

City of Morro Bay

City Council Agenda

Mission Statement

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

REGULAR MEETING – TUESDAY, NOVEMBER 8, 2011

**CLOSED SESSION – TUESDAY, NOVEMBER 8, 2011
CITY HALL CONFERENCE ROOM - 5:00 P.M.
595 HARBOR ST., MORRO BAY, CA**

- CS-1** **GOVERNMENT CODE SECTION 54957; PERSONNEL ISSUES**
Discussions regarding Personnel Issues including one (1) public employee regarding evaluation, specifically the City Attorney.

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

**PUBLIC SESSION – TUESDAY, NOVEMBER 8, 2011
VETERANS MEMORIAL HALL - 6:00 P.M.
209 SURF ST., MORRO BAY, CA**

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

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

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

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

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (805) 772-6205. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A. CONSENT CALENDAR

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

A-1 APPROVAL OF MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF OCTOBER 25, 2011; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 AUTHORIZATION TO SUBMIT APPLICATIONS FOR CALRECYCLE GRANTS FOR RUBBERIZED PAVING; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 71-11 authorizing the Public Services Director to pursue the submittal of applications to CalRecycle for all grants for which the City of Morro Bay is eligible.

A-3 APPROVE THE ADOPTION OF ORDINANCE NO. 574 AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF MORRO BAY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (GOVERNMENT CODE SECTION 20475 - DIFFERENT LEVEL OF BENEFITS), SECTION 21353 (2% @ 60 FORMULA), AND SECTION 20037 (THREE YEAR FINAL COMPENSATION) FOR LOCAL MISCELLANEOUS MEMBERS ONLY; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Ordinance No. 574.

A-4 APPROVAL OF THE LEGAL ASSISTANT/DEPUTY CITY CLERK AND ACCOUNTING TECHNICIAN JOB DESCRIPTIONS AND AUTHORIZATION TO HIRE AN ACCOUNT CLERK I/II; (ADMINISTRATION)

RECOMMENDATION: Approve two new job descriptions, the Legal Assistant/Deputy City Clerk and the Accounting Technician; and, authorize the hiring of an Account Clerk I/II position at ¾ time.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 APPEAL OF THE PLANNING COMMISSION'S DECISION TO CONDITIONALLY APPROVE CONDITIONAL USE PERMIT UP0-233 AND COASTAL DEVELOPMENT PERMIT CP0-285 WHICH ALLOWED THE CONSTRUCTION OF A NEW 2-STORY, SPLIT LEVEL, 3,256-SQUARE FOOT RESIDENTIAL STRUCTURE INCLUDING AN ATTACHED 2-CAR 920-SQUARE FOOT GARAGE, 745-SQUARE FEET OF DECKING DECKS, AND A 711-SQUARE FOOT SECONDARY LIVING UNIT; (PUBLIC SERVICES)

RECOMMENDATION: Continue this item to the December 13, 2011 City Council meeting due to noticing requirements.

B-2 ORDINANCE NO. 575 AMENDING MORRO BAY MUNICIPAL CODE SECTION 5.04.330 REGARDING THE PROCEDURE FOR SUBMITTING CERTAIN BUSINESS LICENSE APPLICATIONS TO THE CHIEF OF POLICE AND CITY COUNCIL - INTRODUCTION AND FIRST READING; (CITY ATTORNEY)

RECOMMENDATION: Approve the introduction and first reading of Ordinance No. 575, by number and title only, amending Morro Bay Municipal Code Section 5.04.330.

- C. UNFINISHED BUSINESS – NONE.
- D. NEW BUSINESS
- D-1 DISCUSSION OF IMPROVEMENTS FOR PEDESTRIAN ACCESS FROM THE “ROCK” PARKING AREA TO THE BEACH; (PUBLIC SERVICES)

RECOMMENDATION: Discuss the potential project and provide direction to staff to schedule this item for review at the Recreation and Parks Commission and the Public Works Advisory Board and return to City Council with recommendations.

- E. DECLARATION OF FUTURE AGENDA ITEMS
- F. ADJOURNMENT

THIS AGENDA IS SUBJECT TO AMENDMENT UP TO 72 HOURS PRIOR TO THE DATE AND TIME SET FOR THE MEETING. PLEASE REFER TO THE AGENDA POSTED AT CITY HALL FOR ANY REVISIONS OR CALL THE CLERK'S OFFICE AT 772-6200 FOR FURTHER INFORMATION.

MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION AT CITY HALL LOCATED AT 595 HARBOR STREET DURING NORMAL BUSINESS HOURS OR AT THE SCHEDULED MEETING.

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – OCTOBER 25, 2011
CITY HALL CONFERENCE ROOM - 5:00 P.M.

AGENDA NO: A-1
MEETING DATE: 11/08/11

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

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Susan Slayton	Administrative Services Director
	Jamie Boucher	Human Resource Analyst
	Sue Lichtenbaum	Harbor Business Manager

CLOSED SESSION

Mayor Yates adjourned the meeting to Closed Session and read the Closed Session Statement.

Mayor Yates read the Closed Session Statement.

CS-1 GOVERNMENT CODE SECTION 54957.6; CONFERENCE WITH LABOR NEGOTIATOR. Conference with City Manager, the City’s Designated Representative, for the purpose of reviewing the City’s position regarding the terms and compensation paid to the City Employees and giving instructions to the Designated Representative.

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

- Property: 451 Embarcadero, Morro Bay, CA
Negotiating Parties: Reg Whibley and the City of Morro Bay
Negotiations: Lease Terms and Conditions

CS-3 GOVERNMENT CODE SECTION 54957; PERSONNEL ISSUES
Discussions regarding Personnel Issues including one (1) public employee regarding evaluation, specifically the City Attorney.

The meeting adjourned at 5:50 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – OCTOBER 25, 2011
VETERANS MEMORIAL HALL - 6:00 P.M.

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

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Jamie Boucher	Deputy City Clerk
	Susan Lichtenbaum	Harbor Business Manager
	Rob Livick	Public Services Director
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &
PRESENTATIONS

CLOSED SESSION REPORT - City Manager Andrea Lueker reported the City Council met in Closed Session, and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

Wee of Wee Shack announced his new restaurant at 1698 Main Street. He said all food served is fresh and they serve breakfast and lunch all day from 7:00 am-8:00 pm. He thanked all of the local patrons who have come in to support his new establishment.

Matt Makowetski representing Project Surf Camp shared a PowerPoint show of this year's event that took place in Morro Bay where special needs children come from all over the nation to learn and play in the surf.

John Taylor, Founder and Executive Director of Project Surf Camp stated this is a non-profit organization started for special needs children. He said there were 281 campers and 500 volunteers that participated at this year's event. Mr. Taylor stated this also involves the families of the special needs children to promote a family leisure activity.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – OCTOBER 25, 2011

Liz Bednorz, Beach House Bistro announced the North Morro Bay Merchants Co-op will be holding a Halloween Fair and Costume Party on October 30th at Spencers Market parking lot. She said it is free with a donation to the Food Bank.

Craig Schmidt, Executive Director of the Chamber of Commerce announced the Business Expo will be held on November 17th at the Morro Bay Community Center, and the Lighted Boat Parade will be held on the evening of December 3rd.

Betty Winholtz referred to Item D-1 (Consideration of an Amendment to Morro Bay Municipal Code Section 5.04.330 Regarding the Procedure for Submitting Certain Business License Applications to the Chief of Police and City Council) stating the Mayor has made several changes to the City's Municipal Code which narrows the democratic process. She said this Ordinance eliminates public input on certain businesses that can affect business neighborhoods and the reputation of our town. For this reason, the law currently provides for public input through public review before the City Council. Ms. Winholtz stated the proposed change removes public input; changes the requirement for background checks from "shall to may"; requires no annual review, and, it does not limit the age of people who would be participating in these businesses. The proposed change leaves all discretion to the Chief of Police who should not be the one responsible for setting the morals for the City. Ms. Winholtz requested the City Council not move forward with this amendment to the Municipal Code.

Robert Schreiber referred to a tree at 508 Shasta Street that he would like removed because it is a hazard. He said the City has done some pruning to the tree by removing the inner branches which causes it to be more susceptible to the wind. Mr. Schreiber stated he would like to be eligible to bid on the removal of this tree.

Mayor Yates closed the hearing for public comment.

A. CONSENT CALENDAR

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

A-1 APPROVAL OF THE MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF OCTOBER 11, 2011; (ADMINISTRATION)

RECOMMENDATION: Approve minutes as submitted.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – OCTOBER 25, 2011

A-2 RESOLUTION TO APPROVE AMENDMENT #2 TO THE LEASE AGREEMENT FOR LEASE SITE 50-51/50W-51W, LOCATED AT 451 EMBARCADERO, BETWEEN REG WHIBLEY AND THE CITY OF MORRO BAY; (HARBOR)

RECOMMENDATION: Adopt Resolution No. 70-11.

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

B. PUBLIC HEARINGS, REPORTS & APPEARANCES – NONE.

C. UNFINISHED BUSINESS – NONE.

D. NEW BUSINESS

D-1 CONSIDERATION OF AN AMENDMENT TO MORRO BAY MUNICIPAL CODE SECTION 5.04.330 REGARDING THE PROCEDURE FOR SUBMITTING CERTAIN BUSINESS LICENSE APPLICATIONS TO THE CHIEF OF POLICE AND CITY COUNCIL; (CITY ATTORNEY)

Police Chief Tim Olivas stated Morro Bay Municipal Code (MBMC) Section 5.04.330 is the current regulation for obtaining an Arcade business license. In addition to Arcades, MBMC Section 5.04.330 also regulates the following businesses: carnival, circus, money lending, pawnbroker, massage parlor, tent show and private patrol service. MBMC Section 5.04.330 requires the above-referenced businesses to obtain a business license from the City Council annually after a noticed public hearing. The proposed amendment to MBMC Section 5.04.330 would eliminate the annual noticed public hearing requirement for these businesses and instead require the approval from the Chief of Police. Chief Olivas recommended the City Council review the draft amendment to MBMC 5.04.330 regarding the procedure for submitting certain business license applications to the Chief of Police, and direct staff to return this item to Council with an Ordinance for Introduction and First Reading with any changes suggested by Council.

MOTION: Councilmember Borchard moved the City Council direct staff to return to the City Council with an Ordinance for introduction and first reading amending Morro Bay Municipal Code 5.04.330 as proposed in the staff report. The motion was seconded by Councilmember Johnson.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – OCTOBER 25, 2011

Councilmember Smukler stated he will be voting in opposition to this motion. He said he understands the case for the Police Chief to perform annual reviews on current businesses; however, he finds that new businesses should go through the public process.

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

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Johnson requested to agendaize a presentation by the Economic Vitality Corporation regarding the current economic climate in San Luis Obispo County; Councilmember Borchard and Councilmember Smukler agreed.

ADJOURNMENT

The meeting adjourned at 6:38 p.m.

Recorded by:

Jamie Boucher
Deputy City Clerk



AGENDA NO: A-2

MEETING DATE: November 8, 2011

Staff Report

TO: Honorable Mayor and City Council **DATE:** November 1, 2011

FROM: Barry Rands, PE - Associate Engineer
Rob Livick, PE/PLS – Public Services Director/City Engineer

SUBJECT: Authorization to submit applications for CalRecycle Grants for Rubberized Paving

RECOMMENDATION

Staff recommends the City Council adopt Resolution 71-11 authorizing the Public Services Director to pursue the submittal of applications to CalRecycle for all grants for which the City of Morro Bay is eligible and to execute in the name of the City all responsibilities related to the grant.

FISCAL IMPACT

The net fiscal impact is neutral. The Grant is a subsidy designed to cover the additional cost of adding recycled rubber from automobile tires to asphalt paving materials, usually around 15% of the mix. The City would still be responsible for the cost of the other 85% plus all labor and other costs associated with placing the paving materials.

BACKGROUND/SUMMARY

The City's Pavement Management Plan recommends the use of a variety of paving materials and methods in order to improve City Streets in the most cost-effective manner. One of the recommended methods is cape seal, which is used to renovate pavements that are distressed but have a solid base. Adding rubberized asphalt to the cape seal tends to increase the flexibility of the new surface which in turns increases the longevity and durability of the treatment.

The CalRecycle grant program has been around for several years, designed to provide an incentive for agencies to use recycled tires in their paving operations. Morro Bay stands to be the first municipality in the county to take advantage of this program.

The City has a policy that requires purchasing of recycled goods when fitness and quality are not compromised (Municipal Code 3.08.100)

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

DISCUSSION

The CalRecycle grant program permits the City to improve the durability and longevity of our pavements while doing our part to recycle materials that would otherwise contribute to landfill. Participation in the grant program is also consistent with the City procurement policy that establishes a preference for recycled goods.

CONCLUSION

Staff recommends the City Council adopt Resolution 71-11 authorizing the Public Services Director to pursue the submittal of applications to CalRecycle for all grants for which the City of Morro Bay is eligible and to act as the City's representative in administration of the Grant if the application is successful.

RESOLUTION NO. 71-11

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY APPROVING
SUBMITTAL OF APPLICATIONS FOR ALL CALRECYCLE GRANTS FOR WHICH
THE CITY OF MORRO BAY IS ELIGIBLE**

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

WHEREAS, Public Resources Code sections 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle), to administer various Grant Programs (grants) in furtherance of the state of California's (State) efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and.

WHEREAS, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants; and

WHEREAS, use of the rubberized asphalt material subsidized by this grant is in conformity with the City's Pavement Management Plan adopted by the City Council in June, 2011; and

WHEREAS, the City's procurement policy grants preference to products that contain post-consumer waste;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay, California, authorizes the submittal of applications to CalRecycle for all grants for which the City of Morro Bay is eligible; and

BE IT FURTHER RESOLVED that the Public Services Director or his designee is hereby authorized and empowered to execute in the name of the City of Morro Bay all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project; and

BE IT FURTHER RESOLVED that these authorizations are effective for five (5) years from the date of adoption of this Resolution.

Resolution No. 71-11
Page Two

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 8th day of November, 2011 on the following vote:

AYES:
NOES:
ABSENT:

WILLIAM YATES, Mayor

ATTEST:

BRIDGETT KESSLING, City Clerk



AGENDA NO: A-3

MEETING DATE: 11/8/2011

Staff Report

TO: Honorable Mayor and City Council DATE: October 13, 2011

FROM: Susan Slayton, Administrative Services Director

SUBJECT: **Approve the Adoption of Ordinance No. 574 Authorizing an Amendment to the Contract Between the City Council of the City of Morro Bay and the Board of Administration of the California Public Employees' Retirement System (Government Code Section 20475 - Different Level of Benefits), Section 21353 (2% @ 60 Formula), and Section 20037 (Three Year Final Compensation) for Local Miscellaneous Members Only**

RECOMMENDATION:

Approve the adoption of Ordinance 574, authorizing the amendment of Different Level of Benefits, 2% @ 60 Full formula and Three-Year Final Compensation for new PERS Miscellaneous hires.

FISCAL IMPACT:

While there won't be a significant fiscal impact at the outset, by virtue of the change of retirement formula, the City will see substantial savings as we hire new employees to replace our existing employees who either retire or move on to other agencies. It is known that the new employer contribution rate for the new hires will be 7.733% of reportable earnings as opposed to the current rate of 21.898%.

DISCUSSION:

Per the contract amendment process, on October 11, 2011 the City Council adopted Resolution No. 69-11, approving the Resolution of Intention to approve an amendment to the contract between the Board of Administration California Public Employees' Retirement System and the City of Morro Bay (Local Miscellaneous Members); also, Council was introduced to and heard the first reading of this Ordinance No. 574. Staff is presenting this item tonight in order to complete the required action, adopting Ordinance No. 574.

Per the requirements of the PERS contract amendment process, adopt Ordinance No. 574.

Prepared By: J. Boucher _____

Dept Review: SS

City Manager Review: _____

City Attorney Review: _____

ORDINANCE NO. 574

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE
CITY COUNCIL OF THE CITY OF MORRO BAY AND THE BOARD OF
ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT
SYSTEM (GOVERNMENT CODE SECTION 20475 - DIFFERENT LEVEL OF
BENEFITS), SECTION 21353 (2% @ 60 FORMULA), AND SECTION 20037 (THREE
YEAR FINAL COMPENSATION) FOR LOCAL MISCELLANEOUS MEMBERS ONLY**

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

The City of Council of the City of Morro Bay does ordain as follows:

SECTION 1. 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 such reference made a part hereof as though herein set out in full.

SECTION 2. The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3. This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall be published once, with the names of the City Council members voting for and against the same, in a newspaper of general circulation published in the City of Morro Bay.

INTRODUCED at the regular meeting of the City Council held on the 11th day of October 2011, by motion of Councilmember Johnson and seconded by Councilmember Borchard.

PASSED, APPROVED, AND ADOPTED, by the City Council of the City of Morro Bay, on the 8th day of November, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

WILLIAM YATES, MAYOR

BRIDGETT KESSLING, CITY CLERK



AGENDA NO: A-4

MEETING DATE: 11/08/11

Staff Report

TO: Honorable Mayor and City Council

DATE: November 1, 2011

FROM: Andrea K. Lueker, City Manager

SUBJECT: Approval of the Legal Assistant/Deputy City Clerk and Accounting Technician Job Descriptions and Authorization to Hire an Account Clerk I/II

RECOMMENDATION:

Staff recommends the City Council approve two new job descriptions, the Legal Assistant/Deputy City Clerk and the Accounting Technician. Staff also recommends the City Council authorize the hiring of an Account Clerk I/II position at $\frac{3}{4}$ time.

FISCAL IMPACT:

The approximate total salary savings to both the General Fund and the Water/Sewer Funds is just under \$29,000 - this does not include the associated cost savings of the new employee's benefits, most significantly the 2% at 60 PERS retirement formula.

DISCUSSION:

With the retirement of the current City Clerk and subsequent appointment of her successor, staff is in the position of being able to restructure and/or reorganize different departments and divisions within the City which we feel will better offer services to the public, City Departments and the City Council. The reorganization plan acknowledges the following:

- The FTE (full-time equivalent) employee count will not change
- Savings in the General Fund and the Water/Sewer Funds will be realized
- Careful consideration was taken in reassigning staff in terms of their capabilities
- New job descriptions are required to ensure reassigned employees are not working "out of class".

Staff is requesting Council authorize staff to move forward with the recommendations as outlined.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

CITY OF MORRO BAY

LEGAL ASSISTANT/DEPUTY CITY CLERK

DEFINITION

Performs a variety of routine legal clerical duties in support of the City Attorney's Office; performs a variety of complex and confidential, fiscal and administrative legal tasks in support of City legal activities; responds to requests for information from City elected officials, staff, various government entities, private citizens and community organizations; performs related work as assigned.

DISTINGUISHING CHARACTERISTICS

This position works under general supervision of the City Attorney and performs a wide variety of typing and general clerical duties that require the exercise of tact and judgment. Adequate performance at this level requires knowledge of departmental and City procedures and precedents and the ability to choose among alternatives in solving problems. This position relieves the City Attorney of routine administrative details involving independent judgment.

ESSENTIAL DUTIES & RESPONSIBILITIES

1. Receives and screens visitors and telephone calls, providing a high level of customer service to both external and internal customers; provides information to City staff, other organizations and the public, requiring the use of judgment and the interpretation of complex policies, rules, procedures and ordinances.
2. Maintains a calendar and coordinates the schedule of City Attorney. Makes travel arrangements as required.
3. Composes and types letters and memoranda independently from general instructions.
4. Does a wide variety of clerical work. This includes typing, proof reading, distributing, and filing various legal papers, documents, and correspondence, often containing confidential material.
5. Advises on and/or administers the City's Claims and Worker's Compensation process.
6. Prepares, types, and processes purchase orders; codes invoices and credit card statements.
7. Assists in researching, compiling and analyzing data for special projects and various reports.
8. As Deputy City Clerk, may assemble background materials, prepare agendas, attend City Brown Act meetings, take and prepare meeting minutes and record action items for various meetings.
9. Reviews legal documents for form and completeness, including proofreading and cite checking.

10. Catalogs and files legal documents, correspondence and reports; maintains binders and manuals.
11. Maintains a current catalog of departmental files.
12. Assists in preparation of departmental publications and hand-outs.
13. Establishes and maintains effective working relationships with the City Council, staff, and other governmental agencies and the citizens of Morro Bay.
14. Notarize official City documents as needed.
15. Organize and complete long-term and/or special projects.
16. Maintain high level of confidentiality.
17. Performs related duties as required.

QUALIFICATIONS

Knowledge of:

Modern office methods, machines, procedures and practices; business English including vocabulary, spelling, correct grammatical usage, and punctuation; MS-DOS based computers and related software, including word processing; filing procedures; receptionist and telephone techniques; standard office machines; organization, procedures, and policies of the City Attorney's office; and a high degree of general secretarial knowledge and aptitude.

Ability to:

Perform assigned duties independently without close supervision, including prioritizing and organizing tasks and meeting deadlines; learn legal terminology and the forms and documents used in legal clerical work; understand and carry out oral and written directions; effectively meet and deal cooperatively with the public; maintain cooperative working relationships; type at a speed of 65 words per minute, corrected copy; become a notary public.

Education and Experience:

Equivalent to AA degree and two years of related experience; or any equivalent combination of education and progressively responsible experience, with additional work experience substituting for the required education on a year-for-year basis.

Two years performing similar duties in the City of Morro Bay or another agency.

Notary certification or ability to receive Notary certification within 1 year of hire.

TOOLS & EQUIPMENT USED

Personal computer including word processing, spreadsheet, data base software, internet, and email; copy machine; fax machine; scanner; 10-key calculator; telephone; copy machine; fax machine.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear, use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to walk.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually quiet; occasionally moderately loud.

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 November 8, 2011

CITY OF MORRO BAY

ACCOUNTING TECHNICIAN

DEFINITION

Under general supervision to perform payables, receivables and general ledger account clerical work in the keeping, maintaining, posting, and verification of accounting, financial and statistical records; to assist with/perform customer application and utility billing; maintain office supplies, and to do related work as required.

ESSENTIAL DUTIES & RESPONSIBILITIES

1. May assist in auditing and distributing payroll checks.
2. Assists with and may perform the preparation of City utility bills and maintenance of utility customer files.
3. Assists with and may perform the interpretation of monthly water consumption records to determine accuracy of readings.
4. Assists with and may perform the initiation of new water service.
6. Audits, prepares, processes and pays accounts payables.
7. Maintains vendor documentation and files.
8. Reconciles statements.
9. Checks source documents and posts to accounts receivable and payable.
10. May balances daily cash.
11. May prepare journal entries.
12. Posts, adjusts and balances accounts.
13. Reconciling and processing calendar and fiscal year end requirements (e.g., 1099s, revenue accruals, audits).
14. Prepares wire transfers.
15. Prepares periodic reports.
16. Checks data processing output for accuracy.
17. Collects money and processes miscellaneous revenues (e.g, TOT, grants, interest income).
18. Accepts payment and writes receipts.
19. Contact citizens, vendors, business owners and employees to resolve account discrepancies, delinquent accounts, and other non-compliance issues.
20. Performs related duties as required.

QUALIFICATIONS

Knowledge of:

Methods, procedures and terminology used in financial clerical work, including the processing and preparation of payables and receivables; modern office methods and procedures; filing methods and procedures; correct English usage, spelling, grammar and punctuation; policies, procedures, and services of a data processing center; principles and practices of public relations

Ability to:

Perform account, financial, and statistical record keeping work including the ability to make arithmetical calculations quickly and accurately; operate calculating and adding equipment with speed and accuracy; use independent judgment in carrying out instructions involving the control and auditing of data processing input and output; read and write at the level requirement for successful job performance; deal effectively and courteously with the public, City employees and elected officials; exercise sound judgment when responding to inquiries and demands; work effectively with co-workers; work effectively with those subordinates supervised; operate copier/facsimile/scanner.

Education and Experience:

Equivalent to AA degree and two years of related experience; or any equivalent combination of education and progressively responsible experience, with additional work experience substituting for the required education on a year-for-year basis.

Two years performing similar duties in the City of Morro Bay or another agency.

TOOLS & EQUIPMENT USED

Personal computer, including automated computer applications for municipal systems, word processing and spreadsheet software; 10-key calculator, phone, fax/copy/scan and postage machines.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear. The employee is occasionally required to walk; use hands to operate, finger, handle, or

feel objects, tools, or controls; and reach with hands and arms.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderately quiet.

SELECTION GUIDELINES

Formal application, rating of education and experience, oral interview and reference check; job related tests might 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 November 8, 2011.



AGENDA NO: B-1

MEETING DATE: November 8, 2011

Staff Report

TO: Honorable Mayor and City Council **DATE:** November 1, 2011

FROM: Kathleen Wold, Planning and Building Manager

SUBJECT: Appeal of the Planning Commission's Decision to conditionally approve Conditional Use Permit UP0-233 and Coastal Development Permit CP0-285 which allowed the construction of a new 2-story, split level, 3,256-square foot residential structure including an attached 2-car 920-square foot garage, 745-square feet of decking decks, and a 711-square foot secondary living unit.

RECOMMENDATION:

Continue this item to the December 13th meeting due to Noticing requirements.

Prepared by: _____ Dept. Review: _____

City Manager Review: _____

City Attorney's Review: _____



AGENDA NO: B-2

MEETING DATE: November 8, 2011

Staff Report

TO: Honorable Mayor and City Council

DATE: November 1, 2011

FROM: Rob Schultz, City Attorney

SUBJECT: **Ordinance No. 575 Amending Morro Bay Municipal Code Section 5.04.330 Regarding the Procedure for Submitting Certain Business License Applications to the Chief of Police and City Council; Introduction and First Reading**

RECOMMENDATION:

Per Council direction, we recommend Council accept public comment and then move for introduction and first reading of Ordinance No. 575, by number and title only, amending Morro Bay Municipal Code Section 5.04.330.

FISCAL IMPACT:

None at this time. The amendment would save staff time by eliminating certain Council agenda items.

BACKGROUND:

Morro Bay Municipal Code (MBMC) Section 5.04.330 regulates and requires a separate City Council public hearing prior to the issuance of a business license for the following businesses: arcade, carnival, circus, money lending, pawnbroker, massage parlor, tent show and private patrol service. MBMC Section 5.04.330 also requires these businesses to annually undergo a public hearing before the City Council to obtain renewal of their business license. Ordinance 575 would eliminate the annual public hearing before the City Council for these businesses.

The proposed amendments to MBMC 5.04.330 only relate to obtaining a business license. These businesses will still have to comply with the requirements of approvals granted under the City's zoning code in regard to use permits.

CONCLUSION:

We recommend Council review and move for first reading and introduction of the attached Ordinance 575 by number and title only.

Prepared By: RWS

Dept Review: _____

City Manager Review: _____

City Attorney Review: RWS

ORDINANCE NO. 575

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF MORRO BAY AMENDING MORRO BAY MUNICIPAL CODE SECTION
5.04.330 REGARDING THE PROCEDURE FOR SUBMITTING CERTAIN BUSINESS
LICENSE APPLICATIONS TO THE
CHIEF OF POLICE AND CITY COUNCIL**

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

WHEREAS, Section 5.04.330 of the Morro Bay Municipal Code regulates and requires a separate City Council public hearing prior to the issuance of a business license for the following businesses: arcade, carnival, circus, money lending, pawnbroker, massage parlor, tent show and private patrol service; and,

WHEREAS, Section 5.04.330 of the Morro Bay Municipal Code also requires these businesses to annually undergo a public hearing before the City Council to obtain renewal of their business license; and,

WHEREAS, the City Council desires to amend Section 5.04.330 of the Morro Bay Municipal Code to eliminate the annual public hearing before the City Council for these businesses; and,

WHEREAS, the City of Morro Bay needs to amend Section 5.04.330 of the Morro Bay Municipal Code in order to make this change.

NOW, THEREFORE, following the Public Hearing, and upon consideration of the testimony of all persons, the City Council of the City of Morro Bay does ordain Section 5.04.330 of the Morro Bay Municipal Code “Submitting application to chief of police and city council” be amended as follows:

5.04.330 Submitting application to chief of police and city council.

A. The application for a business license must be presented to the chief of police for his findings and recommendations in relation to the following businesses as a prerequisite to the issuance of such a license:

- Carnival;
- Circus or menagerie;
- Money lending or pawnbroker;
- Massage parlor;
- Tent show;
- Amusement parlor, penny arcade, or playland;
- Private patrol service.

B. The application to carry on any business enumerated in subsection A shall be submitted to the city council for its action before a license may be issued. No license shall be issued to carry on any business at any location where such would be in violation of Title 17, zoning.

C. Where an application for a new business license or renewal has been submitted for any of the businesses enumerated in Section A amusement parlor, penny arcade or similar business enterprise involving four or more amusement machines (as defined in Section 17.12.035 of this code), the chief of police shall may cause to have taken, fingerprints of all business supervisors and employees of the arcade business, and may conduct to prepare a confidential background investigation to be assessed in a report to the council determine whether to issue a business license, and if issued, the conditions to assign to the business license. Failure to submit to fingerprinting or identification of a criminal involvement shall be grounds for denial of the license.

Consideration of a business license described by this section shall be approved by the chief of policetake place at a noticed public hearing before the city council. The denial or issuance of a business license pursuant to this section may be appealed to In the review of a license application, the city council within ten days of the chief of police action. In the review of a business license application pursuant to this section, the chief of police and city council may assign such conditions as it deems necessary for the conduct of the business operation to protect the public health, safety and welfare. All licenses authorized by the council shall include, but not be limited to the following minimum provisions:

1.The requirements of approvals granted under Title 17, zoning, shall be complied with in this exercise of the business activity.

2.Applications for annual renewals shall be considered at a noticed public hearing, with a report from the chief of police as to compliance with conditions of approval and any law enforcement related problems experienced in the past year.

3.The chief of police shall report any license condition violations found to occur during the licensing period, and if in the opinion of the city council, the violation reported materially affects the public health, safety or welfare, the license may be immediately suspended, or revoked; in which case any approval granted under Title 17, zoning, shall be similarly suspended or revoked.

4.All supervisors or managers of arcades shall be at least twenty-one years of age.

5.That the awarding of monetary prizes in contests or tournaments be prohibited.

6. That children under the age of eighteen shall not be allowed within the arcade during normal school hours or after ten p.m. unless accompanied by a parent or legal guardian. (Ord. 243 § 4, 1983: Ord. 82 § 1 (part), 1970: prior code § 6500)

INTRODUCED at a regular meeting the of the City Council of Morro Bay, held on the 8th day of November, 2011 by motion of Councilmember _____, seconded by Councilmember _____.

PASSED AND ADOPTED on the ____ day of ____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

WILLIAM YATES, Mayor

ATTEST:

BRIDGETT KESSLING, City Clerk

APPROVED AS TO FORM:

ROBERT SCHULTZ, City Attorney



AGENDA NO: D-1

MEETING DATE: November 8, 2011

Staff Report

TO: Honorable Mayor and City Council **DATE:** October 31, 2011
FROM: Rob Livick, PE/PLS – Public Services Director/City Engineer
SUBJECT: Discussion of Improvements for pedestrian access from the “Rock” parking area to the beach.

RECOMMENDATION:

Discuss the potential project and provide direction to staff to schedule this item for review at the Recreation and Parks Commission and the Public Works Advisory Board and return to City Council with recommendations.

FISCAL IMPACT:

Development of a pedestrian access ramp from the parking area level down to the beach level that meets the required accessibility requirements for beach access is estimated to be \$83,200.

SUMMARY:

Development of a beach access ramp from the Rock parking lot to the beach will need to meet the Federal Access Board requirements for beach access. Additionally, the landing will need to be able to withstand the wave action during the winter storm season. The area proposed for the development of the access is within the Coastal Commission’s original jurisdiction and will require a Coastal Permit issued by the California Coastal Commission along with the required local permitting. Additionally, the project will require specialized foundation design by an engineer with specialty in coastal engineering due to the impact of wave action.

BACKGROUND/DISCUSSION:

At the August 23, 2011 meeting of the City Council, Councilperson Smuckler requested that the subject of beach access from the Rock parking lot down to the beach area near the “wet sand” be agendaized and brought back to council for discussion. Additionally, during the comment period for the draft Bicycle and Pedestrian Plan, the City received requests to add this to the list of potential projects.

Prepared By: RL

Dept Review: RL

City Manager Review: _____

City Attorney Review: _____

Improvements recommended in the approved Waterfront Master Plan include a stair access from the parking lot to the beach level. Development of stairs for the able bodied without accommodations for the disabled are problematic and could expose the City to potential legal action under the American with Disabilities Act (ADA). In order to comply with ADA in addition to the stair way a ramp would need to be constructed, but in lieu of both the stairway and the ramp a ream could be constructed that would accommodate both users.

The ramp would be approximate 90 feet in length with periodic level areas for resting in accordance with the United States Access Board’s guidelines for beach access facilities. Additionally the ramp would be eight feet in width in order to accommodate all potential users. An additional concern is the lower terminus of the ramp and the potential to exposure to wave action during winter storms.

CONCLUSION:

The development of a beach access ramp near the North side of the “Rock” parking lot is consistent with the approved Waterfront Master Plan and would provide an accessible path of travel to the beach. Staff recommends that this item be reviewed at the Recreation and Parks Commission and the Public Works Advisory Board and then return to City Council with final recommendations and potential funding sources.

ATTACHMENT

1. Conceptual Beach Access Ramp Exhibit
2. Opinion of Probable Cost

90-ft Access Ramp

Landings



Beach Access Ramp Concept Plan

**CITY OF MORRO BAY
DEPARTMENT OF PUBLIC SERVICES
OPINION OF PROBABLE COSTS**

Project: Beach Access Ramp at Rock Parking Lot

Prepared by: Rob Livick, PE/PLS

Date: November 2, 2011

SITE PREPARATION: SEC. 2-1	TYPE	UNIT COST	UNIT	MINIMUM	QUANTITY	TOTAL
CLEARING AND GRUBBING		\$0.03	SF	1000	100	1,000.00
CUT & FILL	0-1000 CY	\$22.00	CY	\$500	60	1,320.00
FINE GRADING		\$0.30	SF	1000		300.00
REIVETMENT WORK		\$5,000.00	LS		1	5,000.00
<i>Subtotal</i>						7,620.00

CURB ONLY	C-2A	\$16.00	LF		180	2,880.00
SIDEWALK	C-4	\$10.00	SF		540	5,400.00
GUARDRAIL		\$40.00	LF		180	7,200.00
<i>Subtotal</i>						15,480.00

CONSTRUCTION AREA SIGNS		\$400.00	EA		2	800.00
TRAFFIC CONTROL	% OF IMPV.	3%	EA		42000	1,260.00
<i>Subtotal</i>						2,060.00

RETAINING WALLS	CMU/POURED	\$38.00	SF (FACE WALL)		540	20520.00
<i>Subtotal</i>						20520.00

EROSION CONTROL: SEC. 1.1.2.J & APP.E	TYPE	UNIT COST	UNIT	MINIMUM	QUANTITY	TOTAL
SAND OR GRAVEL BAG		\$3.00	EA		25	75.00
SILT FENCE		\$2.81	LF		250	702.50
<i>Subtotal</i>						777.50

engineer's seal & exp date

Subtotal	\$48,957.50
Cost Index Factor	1.00
Adjusted Subtotal	\$48,957.50
Contingency (20%)	\$9,791.50
Inflation (10%)	\$4,895.75
Administration/Permits (20%-40%)	\$19,583.00
Probable Cost	\$83,200
(rounded to the nearest \$100)	

Engineer's signature

date

revised 7/9/10

S:\City Council Staff Reports\Livick\2011\OPC_Rock Beach Access.xlsx\OPC