindness Coalition	Bags of Love
3	Morro Bay Maritime Museum	Commercial & Sport Fishing Kiosk Walkway Construction, Interpretive Panels Printing & Landscaping
4	Community Foundation of Estero Bay, Inc.	Morro Bay Youth - Enrichment Program Scholarships
5	Historical Society of Morro Bay	Franklin Riley Park Hidden History Panels
6	Morro Bay Senior Citizens, Inc	Tunes at Tidelands
7	By the Sea Productions	By the Sea Productions
8	Diversity Coalition of SLO County	Diversity Speakers
9	Morro Bay Open Space Alliance	MBOSA Hybrid Meeting Capability
10	Morro Bay Art Association	Roof Repair

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**APPLICATION FOR COMMUNITY GRANT FUNDING**

**Project:** Project/Program Name:  
Project/Program Manager Name:

**Agency:** Name of Agency:  
Site Address:

Telephone Number:

Web Address:

Name of Executive Director:

**COVID-19 IMPACTS**

Did your organization experience a negative impact due to COVID-19 that you could document (e.g. reduction in revenues, expenditures on PPE or other COVID-related purchases, etc)?

- Yes (please attach documentation)
- No

\*Note: You may attach additional pages if necessary

City Council established a total budget of \$60,000 for Community Grants for FY 2022/23. Of that amount, \$25,000 is available for all eligible program types. Another \$25,000 is available for non-profits that demonstrate an impact by COVID-19. Lastly, an additional \$10,000 is available for programs that positively impact youth services specifically (please note youth programs are eligible to receive more than the \$10,000). Recently, grant amounts have ranged from approximately \$1,000-\$8,000 per organization.

Program expenditures must be completed by June 30, 2023. Please note that if awarded, an annual report on grant expenditures and program outcomes will be required, as well as documentation demonstrating how funds were expended.

**Introduction:** Provide brief description of agency, agency goals, and agency services. Describe your program briefly, including who benefits from your program.



APPLICATION FOR COMMUNITY GRANT FUNDING

**I. AGENCY INFORMATION**

**A. General Information**

Grant Request Amount: \$ \_\_\_\_\_

General Organization Information	
Organizations Name:	
Year Established:	
Board Roster	
Number of Paid Full-Time Employees	
Number of Paid Part-Time Employees	
Most recent financial statements (or copy of your last tax return (IRS 990))	

Mailing Information	
Street Address:	
City:	
State:	
Zip:	

Project/Program Contact Information	
Name/Title:	
Phone Number:	
E-mail:	



APPLICATION FOR COMMUNITY GRANT FUNDING

Tax Information	
Federal Employer Tax Number	
State Employer Tax Number	
Name of Program	
IRS Determination Letter (approval of 501(C) Status)	
Name of Executive or CEO	
Name of Board Chairperson or President	

**II. COMMUNITY NEED STATEMENT**

**A. Community Need:** Describe briefly the demonstrated need in the Morro Bay community for the program. Cite data sources as appropriate.

**B. Program Narrative:** Please provide your agency's Mission Statement and Goals, brief history, programs and population(s) served, organizational structure and experience with proposed grant activities. If your organization provides programs countywide, indicate the percentage of Morro Bay residents served.



APPLICATION FOR COMMUNITY GRANT FUNDING

**C. Local Challenges:** What local challenge or need does this grant address? How will Morro Bay residents and residents of adjacent areas and or countywide benefit? How will all eligible participants have the opportunity to participate in the program?

**D. Project Description:** Please provide project description, including explanation of project approach, identified strategies and anticipated outcomes. Please quantify the number of Morro Bay residents to be served. Include a list of planned activities, costs associated, timeline and staff/volunteers responsible for the proposed program. Please provide an outline of how requested grant funds would be spent. Note that documentation of expenditures may be required at the end of the grant period, along with a report on program expenditures and outcomes. Program expenditures must be completed by June 30, 2023.



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

**E. Previous Funding:** If your organization has received previous funding from the City of Morro Bay for the proposed project (within the last year), please provide the outcomes in measurable terms and a case example of the grant impact.

**F. Collaborative Requests:** If a collaborative request, please provide a description of prior collaborative activities, and proposed responsibilities of collaborative members.



**APPLICATION FOR COMMUNITY GRANT FUNDING**

**III. PROGRAM FISCAL INFORMATION**

\*Please note that the total city funds available for grants this year is \$60,000; individual grant amounts have recently ranged from \$1,000-\$8,000.

**A. Program Budget**

Please complete the following summary tables to reflect the budget for your organization and program. All amounts should be rounded to the nearest dollar. Alternatively, please attach single page revenue/expense summary sheets for the program for which funds are requested and a separate summary for the organization.

*Budget Summary*

<b>Budget Data</b>	<b>FY 2022/23</b>	<b>FY 2021/22</b>
Morro Bay grant funding	Requested:	Received:
Total <b>Program</b> budget	\$	\$
Total <b>Organization</b> budget	\$	\$

*Funding Summary*

<b>Revenue Source</b>	<b>FY 2022/23 Program Budget</b>
Morro Bay grant:	\$
Other municipal funding (please specify:)	\$
County funding (please specify:)	\$
State funding (please specify:)	\$
Federal funding (please specify:)	\$
Fees for services	\$
Donations	\$
Reserve contingency fund	\$
All other sources (please specify:)	\$
<b>Total</b>	<b>\$</b>



**APPLICATION FOR COMMUNITY GRANT FUNDING**

- B. Organization Contracts**--Has your organization ever had funds withdrawn or a contract terminated for cause, unsatisfactory performance, or questionable costs on any financial statements or audit? If so, please describe.
- C. Travel Expense Disclosure**-- If Community Grant funds are to be used for staff travel expenses, please describe.
- D. Eligibility information:** to be eligible for award of a community grant, agencies must:
1. Submit a separate, completed application form for each project.
  2. Be incorporated as a tax-exempt non-profit corporation (IRS 501-C) and/or exist as another government entity.
  3. Demonstrate the managerial and financial capability to receive and expend funds.
  4. Assure compliance with all applicable local, state, and federal laws including but not limited to non-discrimination requirements.
- E. Required attachments:** Please attach the following to your application:
- a. Agency/Organization Board Roster
  - b. Most recent financial statement(s) or a copy of the agency/organization's last tax return (IRS 990)
  - c. IRS Determination Letter (confirming approval of 501(c) status)  
<https://rct.doj.ca.gov/Verification/Web/Search.aspx?facility=Y>
  - d. Copy of current status of organization business from Secretary of State of California authorizing the organization to transact business  
<https://bizfileonline.sos.ca.gov/search/business>
  - e. Additional pages, as needed

**Covid-19 Impacts on the program:**

Because of the Covid-19 pandemic, in FY 2021/22 Meals That Connect served in the Morro Bay and Cayucos communities alone 3,200 more meals to 27 more seniors than in the previous year. We experienced an increase of 29% in meals served and an increase of 25% in the number of seniors served in the county as a whole. Obviously, these increases caused our costs to rise significantly: food costs, the costs of supplies, and personnel costs. The cost of food and labor alone increased \$136,893, an increase of 12%. FY 2021/22 is the first year since 2006 that Meals That Connect showed a loss in the financial statement.

**Introduction:** Provide brief description of agency, agency goals, and agency services. Describe your program briefly, including who benefits from your program.

Meals That Connect is a non-profit organization serving the county of San Luis Obispo, including the city of Morro Bay. Our mission is to enhance health, restore dignity, support independence, and reduce isolation for every San Luis Obispo County resident in need who is at least 60 years of age by providing meaningful connections and free noon-time meals delivered to community dining sites or at home. In Morro Bay, we offer congregate dining and deliver meals Monday through Friday at the Morro Bay Senior Citizens Center. This past year 155 seniors in Morro Bay and Cayucos received our meals. Our program has three goals: nutrition, socialization, and safety. We provide balanced meals which supply at least 1/3 of the Daily Required Intake, (DRI) for an average person. The daily home deliveries by volunteers provide socialization and human contact to help break the cycle of isolation. Also, along with regular assessments by site supervisors, they provide a safety net from accidents or physical or financial abuse. All staff and volunteers are mandated to report any suspected abuse or neglect.

**A. Community Need:** Describe briefly the demonstrated need in the Morro Bay community for the program. Cite data sources as appropriate.

Statistics show a demonstrated need throughout our county, including the city of Morro Bay, for our program. For starters, our county has a higher percentage of residents over 60 than the state or national average. According to the 2020 census, 20% of SLO County residents are over 65. This contrasts with 14% in California as a whole and 16% in the United States. Of our 2300 program clients, 32% are between ages 60-74, 30% are between 75-84, and 38% are over 85 years old. Nearly half of the 49% of our clients living alone are female. Around 38% of our clients are living at or below the poverty level, the majority of them women. Of our total program clients, over 60% are women. While these statistics are for the county as a whole, they also apply to Morro Bay. Food insecurity and isolation are common problems among the elderly. Clearly, there is a need for our program, and the need was exacerbated by the Covid-19 pandemic.

**B. Program Narrative:** Please provide your agency's Mission Statement and Goals, brief history, programs and population(s) served, organizational structure and experience with proposed grant activities. If your organization provides programs countywide, indicate the percentage of Morro Bay residents served.

The mission of Meals That Connect is to enhance health, restore dignity, support independence, and reduce isolation for every San Luis Obispo County resident in need who is at least 60 years of age by

providing meaningful connections and free noon-time meals delivered to community dining sites or at home. Our program has three goals: nutrition, socialization, and safety.

As a result of the Older Americans Act of 1965, California began receiving funding for senior nutrition programs in 1974. In San Luis Obispo County, the Area Agency on Aging (AAA) managed the program until 1981. In that year, the Economic Opportunity Commission, now CAPSLO, took over for the next 10 years. In 1991, Senior Nutrition Program incorporated as a non-profit 501(c)(3) organization with a volunteer board of directors. In October 2016 we were the recipients of the Verdin Marketing Makeover, which changed our name to Meals That Connect.

Our program is managed by our executive director, Elias Nimeh. We employ a full-time kitchen manager, two cooks, and other support staff in the kitchen. We employ two office workers who maintain records and manage data. We employ a part-time registered dietitian to create our monthly menus and provide nutritional information through our monthly newsletter.

Senior Nutrition Program prepares food in our central kitchen in San Luis Obispo. The food is sent cold to 11 different lunch sites throughout the county, where it is heated and served to seniors in congregate dining and delivered to homebound seniors through a network of over 450 volunteers. In Morro Bay, we serve congregate meals Monday through Friday at the Morro Bay Senior Citizens Center, and we also deliver meals to homebound seniors. Our program has operated successfully for many years (see history above), and we have lengthy experience with the proposed grant activities.

Our program provides meals for seniors countywide at 11 dining sites and through home delivery. In the past year we served around 155 seniors in Morro Bay, representing around 8.5% of our total clients countywide.



APPLICATION FOR COMMUNITY GRANT FUNDING

CERTIFICATION

The applicant hereby proposes to provide the services as listed in this proposal. If this proposal is approved and funded, it is agreed that relevant federal, state, and local regulations, including nondiscrimination laws and other assurances as required by the City of Morro Bay, will be adhered to. Furthermore, I certify that the applicant is fully capable of fulfilling its obligation under this proposal as stated herein.

Grantee agrees to provide immediate written notice to the City if significant changes or events occur during the term of this award which could potentially impact the progress or outcome of the grant, including without limitation, changes in Grantee management personnel or losses of funding.

This grant is requested with the understanding that the City has no obligations to provide any, other or additional support or grants to the Grantee.

This grant is requested for programming that will be completed (and funds expended) by June 30, 2023, and the applicant understands that, if awarded, funds not expended by that date are subject to return to the City.

On behalf of the applicant organization, I understand and agree to the foregoing terms and conditions of the City's grant, and I hereby certify and attest to my authority to execute this agreement on Applicant's behalf.

This application and the information contained herein are true and correct and complete, to the best of my knowledge.

Date: 8/24/, 2022

Meals That Connect

Organization Name

A handwritten signature in black ink, appearing to read "Elias Nimeh", written over a horizontal line.

Executive Director

Elias Nimeh

(Print Name)



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

**Project:** Project/Program Name: Bags of Love  
Project/Program Manager Name: Bobby deLancellotti

**Agency:** Name of Agency: The Estero Bay Kindness Coalition  
Site Address: PO Box 614, Cayucos, CA 93430

Telephone Number: 805-305-5671

Web Address: <https://esterobaykindnesscoalition.org>

Name of Executive Director: Bobby deLancellotti

**COVID-19 IMPACTS**

Did your organization experience a negative impact due to COVID-19 that you could document (e.g. reduction in revenues, expenditures on PPE or other COVID-related purchases, etc)?

- Yes (please attach documentation)  
 No

\*Note: You may attach additional pages if necessary

City Council established a total budget of \$60,000 for Community Grants for FY 2022/23. Of that amount, \$25,000 is available for all eligible program types. Another \$25,000 is available for non-profits that demonstrate an impact by COVID-19. Lastly, an additional \$10,000 is available for programs that positively impact youth services specifically (please note youth programs are eligible to receive more than the \$10,000). Recently, grant amounts have ranged from approximately \$1,000-\$8,000 per organization.

Program expenditures must be completed by June 30, 2023. Please note that if awarded, an annual report on grant expenditures and program outcomes will be required, as well as documentation demonstrating how funds were expended.

**Introduction:** Provide brief description of agency, agency goals, and agency services. Describe your program briefly, including who benefits from your program.

The Estero Bay Kindness Coalition is a nonprofit organization serving under-resourced, food insecure members of the Estero Bay community whose kids go to 1 of our 8 partnered schools in the SLO Unified School District. Our agency's goals are to fill the hunger gap during the week and on the weekends for kids and families who are at risk of going hungry on the weekends, or who don't have enough food to eat during the week. To meet our goals we deliver 3 bags of groceries, per week, to the doorsteps of over 135 families and provide meals for kids to eat on weekends who rely on "reduced/hot lunch" to eat during the school week.



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

I. AGENCY INFORMATION

A. General Information

Grant Request Amount: \$ 8,000.00

General Organization Information	
Organizations Name:	Estero Bay Kindness Coalition
Year Established:	2018
Board Roster	Please see attached
Number of Paid Full-Time Employees	2
Number of Paid Part-Time Employees	0
Most recent financial statements (or copy of your last tax return (IRS 990))	Please see attached

Mailing Information	
Street Address:	PO Box 614
City:	Cayucos
State:	CA
Zip:	93430

Project/Program Contact Information	
Name/Title:	Bobby deLancellotti
Phone Number:	805-305-5671
E-mail:	bdelancellotti@gmail.com



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

Tax Information	
Federal Employer Tax Number	834659089
State Employer Tax Number	4269559
Name of Program	Bags of Love
IRS Determination Letter (approval of 501(C) Status)	Please see attached
Name of Executive or CEO	Bobby deLancellotti
Name of Board Chairperson or President	Bill cody

II. COMMUNITY NEED STATEMENT

- A. Community Need:** Describe briefly the demonstrated need in the Morro Bay community for the program. Cite data sources as appropriate.

70% of the students who attend Del Mar Elementary in Morro Bay live at or below the poverty level. According to census data for the city of Morro Bay, the poverty rate has increased from 11% to 12.2% in a single year. The SLO Food Bank saw a 54% increase from 2019 to 2020 of food insecure community members and a 15% increase of those living with hunger since April 2022. There is a clear need in the Morro Bay community for free food services. Our organization has projected a 15% increase in our program and operational budgets in 2022 due to the ongoing pandemic and the increased cost of food and other necessities due to inflation.

- B. Program Narrative:** Please provide your agency's Mission Statement and Goals, brief history, programs and population(s) served, organizational structure and experience with proposed grant activities. If your organization provides programs countywide, indicate the percentage of Morro Bay residents served.

Our primary mission is to partner with for-profits, nonprofits, churches, and schools to benefit the greater good and those living on the margins in the Estero Bay community. Our goals are to meet the hunger needs of the food insecure school kids and their families in our community. Our organization began in 2017 with a holiday gift drive for students at Del Mar Elementary. In 2018, we implemented Got Your Back, feeding school kids on the weekends who are at risk of going hungry. When the pandemic hit and schools closed their doors, we started delivering groceries to the doorsteps of the kids and their families we served prior to the pandemic.



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

- C. Local Challenges:** What local challenge or need does this grant address? How will Morro Bay residents and residents of adjacent areas and or countywide benefit? How will all eligible participants have the opportunity to participate in the program?

This grant addresses the challenge of food insecurity in the Morro Bay community and adjacent areas in San Luis Obispo County. The residents of San Simeon, Cambria, Cayucos, Morro Bay, Baywood Park, and Los Osos benefit from our food delivery program, Bags of Love by receiving 3 bags of groceries, at their doorsteps, each week. The bags include protein rich foods such as Cal Poly eggs, Stonehill Ranch grass fed beef, milk, cheese, fish, poultry, and beans, as well as local (often organic) produce from Talley Farms, FirstFruits Farms, McCall Farms, McKinney Farms, and others. We also provide snacks, juice, bread, tortillas, rice, and pasta we purchase from the SLO Food Bank. Eligible participants will have the opportunity to participate if they have kids who attend 1 of our 8 partnered schools through the SLO Unified School District and rely on "reduced/hot lunch" at school to eat during the week. The kids and families are typically referred to us by their schools and/or Link Family Services. Our partnered schools include: Cambria Grammar School, Santa Lucia Middle School, Cayucos Elementary, Del Mar Elementary, Family Partnership Charter School Morro Bay, Monarch Grove Elementary, Baywood Park Elementary, and Los Osos Middle School.

- D. Project Description:** Please provide project description, including explanation of project approach, identified strategies and anticipated outcomes. Please quantify the number of Morro Bay residents to be served. Include a list of planned activities, costs associated, timeline and staff/volunteers responsible for the proposed program. Please provide an outline of how requested grant funds would be spent. Note that documentation of expenditures may be required at the end of the grant period, along with a report on program expenditures and outcomes. Program expenditures must be completed by June 30, 2023.

Please see attached "Project Description D"

## Project Description D

Our grocery deliveries include 2 bags of protein-rich meals and snacks and 1 bag of mostly organic fruit and veggies. We discreetly deliver the bags to the doorsteps of each family's home in consideration of their privacy. Every Monday we shop and pick up the food from our partnered organizations. On Wednesdays and Thursdays, our dedicated volunteers assemble at our Morro Bay and Los Osos food pantries where they unload trucks, unpack boxes, load shelves, pack grocery bags, and load the bags into cars and vans. Then our drivers are off to deliver the food in what is truly a team effort!

We strategize and measure the success of this program through yearly surveys we receive from our partnered schools. These surveys measure the effectiveness of our service, how the service has impacted an individual kid and their family, as well as which kids are no longer in need of our service. We achieve our aim by aligning our organization with the 5 SMART objectives: S (specific) M (measurable) A (achievable) R (realistic) T (timely) and by answering the following questions: Who are the food insecure kids and families in our community and how can we get them the resources they need? How is our service impacting their lives and making a difference in the community? How is our service attainable? What resources do we need to meet our objective? Are our goals and objectives realistic for our budget and/or volunteers? Can we meet the immediate needs of our community in a timely way? Our anticipated outcomes are to fill the hunger gap for food insecure families and to ensure they have enough food and nutrition to eat throughout the week.

We deliver groceries to over 135 food insecure families each week. With an average family size of 4, that's around 540 people served each week. 42% of the kids and families served are Morro Bay Residents, around 218 Morro Bay residents each week.

Bags of Love runs each and every week of the school year, from August to June and throughout summer, July to August. The yearly program cost is \$47,603.92 with 7,224 people served for the year. The estimated cost is \$6.59 per person. An \$8,000.00 grant from the City of Morro Bay would serve 1,214 people in the greater Estero Bay community. 42% of those people served are

Morro Bay residents. Therefore, an \$8,000.00 grant would serve on average, 509 Morro Bay residents for the year.

Our Founder, Bobby deLancellotti oversees the volunteers at our Morro Bay (located at the Avocado Shack) and Los Osos (located at Monarch Grove Elementary) food pantries and our Lead Volunteer, Pamela Harris does the shopping for both of our food programs, Bags of Love and Got Your Back for the week. Please see the attached 2022 Program Budget for an outline of how the requested grant funds would be spent.



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

- E. Previous Funding:** If your organization has received previous funding from the City of Morro Bay for the proposed project (within the last year), please provide the outcomes in measureable terms and a case example of the grant impact.

Our organization received \$7,500.00 in funding, September 2021, from the City of Morro Bay. From September 2021 to present day, we've increased the number of families served each week from 90 to 130. With an average family size of 4, that ' s an increase of 360 individuals to 520 receiving quality, healthy food each week. The grant enabled us to purchase Cal Poly eggs to include in the grocery bags each week and to purchase 2 freezers for our food pantries to be able to safely store and distribute the grass fed beef we receive from Stonehill Ranch and other meat we purchase from the SLO Food Bank. To be able to purchase the freezers greatly impacted those we serve. Providing fresh, protein rich meat rather than non perishable food items only has enriched the lives of the kids and families we serve. They love receiving quality meat to feed their families. The eggs have also been an essential add-on to our weekly deliveries. Protein rich, nutrient dense foods sustain and support growing kids and maintain the health of their families. Foods high in protein are more sustainable and ensure kids don't go to bed hungry.

- F. Collaborative Requests:** If a collaborative request, please provide a description of prior collaborative activities, and proposed responsibilities of collaborative members.

NA



APPLICATION FOR COMMUNITY GRANT FUNDING

**III. PROGRAM FISCAL INFORMATION**

\*Please note that the total city funds available for grants this year is \$60,000; individual grant amounts have recently ranged from \$1,000-\$8,000.

**A. Program Budget**

Please complete the following summary tables to reflect the budget for your organization and program. All amounts should be rounded to the nearest dollar. Alternatively, please attach single page revenue/expense summary sheets for the program for which funds are requested and a separate summary for the organization.

*Budget Summary*

Budget Data	FY 2022/23	FY 2021/22
Morro Bay grant funding	Requested: 8,000.00	Received: 7,500.00
Total Program budget	\$47,603.92	\$41,394.71
Total Organization budget	\$226,601.98	\$188,839.98

*Funding Summary*

Revenue Source	FY 2022/23 Program Budget
Morro Bay grant:	\$8,000.00
Other municipal funding (please specify): NA	\$0
County funding (please specify): County Board of Supervisors	\$2,500.00
State funding (please specify): NA	\$0
Federal funding (please specify): NA	\$0
Fees for services	\$0
Donations YTD	\$44,421.00
Reserve contingency fund	\$109,738.53
All other sources (please specify): Fundraising YTD	\$14,360.83
<b>Total</b>	<b>\$179,020.36</b>



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

- B. **Organization Contracts**--Has your organization ever had funds withdrawn or a contract terminated for cause, unsatisfactory performance, or questionable costs on any financial statements or audit? If so, please describe.

No

- C. **Travel Expense Disclosure**-- If Community Grant funds are to be used for staff travel expenses, please describe.

NA

- D. **Eligibility information:** to be eligible for award of a community grant, agencies must:
1. Submit a separate, completed application form for each project.
  2. Be incorporated as a tax-exempt non-profit corporation (IRS 501-C) and/or exist as another government entity.
  3. Demonstrate the managerial and financial capability to receive and expend funds.
  4. Assure compliance with all applicable local, state, and federal laws including but not limited to non-discrimination requirements.

- E. **Required attachments:** Please attach the following to your application:
- a. Agency/Organization Board Roster
  - b. Most recent financial statement(s) or a copy of the agency/organization's last tax return (IRS 990)
  - c. IRS Determination Letter (confirming approval of 501(c) status)  
<https://rct.doj.ca.gov/Verification/Web/Search.aspx?facility=Y>
  - d. Copy of current status of organization business from Secretary of State of California authorizing the organization to transact business  
<https://bizfileonline.sos.ca.gov/search/business>
  - e. Additional pages, as needed



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

CERTIFICATION

The applicant hereby proposes to provide the services as listed in this proposal. If this proposal is approved and funded, it is agreed that relevant federal, state, and local regulations, including nondiscrimination laws and other assurances as required by the City of Morro Bay, will be adhered to. Furthermore, I certify that the applicant is fully capable of fulfilling its obligation under this proposal as stated herein.

Grantee agrees to provide immediate written notice to the City if significant changes or events occur during the term of this award which could potentially impact the progress or outcome of the grant, including without limitation, changes in Grantee management personnel or losses of funding.

This grant is requested with the understanding that the City has no obligations to provide any, other or additional support or grants to the Grantee.

This grant is requested for programming that will be completed (and funds expended) by June 30, 2023, and the applicant understands that, if awarded, funds not expended by that date are subject to return to the City.

On behalf of the applicant organization, I understand and agree to the foregoing terms and conditions of the City's grant, and I hereby certify and attest to my authority to execute this agreement on Applicant's behalf.

This application and the information contained herein are true and correct and complete, to the best of my knowledge.

Date: 8/25/2022, 2022

Estero Bay Kindness Coalition

Organization Name

Executive Director

Bobby deLancellotti

(Print Name)



**CITY OF MORRO BAY † FY 2022/23 APPLICATION FOR**

**COMMUNITY GRANT FUNDING**

**Project:** Project/Program Name:  
Commercial & Sport Fishing  
Kiosk Walkway Construction,  
Interpretive Panels Printing, and  
Landscaping

Project/Program Manager Name:

Scott Mather  
Name of Agency:

**Agency:** Central Coast Maritime Museum  
dba Morro Bay Maritime Museum  
**Site Address:** 1210 Embarcadero Rd. Morro Bay, CA 93442

Telephone Number: 808-225-5044

Web Address: morrobaymaritime.org

Name of Executive Director: Scott Mather

**COVID-19 IMPACTS**

Did your organization experience a negative impact due to COVID-19 that you could document (e.g. reduction in revenues, expenditures on PPE or other COVID-related purchases, etc)?

Yes (please attach documentation)

Our donation revenue from 2021 is down 34% from 2020 donations. See financial statements.

No

\*Note: You may attach additional pages if necessary

City Council established a total budget of \$60,000 for Community Grants for FY 2022/23. Of that amount, \$25,000 is available for all eligible program types. Another \$25,000 is available for nonprofits that demonstrate an impact by COVID-19. Lastly, an additional \$10,000 is available for programs that positively impact youth services specifically (please note youth programs are eligible to receive more than the \$10,000). Recently, grant amounts have ranged from approximately \$1,000-\$8,000 per organization.

Program expenditures must be completed by June 30, 2023. Please note that if awarded, an annual report on grant expenditures and program outcomes will be required, as well as documentation demonstrating how funds were expended.

**Introduction:** Provide brief description of agency, agency goals, and agency services. Describe your program briefly, including who benefits from your program.

The goal of the Morro Bay Maritime Museum is to stay true to our mission of providing an educational venue for history, science, and technology and to do so in an exciting way.



APPLICATION FOR COMMUNITY GRANT FUNDING

A brick/paver walkway will also be constructed to safely guide visitors to our new Fishermen’s kiosk. The current pathway is uneven dirt, increasing liability to both the Morro Bay Maritime Museum and the City of Morro Bay. All our visitors to the Morro Bay Maritime Museum will benefit from this program by expanding our ability to present more of our local maritime history in a comprehensive and exciting manner.

**I. AGENCY INFORMATION**

**A. General Information**

Grant Request Amount: \$\_7500.00\_\_\_\_\_

General Organization Information	
Organizations Name:	Morro Bay Maritime Museum
Year Established:	1995
Board Roster	Jeremiah O’Brien, Bonnie Jones, Scott Mather, Bill Steele, Keith Kelsey, Cathy Ryan, Jack Hunter, Cathy Borg, Chris Vaile, Rich Pescatore, Kendall Welch
Number of Paid Full-Time Employees	0
Number of Paid Part-Time Employees	0
Most recent financial statements (or copy of your last tax return (IRS 990))	See attached 2021 tax return

Mailing Information	
Street Address:	1210 Embarcadero Rd.
City:	Morro Bay
State:	California
Zip:	93442

Project/Program Contact Information	
Name/Title:	Scott Mather / Vice President



APPLICATION FOR COMMUNITY GRANT FUNDING

Phone Number:	805-235-5744
E-mail:	stmather@gmail.com

Tax Information	
Federal Employer Tax Number	33-0646429
State Employer Tax Number	1892011
Name of Program	Fishermen's Kiosk Walkway
IRS Determination Letter (approval of 501(C) Status)	See attached
Name of Executive or CEO	Bonnie Jones
Name of Board Chairperson or President	Bill Steele

**II. COMMUNITY NEED STATEMENT**

- A. Community Need:** Describe briefly the demonstrated need in the Morro Bay community for the program. Cite data sources as appropriate.

There is a growing need for a museum that preserves and educates the public on Morro Bay's maritime history. The Morro Bay Maritime Museum continues to grow to accomplish this mission. We have hosted visitors from all 50 states and 100 countries! That's 18 more countries than last year.

Morro Bay Maritime Museum provides one of the few free venues for groups and community organizations to meet, learn, and socialize. We continue to host the San Luis Obispo SLO County Submarine Veterans group and have been in preliminary talks with the U.S. Navy Deep Submergence Group about holding their next annual reunion in Morro Bay. We also host the Red Hat Ladies, four regional car clubs, four local Charter School's annual field trips,



APPLICATION FOR COMMUNITY GRANT FUNDING

RAMS of San Luis Obispo, and the Morro Bay Rotary Club. We have hosted seminars by local book authors and their audiences as well as performances by our local community band The White Caps.

- B. Program Narrative:** Please provide your agency's Mission Statement and Goals, brief history, programs and population(s) served, organizational structure and experience with proposed grant activities. If your organization provides programs countywide, indicate the percentage of Morro Bay residents served.

*"Our mission is to provide an easily accessible educational venue, preserving our rich maritime history, science, and technology on the edge of the continent".*

We are a registered 501(c)3 non-profit organization. We have a dedicated Board of Directors and volunteers from the entire County of San Luis Obispo. We serve one hundred percent of Morro Bay's residents as well as all San Luis Obispo County. We have served visitors from all 50 states and 100 countries globally.

- C. Local Challenges:** What local challenge or need does this grant address? How will Morro Bay residents and residents of adjacent areas and or countywide benefit? How will all eligible participants have the opportunity to participate in the program?

Local schools do a decent job teaching World and US History but fall short when it comes to local history. As a docent at the Morro Bay Maritime Museum I am constantly amazed by the lack of knowledge of our history.

(1) Do you know that two weeks after the start of our involvement in World War II Japanese submarines were patrolling our waters just a few miles off Morro Bay?

(2) After loading cargo at Port San Luis the Japanese submarine I 21 torpedoed and sunk a UNOCAL oil tanker six miles off Cambria?

(3) Morro Bay's harbor was developed as a U.S. Naval Amphibious Training Base, training fifty thousand troops?

Each of our volunteers takes pleasure in educating our visitor to the importance of our local history. History is the foundation for a strong vibrant community. Local history comes alive through family stories, tribal traditions, and civic commemorations. History is saved through preserving artifacts, images, and stories. Knowing local history helps future generations understand and value being a member of the community.



APPLICATION FOR COMMUNITY GRANT FUNDING

- D. Project Description:** Please provide project description, including explanation of project approach, identified strategies and anticipated outcomes. Please quantify the number of Morro Bay residents to be served. Include a list of planned activities, costs associated, timeline and staff/volunteers responsible for the proposed program. Please provide an outline of how requested grant funds would be spent. Note that documentation of expenditures may be required at the end of the grant period, along with a report on program expenditures and outcomes. Program expenditures must be completed by June 30, 2023.

Our project plan will include extending an existing walkway to and around our existing fishermen's kiosk. This walkway will be constructed of the same materials as our existing memorial brick walkway program. Also, our Buy-A-Brick program provides future revenue as members and visitors purchase these bricks. We engrave them as memorials to lost love ones. The walkway will encompass approximately 290 square feet.

The grant will also provide funding for printing of nine 6' x 4' interpretive educational panels on Morro Bay's Commercial and Sport Fishing industry.

The grant will also assist in the installation of the required landscaping plan. The labor for landscaping installation will be provided by Boy Scout Troop #322 as part of their Eagle Scout Badge Community Service program.

- E. Previous Funding:** If your organization has received previous funding from the City of Morro Bay for the proposed project (within the last year), please provide the outcomes in measureable terms and a case example of the grant impact.

N/A



APPLICATION FOR COMMUNITY GRANT FUNDING

**Collaborative Requests:** If a collaborative request, please provide a description of prior collaborative activities, and proposed responsibilities of collaborative members.

N/A

**III. PROGRAM FISCAL INFORMATION**

\*Please note that the total city funds available for grants this year is \$60,000; individual grant amounts have recently ranged from \$1,000-\$8,000.

**A. Program Budget**

Please complete the following summary tables to reflect the budget for your organization and program. All amounts should be rounded to the nearest dollar. Alternatively, please attach single page revenue/expense summary sheets for the program for which funds are requested and a separate summary for the organization.

*Budget Summary*

Budget Data	FY 2022/23	FY 2021/22
Morro Bay grant funding	Requested: 7,500.00	Received: ,5000.00
Total <b>Program</b> budget	\$ 9,000.00	\$
Total <b>Organization</b> budget	\$ 85,000.00	\$ 90,000.00

*Funding Summary*

Revenue Source	FY 2022/23 Program Budget
Morro Bay grant:	\$ 7500.00
Other municipal funding (please specify:)	\$ 0



APPLICATION FOR COMMUNITY GRANT FUNDING

County funding (please specify:)	\$ 0
State funding (please specify:)	\$ 0
Federal funding (please specify:)	\$ 0
Fees for services	\$ 0
Donations	\$ 35,000.00
Reserve contingency fund	\$ 40,000.00
All other sources (please specify:)	\$ 27,000.00 Museum Store and Fund Raisers
<b>Total</b>	<b>\$ 97,000.00</b>

**B. Organization Contracts**--Has your organization ever had funds withdrawn or a contract terminated for cause, unsatisfactory performance, or questionable costs on any financial statements or audit? If so, please describe. No

**C. Travel Expense Disclosure**-- If Community Grant funds are to be used for staff travel expenses, please describe. No



APPLICATION FOR COMMUNITY GRANT FUNDING

- D. Eligibility information:** to be eligible for award of a community grant, agencies must:
1. Submit a separate, completed application form for each project.
  2. Be incorporated as a tax-exempt non-profit corporation (IRS 501-C) and/or exist as another government entity.
  3. Demonstrate the managerial and financial capability to receive and expend funds.
  4. Assure compliance with all applicable local, state, and federal laws including but not limited to non-discrimination requirements.
- E. Required attachments:** Please attach the following to your application:
- a. Agency/Organization Board Roster
  - b. Most recent financial statement(s) or a copy of the agency/organization's last tax return (IRS 990)
  - c. IRS Determination Letter (confirming approval of 501(c) status)  
<https://rct.doj.ca.gov/Verification/Web/Search.aspx?facility=Y>)
  - d. Copy of current status of organization business from Secretary of State of California authorizing the organization to transact business  
<https://bizfileonline.sos.ca.gov/search/business>)
  - e. Additional pages, as needed

**CERTIFICATION**

The applicant hereby proposes to provide the services as listed in this proposal. If this proposal is approved and funded, it is agreed that relevant federal, state, and local regulations, including nondiscrimination laws and other assurances as required by the City of Morro Bay, will be adhered



APPLICATION FOR COMMUNITY GRANT FUNDING

to. Furthermore, I certify that the applicant is fully capable of fulfilling its obligation under this proposal as stated herein.

Grantee agrees to provide immediate written notice to the City if significant changes or events occur during the term of this award which could potentially impact the progress or outcome of the grant, including without limitation, changes in Grantee management personnel or losses of funding.

This grant is requested with the understanding that the City has no obligations to provide any, other or additional support or grants to the Grantee.

This grant is requested for programming that will be completed (and funds expended) by June 30, 2023, and the applicant understands that, if awarded, funds not expended by that date are subject to return to the City.

On behalf of the applicant organization, I understand and agree to the foregoing terms and conditions of the City's grant, and I hereby certify and attest to my authority to execute this agreement on Applicant's behalf.

This application and the information contained herein are true and correct and complete, to the best of my knowledge.

Date: \_\_\_\_\_ August 29, 2022

Morro Bay Maritime Museum  
\_\_\_\_\_  
Organization Name

Scott Mather \_\_\_\_\_  
Executive Director

Scott Mather \_\_\_\_\_  
(Print Name)

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APPLICATION FOR COMMUNITY GRANT FUNDING

**Project:** Program Name: **Morro Bay Youth - Enrichment Program Scholarships**

Program Manager Name: **Hannah Held/Joan Solu**

**Agency:** Name of Agency: **Community Foundation of Estero Bay, Inc.**

Site Address: **Box 131 Morro Bay, CA. 93443**

Telephone Number: **(805) 458-4494**

Web Address: **<https://www.communityfoundationestero bay.org>**

Name of Executive Director: **N/A**

**COVID-19 IMPACTS**

Did your organization experience a negative impact due to COVID-19 that you could document (e.g. reduction in revenues, expenditures on PPE or other COVID-related purchases, etc)? Yes (please attach documentation)

**Yes, please see the attached letter from Hannah Held, President - Community Foundation Estero Bay, Inc. The 2022 follow up letter shows that the Foundation's fundraisers were canceled two years in a row. (Please see: Attachment 1 CFEB Letter)**

**Additionally you will find the Distance Learning Expenses documenting the Foundations support of youth in our community by funding the joint San Luis Coastal Unified School District and City of Morro Bay's Recreation Division, Distance Learning Program during the pandemic. Here you will see that the CFEB was not bringing in donations but still was able to support 29 Morro Bay Youth through the Distance Learning Enrichment Program for a total of \$8001.25. (Please see: Attachment 2 Distance Learning Funding)**

\*Note: You may attach additional pages if necessary

City Council established a total budget of \$60,000 for Community Grants for FY 2022/23. Of that amount, \$25,000 is available for all eligible program types. Another \$25,000 is available for non profits that demonstrate an impact by COVID-19. Lastly, an additional \$10,000 is available for programs that positively impact youth services specifically (please note youth programs are eligible to receive more than the \$10,000). Recently, grant amounts have ranged from approximately \$1,000-\$8,000 per organization.

Program expenditures must be completed by June 30, 2023. Please note that if awarded, an annual report on grant expenditures and program outcomes will be required, as well as documentation demonstrating how funds were expended.

**Introduction:** Provide brief description of agency, agency goals, and agency services. Describe your program briefly, including who benefits from your program.

# Community Foundation of Estero Bay, Inc.

## Attachment 11

Provide brief description of agency, agency goals, and agency services. Describe your program briefly, including who benefits from your program.

**The Community Foundation of Estero Bay is a 501 (c) 3 organization founded in 1992. Its mission is to provide financial assistance to families with children who would otherwise not be financially capable of participating in organized sports, recreation and enrichment activities. The Foundation works in partnership with local organizations who provide these programs to our community's low-income families. The Foundation provides financial assistance to these families by paying a portion of the program fees so their children have the benefit of participating in these rewarding activities.**

**The nine-member volunteer Foundation Board works diligently on fundraising with the goal of increasing support for local families wherever possible. We are constantly fundraising with the intent of growing our outreach, programs we support and levels of support available. Our fundraising plan is reviewed annually and is an integral part of our strategic planning.**



Community Foundation of Estero Bay, Inc.  
Helping Children Thrive

Foundation Supporter  
1234 Morro Rock Road  
Morro Bay, Ca. 93442

Dear Foundation Supporter-

March 14, 2022

We are hopeful our Annual Appeal message reached you. In 2022 the Foundation will continue its important work of providing financial assistance to Estero Bay youth from families for participation in Junior Lifeguards, Swimming Lessons, Music, Softball/Baseball, Soccer and Basketball. We look forward to your support in making this a reality.

At this time, the Foundation has gone two years without its biggest traditional fundraiser - Morro Bay Sings. Non-profit organizations, like the Foundation, have stepped in to ensure that opportunities exist for all youth to thrive – especially now as families continue to struggle financially. We are acutely aware that there is still a need in our community for scholarships provided by the Foundation. Because of our partnership with donors like you, we can provide this much needed financial relief for families who qualify, thereby providing their children with opportunities for structured physical activity, recreation and enrichment experiences.

We know you have many options when it comes to donating and supporting non-profits that are important to you. By selecting the Foundation as a recipient of your generosity you will be contributing directly to our goal of providing sports and enrichment scholarships for the youth of Cambria, Cayucos, Morro Bay and Los Osos. Any size gift will make a big difference in the life of a young person.

Warm regards,

*Hannah Held*

Hannah Held, President  
Community Foundation of Estero Bay, Inc.

P.O. Box 131 | Morro Bay, CA 93443 | [www.CommunityFoundationEsteroBay.org](http://www.CommunityFoundationEsteroBay.org)

A 501(c)(3) Non-Profit Organization | Federal Tax ID No. 77-0336404

Distance Learning Support 2020 & 2021

Agency	Date	Amount	Check Number
City of Morro Bay	10-4-20	\$1660.00	1311
City of Morro Bay	12-7-20	\$ 165.00	1316
City of Morro Bay	4-9-21	\$3966.00	1330
City of Morro Bay	6-17-21	\$2210.25	1334

**City of Morro Bay Distance Learning Support Total: \$8,001.25**



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

I. AGENCY INFORMATION

A. General Information

Grant Request Amount: \$ 11,000

General Organization Information	
Organizations Name:	<b>Community Foundation Estero Bay, Inc.</b>
Year Established:	<b>1992 - 30 Years</b>
Board Roster	<b>See Attachment # 3</b>
Number of Paid Full-Time Employees	<b>0</b>
Number of Paid Part-Time Employees	<b>0</b>
Most recent financial statements (or copy of your last tax return (IRS 990))	<b>See Attachment # 4</b>

Mailing Information	
Street Address:	<b>P.O. BOX 131</b>
City:	<b>Morro Bay</b>
State:	<b>California</b>
Zip:	<b>93443</b>

Project/Program Contact Information	
Name/Title:	<b>Hannah Held and Joan Solu</b>
Phone Number:	<b>(805) 458-4494 (805) 459-3274</b>
E-mail:	<b>Hanwheld@gmail.com Solujoan@aol.com</b>



APPLICATION FOR COMMUNITY GRANT FUNDING

<b>Tax Information</b>	
Federal Employer Tax Number	<b>EIN: 77-0336404</b>
State Employer Tax Number	<b>N/A</b>
Name of Program	<b>Morro Bay Youth - Enrichment Program Scholarships</b>
IRS Determination Letter (approval of 501(C) Status)	<b>See Attachment # 5</b>
Name of Executive or CEO	<b>N/A</b>
Name of Board Chairperson or President	<b>Hannah Held</b>

**II. COMMUNITY NEED STATEMENT**

**A. Community Need:** Describe briefly the demonstrated need in the Morro Bay community for the program. Cite data sources as appropriate.

**SLCUSD’s School Accountability Report Card (Please see Attachment # 10 - SARC/Del Mar) for Del Mar Elementary School in Morro Bay, reports that 46.9% of students enrolled meet the federal guidelines for Socioeconomically Disadvantaged youth and 15.4% of the students are classified as Students with Disabilities. This equates to nearly 200 of the 319 students enrolled at Del Mar being eligible for assistance from the CFEB enrichment scholarship program.**

**During the last fiscal year (2021/2022) ending June 30, 2022 - 70% of the CFEB enrichment program scholarships that were provided for youth were provided to (72) youth from Morro Bay. A total of 103 local children were awarded scholarships totaling \$33,550.75!**

**The following is the breakdown of distribution by quarter.**

Quarter 1 (July-Sept): Kid’s Club- **16** scholarships for a total of **\$ 2828.75**  
 Kids Camp- **13** scholarships for a total of **\$5380.00**

Quarter 2 (Oct-Dec): Kid’s Club- **18** scholarships for a total of **\$6255.00**

Quarter 3 (Jan-Mar): Kid’s Club- **21** scholarships for a total of **\$ 7760.00**  
 Holiday Hangouts- **9** scholarships for a total of **\$ 1055.00**

Quarter 4 (Apr-June): Kid’s Club- **19** scholarships for a total of **\$ 9862.50**  
 Holiday Hangouts- **7** scholarships for a total of **\$ 410.00**

**Total of 103 scholarships totaling \$33,550.75**



**APPLICATION FOR COMMUNITY GRANT FUNDING**

**B. Program Narrative:** Please provide your agency's Mission Statement and Goals, brief history, programs and population(s) served, organizational structure and experience with proposed grant activities. If your organization provides programs countywide, indicate the percentage of Morro Bay residents served.

**The Community Foundation of Estero Bay, Inc. is a local 501(c)3 non-profit dedicated to providing financial assistance to Estero Bay youth who financially would otherwise not be able to participate in area recreational activities. The foundation provides financial assistance by paying a portion (up to 100%) of the enrollment fees for youth of qualified families, for their child's participation in various organized sports, recreation, and enrichment activities within the Estero Bay areas of Los Osos, Morro Bay, Cayucos, and Cambria.**

**Since 1992 the CFEB has had the vision of inspiring youth to be the best they can be by providing opportunities to participate in sports, recreation, and enrichment programs regardless of cost. The Foundation is organized by an all volunteer board that strives to serve the populations most at risk by assisting with enrollment fees for sports and recreation. We have successfully funded the youth of the region for 30 years and have provided over \$500,000 in funding.**

**C. Local Challenges:** What local challenge or need does this grant address? How will Morro Bay residents and residents of adjacent areas and or countywide benefit? How will all eligible participants have the opportunity to participate in the program?

**In the MB region there is a consistent need for children to participate in state approved, high quality before and after school enrichment programs. Del Mar Elementary is one of the largest title one schools in SLCUSD. Many of the children served by the before and after school enrichment programs, supported by the CFEB, have parents that work in a service industry. As such, their families struggled during and after the pandemic. Housing and utility costs continue to rise in our community and these vital enrichment programs provide the families a safe, nurturing, and consistent place for their children to attend. By providing funding for these programs to qualifying families, the CFEB helps create a healthy environment for children but also assists in returning the community workforce (parents) into the labor market locally so that our economy can keep moving forward.**

**Eligible participants may apply for a scholarship on the CFEB website, and scholarship forms are available at the time of registration directly through the supported organizations paperwork, and as links on their web-sites. Additionally, scholarship applications may be found at the Morro Bay Community Center and through a link to the Foundation on the SLCUSD web-site.**

**Please see: Attachment # 6 Enrichment Programs Scholarship Application Form**



**APPLICATION FOR COMMUNITY GRANT FUNDING**

**D. Project Description:** Please provide project description, including explanation of project approach, identified strategies and anticipated outcomes. Please quantify the number of Morro Bay residents to be served. Include a list of planned activities, costs associated, timeline and staff/volunteers responsible for the proposed program. Please provide an outline of how requested grant funds would be spent. Note that documentation of expenditures may be required at the end of the grant period, along with a report on program expenditures and outcomes. Program expenditures must be completed by June 30, 2023.

- **Funding enrichment program participation fees for at-risk youth in Morro Bay who meet the SLCUSD's School Accountability Report Card (SARC) metrics.**
- **The participating youth qualify by meeting the federal and state guidelines to participate in the following programs: USDA National School Lunch Program (Free/Reduced Lunch Program), CalFresh Program (CA State Dept. of Social Services), Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), California Work Opportunity and Responsibility to Kids Program (CalWORKs), Food Distribution Program on Indian Reservations (FDPIR), Foster Program, Children receiving Medi-Cal, SARC, Other (e.g. School administrator recommendation).**
- **The Foundation connects with the youth of the region and their families through direct and indirect outreach including youth enrichment program administrators, SLCUSD school sites, PTA's, School Principal's and Counselors.**
- **The outreach includes availability of scholarship application forms on the CFEB web site, through all participating enrichment organizations, SLCUSD links to the CFEB, Social Media posts and links at the local Community Centers.**
- **The CFEB anticipates growth of the need for comprehensive enrichment programs due to the current financial impacts of the post pandemic US economy. Therefore, we are forecasting a 10% increase in participants bringing the supported at-risk Morro Bay youth from 72 last fiscal year to 99 in the 2022/2023 fiscal year.**
- **The planned activities include organization and distribution of at-risk Morro Bay youth scholarship funding, and oversight of proper fund distribution, accounting and reporting.**

**E. Previous Funding:** If your organization has received previous funding from the City of Morro Bay for the proposed project (within the last year), please provide the outcomes in measurable terms and a case example of the grant impact.

**Please see: Attachment # 7 City of Morro Bay Community Grant Funding Program Annual Performance Report - FY 2021-22**

**F. Collaborative Requests:** If a collaborative request, please provide a description of prior collaborative activities, and proposed responsibilities of collaborative members.

N/A



**APPLICATION FOR COMMUNITY GRANT FUNDING**

**III. PROGRAM FISCAL INFORMATION**

\*Please note that the total city funds available for grants this year is \$60,000; individual grant amounts have recently ranged from \$1,000-\$8,000.

**A. Program Budget**

Please complete the following summary tables to reflect the budget for your organization and program. All amounts should be rounded to the nearest dollar. Alternatively, please attach single page revenue/expense summary sheets for the program for which funds are requested and a separate summary for the organization.

*Budget Summary*

<b>Budget Data</b>	<b>FY 2022/23</b>	<b>FY 2021/22</b>
Morro Bay grant funding	Requested: <b>\$11,000</b>	Received: <b>\$2,000</b>
Total <b>Program</b> budget	<b>\$35,100</b>	<b>\$20,485</b>
Total <b>Organization</b> budget	<b>\$83,260</b>	<b>\$61,402</b>

*Funding Summary*

<b>Revenue Source</b>	<b>FY 2022/23 Program Budget</b>
Morro Bay grant:	<b>\$ 11,000</b>
Other municipal funding (please specify:)	<b>\$ 0</b>
County funding (please specify:)	<b>\$ 0</b>
State funding (please specify:)	<b>\$ 0</b>
Federal funding (please specify:)	<b>\$ 0</b>
Fees for services	<b>\$ 0</b>
Donations	<b>\$ 25,000</b>
Reserve contingency fund <b>*CFEB Board Policy requires 18 month reserve account</b>	<b>\$118,730 - See Attachment #9 CFEB Balance Sheet</b>
All other sources (please specify:) Fundraiser - Morro Bay Sings	<b>\$ 25,000</b>
<b>Total</b>	<b>\$179,730</b>



**APPLICATION FOR COMMUNITY GRANT FUNDING**

**B. Organization Contracts**--Has your organization ever had funds withdrawn or a contract terminated for cause, unsatisfactory performance, or questionable costs on any financial statements or audit? If so, please describe.

**NO**

**C. Travel Expense Disclosure**-- If Community Grant funds are to be used for staff travel expenses, please describe.

**N/A**

**D. Eligibility information:** to be eligible for award of a community grant, agencies must:

1. Submit a separate, completed application form for each project.
2. Be incorporated as a tax-exempt non-profit corporation (IRS 501-C) and/or exist as another government entity.
3. Demonstrate the managerial and financial capability to receive and expend funds.
4. Assure compliance with all applicable local, state, and federal laws including but not limited to non-discrimination requirements.

**E. Required attachments:** Please attach the following to your application:

- a. Agency/Organization Board Roster (**Attachment #3**)
- b. Most recent financial statement(s) or a copy of the agency/organization's last tax return (IRS 990) (**Attachment #4**)
- c. IRS Determination Letter (confirming approval of 501(c) status)  
<https://rct.doj.ca.gov/Verification/Web/Search.aspx?facility=Y>) (**Attachment #5**)
- d. Copy of current status of organization business from Secretary of State of California authorizing the organization to transact business  
(**Attachment #8 - CFEB Secretary of State Letter**)  
(<https://bizfileonline.sos.ca.gov/search/business>)
- e. Additional pages, as needed



**CITY OF MORRO BAY ❖ FY 2022/23**

**APPLICATION FOR COMMUNITY GRANT FUNDING**

**CERTIFICATION**

The applicant hereby proposes to provide the services as listed in this proposal. If this proposal is approved and funded, it is agreed that relevant federal, state, and local regulations, including nondiscrimination laws and other assurances as required by the City of Morro Bay, will be adhered to. Furthermore, I certify that the applicant is fully capable of fulfilling its obligation under this proposal as stated herein.

Grantee agrees to provide immediate written notice to the City if significant changes or events occur during the term of this award which could potentially impact the progress or outcome of the grant, including without limitation, changes in Grantee management personnel or losses of funding.

This grant is requested with the understanding that the City has no obligations to provide any, other or additional support or grants to the Grantee.

This grant is requested for programming that will be completed (and funds expended) by June 30, 2023, and the applicant understands that, if awarded, funds not expended by that date are subject to return to the City.

On behalf of the applicant organization, I understand and agree to the foregoing terms and conditions of the City's grant, and I hereby certify and attest to my authority to execute this agreement on Applicant's behalf.

This application and the information contained herein are true and correct and complete, to the best of my knowledge.

Date: August 27, \_\_\_\_\_, 2022

Community Foundation of Estero Bay, Inc  
Organization Name

N/A  
Executive Director

Hannah Held, President and Joan Solu, Board Member  
(Print Name)

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APPLICATION FOR COMMUNITY GRANT FUNDING

**Project:** Project/Program Name: Franklin Riley Park Hidden History Panels

Project/Program Manager Name: Glenn Silloway

**Agency:** Name of Agency: Historical Society of Morro Bay

Site Address: P.O. Box 921  
Morro Bay, CA 93443

Telephone Number: 805/399-2772

Web Address: historicalmorrobay.org

Name of Executive Director: Glenn Silloway, HSMB Board Chair

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SEP 01 2022

Administration

**COVID-19 IMPACTS**

Did your organization experience a negative impact due to COVID-19 that you could document (e.g. reduction in revenues, expenditures on PPE or other COVID-related purchases, etc)?

Yes (please attach documentation)

No

\*Note: You may attach additional pages if necessary

City Council established a total budget of \$60,000 for Community Grants for FY 2022/23. Of that amount, \$25,000 is available for all eligible program types. Another \$25,000 is available for non-profits that demonstrate an impact by COVID-19. Lastly, an additional \$10,000 is available for programs that positively impact youth services specifically (please note youth programs are eligible to receive more than the \$10,000). Recently, grant amounts have ranged from approximately \$1,000-\$8,000 per organization.

Program expenditures must be completed by June 30, 2023. Please note that if awarded, an annual report on grant expenditures and program outcomes will be required, as well as documentation demonstrating how funds were expended.

**Introduction:** Provide brief description of agency, agency goals, and agency services. Describe your program briefly, including who benefits from your program.

The Historical Society of Morro Bay's mission is to enhance the quality of life and culture of the area through preservation of its history. We create and maintain archives, collect memorabilia, record oral histories, and identify historic sites/buildings.

The services provided by HSMB benefit everyone who lives here, as well as visiting tourists. HSMB has written several books about the history of Morro Bay and has designed and installed Hidden History Panels throughout town. In addition to helping to develop Franklin Riley Park, we are working on a historical preservation ordinance and preservation of Nadine Richards' Little Red House, which she built herself in 1941.



APPLICATION FOR COMMUNITY GRANT FUNDING

**I. AGENCY INFORMATION**

**A. General Information**

Grant Request Amount: \$ 6,000

General Organization Information	
Organizations Name:	Historical Society of Morro Bay
Year Established:	1993
Board Roster	See Attached
Number of Paid Full-Time Employees	0
Number of Paid Part-Time Employees	0
Most recent financial statements (or copy of your last tax return (IRS 990))	2021

Mailing Information	
Street Address:	P.O. Box 921
City:	Morro Bay
State:	CA
Zip:	93442

Project/Program Contact Information	
Name/Title:	Glenn Silloway
Phone Number:	805/748-9475
E-mail:	gsilloway@mac.com



APPLICATION FOR COMMUNITY GRANT FUNDING

Tax Information	
Federal Employer Tax Number	77-0574960
State Employer Tax Number	2348703
Name of Program	Franklin Riley Park Hidden History Panels
IRS Determination Letter (approval of 501(C) Status)	Attached
Name of Executive or CEO	None
Name of Board Chairperson or President	Glenn Silloway

**II. COMMUNITY NEED STATEMENT**

- A. Community Need:** Describe briefly the demonstrated need in the Morro Bay community for the program. Cite data sources as appropriate.

Until recently, there was no formal recognition in the City of Franklin Riley, Morro Bay's European founder. The Historical Society of Morro Bay successfully petitioned the City Council to rename the open blufftop parcel bounded by Morro Avenue between Olive and South after Riley. The Park now exists, with a place sign but the recognition is not complete.

HSMB has a plan to renovate the Park, recognizing its neighborhood character and current uses. Part of this work will include educational signage to include two interpretive panels: one a biographical sketch of Franklin Riley, and a second two-sided panel describing the geological setting of the City (the Nine Sisters) and its significance for local tribes.

- B. Program Narrative:** Please provide your agency's Mission Statement and Goals, brief history, programs and population(s) served, organizational structure and experience with proposed grant activities. If your organization provides programs countywide, indicate the percentage of Morro Bay residents served.

As stated previously, HSMB's mission is to enhance the quality of life and culture of the area through the preservation of its history. The HSMB is an all-volunteer private, nonprofit organization that was originally formed in 1993. It is overseen by a Board of Directors (see attached) and holds informational meetings on historical topics 3 to 4 times per year (open for free to the general public). It has approximately 200 paying members, including a number of local businesses. The entire community benefits from the activities of HSMB.

We have published books about Morro Bay's history, developed a walking map showing historical sites, and produced a series of "Hidden History" panels that will form a walking tour of the downtown and Embarcadero districts (six panels are now installed and another in the works.) This grant would provide for two additional "Hidden History" panels.



APPLICATION FOR COMMUNITY GRANT FUNDING

- E. Previous Funding:** If your organization has received previous funding from the City of Morro Bay for the proposed project (within the last year), please provide the outcomes in measurable terms and a case example of the grant impact.

None in the past year.

- F. Collaborative Requests:** If a collaborative request, please provide a description of prior collaborative activities, and proposed responsibilities of collaborative members.

In 2017 the City Council officially named the park on the blufftop overlooking Tidelands Park for its European founder, Franklin Riley. The park offers beautiful views of the estuary, harbor, and Morro Rock. However it has not been well maintained; the dirt path is not wheel-chair-accessible and there are no plantings.

During the past year, HSMB has been working collaboratively with the Morro Cove Homeowners' Association and the City of Morro Bay's Public Works Department to develop a plan to improve Franklin Riley Park. The improvements would include a new DG, wheel-chair-accessible path, 2-3 new benches, the installation of a sculpture commemorating the Nine Sisters (Morro Rock being the ninth), and two informative panels, as noted above.

The sign designating the Park was donated by Jamie Irons, former Mayor of Morro Bay. The HSMB has applied for a \$25,000 grant to help defray the costs of all of the planned Park improvements, and the City of Morro Bay has applied for a \$20,000 grant for the same purpose. The HSMB has raised approximately \$10,600 to pay for the installation of the Nine Sisters sculpture. The Morro Cove Homeowners' Association has adopted the Park through the City's Adopt-a-Park program.



**APPLICATION FOR COMMUNITY GRANT FUNDING**

- C. Local Challenges:** What local challenge or need does this grant address? How will Morro Bay residents and residents of adjacent areas and or countywide benefit? How will all eligible participants have the opportunity to participate in the program?

Franklin Riley Park provides one of the most beautiful views of the estuary, harbor, and Morro Rock. It is visited by local residents and tourists alike. The installation of the informative Hidden History panels will improve residents' and visitors' understanding and appreciation of the City and its history and will contribute to a positive sense of community.

- D. Project Description:** Please provide project description, including explanation of project approach, identified strategies and anticipated outcomes. Please quantify the number of Morro Bay residents to be served. Include a list of planned activities, costs associated, timeline and staff/volunteers responsible for the proposed program. Please provide an outline of how requested grant funds would be spent. Note that documentation of expenditures may be required at the end of the grant period, along with a report on program expenditures and outcomes. Program expenditures must be completed by June 30, 2023.

The monies requested in this grant, \$6,000, would cover the costs of producing two new Hidden History panels to be installed in Franklin Riley Park:

One will tell the story of Franklin Riley: how he came to live here, how he developed and secured county-certification of the first plat map laying out the town, and how he planted many of the towns' Eucalyptus trees (several still standing in the park). Anticipated cost = \$2,500.

The second panel will be two-sided. One side would provide the geological explanation for the formation of the Nine Sisters (remnants of extinct volcanoes); the other side would explain the historical legends told by the Indian tribes living in the area concerning Morro Rock and its "sisters." Anticipated cost = \$3,500.

As noted, all Morro Bay residents would benefit from the histories told in these panels. Even without full Park renovation, the two Hidden History panels would be an important addition to the Park.



**APPLICATION FOR COMMUNITY GRANT FUNDING**

**III. PROGRAM FISCAL INFORMATION**

\*Please note that the total city funds available for grants this year is \$60,000; individual grant amounts have recently ranged from \$1,000-\$8,000.

**A. Program Budget**

Please complete the following summary tables to reflect the budget for your organization and program. All amounts should be rounded to the nearest dollar. Alternatively, please attach single page revenue/expense summary sheets for the program for which funds are requested and a separate summary for the organization.

*Budget Summary*

<b>Budget Data</b>	<b>FY 2022/23</b>	<b>FY 2021/22</b>
Morro Bay grant funding	Requested: \$6,000	Received:
Total <b>Program</b> budget	\$73,000 (full park renov.)	\$
Total <b>Organization</b> budget	\$	\$

*Funding Summary*

<b>Revenue Source</b>	<b>FY 2022/23 Program Budget</b>
Morro Bay grant:	\$ 6,000
Other municipal funding (please specify:)	\$
County funding (please specify:)	\$
State funding (please specify:)	\$
Federal funding (please specify:)	\$
Fees for services	\$
Donations	\$ 10,600
Reserve contingency fund	\$
All other sources (please specify:) Grants and fundraising activities	\$ 56,400
<b>Total</b>	<b>\$ 73,000</b>



APPLICATION FOR COMMUNITY GRANT FUNDING

- B. Organization Contracts**--Has your organization ever had funds withdrawn or a contract terminated for cause, unsatisfactory performance, or questionable costs on any financial statements or audit? If so, please describe.

No

- C. Travel Expense Disclosure**-- If Community Grant funds are to be used for staff travel expenses, please describe.

None are planned.

- D. Eligibility information:** to be eligible for award of a community grant, agencies must:
1. Submit a separate, completed application form for each project.
  2. Be incorporated as a tax-exempt non-profit corporation (IRS 501-C) and/or exist as another government entity.
  3. Demonstrate the managerial and financial capability to receive and expend funds.
  4. Assure compliance with all applicable local, state, and federal laws including but not limited to non-discrimination requirements.

- E. Required attachments:** Please attach the following to your application:
- a. Agency/Organization Board Roster
  - b. Most recent financial statement(s) or a copy of the agency/organization's last tax return (IRS 990)
  - c. IRS Determination Letter (confirming approval of 501(c) status)  
<https://rct.doj.ca.gov/Verification/Web/Search.aspx?facility=Y>
  - d. Copy of current status of organization business from Secretary of State of California authorizing the organization to transact business  
<https://bizfileonline.sos.ca.gov/search/business>
  - e. Additional pages, as needed



APPLICATION FOR COMMUNITY GRANT FUNDING

CERTIFICATION

The applicant hereby proposes to provide the services as listed in this proposal. If this proposal is approved and funded, it is agreed that relevant federal, state, and local regulations, including nondiscrimination laws and other assurances as required by the City of Morro Bay, will be adhered to. Furthermore, I certify that the applicant is fully capable of fulfilling its obligation under this proposal as stated herein.

Grantee agrees to provide immediate written notice to the City if significant changes or events occur during the term of this award which could potentially impact the progress or outcome of the grant, including without limitation, changes in Grantee management personnel or losses of funding.

This grant is requested with the understanding that the City has no obligations to provide any, other or additional support or grants to the Grantee.

This grant is requested for programming that will be completed (and funds expended) by June 30, 2023, and the applicant understands that, if awarded, funds not expended by that date are subject to return to the City.

On behalf of the applicant organization, I understand and agree to the foregoing terms and conditions of the City's grant, and I hereby certify and attest to my authority to execute this agreement on Applicant's behalf.

This application and the information contained herein are true and correct and complete, to the best of my knowledge.

Date: August 31, 2022

Historical Society of Morro Bay

Organization Name

*Glenn Silloway*  
Executive Director

Glenn Silloway

(Print Name)



APPLICATION FOR COMMUNITY GRANT FUNDING

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Administration

**Project:** Project/Program Name: Tunes at Tidelands  
Project/Program Manager Name: Bev Schalwitz, President

**Agency:** Name of Agency: Morro Bay Senior Citizens, Inc.  
Site Address: 1001 Kennedy Way  
Telephone Number: 805-459-2415  
Web Address: mbactivesrs@gmail.com  
Name of Executive Director: Bev Schalwitz, President

**COVID-19 IMPACTS**

Did your organization experience a negative impact due to COVID-19 that you could document (e.g. reduction in revenues, expenditures on PPE or other COVID-related purchases, etc)?

- Yes (please attach documentation)
- No

See Attachment E (f)

\*Note: You may attach additional pages if necessary

City Council established a total budget of \$60,000 for Community Grants for FY 2022/23. Of that amount, \$25,000 is available for all eligible program types. Another \$25,000 is available for non-profits that demonstrate an impact by COVID-19. Lastly, an additional \$10,000 is available for programs that positively impact youth services specifically (please note youth programs are eligible to receive more than the \$10,000). Recently, grant amounts have ranged from approximately \$1,000-\$8,000 per organization.

Program expenditures must be completed by June 30, 2023. Please note that if awarded, an annual report on grant expenditures and program outcomes will be required, as well as documentation demonstrating how funds were expended.

**Introduction:** Provide brief description of agency, agency goals, and agency services. Describe your program briefly, including who benefits from your program.

Incorporated as a 501(c)3 in 1974, Morro Bay Senior Citizens, Inc. (MBSCI), rents space from the City of Morro Bay. MBSCI serves all seniors age 55 and over, including its 742 members, (71% of whom reside in the City of Morro Bay). MBSCI offers programs and services as described in Section B below. Funds sought under this grant are for a series of four senior dance events called " Tunes at Tidelands, " a pilot program which MBSCI and the City Recreation Department plan to repeat annually. MBSCI has earmarked \$10,000 towards the 2022 " Tunes at Tidelands, " and has a grant pending with the Community Foundation of SLO, \$8,000 of which is earmarked for "Tunes at Tidelands."

E. REQUIRED ATTACHMENTS

f. COVID-19 IMPACTS

Income from sales of memberships, BINGO games, Morro Scene newsletter advertisers, donated jewelry, donated greeting cards and recycled cell phones, are an important part MBSCI revenue. The COVID-19 shut down between spring 2021 and spring 2022, reduced by 25%, the number of seniors purchasing annual memberships and normal revenue completely dried up. At the same time, normal operating expenses such as copier rental, telephone and internet fees, continued to require payment.

Membership figures below, show that MBSCI suffered a hit but is rebounding extremely well!

August 2020 683 paid members

August 2021 476 paid members

August 2022 742 paid members



APPLICATION FOR COMMUNITY GRANT FUNDING

I. AGENCY INFORMATION

A. General Information

Grant Request Amount: \$ 13,400

General Organization Information	
Organizations Name:	Morro Bay Senior Citizens, Inc., d/b/a Morro Bay Active Adults... 55+
Year Established:	1974
Board Roster	See attached
Number of Paid Full-Time Employees	0
Number of Paid Part-Time Employees	0
Most recent financial statements (or copy of your last tax return (IRS 990))	See attached

Mailing Information	
Street Address:	1001 Kennedy Way, Morro Bay, CA 93342
City:	
State:	CA
Zip:	93442

Project/Program Contact Information	
Name/Title:	Bev Schalwitz, President
Phone Number:	805-772-4421
E-mail:	mbactivesrs@gmail.com



**APPLICATION FOR COMMUNITY GRANT FUNDING**

Tax Information	
Federal Employer Tax Number	51-0163015
State Employer Tax Number	n/a
Name of Program	Tunes at Tidelands
IRS Determination Letter (approval of 501(C) Status)	See attached
Name of Executive or CEO	n/a
Name of Board Chairperson or President	Bev Schalwitz, President

**II. COMMUNITY NEED STATEMENT**

**A. Community Need:** Describe briefly the demonstrated need in the Morro Bay community for the program. Cite data sources as appropriate.

Since 1974, Morro Bay Senior Citizens, Inc., d/b/a Morro Bay Active Adults, 55+, has been operated as a non-profit volunteer organization whose purpose is to improve the quality of life for seniors living in Morro Bay and surrounding communities. Senior dances have been an important part of our activities since 1975 when our 39+ Dance Cub was formed. Senior dances provide an opportunity for socialization and an enjoyable form of exercise. These outdoor senior events are aimed at seniors who are unavailable for the weekly Wednesday, 39+ Dance Club, daytime dances, as well as seniors who prefer a wider variety of music. "Tunes at Tidelands" will attract senior dancers residing in Morro Bay and beyond. Current US Census online figures, show 30.1% of Morro Bay, Los Osos and Cambria residents are age 65+. Membership in MBSCI is available to all seniors ages 55 and over.

**B. Program Narrative:** Please provide your agency's Mission Statement and Goals, brief history, programs and population(s) served, organizational structure and experience with proposed grant activities. If your organization provides programs countywide, indicate the percentage of Morro Bay residents served.

Mission Statement: Morro Bay Senior Citizens, Inc. (MBSCI) exists to empower seniors and enhance the quality of their lives via education, enrichment and socialization, MBSCI members and nonmember seniors participate in exercise and socialization through activities such as: 39+ dances and dance lessons; water activities at the Morro Bay High School pool; bocce ball games and lessons; ping pong, billiards, card and board games; and senior exercise activities including a weekly walking group, Tai Chi group, groups for those with arthritis, and classes in yoga, balance and strength training.

Enrichment and socialization are further provided through a monthly Friday evening BNGO game, the ROVER club for local excursions, the monthly MBSCI general membership dinner, and a weekly live drawing class.

Finally, education, enrichment and education are provided through onsite Cuesta College Emeritus classes, and by various seminars offered by, but not limited to, Senior Legal Project, Senior Nutrition of SLO County, Health Insurance and Advocacy Program and American Association of Retired Persons. Our goals and priorities were established in 1974 and remain our mission forty-eight years later.



**APPLICATION FOR COMMUNITY GRANT FUNDING**

**C. Local Challenges:** What local challenge or need does this grant address? How will Morro Bay residents and residents of adjacent areas and or countywide benefit? How will all eligible participants have the opportunity to participate in the program?

"Tunes at Tidelands" will present an opportunity for the 3000+ residents of Morro Bay who are age 65+, as well as seniors in the surrounding areas, to socialize, dance, and enjoy live bands over the course of four consecutive Thursday events.

Proceeds from these four events, will enhance MBSCI's ability to fund the programs and services it provides, while increasing positive public awareness of both The City of Morro Bay and MBSCI.

"Tunes at Tidelands" will be promoted throughout SLO County by members of the 39+ Dance Club as they attend other senior dances in Arroyo Grande, Cambria, Cayucos, Los Osos, Pismo Beach, San Luis Obispo and Santa Maria. "Tunes at Tidelands" will be advertised in The Morro Scene, MBSCI's monthly newsletter which is electronically distributed to 742 MBSCI members, 71% of whom are residents of Morro Bay. "Tunes at Tidelands" will further be promoted locally by posters (see attached example E (e)), and by other advertising coordinated by Hannah Lique Naitove of Project XO.

**D. Project Description:** Please provide project description, including explanation of project approach, identified strategies and anticipated outcomes. Please quantify the number of Morro Bay residents to be served. Include a list of planned activities, costs associated, timeline and staff/volunteers responsible for the proposed program. Please provide an outline of how requested grant funds would be spent. Note that documentation of expenditures may be required at the end of the grant period, along with a report on program expenditures and outcomes. Program expenditures must be completed by June 30, 2023.

As SLO County residents adjust to the presence of the evolving COVID virus, seniors have increasingly ventured back into public. In August 2022, MBSCI filed a grant request with The Community Foundation of San Luis Obispo County seeking funds to cover the cost of musicians performing at the four "Tunes at Tidelands" September, 2022 events, as well as five special theme indoor dances in 2022-23. We anticipate serving a minimum of 125 seniors at each of the four "Tunes at Tidelands" events, with the vast majority being age 55 or over. The Morro Bay Community Grant funds sought by this application will specifically cover:

Stage and sound equipment: \$6,000; XO Marketing, Hannah Lique Naitove: \$5,000; Porta Potties \$1,000; Marketing \$1,400.

The Board of MBSCI has committed volunteer time as well as earmarked \$10,000 in funds towards "Tunes at Tidelands." Additionally, unused supplies (wristbands, tickets, etc.) remaining after the September 9-11, 2022 Avocado Festival will be set aside by Ms. Naitove for "Tunes at Tidelands."



APPLICATION FOR COMMUNITY GRANT FUNDING

- E. Previous Funding:** If your organization has received previous funding from the City of Morro Bay for the proposed project (within the last year), please provide the outcomes in measureable terms and a case example of the grant impact.

MBSCI received \$3,500 from the City of Morro Bay for Community Grant Funding 2021/22. MBSCI matched that \$3,500 for a total of \$7,000. As reflected in the Annual Performance Report - FY 2021-22, while we were able to complete the Red Davis dedication of the art display cabinet in April 2022, the lobby installation of the View Sonic ViewBoard has been delayed due to a shortage of available parts. MBSCI Board President, Bev Schalwitz, and our Senior Programs Coordinator, Brady Lock, continue to monitor the vendor for progress on the completion of this project.

- F. Collaborative Requests:** If a collaborative request, please provide a description of prior collaborative activities, and proposed responsibilities of collaborative members.

Prior the four "Tunes at Tidelands" events, specific MBSCI Board members and volunteers will pay for, undertake and complete, the required California RBS Certification Training. Hannah Lique Naitove of Project XO will: coordinate and obtain stage and sound system; obtain Porta Potties; oversee event marketing; provide MBSCI with any useable materials (wristbands, tickets, etc.) remaining from September, 2022 Avocado Festival; obtain any fencing or other barriers required by the City of Morro Bay Police Department for the area(s) where alcohol may be consumed; and will oversee all event set-up and post event clean-up.

During the four "Tunes at Tidelands" events, RBS Certified MBSCI Board members and volunteers will staff the beer/wine booth; Recreation Staff with clipboard checklists will check off attendees' age range and city of residence, and provide wristband to indicate attendee was surveyed before attendees visit the MBSCI table to purchase food/drink tickets, and or new memberships. MBSCI members will receive a ticket for a reduced price beverage. A food truck(s) will be on the park perimeter.

Following each "Tunes at Tidelands" event, the completed attendee checklists collected by Recreation Staff will be given to the MBSCI Board President for data tracking.



**APPLICATION FOR COMMUNITY GRANT FUNDING**

**III. PROGRAM FISCAL INFORMATION**

\*Please note that the total city funds available for grants this year is \$60,000; individual grant amounts have recently ranged from \$1,000-\$8,000.

**A. Program Budget**

Please complete the following summary tables to reflect the budget for your organization and program. All amounts should be rounded to the nearest dollar. Alternatively, please attach single page revenue/expense summary sheets for the program for which funds are requested and a separate summary for the organization.

*Budget Summary*

Budget Data	FY 2022/23	FY 2021/22
Morro Bay grant funding	Requested: 13,400	Received: 3,500
Total <b>Program</b> budget	\$ 20,000	\$ 7,000
Total <b>Organization</b> budget	\$ 10,000	\$ 3,500

*Funding Summary*

Revenue Source	FY 2022/23 Program Budget
Morro Bay grant:	\$ 13,400
Other municipal funding (please specify:)	\$
County funding (please specify:)	\$
State funding (please specify:)	\$
Federal funding (please specify:)	\$
Fees for services	\$
Donations	\$
Reserve contingency fund	\$
All other sources (please specify:) See * below	\$ 8,000
<b>Total</b>	\$ 21,400 <span style="float: right;">SLS</span>

\* \$8,000 has been requested from the Community Foundation of San Luis Obispo to pay for musicians at the four "Tunes at Tidelands" events. If received, these funds may be used solely to pay musicians at senior dances.



APPLICATION FOR COMMUNITY GRANT FUNDING

- B. Organization Contracts--**Has your organization ever had funds withdrawn or a contract terminated for cause, unsatisfactory performance, or questionable costs on any financial statements or audit? If so, please describe.

No

- C. Travel Expense Disclosure--** If Community Grant funds are to be used for staff travel expenses, please describe.

n/a

- D. Eligibility information:** to be eligible for award of a community grant, agencies must:
1. Submit a separate, completed application form for each project.
  2. Be incorporated as a tax-exempt non-profit corporation (IRS 501-C) and/or exist as another government entity.
  3. Demonstrate the managerial and financial capability to receive and expend funds.
  4. Assure compliance with all applicable local, state, and federal laws including but not limited to non-discrimination requirements.

- E. Required attachments:** Please attach the following to your application:
- a. Agency/Organization Board Roster
  - b. Most recent financial statement(s) or a copy of the agency/organization's last tax return (IRS 990)
  - c. IRS Determination Letter (confirming approval of 501(c) status)  
<https://rct.doj.ca.gov/Verification/Web/Search.aspx?facility=Y>
  - d. Copy of current status of organization business from Secretary of State of California authorizing the organization to transact business  
<https://bizfileonline.sos.ca.gov/search/business>
  - e. Additional pages, as needed
- e. Copy of September 22, 2022 "Tunes at Tidelands" poster



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

CERTIFICATION

The applicant hereby proposes to provide the services as listed in this proposal. If this proposal is approved and funded, it is agreed that relevant federal, state, and local regulations, including nondiscrimination laws and other assurances as required by the City of Morro Bay, will be adhered to. Furthermore, I certify that the applicant is fully capable of fulfilling its obligation under this proposal as stated herein.

Grantee agrees to provide immediate written notice to the City if significant changes or events occur during the term of this award which could potentially impact the progress or outcome of the grant, including without limitation, changes in Grantee management personnel or losses of funding.

This grant is requested with the understanding that the City has no obligations to provide any, other or additional support or grants to the Grantee.

This grant is requested for programming that will be completed (and funds expended) by June 30, 2023, and the applicant understands that, if awarded, funds not expended by that date are subject to return to the City.

On behalf of the applicant organization, I understand and agree to the foregoing terms and conditions of the City's grant, and I hereby certify and attest to my authority to execute this agreement on Applicant's behalf.

This application and the information contained herein are true and correct and complete, to the best of my knowledge.

Date: September 1, 2022, 2022

Morro Bay Senior Citizens, Inc.

\_\_\_\_\_  
Organization Name

  
\_\_\_\_\_  
Executive Director

Bev Schalwitz, President

\_\_\_\_\_  
(Print Name)

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APPLICATION FOR COMMUNITY GRANT FUNDING

**Project:** Project/Program Name: By the Sea Productions  
Project/Program Manager Name: Rhonda Crowfoot, Board President

**Agency:** Name of Agency: By the Sea Productions

RECEIVED  
City of Morro Bay

Site Address: 545 Shasta Ave.  
Morro Bay CA 93442

SEP 01 2022

Administration

Telephone Number: 805-776-3287

Web Address: bytheseaproductions.org

Name of Executive Director: Rhonda Crowfoot, Board President

**COVID-19 IMPACTS**

Did your organization experience a negative impact due to COVID-19 that you could document (e.g. reduction in revenues, expenditures on PPE or other COVID-related purchases, etc)?

Yes (please attach documentation) Attachment #1, 2, & 3  
 No

\*Note: You may attach additional pages if necessary

City Council established a total budget of \$60,000 for Community Grants for FY 2022/23. Of that amount, \$25,000 is available for all eligible program types. Another \$25,000 is available for non-profits that demonstrate an impact by COVID-19. Lastly, an additional \$10,000 is available for programs that positively impact youth services specifically (please note youth programs are eligible to receive more than the \$10,000). Recently, grant amounts have ranged from approximately \$1,000-\$8,000 per organization.

Program expenditures must be completed by June 30, 2023. Please note that if awarded, an annual report on grant expenditures and program outcomes will be required, as well as documentation demonstrating how funds were expended.

**Introduction:** Provide brief description of agency, agency goals, and agency services. Describe your program briefly, including who benefits from your program.

By the Sea Productions (BTSP) is a non-profit, all volunteer, live theater company established in Morro Bay in 2017. We had produced shows in Cambria CA for 14 years as the Pewter Plough Players. When we moved to Morro Bay, we adopted the DBA By the Sea Productions.

We are the only live theater company in Morro Bay, and we have earned a reputation for quality shows, as our often sold-out performances attest. We present our shows in the social hall at St. Peters by the Sea Episcopal Church, where we have a full stage and backstage area and can seat 60 people in the audience.

(Continued in ATTACHMENT #2)



APPLICATION FOR COMMUNITY GRANT FUNDING

I. AGENCY INFORMATION

A. General Information

Grant Request Amount: \$ 4,689.

General Organization Information	
Organizations Name:	Pewter Plough Players Inc. DBA By the Sea Productions Inc.
Year Established:	2001 with non-profit status 3/17/04
Board Roster	Attachment #3
Number of Paid Full-Time Employees	None.
Number of Paid Part-Time Employees	None.
Most recent financial statements (or copy of your last tax return (IRS 990))	See Attachment #1-B

Mailing Information	
Street Address:	PO Box 2032
City:	Morro Bay
State:	CA
Zip:	93443

Project/Program Contact Information	
Name/Title:	President Rhonda Crowfoot
Phone Number:	310-962-1431
E-mail:	rhondabts@gmail.com



APPLICATION FOR COMMUNITY GRANT FUNDING

Tax Information	
Federal Employer Tax Number	77-0508727
State Employer Tax Number	same
Name of Program	Pewter Plough Players Inc. DBA By the Sea Productions, Inc.
IRS Determination Letter (approval of 501(C) Status)	Attachment #4-A&B
Name of Executive or CEO	N/A
Name of Board Chairperson or President	Rhonda Crowfoot

**II. COMMUNITY NEED STATEMENT**

**A. Community Need:** Describe briefly the demonstrated need in the Morro Bay community for the program. Cite data sources as appropriate.

We provide a unique artistic and cultural asset to the community. Previous to BTSP's establishment in 2017, Morro Bay never had a permanent live theater company. The response from both residents and visitors has been enthusiastic, and our audience numbers range from 30-60 people per performance.

Our roster of shows includes comedy ("The Odd Couple"), drama ("On Golden Pond"), classics ("Of Mice and Men"), and current issues ("Church & State.") This summer's show is the Central Coast premiere of Agatha Christie's "Murder on the Orient Express," sponsored by a previous City Grant.

**B. Program Narrative:** Please provide your agency's Mission Statement and Goals, brief history, programs and population(s) served, organizational structure and experience with proposed grant activities. If your organization provides programs countywide, indicate the percentage of Morro Bay residents served.

Our mission statement is: Creating community through our passion for theater and story-telling.

Our goal is to continue providing quality entertainment to our community and visitors, and our board is currently considering shows for our 2023 season.

Our production schedules from 2017 to 2022 are shown in ATTACHMENT #5.

We estimate that 60-75% of our audience are Morro Bay residents.



**APPLICATION FOR COMMUNITY GRANT FUNDING**

- C. Local Challenges:** What local challenge or need does this grant address? How will Morro Bay residents and residents of adjacent areas and or countywide benefit? How will all eligible participants have the opportunity to participate in the program?

BTSP set up our stage in 2017 and mounted lights which we purchased used or were donated by theaters that were upgrading their equipment. At this point, our stage lights are over 20 years old and are starting to fail. They also use a lot of power. Before the pandemic closure, we had begun to save money to replace these lights with brighter, low energy LED lights. With no revenue for 18 months, and a reduced season for 2022, we have not been able to save for this expense.

We appealed to PG&E, asking if they might have grants for us to upgrade our lights and reduce our electrical consumption, but they responded in the negative.

Adequate and efficient lighting is a major factor in staging a show, and the fixtures now available are brighter, more energy efficient and more versatile in the effects that can be accomplished.

ATTACHMENT #6 A-F is the information on the LED fixtures we would like to purchase to replace our seven aging lights. The total cost is \$4,369.

The estimated electrician's fee for installing the new fixtures is \$320 (2 hours at \$160/hr.)

The total estimated project cost is \$4,689, which is the grant amount we are requesting.

- D. Project Description:** Please provide project description, including explanation of project approach, identified strategies and anticipated outcomes. Please quantify the number of Morro Bay residents to be served. Include a list of planned activities, costs associated, timeline and staff/volunteers responsible for the proposed program. Please provide an outline of how requested grant funds would be spent. Note that documentation of expenditures may be required at the end of the grant period, along with a report on program expenditures and outcomes. Program expenditures must be completed by June 30, 2023.

Should our grant request be approved, we would immediately purchase the LED lights and hire a local electrician to replace the existing stage lights and inspect all the wiring. We would expect the new lights to be in use by the first shows of our 2023 season.



APPLICATION FOR COMMUNITY GRANT FUNDING

- E. Previous Funding:** If your organization has received previous funding from the City of Morro Bay for the proposed project (within the last year), please provide the outcomes in measureable terms and a case example of the grant impact.

BTSP received a 2020-2021 City grant in the amount of \$8,344, which covered our venue rent (\$1,800) and storage rent (\$6,544) for the pandemic shutdown period when we had no revenue. This grant allowed us to stay solvent for the 18 months we were unable to stage shows.

Our 2019-2020 City grant of \$1,692 was used to sponsor "Murder on the Orient Express," paying the royalties for this show, which has never been performed in this area before, and holding them until we were finally able to produce the show in August 2022. We indicated the City of Morro Bay as the show sponsor in our ads, posters and programs (ATTACHMENT #7.) We also announced the sponsorship at each performance, where the audiences often applauded this City support.

- F. Collaborative Requests:** If a collaborative request, please provide a description of prior collaborative activities, and proposed responsibilities of collaborative members.

N/A



**APPLICATION FOR COMMUNITY GRANT FUNDING**

**III. PROGRAM FISCAL INFORMATION**

\*Please note that the total city funds available for grants this year is \$60,000; individual grant amounts have recently ranged from \$1,000-\$8,000.

**A. Program Budget**

Please complete the following summary tables to reflect the budget for your organization and program. All amounts should be rounded to the nearest dollar. Alternatively, please attach single page revenue/expense summary sheets for the program for which funds are requested and a separate summary for the organization.

*Budget Summary*

Budget Data	FY 2022/23	FY 2021/22
Morro Bay grant funding	Requested: \$4,689	Received: \$8,344
Total <b>Program</b> budget	\$-0-	\$ 8,344
Total <b>Organization</b> budget	\$-0- for this project	\$ -0- Covid loss recovery

*Funding Summary*

Revenue Source	FY 2022/23 Program Budget
Morro Bay grant:	\$ 4,689
Other municipal funding (please specify:)	\$ none
County funding (please specify:)	\$ none
State funding (please specify:)	\$ none
Federal funding (please specify:)	\$ none
Fees for services	\$ none
Donations	\$ unknown potential donations
Reserve contingency fund	\$ none
All other sources (please specify:)	\$ unknown future ticket sales
<b>Total</b>	<b>\$4,689.</b>



APPLICATION FOR COMMUNITY GRANT FUNDING

- B. Organization Contracts**--Has your organization ever had funds withdrawn or a contract terminated for cause, unsatisfactory performance, or questionable costs on any financial statements or audit? If so, please describe.

No.

- C. Travel Expense Disclosure**-- If Community Grant funds are to be used for staff travel expenses, please describe.

N/A

- D. Eligibility information:** to be eligible for award of a community grant, agencies must:
1. Submit a separate, completed application form for each project.
  2. Be incorporated as a tax-exempt non-profit corporation (IRS 501-C) and/or exist as another government entity.
  3. Demonstrate the managerial and financial capability to receive and expend funds.
  4. Assure compliance with all applicable local, state, and federal laws including but not limited to non-discrimination requirements.

- E. Required attachments:** Please attach the following to your application:

- a. Agency/Organization Board Roster *Att.#3*
- b. Most recent financial statement(s) or a copy of the agency/organization's last tax return (IRS 990) *Att.#1-B*
- c. IRS Determination Letter (confirming approval of 501(c) status) <https://rct.doj.ca.gov/Verification/Web/Search.aspx?facility=Y>) *Att.#4*
- d. Copy of current status of organization business from Secretary of State of California authorizing the organization to transact business (<https://bizfileonline.sos.ca.gov/search/business>) *Att.#8*
- e. Additional pages, as needed



APPLICATION FOR COMMUNITY GRANT FUNDING

CERTIFICATION

The applicant hereby proposes to provide the services as listed in this proposal. If this proposal is approved and funded, it is agreed that relevant federal, state, and local regulations, including nondiscrimination laws and other assurances as required by the City of Morro Bay, will be adhered to. Furthermore, I certify that the applicant is fully capable of fulfilling its obligation under this proposal as stated herein.

Grantee agrees to provide immediate written notice to the City if significant changes or events occur during the term of this award which could potentially impact the progress or outcome of the grant, including without limitation, changes in Grantee management personnel or losses of funding.

This grant is requested with the understanding that the City has no obligations to provide any, other or additional support or grants to the Grantee.

This grant is requested for programming that will be completed (and funds expended) by June 30, 2023, and the applicant understands that, if awarded, funds not expended by that date are subject to return to the City.

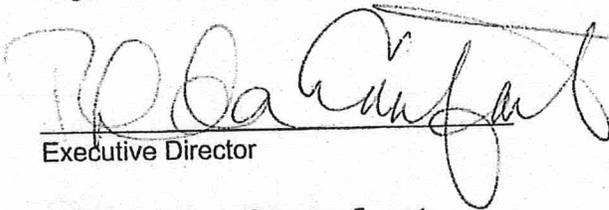
On behalf of the applicant organization, I understand and agree to the foregoing terms and conditions of the City's grant, and I hereby certify and attest to my authority to execute this agreement on Applicant's behalf.

This application and the information contained herein are true and correct and complete, to the best of my knowledge.

Date: September 2, 2022

By the Sea Productions

Organization Name



Executive Director

Rhonda Crowfoot

(Print Name)

*Signature by email from Rhonda Crowfoot on vacation in Canada. Janice Peterson, secretary*

CITY OF MORRO BAY GRANT APPLICATIONPAGE 1 - ATTACHMENT #1 – COVID-19 IMPACTS AND FINANCIAL STATEMENTS

Our annual season, pre-Covid, consisted of five full shows, each running four weekends, and three staged readings running one weekend each. In 2020, we produced only one full show before the pandemic shutdown. In 2021, we were only able to produce one single-weekend show. In 2022, we have produced four one-weekend shows and two full shows, although we had to cancel one weekend of "Murder on the Orient Express" due to a cast member having Covid. Our scheduled September staged reading of "The Crucible" is in jeopardy as three cast members are currently testing positive. We have already cancelled our October full show and may need to cancel our holiday show as well due to the continuing impacts of the pandemic. We hope to resume our full show schedule in 2023.

**STAGE LIGHTING STORE.COM**

Phone: (904) 683-5553

Fax: (814) 690-3776

Lighting Advice: advisor@stagelightingstore.com

Purchase Orders for: Public School, University & Government Municipality POs:  
orders@stagelightingstore.com or faxed to (814) 690-3776

Our Address:

**Stage Lighting Store, LLC**

8535 Baymeadows Rd.

STE-59

Jacksonville, FL 32256-7445

	Description	Price	Quantity	Total	Remove
Product	<u>Chauvet DJ Eve F-50Z LED Fresnel</u> SKU : Chauvet DJ EVEF50Z	• \$549.99	6	\$3,299.94	
	<u>Chauvet Professional Ovation F-55WW</u> SKU : Chauvet Professional OVATIONF55WW	• \$570.00	1	\$570.00	
	<u>Elation KL Fresnel</u> 4 SKU : Elation KLF001	• \$499.00	1	\$499.00	
<b>Cart Summary</b>					
Products: \$4,368.94					
<b>Total \$4,368.94</b>					

## Chauvet DJ Eve F-50Z LED Fresnel

SKU: Chauvet DJ EVEF50Z

Price:

**\$549.99**

### Details

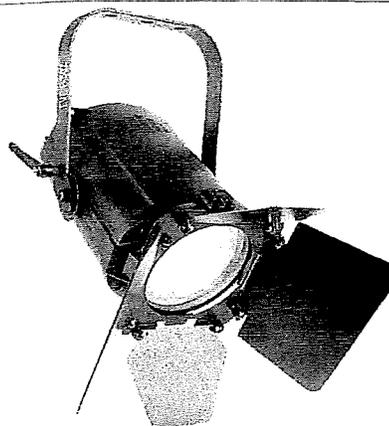
**EVE F-50Z** is an LED Fresnel fixture that shines a soft-edged, warm white spot and features D-Fi™ DMX control. Manual zoom gives you the flexibility to project from any distance. You can operate EVE F-50Z for DMX control and you can save time running extension cords by power linking multiple units.

#### Features:

Stylish, compact Fresnel perfect for small to medium stages and theatres  
 Warm white LED with high CRI show the true natural colors of scenery and cast  
 Flexibility to project from any distance using the manual zoom  
 D-Fi™ USB compatibility for wireless Master/Slave or DMX control  
 powerCON®-compatible power input/output connections for power linking  
 Included Barn Doors keeps light where you need it  
 Included Gel Frame adds a splash of color to any scene

#### What's Included:

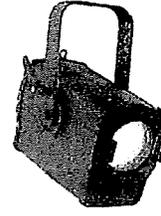
EVE F-50Z  
 Power cord  
 Barn doors  
 Gel Frame  
 Warranty card  
 Quick Reference Guide



#### Specifications:

DMX Channels: 1 or 3  
 DMX Connectors: 3-pin XLR  
 Light Source: 1 LED (warm white) 50 W, (1.3 A), 50,000 hours life expectancy  
 Beam Angle: (Narrow): 17°  
 (Wide): 50°  
 Illuminance: (17°): 4,780 lux @ 2 m  
 (50°): 998 lux @ 2 m  
 Power Linking: 16 units @ 120 V; 26 units @ 230 V  
 Input Voltage: 100 to 240 VAC, 50/60 Hz (auto-ranging)  
 Power and Current: 60 W, .5 A @ 120 V, 60 Hz  
 58 W, .3 A @ 230 V, 50 Hz  
 Zoom Angle: (manual): 17° to 50°  
 Weight: 8.41 lbs (3.9 kg)  
 Size: 11.1 x 8.3 x 13" (281 x 212 x 328 mm)  
 Approvals: CE, MET  
 Accessory Holder/Gel Frame Size: 6.25 in (158 mm)  
 Color Temperature: 3500 K CRI: 92 Bracket Mounting Hole: M12 Optional Controllers: D-Fi USB

<https://www.stagelightingstore.com/>



## Chauvet Professional Ovation F-55WW

SKU: Chauvet Professional OVATIONF55WW

Price:

**\$570.00**

### Details

## Chauvet Professional Ovation F-55WW

**Ovation F-55WW** is an efficient warm white LED (3- inch) inkie Fresnel-style fixture ideal for short throw projects a bright, beautifully soft field of light within a 30°- 69° field angle controlled by a manual zoom.

### Features:

- Compact warm white Fresnel for tight spaces and on-location lighting
- 16-bit dimming resolution for smooth fades
- Flat, even field of light
- Virtually silent operation for use in any situation
- Manually controlled variable zoom angle between 30° to 69°

### Specifications:

#### Optical:

- Light Source: 1 LED (WW) 36 W, (740 mA), 3200 K, 50,000 hours life expectancy
- Color Temperature (at full): 3200 K
- CRI: 91
- Beam Angle: 18° to 56°
- Field Angle: 30° to 69°
- Zoom Angle: 30° to 69°
- Lumens (30°): 795
- Lumens (69°): 1,920
- Illuminance (30°) : 279 lux @ 5 m
- Illuminance (69°): 100 lux @ 5 m

#### Dynamic Effects:

- Dimmer: Electronic
- Shutter/Strobe: Electronic
- Zoom: Manual
- Strobe Rate: 0 to 30 Hz
- Standalone Color Mixing: No
- Color Temperature Presets: No
- Dim Modes: 4

Built-in Automated Programs: No  
Selectable PWM: 600 Hz, 1200 Hz, 2000 Hz, 4000 Hz, 6,000 Hz, 25,000 Hz

### **Construction/Physical:**

Dimensions: 10.87x6.81x6.53" (276.3x173x166 mm)  
Weight: 4.8 lb (2.2 kg)  
Exterior Color: Black  
Housing Material: Aluminum die-cast  
Accessory Holder/Gel Frame Size: 3.25" (83 mm)

### **Connections:**

Power Connection: Edison plug to hard-wired  
Power Input: Hard-wired  
Data Connectors: 5-pin XLR  
Cable Length (signal): 1.79' (0.54 m)  
Cable Length (power): 3.5' (1.07 m)

### **Control:**

Control Protocol: DMX  
DMX Channels: 1, 2 or 5  
Modes/Personalities: 3personalities (1CH, 2CH, 5CH)

### **Electrical:**

Input Voltage: 100 to 240 VAC, 50/60 Hz (auto-ranging)  
Power and Current: 34 W, 0.267 A @ 120 V, 60 Hz  
Power and Current: 38 W, 0.150 A @ 208 V, 60 Hz  
Power and Current: 45 W, 0.163 A @ 230 V, 50 Hz

### **Certifications/Qualifications:**

CE, MET  
IP Rating: IP20, dry location

### **What's Included:**

Ovation F-55WW  
Gel Frame

### **Optional Accessories:**

Professional Clamps: CTC-50HC, CTC-50HCN  
Neutrik® powerCON® cables  
5-pin DMX Cables  
Color Blending Filters: DF60X1D, DF20D

Ovation F3.25" Barndoor

## Elation KL Fresnel 4

SKU: Elation KLFO01

Price:

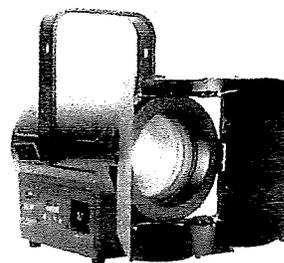
**\$499.00**

### Elation KL Fresnel 4

KL FRESNEL 4™ is a 50W 3,000K >97CRI Warm White LED fresnel, producing over 1,900 total lumens output, on par with compatible tungsten halogen models. Features include 14° to 30° wide manual zoom, manual and DMX controlled dimmer and shutter, rotary dimmer dial, smooth 16-bit selectable dimming curve modes, LED refresh rate frequency and gamma brightness adjustment for flicker free operation for TV and FILM, RDM (remote device management) protocol support, 5pin DMX and powerCON in/out connections, 4 button control panel, LCD menu display, multiple unit power linking, a universal auto switching power supply (100-240v), gel frame and rotating barn doors (included), and a 3 clamp position adjustable mounting yoke.

#### Features:

- 50W 3,000K >97CRI Warm White LED Engine
- 1,900+ Total Lumens Output
- On Par with Tungsten Halogen Models
- 14° to 30° Wide Manual Zoom
- Manual and DMX Control
- Rotary Dimmer Dial
- Smooth 16-bit Selectable Dimming Curve Modes
- LED Refresh Rate and Gamma Brightness Adjustment
- Flicker Free Operation for TV and FILM
- RDM (Remote Device Management)
- Gel Frame and Rotating Barn Doors (included)
- 3 Clamp Position Adjustable Mounting Yoke



#### Specifications:

50W 97CRI 3,000K Cool White LED

- 50,000 Hour Average LED Life\*
- \*May vary depending on several factors including but not limited to:
- Environmental Conditions, Power/Voltage, Usage Patterns (On-Off Cycling), Control, and Dimming.

#### PHOTOMETRIC DATA

- 6,837 LUX 635 FC @6.6' (2m) (14° Full ON)
- 1,791 LUX 166 FC @6.6' (2m) (30° Full ON)

#### EFFECTS

- 14° - 30° Manual Zoom
- Electronic Strobe
- Variable 16-bit Dimming Curve Modes
- COLOR
- Warm White 3,000K

#### CONTROL/CONNECTIONS

- Manual and DMX Controlled Dimmer and Shutter
- Dimmer Rotary Dial
- (4) DMX Channel Modes (1 / 2 / 3 / 4)

- 4 Button Control Panel LCD Menu Display
- RDM (Remote Device Management)
- 5pin DMX and powerCON TRUE1 In/Out

#### SIZE/WEIGHT

- Length: 13.6"x7.9"x11.4" (345x201x289 mm)
- Weight: 9.0 lbs. (4.08 kg)

#### ELECTRICAL/THERMAL

- AC 100-240V - 50/60Hz
- 50W Max Power Consumption
- Multiple Unit Power Linking
- 5°F to 113°F (-15°C to 45°C)

#### INCLUDED ITEMS

- Gel Frame and Rotating Barn Doors
- powerCON TRUE1 Power Cable
- Barn Doors and Fixture Safety Cables

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APPLICATION FOR COMMUNITY GRANT FUNDING

**Project:** Project/Program Name: Diversity Speakers  
Project/Program Manager Name: Rita Casaverde

**Agency:** Name of Agency: Diversity Coalition San Luis Obispo County  
Site Address: P.O. Box 376, Arroyo Grande, CA 93421  
Telephone Number: (805) 270-3511  
Web Address: www.diversityslo.org  
Name of Executive Director: Rita Casaverde

**COVID-19 IMPACTS**

Did your organization experience a negative impact due to COVID-19 that you could document (e.g. reduction in revenues, expenditures on PPE or other COVID-related purchases, etc)?

- Yes (please attach documentation)
- No

\*Note: You may attach additional pages if necessary

City Council established a total budget of \$60,000 for Community Grants for FY 2022/23. Of that amount, \$25,000 is available for all eligible program types. Another \$25,000 is available for non-profits that demonstrate an impact by COVID-19. Lastly, an additional \$10,000 is available for programs that positively impact youth services specifically (please note youth programs are eligible to receive more than the \$10,000). Recently, grant amounts have ranged from approximately \$1,000-\$8,000 per organization.

Program expenditures must be completed by June 30, 2023. Please note that if awarded, an annual report on grant expenditures and program outcomes will be required, as well as documentation demonstrating how funds were expended.

**Introduction:** Provide brief description of agency, agency goals, and agency services. Describe your program briefly, including who benefits from your program.

Currently, the DCSLOC's mission is to provide educational programs and resources to facilitate and advance the efforts of our affiliated organizations in order to promote and advocate for diversity, equity, and inclusion. We achieve our mission with Educational Programming (providing diversity speakers to integrate with local public school curriculum as well as offering community panels and presentations) and Coalition Building (working with our 14 partner organizations and 1300 individual members to provide diversity resources, trainings and education).



APPLICATION FOR COMMUNITY GRANT FUNDING

**I. AGENCY INFORMATION**

**A. General Information**

Grant Request Amount: \$ <sup>6000</sup> \_\_\_\_\_

General Organization Information	
Organizations Name:	Diversity Coalition of SLO County
Year Established:	2011
Board Roster	See attached
Number of Paid Full-Time Employees	0
Number of Paid Part-Time Employees	2
Most recent financial statements (or copy of your last tax return (IRS 990))	See attached

Mailing Information	
Street Address:	P.O. Box 376
City:	Arroyo Grande
State:	CA
Zip:	93421

Project/Program Contact Information	
Name/Title:	Greg Ellis - Grant Manager
Phone Number:	760-382-5164
E-mail:	gregjohnellis@gmail.com



APPLICATION FOR COMMUNITY GRANT FUNDING

Tax Information	
Federal Employer Tax Number	82-2075135
State Employer Tax Number	82-2075135
Name of Program	School Speakers
IRS Determination Letter (approval of 501(C) Status)	See attached
Name of Executive or CEO	Rita Casaverde
Name of Board Chairperson or President	Cornel Morton

II. COMMUNITY NEED STATEMENT

A. **Community Need:** Describe briefly the demonstrated need in the Morro Bay community for the program. Cite data sources as appropriate.

In 2021 the local Unity Committee, created by the SLO Sheriff’s Office, presented a report that proved beyond a doubt that racism exists locally, hardened into our social, political and economic structures and systems. The report examined population demographics, especially noting the over-representation of whites in positions of wealth and power (business ownership, leadership representation, political office, etc.), and the over-representation of people of color in poverty and disadvantaged situations (level of educational attainment, income, homelessness). The full report is available here: [https://www.slosheriff.org/UNITY\\_Committee\\_Systemic\\_Racism\\_Report.pdf](https://www.slosheriff.org/UNITY_Committee_Systemic_Racism_Report.pdf)

B. **Program Narrative:** Please provide your agency’s Mission Statement and Goals, brief history, programs and population(s) served, organizational structure and experience with proposed grant activities. If your organization provides programs countywide, indicate the percentage of Morro Bay residents served.

Our mission is to provide educational programs and resources to facilitate and advance the efforts of our affiliated organizations in order to promote and advocate for diversity, equity, and inclusion. We provide programs and resources dedicated to the promotion of and advocacy for the inclusion and affirmation of diversity in our community and countering negative acts of prejudice or bias against its citizens. Our primary activities include offering educational programs to local school districts and the community of San Luis Obispo County to foster understanding. We provide our programs in conjunction with Morro Bay High School (representing 20% of our county-wide audience or about 700 Morro Bay students and residents) and make recordings of all events available to all via our website. We are proud to present the City of Morro Bay with the opportunity to join our efforts in providing education to your citizens on diversity, equity, and inclusion.



APPLICATION FOR COMMUNITY GRANT FUNDING

- C. Local Challenges:** What local challenge or need does this grant address? How will Morro Bay residents and residents of adjacent areas and or countywide benefit? How will all eligible participants have the opportunity to participate in the program?

We are proud to be members of our local community and are simultaneously aware of a lack of diverse voices because we are small, rural, and primarily white. We seek to expand understanding and promote justice, equity, diversity, and inclusion by sharing stories often left untold. By bringing high-quality speakers to present on subjects often not covered in our local community, we create understanding and inclusion among Morro Bay residents. Speakers brought to Morro Bay High School and the community at large will share stories that create empathy, expand perspectives, and foster understanding.

- D. Project Description:** Please provide project description, including explanation of project approach, identified strategies and anticipated outcomes. Please quantify the number of Morro Bay residents to be served. Include a list of planned activities, costs associated, timeline and staff/volunteers responsible for the proposed program. Please provide an outline of how requested grant funds would be spent. Note that documentation of expenditures may be required at the end of the grant period, along with a report on program expenditures and outcomes. Program expenditures must be completed by June 30, 2023.

The Diversity Education and Training Program brings renowned speakers to share their stories with San Luis Obispo County-based students in the schools and with the broader public at Community Forums. We work in partnership with teachers to pair speakers and curriculum, support their professional development, and promote tolerance at all levels.

We are requesting \$6,000 toward presenting 6 nationally recognized speakers to ideally, travel to the Central Coast and provide in-person presentations at local schools and community gatherings. One of the schools will be Morro Bay High School. Speakers generally present twice, once to the schools and another geared toward adults at a community forum.

The cost for these speakers will average \$1000 per speaker, covering travel costs, per diem and speaker fees. We aim to reach a total of 700 Morro Bay students and residents.



APPLICATION FOR COMMUNITY GRANT FUNDING

- E. Previous Funding:** If your organization has received previous funding from the City of Morro Bay for the proposed project (within the last year), please provide the outcomes in measurable terms and a case example of the grant impact.

During the 2021-22 school year we received \$5000 to fund four speakers (see full report below). We were able to reach 700 Morro Bay residents (600 MBHS students and 100 residents). One of our events, hosted via Zoom and recorded online addressed *Fostering Understanding in Our Community: Examining the Antisemitic Core of the White Nationalist Movement and its Local Expressions*. The event has been archived on our website: <https://www.diversityslo.org/antisemiticwithinwhitenationalism>

- F. Collaborative Requests:** If a collaborative request, please provide a description of prior collaborative activities, and proposed responsibilities of collaborative members.

We collaborate with the schools where we present, providing coordination of the speakers and covering all program costs. In turn, schools integrate the speakers with their classroom curriculum. We work directly with teachers to facilitate this connection, choosing the best timing and most appropriate speakers to support their classroom goals and our nonprofit mission.



APPLICATION FOR COMMUNITY GRANT FUNDING

**III. PROGRAM FISCAL INFORMATION**

\*Please note that the total city funds available for grants this year is \$60,000; individual grant amounts have recently ranged from \$1,000-\$8,000.

**A. Program Budget**

Please complete the following summary tables to reflect the budget for your organization and program. All amounts should be rounded to the nearest dollar. Alternatively, please attach single page revenue/expense summary sheets for the program for which funds are requested and a separate summary for the organization.

*Budget Summary*

Budget Data	FY 2022/23	FY 2021/22
Morro Bay grant funding	Requested: 6000	Received: 4000
Total <b>Program</b> budget	\$ 30000	\$ 30000
Total <b>Organization</b> budget	\$ 120000	\$ 60000

*Funding Summary*

Revenue Source	FY 2022/23 Program Budget
Morro Bay grant:	\$ 6000
Other municipal funding (please specify: Arroyo Grande, Pismo, SLO City	\$ 15000
County funding (please specify:)	\$
State funding (please specify:)	\$
Federal funding (please specify:)	\$
Fees for services	\$
Donations Individual Memberships and Donations	\$ 4000
Reserve contingency fund	\$
All other sources (please specify: Community Foundation, SLO County	\$ 5000
<b>Total</b>	<b>\$ 30000</b>



APPLICATION FOR COMMUNITY GRANT FUNDING

- B. Organization Contracts**--Has your organization ever had funds withdrawn or a contract terminated for cause, unsatisfactory performance, or questionable costs on any financial statements or audit? If so, please describe.

No

- C. Travel Expense Disclosure**-- If Community Grant funds are to be used for staff travel expenses, please describe.

Grant funds are not used for staff travel expenses. If virtual gatherings are required, we will use Zoom. Otherwise, renown speakers, who are not already local travel to the County of San Luis Obispo and the City of Morro Bay. Travel expenses might include air or train travel and a stay at one of our local hotels.

- D. Eligibility information:** to be eligible for award of a community grant, agencies must:

1. Submit a separate, completed application form for each project.
2. Be incorporated as a tax-exempt non-profit corporation (IRS 501-C) and/or exist as another government entity.
3. Demonstrate the managerial and financial capability to receive and expend funds.
4. Assure compliance with all applicable local, state, and federal laws including but not limited to non-discrimination requirements.

- E. Required attachments:** Please attach the following to your application:

- a. Agency/Organization Board Roster
- b. Most recent financial statement(s) or a copy of the agency/organization's last tax return (IRS 990)
- c. IRS Determination Letter (confirming approval of 501(c) status)  
<https://rct.doj.ca.gov/Verification/Web/Search.aspx?facility=Y>
- d. Copy of current status of organization business from Secretary of State of California authorizing the organization to transact business  
<https://bizfileonline.sos.ca.gov/search/business>
- e. Additional pages, as needed



APPLICATION FOR COMMUNITY GRANT FUNDING

CERTIFICATION

The applicant hereby proposes to provide the services as listed in this proposal. If this proposal is approved and funded, it is agreed that relevant federal, state, and local regulations, including nondiscrimination laws and other assurances as required by the City of Morro Bay, will be adhered to. Furthermore, I certify that the applicant is fully capable of fulfilling its obligation under this proposal as stated herein.

Grantee agrees to provide immediate written notice to the City if significant changes or events occur during the term of this award which could potentially impact the progress or outcome of the grant, including without limitation, changes in Grantee management personnel or losses of funding.

This grant is requested with the understanding that the City has no obligations to provide any, other or additional support or grants to the Grantee.

This grant is requested for programming that will be completed (and funds expended) by June 30, 2023, and the applicant understands that, if awarded, funds not expended by that date are subject to return to the City.

On behalf of the applicant organization, I understand and agree to the foregoing terms and conditions of the City's grant, and I hereby certify and attest to my authority to execute this agreement on Applicant's behalf.

This application and the information contained herein are true and correct and complete, to the best of my knowledge.

Date: Sept. 1st, 2022

Diversity Coalition

\_\_\_\_\_  
Organization Name

\_\_\_\_\_  
Executive Director

Rita Casaverde

\_\_\_\_\_  
(Print Name)



APPLICATION FOR COMMUNITY GRANT FUNDING

**Project:** Project/Program Name: MBOSA Hybrid Meeting Capability

Project/Program Manager Name: Glenn Silloway

RECEIVED  
City of Morro Bay

**Agency:** Name of Agency: Morro Bay Open Space Alliance

SEP 02 2022

Site Address: PO Box 1029  
Morro Bay, CA 93443

Administration

Telephone Number: 805-748-9475 or 805-772-1452

Web Address: www.mbopenspace.org

Name of Executive Director: Glenn Silloway

**COVID-19 IMPACTS**

Did your organization experience a negative impact due to COVID-19 that you could document (e.g. reduction in revenues, expenditures on PPE or other COVID-related purchases, etc)?

Yes (please attach documentation)

No

\*Note: You may attach additional pages if necessary

City Council established a total budget of \$60,000 for Community Grants for FY 2022/23. Of that amount, \$25,000 is available for all eligible program types. Another \$25,000 is available for non-profits that demonstrate an impact by COVID-19. Lastly, an additional \$10,000 is available for programs that positively impact youth services specifically (please note youth programs are eligible to receive more than the \$10,000). Recently, grant amounts have ranged from approximately \$1,000-\$8,000 per organization.

Program expenditures must be completed by June 30, 2023. Please note that if awarded, an annual report on grant expenditures and program outcomes will be required, as well as documentation demonstrating how funds were expended.

**Introduction:** Provide brief description of agency, agency goals, and agency services. Describe your program briefly, including who benefits from your program.

MBOSA is a small 501 c 3 nonprofit organization whose mission is to preserve open space and low impact access to it. Our main functions are educational. Both members and non-members benefit from our education and advocacy on behalf of open space.

Due to lack of space in this box, the full 'Introduction' is attached.

Morro Bay Open Space Alliance  
2 Sept 2022

## Community Grant Application

### Introduction:

MBOSA is a small 501 c 3 nonprofit organization whose mission is to preserve open space and low impact access to it. Our main functions are educational. Both members and non-members benefit from our education and advocacy on behalf of open space.

We are seeking funding for a low-cost technical solution for hybrid zoom + in-person meetings to facilitate Board and small group meetings. We have learned the convenience of zoom but need the more effective in-person discussions as well. Due to the uncertainty of Covid (and future pandemics), a hybrid meeting capability would solidify future communications and allow individual participants to join meetings using their own risk assessments.

We intend to share the this hybrid meeting technology through a well-controlled lending program to enable other similar small nonprofits to benefit from the technology.

Specifically we will purchase an Owl hybrid meeting solution plus a cheap laptop and cables to implement the hybrid meeting we need (owl summary attached, or: <https://owllabs.com/products/meeting-owl-3>). Every small nonprofit that shares this device will benefit from flexibility in scheduling and holding meetings, and reduce the number of times when a valued member will have to be absent.



APPLICATION FOR COMMUNITY GRANT FUNDING

I. AGENCY INFORMATION

A. General Information

Grant Request Amount: \$ **1500**

General Organization Information	
Organizations Name:	Morro Bay Open Space Alliance
Year Established:	2016
Board Roster	attached
Number of Paid Full-Time Employees	none
Number of Paid Part-Time Employees	none
Most recent financial statements (or copy of your last tax return (IRS 990))	attached

Mailing Information	
Street Address:	PO Box 1029
City:	Morro Bay
State:	CA
Zip:	93443

Project/Program Contact Information	
Name/Title:	Glenn Silloway, Chair
Phone Number:	805-748-9475
E-mail:	gsilloway@mac.com or info@mbopenspace.org



**APPLICATION FOR COMMUNITY GRANT FUNDING**

Tax Information	
Federal Employer Tax Number	81-2375834
State Employer Tax Number	CA corp 3893489 (status verification attached)
Name of Program	MBOSA Hybrid Meeting Capability
IRS Determination Letter (approval of 501(C) Status)	attached
Name of Executive or CEO	n/a
Name of Board Chairperson or President	Glenn Silloway

**II. COMMUNITY NEED STATEMENT**

**A. Community Need:** Describe briefly the demonstrated need in the Morro Bay community for the program. Cite data sources as appropriate.

In the uncertain emergence from the pandemic, MBOSA Board members struggled with the decision to hold in-person vs. zoom meetings. We defaulted to zoom whenever even one of our members expressed concern about meeting in person, even if the majority felt strongly that the better communication afforded by in-person meetings justified taking a small risk.

In order to pursue its mission via education and advocacy, MBOSA must have a thoughtful and coherent action plan. This comes via Board and other small group decision-making sessions that define a course of action. When these meetings have to trade off losing a Board or discussion member due to Covid vs. the loss of communication imposed by zoom, the process is less effective.

**B. Program Narrative:** Please provide your agency's Mission Statement and Goals, brief history, programs and population(s) served, organizational structure and experience with proposed grant activities. If your organization provides programs countywide, indicate the percentage of Morro Bay residents served.

Mission: The Morro Bay Open Space Alliance is dedicated to enhancing the quality of life of current and future residents and visitors through the conservation of open space in and around Morro Bay.

Due to lack of space, the Program Narrative is attached.

Morro Bay Open Space Alliance  
2 Sept 2022

## Community Grant 2022-23

### Program Narrative

**Mission:** The Morro Bay Open Space Alliance is dedicated to enhancing the quality of life of current and future residents and visitors through the conservation of open space in and around Morro Bay.

MBOSA's goals are:

- Conserve open spaces for historical, educational, ecological, recreational and scenic uses
- Engage and educate the community about the value of open space
- Maintain access for appropriate low-impact recreation
- Protect wildlife habitat
- Preserve open space between communities
- Promote land uses that are sustainable economically and environmentally

MBOSA grew out of a public workshop in which the creation of a greenbelt was selected as one of the top program priorities by attendees. Volunteers met to define and set up the organization over the next year, and incorporated, with bylaws, in 2016.

MBOSA provides public education to any resident or visitor without charge in a variety of ways. Some activities, like nature walks, are restricted to first come, first served donors.

MBOSA is a 501 c 3 nonprofit organization with a Board-centered structure ("members" do not vote on Board or policy options).

Our "experience" with the proposal is the limitations we face without hybrid capability.



**APPLICATION FOR COMMUNITY GRANT FUNDING**

- C. Local Challenges:** What local challenge or need does this grant address? How will Morro Bay residents and residents of adjacent areas and or countywide benefit? How will all eligible participants have the opportunity to participate in the program?

A low-cost hybrid meeting technology will increase the capability and flexibility of MBOSA and other similar small nonprofit organizations in holding decision-making meetings. This is a community need in the face of uncertainty about Covid and other potential risks or limitations.

All residents will benefit from the improved effectiveness of nonprofits that participate in the MBOSA hybrid capability and shared service option.

"Eligible" participants will be MBOSA and its Board, but also other small local nonprofit organizations with limited funds to purchase items like the hybrid meeting technology and/or organizations unable to justify the expense of such a system given all the competing uses for limited funds.

- D. Project Description:** Please provide project description, including explanation of project approach, identified strategies and anticipated outcomes. Please quantify the number of Morro Bay residents to be served. Include a list of planned activities, costs associated, timeline and staff/volunteers responsible for the proposed program. Please provide an outline of how requested grant funds would be spent. Note that documentation of expenditures may be required at the end of the grant period, along with a report on program expenditures and outcomes. Program expenditures must be completed by June 30, 2023.

The project is simple: we seek a one-time grant to purchase hybrid meeting technology to enable MBOSA and other similar nonprofit organizations to conduct more flexible Board and other small group meetings.

The pandemic has forced us to adapt to Zoom and other teleconference meetings. But as we emerge from the pandemic, we realize that we will need to combine in-person with Zoom attendance to match both personal risk tolerance (some people will not want to meet in person, others will) and for increased flexibility for physical absences for other reasons.

Therefore, we are seeking funding for a low-cost technical solution for hybrid zoom + in-person meetings to facilitate Board and small group meetings. Both for learned convenience of zoom and due to the uncertainty of Covid (and future pandemics), this would solidify future communications. A description of the OWL system is in the attached documents.

Every small nonprofit that chooses to participate in our lending program will benefit. These organizations collectively serve a large number of Morro Bay residents directly, and virtually all of them indirectly (every single person in MB benefits from open space!).



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

**E. Previous Funding:** If your organization has received previous funding from the City of Morro Bay for the proposed project (within the last year), please provide the outcomes in measurable terms and a case example of the grant impact.

n/a

**F. Collaborative Requests:** If a collaborative request, please provide a description of prior collaborative activities, and proposed responsibilities of collaborative members.

n/a



**APPLICATION FOR COMMUNITY GRANT FUNDING**

**III. PROGRAM FISCAL INFORMATION**

\*Please note that the total city funds available for grants this year is \$60,000; individual grant amounts have recently ranged from \$1,000-\$8,000.

**A. Program Budget**

Please complete the following summary tables to reflect the budget for your organization and program. All amounts should be rounded to the nearest dollar. Alternatively, please attach single page revenue/expense summary sheets for the program for which funds are requested and a separate summary for the organization.

*Budget Summary*

Budget Data	FY 2022/23	FY 2021/22
Morro Bay grant funding	Requested: \$1500	Received:
Total <b>Program</b> budget	\$ 1500	\$
Total <b>Organization</b> budget	\$ 5000 annually, approximately	\$

*Funding Summary*

Revenue Source	FY 2022/23 Program Budget
Morro Bay grant: <b>\$1500</b>	<b>\$ 1500</b>
Other municipal funding (please specify:)	\$
County funding (please specify:)	\$
State funding (please specify:)	\$
Federal funding (please specify:)	\$
Fees for services	\$
Donations	\$
Reserve contingency fund	\$
All other sources (please specify:)	\$
<b>Total</b>	<b>\$ 1500</b>



**APPLICATION FOR COMMUNITY GRANT FUNDING**

- B. Organization Contracts**--Has your organization ever had funds withdrawn or a contract terminated for cause, unsatisfactory performance, or questionable costs on any financial statements or audit? If so, please describe.

no

- C. Travel Expense Disclosure**-- If Community Grant funds are to be used for staff travel expenses, please describe.

none

- D. Eligibility information:** to be eligible for award of a community grant, agencies must:

1. Submit a separate, completed application form for each project.
2. Be incorporated as a tax-exempt non-profit corporation (IRS 501-C) and/or exist as another government entity.
3. Demonstrate the managerial and financial capability to receive and expend funds.
4. Assure compliance with all applicable local, state, and federal laws including but not limited to non-discrimination requirements.

- E. Required attachments:** Please attach the following to your application:

- a. Agency/Organization Board Roster
- b. Most recent financial statement(s) or a copy of the agency/organization's last tax return (IRS 990)
- c. IRS Determination Letter (confirming approval of 501(c) status)  
<https://rct.doj.ca.gov/Verification/Web/Search.aspx?facility=Y>
- d. Copy of current status of organization business from Secretary of State of California authorizing the organization to transact business  
<https://bizfileonline.sos.ca.gov/search/business>
- e. Additional pages, as needed

Morro Bay Open Space Alliance  
2 Sept 2022

## Community Grant Addendum

### About the OWL hybrid technology system

OWLLABS manufactures and sells the Owl Intelligence System to facilitate hybrid meetings. "Hybrid" refers to meetings that are held with attendees at an in-person venue AND via teleconference (we use Zoom) at the same time. See: <https://owllabs.com/products/meeting-owl-3>

The OWL requires a teleconferencing subscription, sold separately. There is a small amount of technical equipment needed in addition for complete connectivity and control on the system. MBOSA would need cables to link the OWL signal to Zoom, and would use a laptop (to be purchased) to monitor the system.

The OWL is small and portable. Users can be trained to use it very quickly. The proposed sharing of the system with other small nonprofits can be accomplished fairly easily. The most important part of this procedure will be to ensure control over the equipment, to make sure it is returned in good condition. MBOSA has not yet fully defined the lending system controls, but it is likely that we will require borrowers to verify insurance coverage of the system, get training, and pledge to adhere to a "check out" time of limited and known duration.



APPLICATION FOR COMMUNITY GRANT FUNDING

CERTIFICATION

The applicant hereby proposes to provide the services as listed in this proposal. If this proposal is approved and funded, it is agreed that relevant federal, state, and local regulations, including nondiscrimination laws and other assurances as required by the City of Morro Bay, will be adhered to. Furthermore, I certify that the applicant is fully capable of fulfilling its obligation under this proposal as stated herein.

Grantee agrees to provide immediate written notice to the City if significant changes or events occur during the term of this award which could potentially impact the progress or outcome of the grant, including without limitation, changes in Grantee management personnel or losses of funding.

This grant is requested with the understanding that the City has no obligations to provide any, other or additional support or grants to the Grantee.

This grant is requested for programming that will be completed (and funds expended) by June 30, 2023, and the applicant understands that, if awarded, funds not expended by that date are subject to return to the City.

On behalf of the applicant organization, I understand and agree to the foregoing terms and conditions of the City's grant, and I hereby certify and attest to my authority to execute this agreement on Applicant's behalf.

This application and the information contained herein are true and correct and complete, to the best of my knowledge.

Date: September 2, 2022

Morro Bay Open Space Alliance

Organization Name

Glenn Silloway  
Executive Director

Glenn Silloway

(Print Name)

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CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

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City of Morro Bay

SEP 02 2022

Administration

**Project:** Project/Program Name: Roof Repair  
Project/Program Manager Name: Janet Hillson

**Agency:** Name of Agency: Morro Bay Art Association  
Site Address: 835 Main Street  
Morro Bay, CA 93442

Telephone Number: 805-772-0254

Web Address: artcentermorrobay.org

Name of Executive Director: Patricia Newton

**COVID-19 IMPACTS**

Did your organization experience a negative impact due to COVID-19 that you could document (e.g. reduction in revenues, expenditures on PPE or other COVID-related purchases, etc)?

- Yes (please attach documentation)
- No

\*Note: You may attach additional pages if necessary

City Council established a total budget of \$60,000 for Community Grants for FY 2022/23. Of that amount, \$25,000 is available for all eligible program types. Another \$25,000 is available for non-profits that demonstrate an impact by COVID-19. Lastly, an additional \$10,000 is available for programs that positively impact youth services specifically (please note youth programs are eligible to receive more than the \$10,000). Recently, grant amounts have ranged from approximately \$1,000-\$8,000 per organization.

Program expenditures must be completed by June 30, 2023. Please note that if awarded, an annual report on grant expenditures and program outcomes will be required, as well as documentation demonstrating how funds were expended.

**Introduction:** Provide brief description of agency, agency goals, and agency services. Describe your program briefly, including who benefits from your program.

Morro Bay Art Association is a non-profit, membership supported, all volunteer organization dedicated to fostering creativity and community. MBAA offers art classes for both adults and children, adult workshops, free monthly demonstrations, and numerous yearly exhibitions. Morro Bay Art Association is grateful to provide art scholarships for local high school students who show interest in pursuing the arts.

The goal of this project is to repair the flat roof on our building to mitigate further deterioration due to dry rot and termite damage, along with attending to some preventative maintenance. The objective is to maintain our current 50 year old building



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

**I. AGENCY INFORMATION**

**A. General Information**

\$8,000.00

Grant Request Amount: \$ \_\_\_\_\_

General Organization Information	
Organizations Name:	Morro Bay Art Association
Year Established:	1951
Board Roster	See Attached
Number of Paid Full-Time Employees	0
Number of Paid Part-Time Employees	1
Most recent financial statements (or copy of your last tax return (IRS 990))	See Attached

Mailing Information	
Street Address:	835 Main Street
City:	Morro Bay
State:	CA
Zip:	93442

Project/Program Contact Information	
Name/Title:	Janet Hillson
Phone Number:	805-772-0254
E-mail:	janethillson@hotmail.com



## CITY OF MORRO BAY ❖ FY 2022/23

## APPLICATION FOR COMMUNITY GRANT FUNDING

Tax Information	
Federal Employer Tax Number	23-7136223
State Employer Tax Number	XXXXX
Name of Program	Roof Repair
IRS Determination Letter (approval of 501(C) Status)	See attached
Name of Executive or CEO	
Name of Board Chairperson or President	Patricia Newton

## II. COMMUNITY NEED STATEMENT

- A. Community Need:** Describe briefly the demonstrated need in the Morro Bay community for the program. Cite data sources as appropriate.

The roof repair and maintenance project will ensure that the residents of San Luis Obispo County continue to have a safe and permanent home for the arts. MBAA offers numerous exhibitions, classes for both adults and children, workshops, free demonstrations and art scholarships to local high school students. MBAA is a thriving non-profit, local arts organization operated entirely by volunteers. Our historic building is an important piece of local Morro Bay history. There is strong evidence that participation in the arts can contribute to community cohesion, reduce social exclusion and isolation and/or make communities feel safer and stronger. Studies have proven that participation in structured arts activities increases cognitive abilities.

- B. Program Narrative:** Please provide your agency's Mission Statement and Goals, brief history, programs and population(s) served, organizational structure and experience with proposed grant activities. If your organization provides programs countywide, indicate the percentage of Morro Bay residents served.

The mission statement of the MBAA is to champion art as essential to life and give our community a creative voice. MBAA is dedicated to the promotion and enrichment of art education and to ensuring the local community has an outlet to creativity and access to artist and art-related events. MBAA is a membership supported, all volunteer non-profit organization guided by a Board of Directors who meet monthly. MBAA has received a number of grants from local agencies and is familiar with the procedures associated with spending and reporting of allotted funds. The MBAA was incorporated in 1956 and acquired its current home in 1971. This building is a gathering place for artists and through exhibitions, invitational shows, festivals and art education, is the hub for extension of the arts into the wider community. MBAA gained its current non-profit status in 1986 and continues to be a valuable asset to the life, aspirations and vision of the community.



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

- C. Local Challenges:** What local challenge or need does this grant address? How will Morro Bay residents and residents of adjacent areas and or countywide benefit? How will all eligible participants have the opportunity to participate in the program?

SLO county residents and visitors alike benefit from having a professional and reputable art institution at which they can view art, take classes to support their creativity and promote stress-relief, see a free demonstration, mingle and share ideas with fellows artists. Art Center Morro Bay is one of the largest contemporary art galleries located on the Central Coast of California and provides the local and wider community with a venue to pursue artistic undertakings. The Art Gallery is free and open to the public seven days a week from 12:00pm - 4:00pm. The Saturday summer hours are extended to coincide with the Morro Bay Farmers Market.

- D. Project Description:** Please provide project description, including explanation of project approach, identified strategies and anticipated outcomes. Please quantify the number of Morro Bay residents to be served. Include a list of planned activities, costs associated, timeline and staff/volunteers responsible for the proposed program. Please provide an outline of how requested grant funds would be spent. Note that documentation of expenditures may be required at the end of the grant period, along with a report on program expenditures and outcomes. Program expenditures must be completed by June 30, 2023.

Remove and replace the flat roof on the second story of house only. Install one-layer of fiberglass solo base-sheet. Install 60ml TPO (Thermoplastic Polyolefin) single ply roof system. Install 2" x 4" TPO wrapped galvanized drip edge. Remove and replace all pipe jacks with new pre-fabricated roof jacks. All mechanically fastened using TPO fasteners and sealant. If applicable remove and replace base Flashings to skylights and or chimneys with new TPO base flashing. Estimate is also to do preventative maintenance on first story flat roof. Seal all roof penetrations on lower first story flat roof and seal all seams on cap sheet. (See attached estimate from Bean's Roofing).

MBAA's maintenance staff will continue to monitor the roof, ceiling and flooring in and around the building to check for any water seepage or deterioration due to dry rot and termite damage. MBAA will continue to regularly schedule pest control and roof inspections by qualified professionals. Our building is 50 years old and requires diligent maintenance in order to mitigate damage. Morro Bay Art association has a maintenance volunteer who checks for and reports any instance of damage to the President of the Board for immediate action.



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

*JJA* E. **Previous Funding:** If your organization has received previous funding from the City of Morro Bay for the proposed project (within the last year), please provide the outcomes in measureable terms and a case example of the grant impact.

Not applicable

*JJA* F. **Collaborative Requests:** If a collaborative request, please provide a description of prior collaborative activities, and proposed responsibilities of collaborative members.

Not applicable



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

III. PROGRAM FISCAL INFORMATION

\*Please note that the total city funds available for grants this year is \$60,000; individual grant amounts have recently ranged from \$1,000-\$8,000.

A. Program Budget

Please complete the following summary tables to reflect the budget for your organization and program. All amounts should be rounded to the nearest dollar. Alternatively, please attach single page revenue/expense summary sheets for the program for which funds are requested and a separate summary for the organization.

Budget Summary

Budget Data	FY 2022/23	FY 2021/22
Morro Bay grant funding	Requested:8,000.00	Received:5,000.00
Total Program budget	\$ 13,056.00	\$
Total Organization budget	\$ SEE BUDGET ATTACHED	

JJA  
JJA

Funding Summary

Revenue Source	FY 2022/23 Program Budget
Morro Bay grant:	\$8,000.00
Other municipal funding (please specify:)	\$
County funding (please specify: Community Foundation of SLO	\$ 5,000.00
State funding (please specify:)	\$
Federal funding (please specify:)	\$
Fees for services	\$
Donations	\$
Reserve contingency fund	\$
All other sources (please specify:)	\$
<b>Total</b>	<b>\$13,000.00</b>



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

- B. Organization Contracts**—Has your organization ever had funds withdrawn or a contract terminated for cause, unsatisfactory performance, or questionable costs on any financial statements or audit? If so, please describe.

Not applicable

- C. Travel Expense Disclosure**— If Community Grant funds are to be used for staff travel expenses, please describe.

Not applicable

- D. Eligibility information:** to be eligible for award of a community grant, agencies must:
1. Submit a separate, completed application form for each project.
  2. Be incorporated as a tax-exempt non-profit corporation (IRS 501-C) and/or exist as another government entity.
  3. Demonstrate the managerial and financial capability to receive and expend funds.
  4. Assure compliance with all applicable local, state, and federal laws including but not limited to non-discrimination requirements.

- E. Required attachments:** Please attach the following to your application:
- a. Agency/Organization Board Roster
  - b. Most recent financial statement(s) or a copy of the agency/organization's last tax return (IRS 990)
  - c. IRS Determination Letter (confirming approval of 501(c) status) <https://rct.doj.ca.gov/Verification/Web/Search.aspx?facility=Y>
  - d. Copy of current status of organization business from Secretary of State of California authorizing the organization to transact business (<https://bizfileonline.sos.ca.gov/search/business>)
  - e. Additional pages, as needed



CITY OF MORRO BAY ❖ FY 2022/23

APPLICATION FOR COMMUNITY GRANT FUNDING

CERTIFICATION

The applicant hereby proposes to provide the services as listed in this proposal. If this proposal is approved and funded, it is agreed that relevant federal, state, and local regulations, including nondiscrimination laws and other assurances as required by the City of Morro Bay, will be adhered to. Furthermore, I certify that the applicant is fully capable of fulfilling its obligation under this proposal as stated herein.

Grantee agrees to provide immediate written notice to the City if significant changes or events occur during the term of this award which could potentially impact the progress or outcome of the grant, including without limitation, changes in Grantee management personnel or losses of funding.

This grant is requested with the understanding that the City has no obligations to provide any, other or additional support or grants to the Grantee.

This grant is requested for programming that will be completed (and funds expended) by June 30, 2023, and the applicant understands that, if awarded, funds not expended by that date are subject to return to the City.

On behalf of the applicant organization, I understand and agree to the foregoing terms and conditions of the City's grant, and I hereby certify and attest to my authority to execute this agreement on Applicant's behalf.

This application and the information contained herein are true and correct and complete, to the best of my knowledge.

Date: 9/7/2022, 2022

Morro Bay Art Association  
Organization Name

DocuSigned by:  
Patricia Newton  
16DAF613443249E  
Executive Director

Patricia Newton  
(Print Name)



# Proposal and Acceptance

Bean's Roofing

P.O. Box 6105

Los Osos, CA 93412

Phone (805) 534-0888 Fax: (805) 456-0606

Email: beansroofing@aol.com

License # 795440

Proposal Submitted to: Patricia Newton

Email: artbypatricianewton@gmail.com

Date: 8/31/22

Phone: 805-423-1100

Job Location: 835 Main St.

City: Morro Bay

Estimate is to remove and replace the flat roof on the second story roof only. Install one-layer of fiberglass solo base-sheet. Install 60ml TPO (Thermoplastic Polyolefin) single ply roof system. Install 2" x 4" TPO wrapped galvanized drip edge. Remove and replace all pipe jacks with new pre-fabricated roof jacks. All mechanically fastened using TPO fasteners and sealant. If applicable remove and replace base Flashings to skylights and or chimneys with new TPO base flashing. Beans Roofing cannot be responsible for any dust and or debris that may enter home due to Tear off. If you would like us to come inside and look at your ceiling to let you know if this may be an issue please let us know. If the skylights begin to leak after roof has been replaced ,owners will need to purchase a new skylight, Beans Roofing will install at no labor cost. If 7/16 OSB is needed it will be installed at an additional cost.

**Estimate is also to do preventative maintenance on the first story flat roof, seal all roof penetrations on lower for story flat roof and seal all seams on cap sheet.**

**First story structure work is preventative maintenance only holds no warranty.**

**Cost is: \$13,056.00**

Prices are subject to change depending on manufactures increase

Bean's Roofing cannot be responsible for any dust and or debris that enter the home due to removal. We cannot be responsible for any thing that is broken in the home due to removal. If you have breakables on the wall or ceiling fans, light fixtures etc. It is your responsibility to take them down prior to tear off. We are not a termite company and will remove and replace dry rot we find, if you want to ensure all dry rot is found, you need to hire a licensed termite company prior to the work being done and get a report. All vehicles/RVs on the above-mentioned property need to be parked at a safe distance away to avoid dirt, dust or debris. If solar panels are present, they need to be removed and replaced by others. Satellite will be removed & re-installed by us if it is located on the roof. Customer is responsible for charges to have it re-aligned by others. If dry rot is found, it's an additional \$65per hour, per man plus materials. Price not to exceed 10% of the entire roof cost without owner's permission. Five-year guarantee on workmanship. Roof

**CALIFORNIA ONLY: NOTICE TO OWNER:**

Contractors are required by law to be licensed and regulated by the contractors' state license board. Any questions concerning a contractor may be referred to the registrar of the board whole address is: Contractor's State License Board: 9821 Business Park Dr., Sacramento, CA 95827

**We Propose** hereby to furnish material and labor- complete in accordance with above specifications.

Payment to be made as follows: 50% when material is on site & work has begun. Payment due upon completion. Payments due and unpaid under this Contract shall bear interest from the date payment is due, at the following Rate: (10%) ten percent per year, accruing from the first day payment is past due.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by workmen's compensation Insurance.

Authorized

Signature: *Beans Roofing*

**Note:** This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Date of Acceptance: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

**PLEASE FAX OR EMAIL BACK**

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AGENDA NO: C-2

MEETING DATE: October 25, 2022

# Staff Report

**TO:** Honorable Mayor and City Council **DATE:** October 14, 2022

**FROM:** Dana Swanson, City Clerk / Human Resources Manager

**SUBJECT:** Adoption of Ordinance No. 653 Authorizing an Amendment to the CalPERS Contract to Implement 2% Cost Sharing for Local Fire Members in the Morro Bay Firefighters Association, IAFF Local 3725

## RECOMMENDATION

Staff recommends the City Council adopt Ordinance No. 653 Authorizing an Amendment to the Contract between the City of Morro Bay and the Board of Administration of the California Public Employees' Retirement System Implementing Section 20516 (Employees Sharing Additional Cost) for local fire members in the Morro Bay Firefighters' Association, IAFF Local 3725 (MBFFA).

## ALTERNATIVES

No alternatives are being recommended.

## FISCAL IMPACT

There is no fiscal impact associated with this report. Salaries and benefits for MBFFA members were approved with the FY 2022/23 Operating Budget. The adoption of this agreement enacts a portion of the Memorandum of Understanding on which approved personnel costs were based.

## BACKGROUND

At its September 27, 2022 meeting, the Council adopted Resolution No. 86-22 giving notice of the City's intention to approve an amendment to the contract between the City and the Board of Administration of the California Public Employee's Retirement System (CalPERS), and introduced for first reading, with further reading waived, Ordinance No. 653 Authorizing an Amendment to the Contract between the City of Morro Bay and the Board of Administration of the California Public Employees' Retirement System Implementing Section 20516 (Employees Sharing Additional Cost) for local fire members in the Morro Bay Firefighters' Association, IAFF Local 3725 (MBFFA). The staff report for Item C-2 and additional reference information from that meeting can be found here:

<http://morrobayca.gov/ArchiveCenter/ViewFile/Item/5996>

The cost sharing arrangement for FY 22-23 has been agreed upon by the City and the MBFFA through the Successor MOU ratified by MBFFA and approved by City Council on August 9, 2022. Additionally, as required by CalPERS as part of the contract amendment process, it was approved by members of MBFFA in a secret ballot election (see Attachment 1). The approval was unanimous.

The CalPERS contract amendment is straightforward; the only change is that it will provide for employee cost sharing of 2% for local fire members in the MBFFA. The additional amounts paid by

Prepared By: DS

Dept Review:     

City Manager Review: SC

City Attorney Review: MH

the employee toward the City's contribution will be credited to each member's PERS account as normal contributions and will allow the City to process the full contribution as tax deferred compensation in accordance with IRC414(h)(2).

**CONCLUSION**

Staff recommends the Council adopt Ordinance No. 653 Authorizing an Amendment to the contract between the City and the Board of Administration of the California Public Employees' Retirement System (CalPERS) for local fire members in the Morro Bay Firefighters' Association, IAFF Local 3725 (MBFFA)

**ATTACHMENTS**

1. Certification of Employee Election
2. Ordinance No. 653 including attached "Exhibit"



California Public Employees' Retirement System  
 Financial Office | Pension Contracts and Prefunding Programs Division  
 P.O. Box 942703, Sacramento, CA 94229-2703  
 888 CalPERS (or 888-225-7377) | TTY: (877) 249-7442 | [www.calpers.ca.gov](http://www.calpers.ca.gov)

### Certification of Employee Election

I hereby certify that the following employees of the City of Morro Bay have expressed their approval or disapproval of said agency's intention to amend its contract to provide Section 20516 (Employees Sharing Additional Cost) of 2% for local fire members in the Morro Bay Firefighters Association, IAFF Local 3725, on the basis described in the Resolution of Intention adopted by said agency's governing body on Sept 27, 2022, in such manner as to permit each employee to separately and secretly express his choice and that the outcome of such election was as follows:

	Number of employees eligible to vote	Number of votes approving said participation	Number of votes disapproving said participation
Local Fire Fighters as defined in Govt. Code Section 20433	<u>12</u>	<u>12</u>	<u>0</u>

  
 \_\_\_\_\_  
 Clerk or Secretary

10-6-22  
 \_\_\_\_\_  
 Date

City of Morro Bay  
 OCT 06 2022  
 Rec'd City Hall

(Amendment)  
 PERS-CON-15 (Rev. 1/09/19)

**ORDINANCE NO. 653**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE  
CITY OF MORRO BAY AND THE BOARD OF ADMINISTRATION OF THE  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
IMPLEMENTING SECTION 20516 (EMPLOYEES SHARING ADDITIONAL COST) FOR  
LOCAL FIRE MEMBERS IN THE MORRO BAY FIREFIGHTERS ASSOCIATION,  
IAFF LOCAL 3725**

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

**THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA DOES HEREBY  
FIND AND ORDAIN AS FOLLOWS:**

**SECTION 1. CONTRACT AMENDMENT.** That an amendment to the contract between the City Council of the City of Morro Bay and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

**SECTION 2. EXECUTION.** The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency, with the effective date of the amendment being November 26, 2022.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall be in full force and take effect 30 days after the date of its adoption, and prior to the expiration of 10 days from the passage thereof shall be published at least once in the New Times SLO, a newspaper of general circulation, published and circulated in San Luis Obispo County and thenceforth and thereafter the same shall be in full force and effect.

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**SECTION 4. CERTIFICATION.** The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

**INTRODUCED** at a regular meeting of the City Council held on the 27<sup>th</sup> day of September 2022, by motion of Council Member Addis and seconded by Council Member Heller.

**PASSED AND ADOPTED** on the 25<sup>th</sup> day of October 2022, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
CHRIS F. NEUMEYER, City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF SAN LUIS OBISPO    )  
CITY OF MORRO BAY             )

I, Dana Swanson, CITY CLERK OF THE CITY OF MORRO BAY, DO HEREBY CERTIFY that the foregoing Ordinance Number 653 was duly adopted by the City Council of the City of Morro Bay at a regular meeting of said Council on the \_\_\_\_\_ day of October 2022 and that it was so adopted by the following vote:

AYES:  
NOES:  
ABSENT:

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City Clerk, Dana Swanson



**EXHIBIT**

California  
Public Employees' Retirement System

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**AMENDMENT TO CONTRACT**

**Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Morro Bay**

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The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective July 1, 1965, and witnessed June 1, 1965, and as amended effective August 15, 1981, November 19, 1983, January 7, 1989, June 24, 1989, June 22, 1991, June 10, 1994, June 9, 1998, October 17, 1998, April 13, 2000, June 22, 2002, September 13, 2002, June 21, 2003, September 27, 2003, July 1, 2006, June 2, 2007, May 31, 2008, March 19, 2011, September 17, 2011, December 10, 2011, June 15, 2019, and October 19, 2019, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 19 are hereby stricken from said contract as executed effective October 19, 2019, and hereby replaced by the following paragraphs numbered 1 through 19 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members entering membership in the miscellaneous classification on or prior December 10, 2011, age 60 for classic local miscellaneous members entering membership in the miscellaneous classification after December 10, 2011, age 62 for new local miscellaneous members, age 50 for classic local fire members entering membership in the fire classification on or prior to March 19, 2011, and for those classic local police members entering membership in the police classification on or prior to September 17, 2011, age 55 for classic local fire members entering membership for the first time in the fire classification after March 19, 2011, and for those classic local police members entering membership for the first time in police classification after September 17, 2011, and age 57 for new local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after July 1, 1965, making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.

- (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
- 4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
  - a. Local Fire Fighters (herein referred to as local safety members);
  - b. Local Police Officers (herein referred to as local safety members);
  - c. Employees other than local safety members (herein referred to as local miscellaneous members).
- 5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
  - a. **ELECTED OFFICIALS;**
  - b. **APPOINTIVE COMMISSIONS; AND**
  - c. **PERSONS COMPENSATED ON AN HOURLY BASIS.**
- 6. This contract shall be a continuation of the benefits of the contract of the Morro Bay Fire District, hereinafter referred to as "Former Agency", pursuant to Section 20508 of the Government Code, Former Agency having ceased to exist and succeeded by Public Agency on July 1, 1965. Public Agency, by this contract, assumes the accumulated contributions and assets derived therefrom and liability for prior and current service under Former Agency's contract with respect to the Former Agency's employees. Legislation repealed Section 20508, Statutes of 1949, effective January 1, 1988.
- 7. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member in employment before and not on or after September 27, 2003, shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).

8. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member in employment on or after September 27, 2003, and not entering membership for the first time in the miscellaneous classification after December 10, 2011, shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).
9. The percentage of final compensation to be provided for each year of credited current service as a classic local miscellaneous member entering membership for the first time in the miscellaneous classification after December 10, 2011, shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local fire member entering membership in the fire classification on or prior to March 19, 2011, and for those classic local police members entering membership in the police classification on or prior to September 17, 2011, shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
12. The percentage of final compensation to be provided for each year of credited current service as a classic local fire member entering membership for the first time in the fire classification after March 19, 2011, and for those classic local police members entering membership for the first time in the police classification after September 17, 2011, shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
13. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
14. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 20965 (Credit for Unused Sick Leave).

- b. Section 20042 (One-Year Final Compensation) for those classic local fire members entering membership on or prior to March 19, 2011, those classic local police members entering membership on or prior to September 17, 2011, and those classic local miscellaneous members entering membership on or prior to December 10, 2011.
- c. Section 21024 (Military Service Credit as Public Service) for local miscellaneous members and local police members only.
- d. Section 21574 (Fourth Level of 1959 Survivor Benefits).
- e. Section 20423 ("Local Safety Member" shall include Harbor or Port Police Officers as described in Government Code Section 20423).
- f. Section 21027 (Military Service Credit for Retired Persons) for local police members only.
- g. Section 20475 (Different Level of Benefits): Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local fire members entering membership for the first time with this agency in the fire classification after March 19, 2011.

Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local police members entering membership for the first time with this agency in the police classification after September 17, 2011.

Section 21353 (2% @ 60 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local miscellaneous members entering membership for the first time with this agency in the miscellaneous classification after December 10, 2011.

- h. Section 20516 (Employees Sharing Additional Cost):

From and after June 15, 2019, and until October 10, 2019, 1% for local police members in the Morro Bay Peace Officers' Association.

From and after October 10, 2019, 2% for local police members in the Morro Bay Peace Officers' Association.

From and after the effective date of this amendment to contract, 2% for local fire members in the Morro Bay Firefighters Association, IAFF Local 3725.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

15. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on August 15, 1981. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
16. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
17. Public Agency shall also contribute to said Retirement System as follows:
  - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local safety members.
  - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
  - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

- 18. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
- 19. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF MORRO BAY

BY \_\_\_\_\_  
MELODY BENAVIDES, CHIEF  
PENSION CONTRACTS AND PREFUNDING  
PROGRAMS DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk