

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
OCTOBER 23, 2012**

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

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; 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 two parcels.

- **Property: Lease Site 102/102W and 105.1W/105.2**
Negotiating Parties: Degarimore and City of Morro Bay
Negotiations: Lease Terms and Conditions

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

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

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

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

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

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

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

A. CONSENT CALENDAR

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

A-1 APPROVAL OF CITY COUNCIL MINUTES FOR THE REGULAR MEETING OF OCTOBER 9, 2012; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 ADOPTION OF ORDINANCE NO. 581 REPEALING, AMENDING, AND REENACTING CHAPTER 10.76 OF THE MORRO BAY MUNICIPAL CODE ENTITLED COASTERS, ROLLER SKATES, SKATEBOARDS, SCOOTERS, EPAMDS AND SIMILAR DEVICES; (CITY ATTORNEY)

RECOMMENDATION: Adopt Ordinance 581.

A-3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY IDENTIFYING LOCATIONS PROHIBITING THE USE OF COASTERS, ROLLER SKATES, SKATEBOARDS, SCOOTERS, EPAMDS AND SIMILAR DEVICES ON CERTAIN CITY SIDEWALKS ; (CITY ATTORNEY)

RECOMMENDATION: Adopt Resolution 50-12.

A-4 ADOPTION OF ORDINANCE NO. 580 ADDING SECTION 7.04.170 MENACING AND AGGRESSIVE ANIMAL ORDINANCE TO CHAPTER 7.04 OF THE MORRO BAY MUNICIPAL CODE; (POLICE)

RECOMMENDATION: Adopt Ordinance 580.

A-5 APPROVAL OF LICENSE AGREEMENT BETWEEN THE CITY OF MORRO BAY AND X2 TELECOM LLC FOR USE OF A PORTION OF THE NORTH POINT NATURAL AREA AND RIGHT OF WAY AREA FOR FIBER OPTIC CABLES; (CITY ATTORNEY)

RECOMMENDATION: Approve the license agreement with X2 Telecomm LLC for the use of a portion of the North Point Natural Area and right-of-way area for fiber optic cable.

A-6 RESOLUTION OF THE CITY COUNCIL OF CITY OF MORRO BAY APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE FEDERAL RECREATIONAL TRAILS PROGRAM; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution 51-12 authorizing staff to submit a grant application to secure funds from the Federal Recreational Trails Program for the Morro Rock Access Ramp project.

A-7 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA APPROVING AMENDMENT #4 TO THE LEASE AGREEMENT FOR LEASE SITE 102/102W LOCATED AT 1001 EMBARCADERO; (CITY ATTORNEY)

RECOMMENDATION: Adopt Resolution 53-12.

A-8 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA APPROVING AMENDMENT #4 TO THE LEASE AGREEMENT FOR LEASE SITE 105.1W/105.2 LOCATED AT 1001 EMBARCADERO; (CITY ATTORNEY)

RECOMMENDATION: Adopt Resolution 54-12.

A-9 RESOLUTION NO. 40-12 ADOPTING THE MEMORANDUM OF UNDERSTANDING WITH THE MORRO BAY POLICE EMPLOYEES AND RELATED COMPENSATION; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution 40-12.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 APPEAL OF THE AMENDMENT OF CONDITIONAL USE PERMIT CUP-02-01 TO CONSTRUCT A SECOND STORY OFFICE/STORAGE AREA AT THE EXISTING HARBOR HUT, 1205 EMBARCADERO; (PUBLIC SERVICES)

RECOMMENDATION: Uphold the Planning Commission's approval of the requested Amendment of Conditional Use Permit CUP-02-01.

C. UNFINISHED BUSINESS

C-1 UPDATE ON SIDEWALK UPGRADES ON THE EMBARCADERO BETWEEN BEACH STREET AND PACIFIC STREETS AND THE IMPACT TO PARKING; (PUBLIC SERVICES)

RECOMMENDATION: Review and discuss the feasibility of sidewalk improvements on the Embarcadero between Beach and Pacific Streets and provide direction to staff.

C-2 PUBLIC SERVICES DEPARTMENT - DEPARTMENT REORGANIZATION; (ADMINISTRATION/PUBLIC SERVICES)

RECOMMENDATION: Review and approve the Public Services Department reorganization, and authorize the associated reclassification, hiring and direct job description modifications of the affected positions.

D. NEW BUSINESS

D-1 DISCUSSION OF MORATORIUM ON BUILDING IMPACT FEES FOR COMMERCIAL AND RESIDENTIAL IMPACT FEE REDUCTION AND ADOPTION OF RESOLUTION 52-12 ESTABLISHING A REDUCTION FOR THE PAYMENT OF DEVELOPMENT IMPACT FEES FOR RESIDENTIAL PROJECTS; (CITY COUNCIL)

RECOMMENDATION: Continue with the original time frame for a moratorium on impact fees for commercial development as noted in Resolution No. 45-11 and adopt Resolution No. 52-12 which reduces impact fees on residential development until July 2013.

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 772-6205 FOR FURTHER INFORMATION.

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

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

AGENDA NO: A-1

MEETING DATE: 10/23/2012

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – OCTOBER 9, 2012
VETERAN’S MEMORIAL HALL – 6:00P.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
	Robert Schultz	City Attorney
	Jamie Boucher	City Clerk
	Rob Livick	Public Services Director
	Mike Lewis	Interim Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Eric Endersby	Harbor Director
	Joe Woods	Recreation & Parks Director
	Kyle Shaffer	Lifeguard Supervisor, Harbor Dept

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS & PRESENTATIONS

CLOSED SESSION REPORT – City Attorney Robert Shultz reported that City Council met in Closed Session and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

Heather Koide, owner of Smoobage, a local company located at 898 Main St., Ste. C, presented the Morro Bay Business Report. She and her husband Adam started the business 2 months ago. Smoobage is an esoteric word for “something you love” and in that spirit, they feature unique art, gifts, jewelry and kid’s toys. Their hours are Monday thru Sunday from 10am-6pm and they would love it if people came by to take a look.

Kyle Shaffer, Lifeguard Supervisor for the City presented a recap of the activities of the Summer Beach Lifeguard program.

Craig Schmidt, Chamber of Commerce CEO, stressed that his office has both the talent and resources to make the City’s Economic Development Program successful. He recognizes that economic development was one of the City’s top goals in their strategic planning sessions. He is hoping that through a reduced rent agreement with the City to relocate the Chamber and

Economic Development in a City provided facility, that they can present a professional façade to their efforts and allow them the space to establish a partners office and a small incubator without spending additional dollars.

Mike Manchak of the Economic Vitality Corporation spoke in support of the Chamber of Commerce's efforts. They are very excited about the program that the Chamber is proposing and feels the incubator program is a perfect fit for our community.

Christine Rogers thanked the City Council for their position taken in promoting Economic Development. She also encouraged Council to support the Chamber's current proposal.

Anita Ayoob is a member of the Board of Directors of the Morro Bay Pups. She hoped that the enforcement component of the Aggressive Animal Ordinance includes the Jody Giannini Dog Park as well.

Sandy Tannler questioned the motives of those speaking on behalf of moving the plant. She wondered who the people were that wanted to move the plant so badly that they would give faulty information to the California Coastal Commission. She also wondered if we were being manipulated by the Surf Rider Organization.

Garry Johnson spoke on the importance of being trained in ocean awareness and safety. He also encouraged parents to enroll their children in the City's lifeguard training programs.

Commander Charles Adams is a new resident to Morro Bay and spoke just to introduce himself. He hopes we will consider him available for volunteer services. His background is in structural and seismic engineering.

Jennifer Redman spoke in support of the Chamber of Commerce. She feels that the economy can turn around with the City's support of small business. The City needs something to help the small business learn and the Chamber's Economic Development program can do that.

Israel Dominguez, Director of Cuesta's Business and Entrepreneurship Center, spoke in support of the Chamber in their efforts to create a Business Incubator Program. He feels that having an incubator program in Morro Bay can only be beneficial as well as create additional sales revenues for the City.

Susan Stewart has seen a lot of Morro Bay businesses come and go as entrepreneurship and light business has had a difficult time making it on the coast. She feels the Economic Development Program is another innovative way to invest in the community.

Bob Swain thanked the Eco-Rotary Club for their work at the Harbor Festival. He also spoke in support of the Chamber of Commerce, especially with their rent proposal. If they have to pay more to rent then they will have to pass those costs onto the members.

Mayor Yates closed the public comment period.

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 CITY COUNCIL MINUTES FOR THE REGULAR MEETING OF SEPTEMBER 25, 2012; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 DELAYED PROJECT STATUS REPORT; (ADMINISTRATION)

RECOMMENDATION: Informational item only.

A-3 ENTERING INTO A REVISED MEMORANDUM OF UNDERSTANDING WITH SAN LUIS OBISPO COUNTY FOR THE PREPARATION OF AN INTEGRATED REGIONAL WATER MANAGEMENT PLAN; (PUBLIC SERVICES)

RECOMMENDATION: Authorize the Public Services Director to enter into a Memorandum of Understanding (MOU) with San Luis Obispo County and to represent the City in preparing the Integrated Regional Water Management (IRWM) plan.

A-4 QUARTERLY FINANCIAL STATUS REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2012; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Accept the report as presented.

A-5 AUTHORIZATION TO FILL ONE RECREATION AND PARKS DEPARTMENT MAINTENANCE WORKER III POSITION – CONSOLIDATED MAINTENANCE; (RECREATION & PARKS)

RECOMMENDATION: Authorize staff to fill this essential Recreation and Parks Department Maintenance Worker III position.

A-6 AUTHORIZATION TO FILL ONE RECREATION AND PARKS DEPARTMENT ADMINISTRATIVE TECHNICIAN – ADMINISTRATION; (RECREATION & PARKS)

RECOMMENDATION: Authorize staff to fill this essential Recreation and Parks Department Administrative Technician position.

A-7 AUTHORIZATION TO CONDUCT A RECRUITMENT PROCESS TO FILL THE FIRE CHIEF POSITION; (ADMINISTRATION)

RECOMMENDATION: Authorize the City Manager to begin the recruitment process to fill the Fire Chief position.

Item A-7 was pulled from the Agenda.

MOTION: Councilmember Borchard moved the City Council approve Items A-1, A-2, A-3, A-4, A-5, and A-6 of the Consent Calendar as presented. The motion was seconded by Councilmember Johnson and carried unanimously 5-0.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 581 REPEALING, AMENDING, AND REENACTING CHAPTER 10.76 OF THE MORRO BAY MUNICIPAL CODE ENTITLED COASTERS, ROLLER SKATES, SKATEBOARDS, SCOOTERS, EPAMDS AND SIMILAR DEVICES; AND DISCUSSION OF DRAFT RESOLUTION PROHIBITING SUCH DEVICES ON COMMERCIAL DISTRICT SIDEWALKS WITHIN THE CITY; (CITY ATTORNEY)

City Attorney Rob Schultz presented the staff report.

Mayor Yates opened the hearing for public comment; seeing none, the public hearing was closed.

Councilmember Smukler is in support of this Ordinance. He feels this is an improved model and that it is important to designate the sidewalks in the business area as being prohibited to these devices. He also hopes that discretion would be applied when it comes to enforcement issues.

Mayor Yates and Councilmembers Leage, Borchard and Johnson are also in support of the Ordinance.

MOTION: Councilmember Johnson moved approval of the Introduction and First Reading of Ordinance No. 581 Repealing, Amending and Reenacting Chapter 10.76 of the MBMC entitled Coasters, Roller Skates, Skateboards, Scooters, EPAMDS and Similar Devices by number and title only as well as bringing back a Resolution prohibiting such devices on commercial sidewalks within the City. The motion was seconded by Councilmember Borchard and carried unanimously, 5-0.

B-2 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 580 ADDING SECTION 7.04.170 MENACING AND AGGRESSIVE ANIMAL ORDINANCE TO CHAPTER 7.04 OF THE MORRO BAY MUNICIPAL CODE; (ADMINISTRATION)

Interim Police Chief Mike Lewis presented the staff report.

Mayor Yates opened the hearing for public comment; seeing none, the public hearing was closed.

Mayor Yates stated that he would be voting no on principal as he is against added regulations.

All other Councilmembers were in support of the Ordinance.

MOTION: Councilmember Borchard moved for approval of the Introduction and First Reading of Ordinance 580 adding Section 7.04.170 Menacing and Aggressive

Animal Ordinance to Chapter 7.04 of the MBMC by number and title only. The motion was seconded by Councilmember Johnson and carried 4-1 with Mayor Yates voting no.

C. UNFINISHED BUSINESS

C-1 DISCUSSION AND APPROVAL OF THE AGREEMENT WITH THE MORRO BAY CHAMBER OF COMMERCE TO PROVIDE CERTAIN ECONOMIC SERVICES IN EXCHANGE FOR \$58,250, AND A LEASE AGREEMENT WITH THE CHAMBER FOR PROPERTY LOCATED AT 695 HARBOR STREET; (CITY ATTORNEY)

City Attorney Rob Schultz presented the staff report.

Councilmember Borchard is supportive of moving forward with the Economic Development Program however she does have a problem with a 3 year lease and is adamantly against free rent as she doesn't feel it is the City's responsibility to fund the Chamber's rent; she can support shared expenses.

Councilmember Johnson is also supportive of the program however she would like to see shorter lease terms and an agreement for reduced rent as opposed to free rent. She is also hopeful that Council will be receiving quarterly and annual reports. If Council provided the program a 1 year contract now, then at the end of the first year, if successful, they could then renegotiate a 3 year contract at that time.

Mayor Yates is supportive of the Chamber. He doesn't see the difference in giving them money or allowing them free rent. He likes the contract and he sees no need for any changes. He is looking forward to the incubator program starting.

Councilmember Leage would like to see a 1 year contract; he feels 3 years is too long. That would also give the Council the ability to look at the program in a year to see if it's working. He is also against the concept of free rent.

Councilmember Smukler is in full support of this program. He would like to add a couple of things to the contract. He sees the free rent as an investment; its money we can track directly back to economic development and he sees this as an excellent opportunity for us to help this program along. If they have to continue to come back each year to justify their program, that is time wasted that they could be focusing on providing a better program.

Rob Schultz informed Council that based on the funding agreement; the Council still has the control each year. If at any time the program isn't performing to Council's satisfaction as an economic development engine, then the contract can be terminated or renegotiated.

After some thought, Councilmember Borchard made the statement that she will support the 3 year agreement with free rent. It is her understanding that the new Council will more than likely bring this item back once they are seated and implement the 3 year lease and free rent so it would be in everybody's best interest to move forward now, as presented. Following that statement, there was consensus from Councilmembers Johnson and Leage to do the same.

MOTION: Mayor Yates moved for approval of both the agreement with the Morro Bay Chamber of Commerce to provide certain economic services as well as the lease agreement for the property located at 695 Harbor, as presented. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

D. NEW BUSINESS - None

E. DECLARATION OF FUTURE AGENDA ITEMS - None

ADJOURNMENT

The meeting adjourned at 7:58 p.m.

Recorded by:

Jamie Boucher
City Clerk



AGENDA NO: A-2

MEETING DATE: October 23, 2012

Staff Report

TO: Honorable Mayor and City Council

DATE: October 16, 2012

FROM: Robert Schultz, City Attorney

SUBJECT: Adoption of Ordinance No. 581 Repealing, Amending, and Reenacting Chapter 10.76 of the Morro Bay Municipal Code Entitled Coasters, Roller Skates, Skateboards, Scooters, EPAMDs and Similar Devices

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 581.

SUMMARY:

Ordinance No. 581 was introduced at the Council meeting held on October 9, 2012. This is the second reading, after which the Ordinance is adopted and will become effective on the 31st day after its passage.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

ORDINANCE NO. 581

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF MORRO BAY REPEALING, AMENDING, AND REENACTING
CHAPTER 10.76 OF THE MORRO BAY MUNICIPAL CODE -
COASTERS, ROLLER SKATES, SKATEBOARDS,
SCOOTERS, EPAMDS AND SIMILAR DEVICES**

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

WHEREAS, the City of Morro Bay desires to keep its facilities in a well-maintained and safe condition for all to enjoy; and

WHEREAS, Chapter 10.76 of the Morro Bay Municipal Code addresses the use of skateboards, roller skates, in-line skates, coasters, scooters, and other similar devices on City facilities; and

WHEREAS, certain parts of Chapter 10.76 of the Morro Bay Municipal Code are outdated, cumbersome, and unenforceable; and

WHEREAS, the City Council desires to amend in its entirety Chapter 10.76 to expand the breadth of devices considered in this ordinance and to add the prohibition of said devices from use on city-owned property; and

WHEREAS, City Staff recommended amendments to Chapter 10.76 and presented the draft Chapter 10.76 Ordinance to City Council at its meeting on September 25, 2012 for review and comment; and

WHEREAS, the City Council provided staff with direction and recommended changes to the draft Ordinance and City Staff has since made these changes and believes this rewritten Ordinance will serve the City's needs well and address safety issues that have been a concern; and

WHEREAS, a public hearing was scheduled for October 9, 2012, for consideration of this Ordinance and appropriate public notices were given.

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

Chapter 10.76 of the Morro Bay Municipal Code is hereby repealed, amended, and reenacted to read as follows:

Chapter 10.76

COASTERS, ROLLER SKATES, SKATEBOARDS, SCOOTERS, EPAMDS AND SIMILAR DEVICES

Sections:

10.76.010 - Definitions.

10.76.020 - Regulation of Skateboards, Roller Skates, Scooters and EPAMD.

**10.76.030 - Skateboards, Roller Skates, Scooters and EPAMD prohibited upon
handicapped access ramps.**

**10.76.040 - Skateboards, Roller Skates, Scooters, or EPAMD prohibited upon
stairways, corridors or any plazas leading to or within a public building.**

10.76.050 - Application of foreign substance.

10.76.060 - Yielding the right-of-way.

10.76.070 - Obeying traffic and pedestrian signals.

10.76.080 - Reckless skateboarding and roller-skating.

10.76.090 - Rules and regulations applicable to the Morro Bay Skate Park.

10.76.100 - Violations and penalties.

10.76.010 Definitions.

- A. "Skateboard" means any platform of any composition or size without a seat to which two or more wheels are attached and which is intended to be ridden or propelled by one or more persons standing or kneeling upon it.
- B. "Roller skate" means any shoe, boot or other footwear to which is attached one or more wheels.
- C. "Business district" shall have the meaning set forth in Sections 235 and 240 of the California Vehicle Code.
- D. "Pedestrian mall" means any commercial property or plaza connecting or abutting commercial buildings or establishments, within which the sidewalks and ways are restricted to the use of pedestrians as that term is defined in Section 467 of the California Vehicle Code.
- E. "Sidewalk" means that portion of a highway or roadway set apart by curbs, barriers, markings or other delineation for pedestrian travel and shall include any driveway, curbing, bulkhead, retaining wall or other works for the protection of any sidewalk, as well as any paved or improved pathway for pedestrian travel, whether or not abutting highway.

- F. "Public building" means any building or structure constructed, owned or occupied by any public agency, entity or public benefit corporation.
- G. "Scooter" means a human powered mobile device having 2 (two) to 4 (four) wheels, a deck to stand on, and handlebars.
- H. "Electric assistive mobility devices" or "EPAMD" means those devices defined in Section 313 of the California Vehicle Code. (Ord, 6948 § 2, 2003; Ord. 6544 § 1 (part), 1993)

10.76.020 Regulation of skateboards, roller skates, scooters and EPAMD.

Based on demonstrated pedestrian traffic safety needs, the City Council may regulate and/or prohibit the use of skateboards, roller skates, scooters and/or EPAMD upon the roadways, sidewalks, business districts, pedestrian malls, or public buildings in any part of the city and shall so designate by Resolution and by posting such area wherein their use is regulated and/or prohibited.

Exception—The regulation and/or prohibition on the use of EPAMD authorized in this section shall not apply to the use of EPAMD by any governmental agency, public utility, or the U.S. Postal Service or to any disabled person (as that term is defined in Vehicle Code Section 295.5(a)(c)) who displays a state-issued disabled placard.

10.76.030 Skateboards, roller skates, scooters and EPAMD prohibited upon handicapped access ramps.

It is unlawful for any person to ride or propel a skateboard, roller skates, scooter or EPAMD upon any ramp or passageway designed or built to afford access to buildings or structures by handicapped or disabled persons.

Exception—The prohibition set forth herein shall not apply to the use of an EPAMD by a disabled person (as that term is defined in Vehicle Code Section 295.5(a)(c)) who displays a state-issued disabled placard.

10.76.040 Skateboards, roller skates, scooters, or EPAMD prohibited upon stairways, corridors or any plazas leading to or within a public building.

It is unlawful to ride or propel a skateboard, roller skates, scooter, or EPAMD upon any stairway or corridor leading to or within any public building or upon any plaza or courtyard within any public building.

Exception—The prohibition set forth herein shall not apply to the use of an EPAMD by a disabled person (as that term is defined in Vehicle Code Section 295.5(a)(c)) who displays a state-issued disabled placard.

10.76.050 Application of foreign substance.

It is unlawful for any person to apply any foreign substance, including wax, oil or other similar material, whether as a solid or a liquid, on to or remove any non-slip material from any curb, stair, railing, ramp, sidewalk, bench or other abutment for the purpose of aiding any stunt, turn or other acrobatic action while riding a skateboard or rollerskates. Such application is prohibited from any public or private property without notice.

10.76.060 Yielding the right-of-way.

Any person riding upon or propelling any roller skate, skateboard, scooter or EPAMD shall yield the right-of-way to pedestrians on any sidewalk or crosswalk upon which it is lawful to ride or propel a skateboard, roller skates, scooter or EPAMD.

10.76.070 Obeying traffic and pedestrian signals.

It is unlawful for any person riding upon or propelling any skateboard, roller skates, scooter or EPAMD to fail to obey any traffic control signal or pedestrian control signal.

10.76.080 Reckless skateboarding and rollerskating.

No person shall use or operate any skateboard or roller skate on any public or private property in such a negligent and/or reckless manner with disregard for the safety of persons or property, and/or interfere with the orderly flow and right-of-way of vehicular traffic in such a manner as to be a hazard to pedestrians, vehicular traffic, the skateboarder/rollerskater themselves, or any other persons.

10.76.090 Rules and regulations applicable to the Morro Bay Skate Park.

- A. It shall be unlawful and a violation of this section for any person to engage in, or for any adult responsible for the supervision of a minor child to permit a minor child to engage in, any activity prohibited under this section.
- B. The Morro Bay Skate Park is an unsupervised facility. Riding or otherwise using a skateboard or any other permitted coasting device in the skate park, or entering into the skate park for the purpose of engaging in such activity, without wearing a helmet, elbow pads, and knee pads is prohibited.
- C. Use or occupation of the skate park during non-open hours is prohibited and constitutes trespassing.
- D. Use of alcoholic beverages, tobacco, and/or drugs at the skate park is strictly prohibited.

10.76.100 Violations and penalties.

Any person who is convicted of violation of any provision of this chapter is guilty of an infraction, punishable by:

- A. A fine not exceeding fifty dollars for a first violation;
- B. A fine not exceeding one hundred dollars for a second violation of the same ordinance within one year;
- C. A fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year.

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 a regular meeting of the City Council of the City of Morro Bay held on the 9th day of October 2012, 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 ____ day of _____, 2012 by the following vote:

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

WILLIAM YATES, Mayor

ATTEST:

JAMIE BOUCHER, City Clerk

APPROVED AS TO FORM:

ROBERT SCHULTZ, City Attorney

RESOLUTION NO. 50-12

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF MORRO BAY IDENTIFYING LOCATIONS
PROHIBITING THE USE OF COASTERS, ROLLER SKATES,
SKATEBOARDS, SCOOTERS, EPAMDS AND SIMILAR DEVICES
ON CERTAIN CITY SIDEWALKS**

WHEREAS, the City of Morro Bay desires to keep its facilities in a well-maintained and safe condition for all to enjoy; and

WHEREAS, Chapter 10.76 of the City of Morro Bay Municipal Code provides that the use and operation of coasters, skateboards, roller skates, scooters, EPAMDs and other similar devices on certain city property identified in a Resolution adopted by the City Council is prohibited; and

WHEREAS, the City Council has determined that there is a need to prohibit skateboards and similar wheeled devices on certain sidewalks in the City Business Districts as set forth in this Resolution to protect the health, safety and welfare of pedestrians.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that it does hereby find that Coasters, Roller Skates, Skateboards, Scooters, EPAMDs and Similar Devices are hereby prohibited on sidewalks in the following City Zoning Districts:

- 1) C-1, Central Business District
- 2) C-VS Visitor Serving Commercial
- 3) MCR, Mixed Commercial Residential

The City Council determines and finds that this prohibition is necessary to protect pedestrians from hazards created by skateboards and similar devices on certain sidewalks within the City.

PASSED AND ADOPTED by the City Council, City of Morro Bay at a regular meeting thereof held on the 23rd day of October, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

WILLIAM YATES, Mayor

ATTEST:

JAMIE BOUCHER, City Clerk



AGENDA NO: A-4

MEETING DATE: October 23, 2012

Staff Report

TO: Honorable Mayor and City Council

DATE: October 12, 2012

FROM: Mike Lewis, Chief of Police

SUBJECT: Adoption of Ordinance No. 580 Adding Section 7.04.170 Menacing and Aggressive Animal Ordinance to Chapter 7.04 of the Morro Bay Municipal Code

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 580

SUMMARY:

Ordinance No. 580 was introduced at the Council meeting held on October 9, 2012. This is the second reading, after which the Ordinance is adopted and will become effective on the 31st day after its passage.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

ORDINANCE NO. 580

**AN ORDINANCE OF THE CITY OF MORRO BAY
ANNOUNCING FINDINGS AND ADDING SECTION 7.04.170 (MENACING AND
AGGRESSIVE ANIMALS) TO CHAPTER 7.04 OF THE MORRO BAY
MUNICIPAL CODE**

THE CITY COUNCIL
City of Morro Bay

WHEREAS, the City contracts with the San Luis Obispo County Division of Animal Services for the provision of animal care and control services; and

WHEREAS, the City is required to enact Municipal Codes, which are similar to and consistent with the County's Codes regarding the care, keeping, and management of animals; and

WHEREAS, the City Council desires to support the safe and responsible keeping of animals within the City; and

WHEREAS, the City desires to protect the safety and welfare of responsible pet owners and their pets from animals demonstrating aggressive or menacing behavior that threatens to cause or actually causes harm to city residents and their pets; and

WHEREAS, the City Council finds that current laws governing aggressive and menacing animals are insufficient to address the adverse health, safety and welfare impacts of aggressive and menacing animals within the City; and

WHEREAS, the County of San Luis Obispo recently enacted an Ordinance to strengthen the regulation of aggressive and menacing animals, which the City Council finds to serve the best interests of the citizens of the City of Morro Bay.

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

SECTION 1. Section 7.04.170 (Menacing and aggressive animals) is hereby added to Chapter 7.14 of the Morro Bay Municipal Code, to read as follows:

7.04.170 Menacing and aggressive animals – Animal owner and property owner responsibility.

A. It is unlawful for any person to keep, harbor, or maintain any aggressive or menacing animal which threatens, harasses, or intimidates a person who is peaceably and lawfully upon public or private property, unless it is contained in an enclosure of a construction adequate to keep it securely confined and prevent its escape.

B. It is unlawful for any person to permit any animal owned, harbored, or controlled by him or her to attack and cause severe bodily injury or death to another domestic or captive animal while off the property of its owner or keeper.

C. Upon notification of a violation of subsection A, the animal owner(s) must immediately confine the animal to an enclosure or location which mitigates the aggressive and menacing behavior.

D. For the purposes of this section, the following definitions apply:

1. "Aggressive animal" any animal whose observable behavior causes a person observing that behavior to reasonably believe that the animal may attack a person or another animal without provocation.

2. "Menacing animal" means any animal which, through its behavior, causes a person observing or subject to that behavior to be in reasonable fear for his or her safety, or the safety of animals kept by him or her. Police or military service canines being utilized in an official capacity are excluded from this definition.

3. "Severe bodily injury" means any physical injury which results in deep lacerations with separation of subcutaneous tissues, muscle tears or lacerations, fractures or joint dislocations, or permanent impairment of locomotion or special senses.

E. Penalties for violation:

1. \$350 for the first violation.

2. \$700 for the second violation of subsection A or B within one year.

3. \$1000 for each additional violation of subsection A or B within one year.

4. For the purposes of this section, a first violation of subsection A will be deemed to have occurred if the menacing or aggressive animal is not confined as required by subsection C within 24 hours of notification; a separate violation of subsection A shall be deemed to exist for each 24 hour period following notification in which an animal's menacing or aggressive behavior continues unmitigated.

F. Liability of property owners

1. Owners of properties upon which a tenant keeps, harbors, or maintains any aggressive or menacing animal may, along with the animal owner(s), may be jointly and severally liable for penalties related to violations of subsection A, provided that they have received at least 14 days prior written notice of the existence of such violation and the violation has not been abated. No penalty shall be imposed upon the property owner if the property owner can demonstrate, within 14 days following notification that a violation has occurred, that the property owner has initiated action to abate the illegal activity on the property.

SECTION 2. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance or the rules adopted hereby. The City Council of the City of Morro Bay hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

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 a regular meeting of the City Council of the City of Morro Bay held on the 9th day of October 2012, by motion of Councilmember Borchard and seconded by Councilmember Johnson.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morro Bay, on the _____ day of _____ 2012, on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

William Yates, Mayor
City of Morro Bay

ATTEST:

Jamie Boucher, City Clerk
City of Morro Bay

APPROVED AS TO FORM:

Robert W. Schultz, Esq.
City Attorney



AGENDA NO: A-5

MEETING DATE: 10/23/2012

Staff Report

TO: Honorable Mayor and City Council **DATE:** October 18, 2012

FROM: Rob Schultz, City Attorney

SUBJECT: **Approval of License Agreement between the City of Morro Bay and X2 Telecom LLC for Use of A Portion of the North Point Natural Area and Right of Way Area for Fiber Optic Cables**

RECOMMENDATION

Staff recommends that the City Council approve the license agreement with X2 Telecomm LLC for the use of a portion of the North Point Natural Area and right-of-way area for fiber optic cable.

FISCAL IMPACT

The City will receive a \$50,000 payment. In addition, X2 will provide 100 Mbps of internet capacity to City Hall for 5 years along with a one-time payment of \$10,000 for the purchase of equipment in order to use this internet capacity.

DISCUSSION

In 2001, Global West obtained permits and a license agreement for the use of City owned property at North Point Natural Area for a fiber optic cable landing site and for right of way for certain streets in Morro Bay. The site at the North Point Natural Area is approximately 10 feet by 9 feet by 9 feet (within the existing parking area). X2 has obtained all rights and interests of Global West and desires to enter into a new License Agreement with the City. The essential terms of the agreement are:

1. X2 agrees to pay the City \$50,000 as consideration for granting the license.
2. X2 shall provide 100 Mbps of Internet capacity to City Hall, for a five-year basis.
3. X2 agrees to pay \$10,000 additional monies to assist with the purchase of equipment that will enable use of this capacity by the City.

CONCLUSION

Staff recommends that the City Council approve the attached License Agreement.

Prepared By: RWS Dept Review: _____

City Manager Review: _____

City Attorney Review: RWS

LICENSE AGREEMENT

The CITY OF MORRO BAY, a Public Body of the State of California, hereinafter called CITY, for valuable consideration, the receipt of which is hereby acknowledged by CITY, hereby grants to X2 TELECOM, LLC, a Nevada limited liability Corporation, hereinafter called X2, permission to land, maintain and repair an underground fiber-optic cable connecting its undersea cable network and existing terrestrial communication networks, also designated as Lot 11, Tract 2110, in the City of Morro Bay, California and also under and over the surface of certain City's Streets, hereinafter called PREMISES, shown on Exhibit "A", attached hereto and made a part hereof, and more particularly described as follows:

This permission is given subject to the following terms and conditions:

1. **ALLOWED USE OF PREMISES:** X2 shall use the PREMISES for the installation, use, repair, maintenance and operation of its own underground fiber-optic cable connecting X2's terrestrial communications network with its off-shore, undersea fiber optic communications network on the Area described in Exhibit A and for no other area or purpose without the written consent of the CITY obtained in advance.
2. **TERM:** The term of this permission shall be for a period of twenty (20) years from, and including the date of execution of this Agreement.
3. **COMPENSATION:** In consideration for the rights herein granted, X2 agrees to pay the CITY the sum of \$50,000.00. The payment shall be made within fifteen (15) days of execution of this agreement, provided that all permits and approvals required for the operation of X2's terrestrial and undersea fiber-optic cable have been successfully transferred or obtained. Additionally, X2 shall provide 100 Mbps of Internet capacity to City Hall, for a five-year basis, which may be satisfied by X2 making pre-payment to a third-party, reputable Internet service provider with rights to use the X2 network, and \$10,000 additional monies to assist with the purchase of equipment that will enable use of this capacity by the CITY. In exchange, the CITY will waive any fees relating to the necessary permits for the construction of the necessary fiber-optic cable(s) to City Hall.
4. **CITY ORDINANCE:** X2 acknowledges that the CITY has a Telecommunications Ordinance that requires "any telecommunications carrier who desires to construct, install, operate, maintain or otherwise locate a telecommunications system in, under, over or across any streets and public rights-of-ways of the City, and/or to provide telecommunications service to persons or areas in the City via telecommunications facilities, and/or a telecommunications system in the street and public rights-of-ways, shall first obtain a franchise granting the use of such streets and public rights-of-ways from the City pursuant to this Ordinance." X2 contends that the CITY's Telecommunication Ordinance is preempted by State and Federal law and therefore disputes the legality of the CITY's Telecommunication Ordinance. By entering into this license agreement, neither party is waiving any rights or remedies with respect to the Telecommunications Ordinance nor any

matters contemplated therein. X2 and CITY understand and agree that X2's Fiber Optic does not and will not provide cable service to persons or areas in the City of Morro Bay except to the CITY and that such cable service would require additional permits and licenses.

5. **DEFAULT:** CITY at its option may, by written notice to X2 and any financial institution identified in writing by X2 to CITY, declare its position that X2 is in default for failure by X2 to perform any material obligation under this License. Such notice shall specify in detail the basis for the position of CITY, and shall identify with reasonable particularity the actions CITY deems required in order to cure such default. X2 or the identified financial institution shall have sixty (60) days from receipt of any such notice to either cure such default or notify CITY that it has commenced the actions reasonably designed to cure such default in the shortest commercially reasonable period. At the end of the applicable cure period (60 days or the shortest commercially reasonable period), if X2 or the identified financial institution has failed to cure such default then CITY may by final written notice ("Final Default Notice") declare that X2 is in default.

6. **TERMINATION:** After the Final Default Notice, CITY will have the option to terminate the License and X2's rights under the License and/or repossess the PREMISES without legal process free of all right of X2 to the PREMISES.

After default, X2 will reimburse the CITY for all reasonable expenses of repossession and enforcement of CITY'S rights and remedies together with interest.

Upon the expiration or earlier termination of this permission, X2, at its sole expense, shall remove all of X2 personal property or improvements and restore the PREMISES as nearly as possible to the condition that existed prior to its entry upon the PREMISES. CITY may request that X2 leave improvements, in place if one of the following occurs: (1) if CITY chooses to utilize said improvements; (2) if said removal and restoration is impractical, economically prohibitive or infeasible; (3) if it will adversely affect the use of the PREMISES as a Coastal Access Natural Area. In the event X2 fails to remove its personal property or fails to restore the PREMISES, after CITY has requested said removal or restoration, CITY may elect to remove X2's personal property and effect such removal or restoration as necessary and recover the reasonable costs and expenses therefore from X2.

7. **NO ACQUIRED RIGHTS:** X2's use of the PREMISES hereunder shall not ripen into any title, or right in and to the premises, and X2 shall not make any claim of right or title, nor resist or assail CITY'S title, to the PREMISES. CITY shall not acquire any right, title, or interest in the X2 personal property or improvements installed on the PREMISES except as expressly set forth herein.

8. **CONDITION OF PREMISES:** X2 accepts the PREMISES "as is", and shall do nothing to alter its present condition as an open space in the form of a Coastal Access Natural Area. CITY shall take no action during the term of the License that shall interfere with the quiet enjoyment by X2 of its license rights hereunder, nor shall CITY authorize or permit any other party to take any such action.

9. X2's CONDUCT ON PREMISES: X2 acknowledges that the PREMISES were acquired by CITY to be permanently set aside as open space in the form of a Coastal Access Natural Area for, and devoted to, the use and enjoyment by the general public. Therefore, X2 shall:

- (A) use PREMISES at its sole risk and expense;
- (B) comply with all local, state, and federal laws and regulations including, but not limited to, those laws whether existing or new that relate to public access to the shoreline and the California Coastal Act.
- (C) not in any way interfere or permit any interference with the public use of the PREMISES as a Coastal Access Natural Area upon completion of installation;
- (D) not in any way interfere or permit any interference with the other existing CITY Licensees' uses of CITY property that is adjacent to and contiguous with PREMISES.

10. INDEMNITY: X2 shall indemnify CITY, its officers, agents and employees against all loss, damage, expense and liability resulting from injury to or death of persons, or injury to property arising out of or directly caused by X2's exercise of the rights herein granted or the use of the PREMISES by X2, whether produced by voluntary action of X2 or otherwise and any loss, damage, expense or liability caused or contributed to by the negligence, whether active or passive of X2, excepting only such loss, damage, expense or liability as may be caused by the sole negligence or willful misconduct of the CITY. In the event this indemnity is not enforceable, X2 shall indemnify CITY to the maximum extent allowed by law.

11. INSPECTION: The CITY shall have the right of inspecting the PREMISES covered by this Agreement at all times.

12. ENCUMBRANCES OR LIENS: X2 will not pledge, encumber, create a security interest in or permit any lien to become effective on the PREMISES, but is not prohibited hereunder from creating any security interest in or lien upon the personal property and improvements it places on the PREMISES. No portion of the X2's network shall become a fixture or portion of the PREMISES irrespective of the nature of its attachment to the PREMISES.

13. INSURANCE: X2 shall maintain in effect during the term of this license agreement insurance as set forth on Exhibit "B", attached hereto and made a part hereof.

14. TAXES: X2 shall pay any personal property assessment levied by the CITY, County, or State for X2's personal property installed on the PREMISES.

15. NOTICES: All notices required herein shall be given in writing and delivered personally, or sent by facsimile transmission (fax), certified mail (return receipt requested) of the United States Postal Service, or nationally-recognized overnight courier service and addressed as follows:

CITY OF MORRO BAY
595 Harbor Street
Morro Bay, CA 93422
Attn: Director of Public Services
Telephone Number: (805) 772-6569

X2 TELECOM, LLC
533 Airport Blvd., Suite 400
Burlingame, CA 94010

16. APPLICABLE LAW: This License Agreement, and all obligations and rights of the parties hereunder, are subject to and shall be established and interpreted according to the laws of the State of California.

17. ASSIGNMENT: This License Agreement is personal to CITY and is not assignable in whole or in part, except to an affiliate or subsidiary of X2 or in connection with a transaction related to financing of the X2's network without the prior written consent of CITY, which shall not be unreasonably withheld.

18. NO SUBLEASE: X2 shall not sub-lease the whole or any part of the PREMISES without the written consent of the CITY.

19. AUTHORITY: Each person executing this License Agreement warrants that they are authorized to do so.

20. PRIOR LEASES: This License Agreement supersedes any prior leases, licenses or permits between X2 and CITY respecting the PREMISES, and any such leases, licenses or permits are hereby terminated.

THIS AGREEMENT is made by and between the parties hereto this _____ day of _____ 2012.

CITY OF MORRO BAY

X2 TELECOM, LLC

By: _____
Mayor William Yates

By: _____



AGENDA NO: A-6

MEETING DATE: 10/23/2012

Staff Report

TO: Honorable Mayor and City Council **DATE:** October 18, 2012

FROM: Joe Woods, Recreation and Parks Director

SUBJECT: Resolution of the City Council of City of Morro Bay Approving the Application for Grant Funds from the Federal Recreational Trails Program

RECOMMENDATION

Authorize staff to submit a grant application to the State of California Parks and Recreation Department to secure funds from the Federal Recreational Trails Program for the Morro Rock Access Ramp project.

FISCAL IMPACT:

Staff is seeking grant funds in the amount of \$90,000 from the Federal Recreational Trails Program, which has a matching fund requirement of 12%. The matching funds, \$10,800 would need to be allocated from either the General Fund or other dedicated source. The Access Ramp project has been estimated to cost \$83,200, and staff is requesting slightly more to allow for any minor changes in the scope of work and/or additions to the permitting process.

SUMMARY:

The development of a beach access ramp in the Morro Rock parking lot is consistent with the Waterfront Master Plan and would provide a safe accessible path of travel to the beach from the mid-parking lot area. The Recreation and Parks Commission, Harbor Advisory Board, and Public Works Advisory Board have supported the access ramp concept and have made those recommendations to City Council. Council has supported this access ramp concept and staff has identified a potential funding source in the Federal Recreational Trails Program.

Prepared By: JMW Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

BACKGROUND/DISCUSSION

At the regular meeting of City Council on March 13, 2012, Council supported the beach access concept and directed staff to return within six months with an update. Staff has attached the report and motion for review. Please note that prior to the March 13, 2012 meeting, the Morro Rock Access Ramp concept was reviewed by the City's Recreation and Parks Commission, Harbor Advisory Board and Public Works Advisory Board, all recommending continuation of the project.

Staff has identified a grant funding source in the Federal Recreational Trails Program through the State of California's Parks and Recreation Department. This program requires a twelve percent (12%) matching fund, which at \$90,000, would equal \$10,800. Staff is working on identifying the source of those required matching funds.

Staff has reviewed the eligible programs included in the Recreational Trails Program and believes an application would be worth our effort as the project meets a high percentage of the desired program conditions. One strong condition is access to predominate recreational area(s), especially in providing a nexus to/from a historical landmark, Morro Rock. We meet several other program conditions, which would increase our probability of a successful award of this competitive program funding.

RESOLUTION NO. 51-12

**RESOLUTION OF THE CITY COUNCIL OF
CITY OF MORRO BAY APPROVING THE
APPLICATION FOR GRANT FUNDS FROM
THE RECREATIONAL TRAILS PROGRAM**

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

WHEREAS, the “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users” provides funds to the State of California for Grants to Federal, State, local and non-profit organizations to acquire, develop and/or maintain motorized and non-motorized Trail Projects; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing Project Applications; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant, prior to submission, to certify by Resolution the approval of Application(s) to the State; and

WHEREAS, the Applicant will enter into a Contract with the State of California to complete the Project(s);

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

1. Approves the filing of an Application for the Recreational Trails Program; and
2. Certifies that the Project is consistent with the Applicant’s General Plan or the equivalent planning document; and
3. Certifies that said Applicant has or will have available prior to commencement of any work on the Project(s) included in this Application, sufficient funds to operate and maintain the Project(s); and
4. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and
5. Appoints the Director of Recreation and Parks, as agent to conduct all negotiations, execute and submit all documents, including, but not limited to Applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the Project; and

Page Two
Resolution No. 51-12

6. Agrees to comply with all applicable Federal, State and local laws, ordinances, rules, regulations and guidelines.

PASSED AND ADOPTED by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 23rd day of October 2012 on the following vote:

AYES:

NOES:

ABSENT:

WILLIAM YATES, Mayor

ATTESTED:

JAMIE BOUCHER, City Clerk



AGENDA NO: D-2

MEETING DATE: March 13, 2012

Staff Report

TO: Honorable Mayor and City Council DATE: March 6, 2012

FROM: Rob Livick, PE/PLS – Public Services Director/City Engineer
Joe Woods, Recreation and Parks Director

SUBJECT: Recommendation on Beach Access Ramp at Morro Rock

STAFF RECOMMENDATION:

That the City Council review and discuss the proposed improvements to the Morro Rock parking lot and provide direction to staff to pursue the project as funding is available through grants or other sources.

FISCAL IMPACT:

Development of a pedestrian access ramp from the parking lot level down to the beach level that meets accessibility requirements for beach access is estimated by Public Services to be approximately \$83,200. Currently, no funding has been committed to this proposed project, although the project is likely to be a good contender for competitive grant funding.

SUMMARY:

Development of a beach access ramp from the Rock parking lot to the beach will have to meet Federal Access Board (FAB) design requirements for beach access, in addition to being able to withstand wave and surge action during winter months. The area proposed for the ramp is within the Coastal Commission’s original jurisdiction and will require a Coastal Development permit along with any required local permits.

BACKGROUND/DISCUSSION:

At the August 23, 2011 City Council meeting, Councilperson Smukler requested that the subject of an improved beach access facility from the Rock parking lot mid-lot area down to the beach sand be agendaized and brought back for Council’s discussion. This item was discussed at the regular City Council meeting on October 31, 2011. Council unanimously agreed to send the item to the City’s advisory boards for review and recommendations.

Three of the City’s advisory boards have discussed the item and the following represents their recommendations:

The Recreation and Parks Commission (RPC) reviewed the proposal on November 17, 2011 and recommend to staff to *forward to City Council to proceed with the pedestrian access from the Morro Rock parking area to the beach as a ramp with no staircase and to have at least two benches and tie in with the Target Rock access. The recommendation included staff to proceed*

Prepared By: <u>RL</u>	Dept Review: <u>RL/JW</u>
City Manager Review: _____	
City Attorney Review: _____	

Beach Access Routes

The scoping provisions for beach access routes are contained in F248. The provisions are revised from the NPRM based on the comments and information meeting. The Access Board also visited beaches where beach access routes are provided. The provisions require a permanent or removable beach access route to be provided when the entity that manages a beach engages in any of the following activities:

- Constructs or alters any of these facilities to serve the beach: circulation paths, parking facilities, toilet facilities, or bathing facilities.
- Undertakes a beach nourishment project.

There are three exceptions to the scoping provisions:

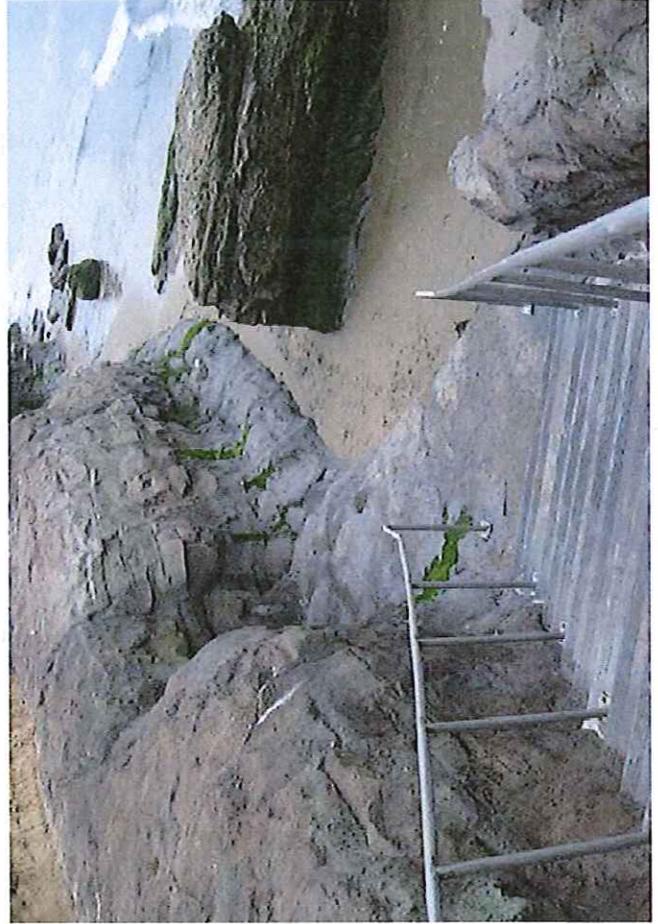
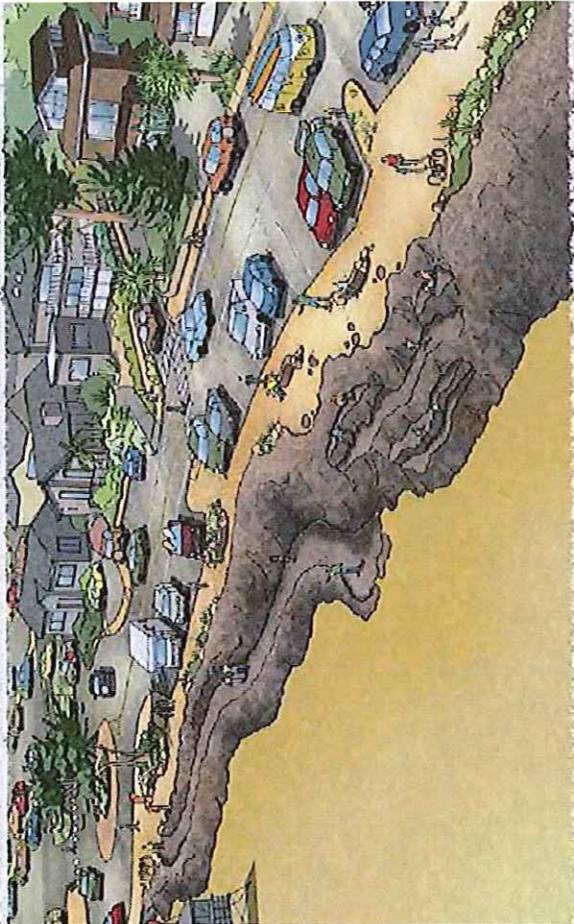
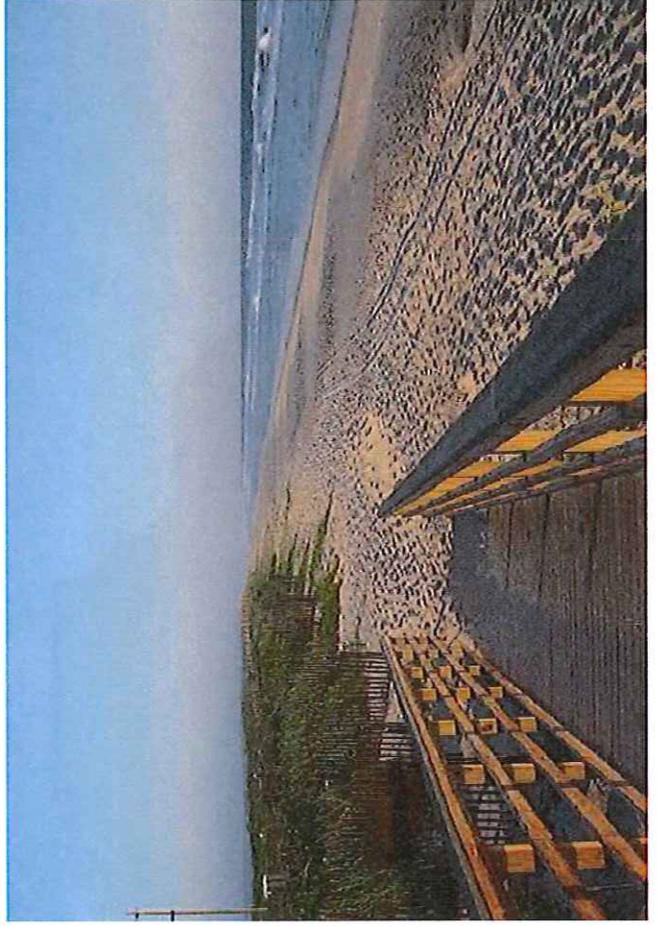
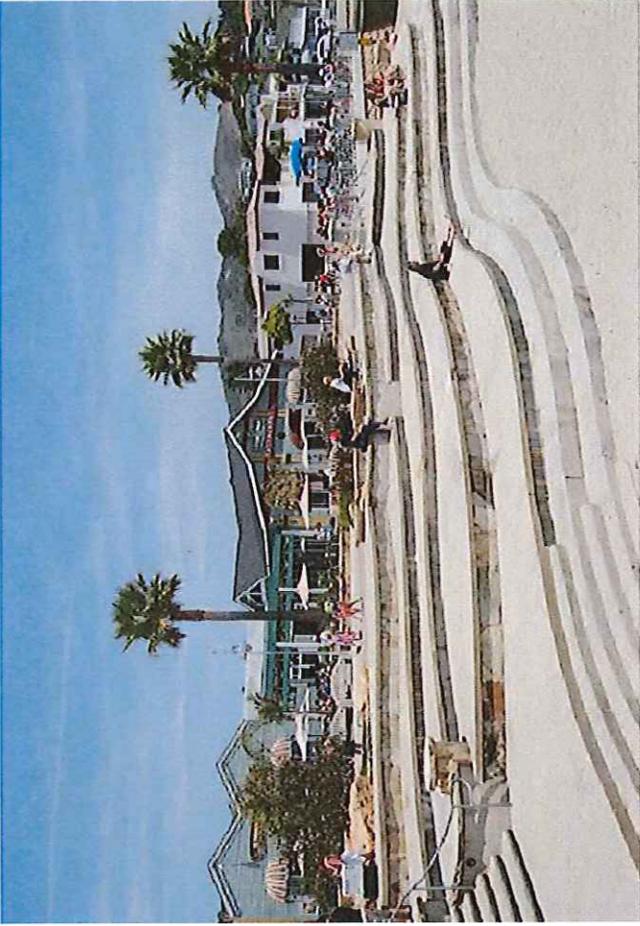
- A beach access route is not required where pedestrian access to the beach is not permitted.
- An entity is not required to expend more than 20 percent of the cost of constructing or altering the facilities to serve the beach to provide a beach access route.
- An entity is not required to expend more than 20 percent of the cost of the beach nourishment project to provide a beach access route.

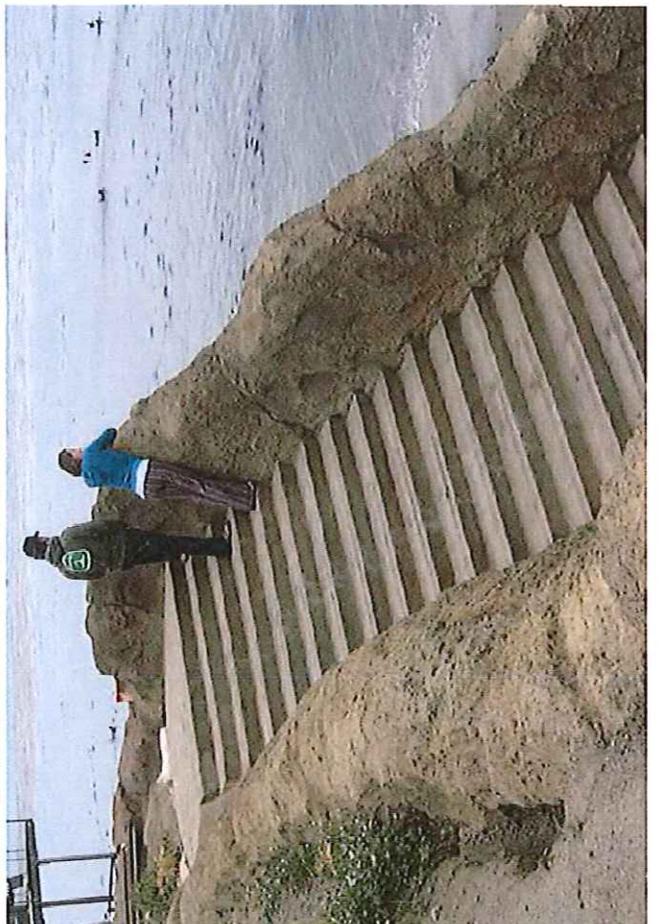
Where a beach access route is required, the entity is required to provide at least one beach access route for each ½ mile of shoreline managed by the entity. The beach access route is required to coincide with or be located in the same area as pedestrian access points to the beach. An exception limits the number of beach access routes required to not exceed the number of pedestrian access points provided by the entity to the beach.

The technical provisions for beach access routes address connections in 1018.2; surface in 1018.3; clear width in 1018.4; obstacles in 1018.5; openings in 1018.6; slopes in 1018.7; resting intervals in 1018.8; protruding objects in 1018.9; and elevated dune crossings in 1018.10. The technical provisions are the same as in the NPRM, except as follows:

- Conditional exceptions apply to each technical provision for new construction and alterations. The conditional exceptions are discussed under Conditional Exceptions.
- An exception is added for situations where it is impractical to require a beach access route. The exception is discussed under Exceptions for Trails and Beach Access Routes.
- The clear width is increased to 60 inches minimum. At beaches that provide beach access routes, they are the preferred path of travel for many beach users, and the increased width is necessary to provide adequate space for individuals with disabilities to

ATTACHMENT 2





MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 13, 2012
VETERANS MEMORIAL HALL - 6:00 P.M.

Councilmember Borchard stated it is very challenging to try and weigh the economic factors of attempted use versus the limited resources of our fire suppression staff. At this time, she is not prepared to make a change without further evaluation.

Councilmember Johnson said that safety has to be first, even given the understanding of the cost of installation.

Mayor Yates stated we need to look long range and that this report has been quite educational.

Councilmember Smukler appreciates the fact that the Chief has some discretion to apply some of the local rules and feels that their concerns have been heard.

No action was taken on this item as it was informational only.

**D-2 RECOMMENDATION ON BEACH ACCESS RAMP AT MORRO ROCK;
(PUBLIC SERVICES/RECREATION & PARKS)**

Public Services Director Rob Livick presented his staff report on the status of the development of a beach access ramp from the Rock parking lot to the beach. This item was last heard at the Council level on October 31, 2011 where it was sent for review to the Recreation & Parks Commission, the Harbor Advisory Board and the Public Works Advisory Board. All of the boards were in agreement that improved access to the beach was needed. Staff wanted to re-enforce the fact that any access to the beach would need to comply with ADA and apply to all users.

Councilmember Smukler thanked all the Advisory Boards and staff for how this has evolved. He would like to see the following included: a volunteer component for installation; a sponsorship component; only alternative funding sought; and, the need to avoid impacts to the view corridor.

Councilmember Leage agreed with the need for a walkway but went on to say that first and foremost, the revetment needs to be stabilized before moving forward.

Councilmember Johnson isn't in favor of this at this time as there is already a beach access ramp there. Also, the area in question is often times covered up with water. In addition, it will be incredibly difficult to build something over rocks. Her final concern was wondering what the Coastal Commission would say to an improvement like this.

Councilmember Borchard wants to ensure access to all so is in favor of moving forward with this concept. Keeping the pathway in as natural of a state as possible would be preferred.

Mayor Yates would also like to see this kept as natural as possible and would like to go after funding as opposed to waiting for the funding to become available.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 13, 2012
VETERANS MEMORIAL HALL - 6:00 P.M.

MOTION: Councilmember Smukler moved the City Council support the beach access concept and direct staff to return within six (6) months with an update. The motion was seconded by Councilmember Borchard and carried unanimously 5-0.

DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Borchard requested a reconsideration of a motion made at the last meeting with regards to the possibility of putting out an RFP for the Visitor's Center. Mayor Yates and Councilmember Smukler concurred.

Councilmember Johnson requested staff look at preparing an explanation guide for businesses regarding the Emergency Interim Sign Ordinance; Mayor Yates and Councilmember Smukler concurred.

Councilmember Leage requested a discussion of "unfriendly" sidewalks in commercial zones throughout the City; Councilmember Johnson and Mayor Yates concurred.

Councilmember Smukler requested a discussion item on the Community FM Radio station being proposed in Morro Bay; Mayor Yates and Councilmember Borchard concurred.

Councilmember Smukler requested a discussion on a TOT Reinvestment Ordinance which would create opportunities for improvements to businesses without using general fund monies; Councilmember Johnson and Councilmember Borchard concurred.

Mayor Yates requested a Resolution requesting Morro Strand State Campground remain open; Councilmember Johnson and Councilmember Borchard concurred.

ADJOURNMENT

The meeting adjourned at 8:31 p.m.

Recorded by:

Jamie Boucher
City Clerk

AGENDA NO: A-7

MEETING DATE: 10/23/2012

RESOLUTION NO. 53-12

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
APPROVING AMENDMENT #4 TO THE LEASE AGREEMENT
FOR LEASE SITE 102/102W LOCATED AT 1001 EMBARCADERO**

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

WHEREAS, the City of Morro Bay is the Lessor of certain property on the Morro Bay waterfront described as Lease Site 102/102W; and

WHEREAS, Michael and Orietta DeGarimore are the Lessees of said property; and

WHEREAS, on April 12, 2012 the Tenant obtained Coastal Development Permit (CDP) 3-11-031-A1 from the Coastal Commission to expand an existing boat dock: improve and expand an existing outdoor public seating patio with a retractable awning; reconfigure an existing parking lot; and relocate an existing sports fishing business to the project site; and

WHEREAS, Coastal Development Permit (CDP) 3-11-031-A1 requires that the conditions of the CDP be recorded against both the underlying lease sites and properties, and requires that the lease be modified in order to incorporate the permit conditions into the City lease agreement; and

WHEREAS, the City and the Lessors have reached an agreement in order to comply with Coastal Development Permit (CDP) 3-11-031-A1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that Amendment #4 for Lease Site 102/102W is hereby approved and that the Mayor is hereby authorized to execute the attached lease amendment.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 23rd day of October, 2012, by the following vote:

AYES:
NOES:
ABSENT:

WILLIAM YATES, Mayor

ATTEST:

JAMIE BOUCHER, City Clerk

AMENDMENT #4 TO LEASE AGREEMENT FOR LEASE SITE 102/102W

This Amendment is made and entered into as of this 23rd day of October, 2012 by and between the City of Morro Bay, a municipal corporation of the State of California, (hereinafter "CITY") and Michael DeGarimore and Orietta DeGarimore (hereinafter "TENANT") to amend that certain ground lease for Lease Site 102/102W dated May 21, 1962 (hereinafter "Lease").

WHEREAS, on October 17, 2012 the TENANT obtained an Amended Coastal Development Permit (CDP) 3-11-031-A1 from the Coastal Commission to expand an existing boat dock: improve and expand an existing outdoor public seating patio with a retractable awning; reconfigure an existing parking lot; and relocate an existing sports fishing business to the project site; and

WHEREAS, Amended CDP 3-11-031-A1 requires that the conditions of Amended CDP 3-11-031-A1 be included as conditions of the Lease and prohibit the deletion or amendment of the portion of the Lease consisting of the conditions of the CDP without the approval of the Executive Director of the Coastal Commission. Additionally, Amended CDP 3-11-031-A1 requires the CITY to agree to include the conditions of Amended CDP 3-11-031-A1 in any future lease on the Lease Parcel.

NOW THEREFORE, CITY and TENANT mutually agree to amend said Lease as follows:

Lease Restriction. In consideration of the issuance of the Amended Coastal Development Permit (CDP) 3-11-031-A1, TENANT and CITY agree that all of the terms and conditions of Amended CDP 3-11-031-A1 (Attached as Exhibit A) are conditions of the Lease. TENANT and CITY agree not to modify or amend any portion of the Lease consisting of the conditions of the Amended CDP or that would contradict the terms and conditions of Amended CDP 3-11-031-A1 without the prior written approval of the Executive Director of the Coastal Commission. TENANT and CITY also agree to include the conditions of Amended CDP 3-11-031-A1 in any future lease on the Lease Parcel.

All other terms and conditions of the Lease and Amendments thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto hereby execute this Amendment.

CITY OF MORRO BAY

TENANT

William Yates, Mayor

Michael DeGarimore

APPROVED AS TO FORM:

Robert Schultz, City Attorney

Orietta DeGarimore

ATTEST:

Jamie Boucher, City Clerk

AGENDA NO: A-8

MEETING DATE: 10/23/2012

RESOLUTION NO. 54-12

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
APPROVING AMENDMENT #4 TO THE LEASE AGREEMENT
FOR LEASE SITE 105.1W/105.2 LOCATED AT 1001 EMBARCADERO**

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

WHEREAS, the City of Morro Bay is the Lessor of certain property on the Morro Bay waterfront described as Lease Site 105.1W/105.2; and

WHEREAS, Michael and Orietta DeGarimore are the Lessees of said property; and

WHEREAS, on April 12, 2012 the Tenant obtained Coastal Development Permit (CDP) 3-11-031-A1 from the Coastal Commission to expand an existing boat dock: improve and expand an existing outdoor public seating patio with a retractable awning; reconfigure an existing parking lot; and relocate an existing sports fishing business to the project site; and

WHEREAS, Coastal Development Permit (CDP) 3-11-031-A1 requires that the conditions of the CDP be recorded against both the underlying lease sites and properties, and requires that the lease be modified in order to incorporate the permit conditions into the City lease agreement; and

WHEREAS, the City and the Lessors have reached an agreement in order to comply with Coastal Development Permit (CDP) 3-11-031-A1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that Amendment #4 for Lease Site 105.1W/105.2 is hereby approved and that the Mayor is hereby authorized to execute the attached lease amendment.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 23rd day of October, 2012, by the following vote:

AYES:
NOES:
ABSENT:

WILLIAM YATES, Mayor

ATTEST:

JAMIE BOUCHER, City Clerk

AMENDMENT #4 TO LEASE AGREEMENT FOR LEASE SITE 105.1W/105.2

This Amendment is made and entered into as of this 23rd day of October, 2012 by and between the City of Morro Bay, a municipal corporation of the State of California, (hereinafter "CITY") and Michael DeGarimore and Orietta DeGarimore (hereinafter "TENANT") to amend that certain ground lease for Lease Site 105.1W/105.2 dated May 21, 1962 (hereinafter "Lease").

WHEREAS, on October 17, 2012 the TENANT obtained an Amended Coastal Development Permit (CDP) 3-11-031-A1 from the Coastal Commission to expand an existing boat dock; improve and expand an existing outdoor public seating patio with a retractable awning; reconfigure an existing parking lot; and relocate an existing sports fishing business to the project site; and

WHEREAS, Amended CDP 3-11-031-A1 requires that the conditions of Amended CDP 3-11-031-A1 be included as conditions of the Lease and prohibit the deletion or amendment of the portion of the Lease consisting of the conditions of the CDP without the approval of the Executive Director of the Coastal Commission. Additionally, Amended CDP 3-11-031-A1 requires the CITY to agree to include the conditions of Amended CDP 3-11-031-A1 in any future lease on the Lease Parcel.

NOW THEREFORE, CITY and TENANT mutually agree to amend said Lease as follows:

Lease Restriction. In consideration of the issuance of the Amended Coastal Development Permit (CDP) 3-11-031-A1, TENANT and CITY agree that all of the terms and conditions of Amended CDP 3-11-031-A1 (Attached as Exhibit A) are conditions of the Lease. TENANT and CITY agree not to modify or amend any portion of the Lease consisting of the conditions of the Amended CDP or that would contradict the terms and conditions of Amended CDP 3-11-031-A1 without the prior written approval of the Executive Director of the Coastal Commission. TENANT and CITY also agree to include the conditions of Amended CDP 3-11-031-A1 in any future lease on the Lease Parcel.

All other terms and conditions of the Lease and Amendments thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto hereby execute this Amendment.

CITY OF MORRO BAY

TENANT

William Yates, Mayor

Michael DeGarimore

APPROVED AS TO FORM:

Robert Schultz, City Attorney

Orietta DeGarimore

ATTEST:

Jamie Boucher, City Clerk



AGENDA NO: A-9

MEETING DATE: 10/23/2012

Staff Report

TO: Honorable Mayor and City Council **DATE:** October 17, 2012
FROM: Susan Slayton, Administrative Services Director/Treasurer
SUBJECT: Resolution No. 40-12 Adopting the Memorandum of Understanding with the Morro Bay Police Employees and Related Compensation

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 40-12, approving the Memorandum of Understanding with the Morro Bay Peace Officers Association. The term of the MOU is from July 1, 2012 through June 30, 2013.

FISCAL IMPACT

As per City Council's direction, this MOU reflects minimal cost to the City (approx \$5,000 per year in health insurance).

SUMMARY:

The July 2011 – June 2012 Morro Bay Peace Officers Association MOU is currently on the City's website (link: "Employee Compensation Information"). The proposed July 1, 2012 – June 30, 2013 MOU, which is attached in a draft blue-lined format, includes no substantive changes.

The MOU has been ratified by the MBPOA.

Prepared By: _____ Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

RESOLUTION NO. 40-12

**RESOLUTION OF THE CITY OF MORRO BAY
ADOPTING THE MEMORANDUM OF UNDERSTANDING WITH THE MORRO BAY
POLICE EMPLOYEES AND RELATED COMPENSATION**

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

WHEREAS, in accordance with the provisions of the California Government Code Section 3500 et. seq. and Resolution No. 74-69 of the City of Morro Bay, the City's representatives have met and conferred in good faith pertaining to the subject of wages, benefits and conditions of employment with the Morro Bay Peace Officers Association (MBPOA); and

WHEREAS, the meetings between the MBPOA and the City have resulted in a mutual agreement and understanding to recommend that the employees represented by the MBPOA accept all of the terms and conditions, as set forth in a Memorandum of Understanding, an agreement attached and made a part of this Resolution herewith; and

WHEREAS, the City now desires to provide said salaries, benefits and conditions to said police employees of the City of Morro Bay.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, that it hereby approves and adopts, in full, the Memorandum of Understanding for the period July 1, 2012 through June 30, 2013, as attached and made a part of this Resolution.

BE IT FURTHER RESOLVED by the City Council of the City of Morro Bay that the City Manager is hereby authorized to execute the Memorandum of Understanding on behalf of the City.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a meeting thereof held this 23rd day of October, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

WILLIAM YATES, Mayor

JAMIE BOUCHER, City Clerk

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**MEMORANDUM OF UNDERSTANDING
BETWEEN THE MORRO BAY PEACE OFFICERS' ASSOCIATION
AND THE CITY OF MORRO BAY
2012-2013**

ARTICLE 1 - PURPOSE

WHEREAS, the City of Morro Bay is a municipal corporation existing under the laws of the State of California as a general law city; and

WHEREAS, the City of Morro Bay is limited, insofar as funds are concerned, because of a fixed tax rate; and in structure because it is a public entity rather than a profit-making business; and

WHEREAS, the Morro Bay Peace Officers' Association and the City of Morro Bay recognize that the mission and the purpose of the City is to provide high-quality and economical municipal services and facilities to the residents of the City of Morro Bay;

THEREFORE, this Memorandum of Understanding is entered into as of July 1, 2012 between the City of Morro Bay, referred to as CITY, and the Morro Bay Peace Officers' Association referred to as ASSOCIATION.

It is the intent and purpose of this Memorandum to assure sound and mutually beneficial working and economic relations and conditions between the parties hereto to provide for an orderly and peaceable method and manner of resolving any differences which may arise and to negotiate any misunderstanding which could arise and to set forth herein the basic and full agreement between the parties concerning the pay, wages, hours of employment, and other terms and conditions of employment.

ARTICLE 2 - MANAGEMENT

2.1 In order to ensure that the CITY shall continue to carry out its public safety functions, programs, and responsibilities to the public imposed by law, and to maintain efficient public safety service for the citizens of Morro Bay, the CITY continues to reserve and retain solely and exclusively all management rights, regardless of the frequency of use, including those rights and responsibilities set forth by law and those CITY rights set forth in the City's Personnel Rules and Regulations and including but not limited to the following:

2.1.1 To manage the Police Department and determine policies and procedures and the right to manage the affairs of the Department.

- 2.1.2 To determine the existence or nonexistence of facts which are the basis of the management decision in compliance with State law.
- 2.1.3 To determine the necessity, organization, implementation, and termination of any service or activity conducted by the CITY or other government jurisdiction and to expand or diminish police services.
- 2.1.4 To direct, supervise, recruit, select, hire, evaluate, promote, transfer, discipline, discharge, terminate, demote, reduce, suspend, reprimand, withhold salary increases and benefits for disciplinary reasons, or otherwise discipline employees in accordance with Department or City Rules, Regulations, or Ordinances.
- 2.1.5 To determine the nature, manner, means, extent, type, time, quantity, quality, technology, standard, and level of police services to be provided to the public.
- 2.1.6 To require performance of other public safety services not specifically stated herein in the event of emergency or disaster, as deemed necessary by the CITY.
- 2.1.7. To lay off employees of the Police Department because of lack of work or funds or under conditions where continued work would be inefficient or nonproductive or not cost effective, as determined by the CITY.
- 2.1.8. To determine and/or change the police facilities, methods, technology, equipment, operations to be performed, organization structure, and allocate or assign work by which the City police operations and services are to be conducted.
- 2.1.9. To determine method of financing.
- 2.1.10 To plan, determine, and manage Department's budget which includes, but is not limited to, changes in the number of locations and types of operations, processes and materials to be used in carrying out all Police Department functions and the right to contract or subcontract any work or operations of the Police Department.
- 2.1.11 To determine the size and composition of the Police Department work force, assign work to employees of the Police Department in accordance with requirements determined by the Police Department and to establish and require compliance to work hours and changes to work hours, work schedules, including call back, standby, and overtime, and other work

assignments, except as otherwise limited by this agreement, or subsequent agreements.

- 2.1.12 To establish and modify goals and objectives related to productivity and performance programs and standards, including but not limited to quality and quantity, and required compliance therewith.
- 2.1.13 To determine qualifications, skills, abilities, knowledge, selection procedures and standards, job classification, job specifications, and to reallocate and reclassify employees in accordance with division and/or City Rules and Regulations.
- 2.1.14 To determine the issues of public policy and the overall goals and objectives of the Police Department and to take necessary action to achieve the goals and objectives of the Police Department.
- 2.1.15 To hire, transfer intra or inter Department, promote, reduce in rank, demote, reallocate, terminate and take other personnel action for non-disciplinary reasons in accordance with Department and/or City Rules, Regulations and Ordinances.
- 2.1.16 To determine policies, procedures and standards for recruiting, selecting, training and promoting employees.
- 2.1.17 To establish, implement, and/or modify rules and regulations, policies, and procedures related to productivity, performance, efficiency, personal appearance standards, code of ethics and conduct, safety, health, and order, and to require compliance therewith.
- 2.1.18 To maintain order and efficiency in police facilities and operation.
- 2.1.19 To restrict the activity of an employee organization on City facilities except as set forth in this agreement.
- 2.1.20 To take any and all necessary steps and actions to carry out the service requirements and mission of the CITY in emergencies or any other time deemed necessary by the CITY and not specified above.
- 2.2 Nothing herein is meant to diminish CITY rights provided by the Government Code.
- 2.3 Nothing herein is meant to diminish the Peace Officers' Bill of Rights as set forth in the Government Code.

2.4 AUTHORITY IF THIRD PARTY NEUTRAL - MANAGEMENT RIGHTS

All management rights, powers, authority and functions, whether heretofore or hereinafter exercised, shall remain vested exclusively with the CITY. No third party neutral shall have the authority to diminish any of the management rights which are included in this agreement.

ARTICLE 3 - RECOGNITION

3.1 Pursuant to Resolution No. 74-69, the Employer-Employee Relations Resolution of the City of Morro Bay and applicable State law, the Morro Bay Peace Officers Association, (hereafter "ASSOCIATION") was designated by the City of Morro Bay (hereafter "CITY") City Council as the representative of City employees in the Law Enforcement Unit (hereafter "UNIT"). The UNIT is comprised of the following classifications:

Sergeant
Corporal
Dispatch Supervisor
Police Officer
Code Enforcement Officer
Public Safety Dispatcher
Crime Prevention Officer

The term "employee" or "employees" as used herein shall refer only to the foregoing classifications.

3.2 Employees working on a regular basis in a classified position, but less than full-time shall receive vacation and sick leave accruals on a pro-rated basis commensurate with hours worked. All benefits for new hires, including insurance benefits, will be allocated on a pro-rated basis commensurate with hours worked.

3.3 ELECTRONIC DEPOSIT:
All employees hired after July 1, 1999 shall receive their pay by electronic methods. New hires must present account information for a checking or a savings account with an ACH member financial institution.

ARTICLE 4 - ASSOCIATION BUSINESS

4.1 Employee representatives designated by the ASSOCIATION shall be granted time off, without loss of pay, to attend "meet and confer" sessions with the City Manager and/or his/her designee on subjects within the scope of representation

when such meetings are scheduled during regular working hours. Should such meetings extend beyond an employee representative's regular working hours, the employee representative shall be paid for only the regular working hours.

It is understood that this time-off provision shall only apply to a maximum of three employees attending any one meeting between CITY and ASSOCIATION. Where exceptional circumstances warrant, the City Manager may approve the attendance at such meetings of additional employee representatives. The ASSOCIATION shall, whenever practicable, submit the names of all employee representatives to the Municipal Employee Relations Officer at least two working days in advance of such meetings. Provided further (1) that no employee representative shall leave his or her duty or work station or assignment without specific approval of the department head or other authorized CITY management official; and (2) that any such meeting is subject to scheduling by CITY management in a manner consistent with operating needs and work schedules.

- 4.2 Nothing provided herein shall limit or restrict CITY management from scheduling such meetings before or after regular CITY or work hours.
- 4.3 Off-duty employees will not be paid for attending meet and confer sessions, nor will over-time be paid for same.

ARTICLE 5 - AUTHORIZED AGENTS

For the express purpose of administering the terms and provisions of this agreement:

- 5.1 Management's principal authorized agent shall be the City Manager or his/her duly authorized representative (address: 595 Harbor Street, Morro Bay, CA 93442; telephone (805) 772-6200) except where a particular management representative is specifically designated in the agreement.
- 5.2 The Morro Bay Peace Officers' Association principal authorized representative shall be the President of the Association, or his/her duly authorized representative (address P. O. Box 276, Morro Bay, CA 93443).

ARTICLE 6 - WITHHOLDING OF ASSOCIATION DUES AND INSURANCE

- 6.1 It is agreed that CITY will withhold ASSOCIATION dues and ASSOCIATION group insurance premiums from the monthly pay of each regular City employee who is a member of the ASSOCIATION. ASSOCIATION agrees to provide CITY with individual ASSOCIATION member authorizations signed by the individual ASSOCIATION member authorizing CITY to make agreed deductions; specifying

the amount of each deduction; and authorizing CITY to issue a single check, payable to ASSOCIATION, for the collective amount of the individual deductions. CITY does not accept responsibility for computing the amounts of deductions or for meeting payment dates which may not coincide with established pay periods. CITY will issue a single check to the ASSOCIATION for the total amount of deductions withheld from the individual employees' pay. The ASSOCIATION will be responsible for the accounting and disbursing of all such funds received from CITY. ASSOCIATION will be responsible for properly notifying CITY of any changes in deductions and will be the sole agent through which CITY will act in explaining, initiating, executing, or terminating the provisions of this Article. Such notification must be received by the CITY at least two weeks prior to the effective date of the change and shall contain the following information: Employee name, social security number, job classification and department name. Also, such change notice must include a copy of the notice sent to the employees officially telling them of the change.

6.2 All ASSOCIATION members on payroll deduction for payment of ASSOCIATION dues on the day of signing of this Memorandum of Understanding must remain on payroll deduction for the life of the Agreement or so long as they remain members of the UNIT. ASSOCIATION members who establish payroll dues deduction during the term of this Memorandum of Understanding must remain on payroll deduction for the life of this Memorandum or so long as they remain members of the UNIT. ASSOCIATION members on dues payroll deduction may terminate such ASSOCIATION dues during the period of December 15-31 by notifying both the ASSOCIATION and the City Administrative Services Department of their termination of ASSOCIATION dues deduction. Such notification shall be in the form of a letter containing the following information: Employee name, social security number, job classification, and department name.

6.3 ASSOCIATION shall indemnify and hold harmless the City of Morro Bay, its officers, agents, and employees from any and all claims, demands, damages, costs, expenses, or liability arising out of this Article.

6.4 DEPOSIT OF DEDUCTIONS

It is agreed that CITY will deposit payroll deductions made payable to credit unions in which the CITY participates providing the ASSOCIATION makes arrangements for such services that are acceptable to both members and CITY under the same conditions as prevails for deductions as set forth above.

ARTICLE 7 – TERM

Except as otherwise provided herein, the term of this Agreement commences on July 1, 2012 and expires and is otherwise fully terminated on June 30, 2013.

ARTICLE 8 - RENEGOTIATIONS

- 8.1 The parties agree to commence renegotiations for a successor agreement for the period beginning July 1, 2013 as soon as administratively possible following January 1, 2013.
- 8.2 The parties agree that, upon reaching a ground rules agreement, except by mutual agreement, no new subjects may be introduced into the process after the third (3rd) negotiations meeting.
- 8.3 City and MBPOA agree to conduct a joint compensation survey to be completed by April 1, 2013.

ARTICLE 9 - ANTI-DISCRIMINATION

The CITY and ASSOCIATION mutually agree they will not discriminate against employees for the exercise of their rights under the State of California Government Code Section 3502.

ARTICLE 10 - WORK SCHEDULE

- 10.1 Alternative work schedules in compliance with the Fair Labor Standards Act may be implemented upon approval of the Chief of Police. No guarantee of work per day or per week, or of days of work per week is implied.

The implementation of an alternate work schedule shall not incur any CITY obligation to allocate additional sworn/dispatch personnel, vehicles or equipment. All deployment of sworn/dispatch personnel shall ensure effective and efficient delivery of police protection to the community sufficient to continue during times of vacation, sick leave, and Department approved training.

- 10.2 OVERTIME

10.2.1 Non-Sworn Personnel

Overtime is described as all work authorized by management and actually worked by the employee in excess of forty (40) hours worked in a

workweek. For the purpose of defining hours worked, vacation leave and holiday leave shall be considered as time worked in a workweek. All overtime as defined above shall be paid at one and one-half (1.5) times the employee's regular rate of pay.

10.2.2 Sworn Personnel

Overtime shall be all work authorized by management and actually worked by the employee in excess of eighty (80) hours worked in a work period. For the purpose of defining hours worked, vacation leave and holiday leave taken shall count towards time worked for the purpose of overtime. All overtime as defined herein, shall be paid at one and one-half (1.5) times the employee's regular rate of pay.

NOTE: Hours spent in court under what used to be termed "Court Appearance Pay" shall be considered and paid as part of this article; except for the "minimum pay", which is now covered under Special Pay Practices.

10.2.3 Compensatory Time Off

Effective with the ratification of this agreement, Compensatory Time Off (hereinafter "CTO") shall be earned at the overtime rate of one and one-half times the number of overtime hours worked as defined in Articles 10.2.1 and 10.2.2. CTO may be accrued up to a maximum of 120 hours. [Overtime earned in excess of the CTO maximum accrual shall be compensated in cash.](#)

10.2.4 Compensatory Time Payoff

[Once annually, employees may elect a payoff of up to 40 hours of accrued compensatory time. Payment will be made on the second paycheck received in March upon 30 days advance notice.](#)

10.3 EMERGENCIES

10.3.1 Nothing herein shall be construed to limit or restrict the authority of management to make temporary assignments to different or additional locations, shifts, or duties for the purpose of meeting an emergency.

10.3.2 Such emergency assignments shall not extend beyond the period of said emergency.

10.3.3 Short staffing caused solely by absences due to employees taking approved paid leave shall not be considered an emergency.

10.4 SHIFT ROTATION

Shift rotation shall coincide with the first day of a pay period.

ARTICLE 11 - VACATION/HOLIDAY LEAVE

NOTE: ALL LEAVE TIME (VACATION, SICK LEAVE, HOLIDAY, ETC.), WILL BE TAKEN OFF ON AN HOUR FOR HOUR BASIS EQUALING EMPLOYEE ACTUAL TIME OFF, REGARDLESS OF ACCUMULATION RATES.

11.1 VACATION

11.1.1 The following is a list of vacation annual accrual schedule by years of employment:

<u>SERVICE YEARS</u>	<u>VACATION ACCRUAL</u>
1-2	80 hrs
3-4	88 hrs
5	96 hrs
6-7	104 hrs
8-9	112 hrs
10-11	120 hrs
12-13	128 hrs
14-15	136 hrs
16-17	144 hrs
18-19	152 hrs
20 or more	160 hrs

11.1.2 Employees' vacation accrual will be credited to employee on a pro-rated basis over 26 pay periods per year.

11.1.3 In determining priority of individual members for assignment of vacation periods, "seniority within rank" shall be the primary criteria. During the month of January of each year, each employee shall submit his/her preferences for vacation time off during that calendar year. It is agreed that every effort will be made to permit UNIT members to take vacation at a time and for periods as close to members' preference as possible consistent with the necessity for maintaining adequate manning to assure performance of police department functions. It is further agreed that every effort will be made to schedule individual vacation periods so as to maximize consecutive vacation days off consistent with annual vacation entitlement.

11.1.4 The maximum amount of vacation accrual is 226 hours. When an employee reaches the maximum accrual limit of 226 hours, the employee shall cease to accrue vacation leave until the usage of vacation causes the balance to be less than 226 hours.

Employees who have a requested vacation denied or canceled within 60 days prior to reaching the 226 hour accrual maximum shall, upon request,

be given an additional 60 days following reaching the maximum to utilize vacation prior to ceasing to accrue.

11.2 HOLIDAYS

11.2.1 For the purpose of this agreement, the following days are the holidays for the employees in this UNIT:

New Year's Day	January 1
Martin Luther King, Jr. Day	3rd Monday in January
Lincoln's Birthday	February 12
Washington's Birthday	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25
Day after Christmas	December 26
Floating Holiday	Varies

11.2.2 Employees who work a holiday listed above shall be paid one and one-half (1.5) times their base hourly rate. An employee is eligible for the one and one-half time pay only for the hours actually worked during the date set forth in section 11.2.1. Each employee will be credited eight (8) hours Holiday Leave for each holiday listed in 11.2.1 above or recognized under 11.2.3 below in addition to pay for time worked on that holiday. Holiday Leave hours shall be pro-rated annually and credited to employees at the rate of four hours per pay period.

11.2.3 Holidays Proclaimed by Government Officials -- It is agreed that when a holiday is proclaimed by the Mayor of the CITY then each regular member of the UNIT shall be granted compensation in the same number of hours as equivalent to the time-off granted other employees of the CITY. Such time-off shall be selected by the Police Chief.

11.2.4 Accumulated Holiday Leave may be scheduled and taken upon approval of the Police Chief/designee.

11.2.5 Employees may accumulate up to a maximum of 116 hours Holiday Leave per year. All Holiday Leave not taken by the pay period containing December 1 shall be paid off at the employee's current rate of pay. [By request only, employees may be paid for a designated amount of accumulated Holiday Leave June 1 upon 30 days advance notice to Payroll.](#) When an employee terminates employment with the CITY, employee shall receive pay for employee's current holiday balance at employee's current base hourly rate.

NOTE: Subject to maximum accrual limits employee specified amounts of Holiday Leave may be transferred to Compensatory Time Off upon request in December only. Payroll must be notified by November 1st.

11.3 MILITARY LEAVE

11.3.1 Military Leave will be provided pursuant to City Resolution 65-01 and Military and Veterans Code 395.03

11.4 ASSOCIATION LEAVE

11.4.1 UNIT members will be allowed to contribute accumulated compensatory, holiday, or vacation time off to a special compensatory time account for the use of ASSOCIATION executive officers. ASSOCIATION officers or their designee(s) may, subject to all normal approvals and restrictions for time off requirements, receive up to a total of (40) forty hours per fiscal year off for attendance at meetings, seminars, etc. on behalf of the ASSOCIATION.

At no time may the ASSOCIATION compensatory time account contain more than one hundred (100) accrued hours.

ARTICLE 12 - SICK LEAVE

12.1 Sick leave shall be earned at the rate of eight hours each calendar month of service. There is no limit on the amount of sick leave that may be accumulated by members of this UNIT.

12.2 Based on individual utilization of paid sick leave in the preceding calendar year, employee may convert unused accumulated sick leave into paid vacation leave once during the following fiscal year, pursuant to the formula below:

<u>8 Hour Schedule</u>	<u>10 Hour Schedule</u>	<u>12 Hour Schedule</u>	<u>Maximum Conversion To Vacation Leave</u>
0	0	0	48 hours
.25 to 8	.25 to 10	.25 to 12	36 hours
8.25 to 16	10.25 to 20	12.25 to 24	24 hours
16.25 to 25	20.25 to 30	24.25 to 36	12 hours
over 25	over 30	over 36	0 hours

At least 160 hours shall remain in employee's sick leave bank after any conversion is authorized.

- 12.3 At termination, unused accumulated sick leave is not compensable; however, upon retirement, may be converted to additional time as provided by the PERS sick leave option.

ARTICLE 13 - BEREAVEMENT

Employees are permitted to utilize three (3) days of paid bereavement leave per occurrence in the case of the death of members of the employee's immediate family (as defined in the Personnel Rules). The three (3) days shall be regardless of shift length, subject to a maximum of 12 hours per day. Any necessary extra time shall be taken from the employee's accrued sick leave. In cases where sick leave is exhausted, vacation time shall be charged. Paid leave beyond the initial three (3) days is subject to department approval.

ARTICLE 14 - RETIREMENT

- 14.1 It is the employee's obligation to contribute the employee's contribution to PERS. The employee shall pay his/her own contribution by payroll deduction consistent with the provisions of 414 (h) 2 of the Internal Revenue Code. (9% PERS Safety and 8% current PERS Non-Safety employees and 7% second tier PERS Non-Safety employees.)
- 14.2 The ASSOCIATION understands and agrees that employees bear the risk of payment of any increases in the employee contribution above the current percentage made by action of the PERS or the state legislature.
- 14.3 Parties agree that CITY payment of PERS contributions are made based upon tax treatment currently permitted by the State Franchise Tax Board and the IRS.
- 14.4 Should current tax treatment change, the ASSOCIATION and the employee shall hold harmless the CITY, its officers and agents from any and all claims or costs of any type including but not limited to liability for back taxes, arising out of this agreement to pay part of the employee's PERS contribution.
- 14.5 Should current tax treatment change, the ASSOCIATION shall have the opportunity to meet and confer regarding any such changes.
- 14.6 For employees hired prior to September 17, 2011 (or such later date as the PERS contract is amended pursuant to Section 14.7 below) the CITY agrees to continue to provide PERS Safety employees in this UNIT with a retirement benefit program through the Public Employees Retirement System (PERS) as follows:
- 14.6.1 Highest Single Year Compensation effective 6-22-91 (Section 20042)
 - 14.6.2 Sick Leave Credit effective 6-24-89 (Section 20965)
 - 14.6.3 4th Level Survivor Benefit (Section 21574)
 - 14.6.4 1959 Survivor Benefit effective 6-24-89 (Section 21580)
 - 14.6.5 Military Service Credit effective 6-9-98 (Section 21024)
 - 14.6.6 3% @ 50 Retirement Formula

14.6.7 Pre-Retirement Optional Settlement 2 Death Benefit

14.7 For employees hired on or after September 17, 2011 (or such later date as the PERS contract is amended pursuant to this Section) the CITY will provide a retirement benefit program through Public Employees Retirement System (PERS) the retirement benefits set forth in 14.6 above will be modified and reads as follows.

- 14.7.1 36 consecutive months final compensation
- 14.7.2 Sick Leave Credit effective 6-24-89 (Section 20965)
- 14.7.3 4th Level Survivor Benefit (Section 21574)
- 14.7.4 1959 Survivor Benefit effective 6-24-89 (Section 21580)
- 14.7.5 Military Service Credit effective 6-9-98 (Section 21024)
- 14.7.6 3% @ 55 Retirement Formula
- 14.7.7 Pre-Retirement Optional Settlement 2 Death Benefit

14.8 For employees hired prior to September 17, 2011 (or such later date as the PERS contract is amended pursuant to Section 14.9 below) the CITY agrees to continue providing PERS Miscellaneous employees in this UNIT with the following PERS benefits:

- 14.8.1 Highest single year compensation
- 14.8.2 2.7% at 55 Retirement Formula
- 14.8.3 Sick Leave Credit Option (Section 20965)
- 14.8.4 Military Service Credit effective 4-13-00 (Section 21024)
- 14.8.5 Pre-Retirement Optional Settlement 2 Death Benefit
- 14.8.6 1959 Survivor Benefit, Level 4 (21574)

14.9 For employees hired on or after September 17, 2011 (or such later date as the PERS contract is amended pursuant to this Section) the retirement benefits set forth in 14.8 above will be modified and reads as follows:

- 14.9.1 36 consecutive months final compensation
- 14.9.2 2% at 60 Retirement formula
- 14.9.3 Sick Leave Credit Option (Section 20965)
- 14.9.4 Military Service Credit effective 4-13-00 (Section 21024)
- 14.9.5 Pre-Retirement Optional Settlement 2 Death Benefit
- 14.9.6 1959 Survivor Benefit, Level 4 (21574) compensation.

ARTICLE 15 - HEALTH BENEFITS

15.1 HEALTH INSURANCE

15.1.1 Employees of this UNIT shall participate in the PERS medical insurance plans on a cafeteria style basis, with the CITY contributing the PERS minimum (currently \$108/month) to the active employee's medical insurance and \$1.00/month or the amount required by PERS to retiree

medical insurance. Any costs in excess of these contribution rates shall be paid by the employee and retiree.

15.1.2 UNIT employees receive a cafeteria plan contribution (including the amount required by PERS in 15.1.1 above) as follows:

Employee only - up to \$715/month or cost of insurance, whichever is less
Employee + 1 – up to \$947/month or cost of insurance, whichever is less
Employee + family - up to \$1050/month or cost of insurance, whichever is less

15.1.3 Effective January 1, 2013, UNIT employees receive a cafeteria plan contribution (including the amount required by PERS in 15.1.1 above) as follows:

Employee only - up to \$715/month or cost of insurance, whichever is less
Employee + 1 – up to \$967/month or cost of insurance, whichever is less
Employee + family - up to \$1080/month or cost of insurance, whichever is less

15.1.4 Effective January 1, 2009 cash-back was eliminated except as provided herein. Employees receiving cash-back in December 2008 shall continue to receive the same amount for the term of this agreement except that if a cash-back employee changes the structure of their insurance (add dependents, delete dependents, drop insurance with the CITY, change carriers, etc.) cash-back is not an option. Cash-back will be eliminated for employees during the open enrollment period in 2012 for calendar year 2013, and in subsequent years, if said employees are required (because of eliminated plans) to change carrier. In the event an employee receiving cash-back is forced to make a plan change because the CITY changes plans and/or ceases to contract with PERS for insurance, that employee will maintain cash-back.

15.2 DENTAL AND VISION INSURANCE:

15.2.1 During the term of this Agreement, the CITY shall offer dental/life and vision insurance and each employee shall be required to carry both dental/life and vision insurance for self. Life Insurance is provided at \$20,000 per employee. The following rates are effective January 1, 2012.

	<u>VISION</u>	<u>DENTAL</u>	<u>LIFE</u>	<u>TOTALS</u>
Employee Only	\$ 8.63	\$ 40.07	\$3.60	\$ 52.30
Employee +1	\$17.26	\$106.39	\$3.60	\$127.25
Employee +2	\$22.29	\$111.74	\$3.60	\$137.63

Employee will be responsible for the following monthly amounts for dental/life and vision beginning with the pay period including January 1, 2012:

Employee Only	\$2.93
Employee + 1	\$11.75
Employee + 2+	\$12.21

CITY will pay the remaining premium for dental/life and vision.

- 15.3 Any coverage made available to future retirees beyond COBRA time requirements shall be paid for by the retiree.
- 15.4 The provisions of this section shall be binding on the parties through the remainder of this agreement and for the term of the agreement that will be effective July 1, 2012. The parties agree herewith that no further collective bargaining will occur with respect to this section for the term of the agreement ending June 30, 2013.

ARTICLE 16 - EDUCATIONAL INCENTIVES

16.1 P.O.S.T. CERTIFICATES

16.1.1 For UNIT members hired prior to January 1, 1998 and possessing the Intermediate P.O.S.T. Certificate, CITY agrees to pay three percent (3%) over the base salary range and step schedule established for the position classification held by the UNIT member and as specified herein under Article 18, Salaries.

16.1.2 For UNIT members hired prior to January 1, 1998 and possessing the Advanced P.O.S.T. Certificate, CITY agrees to pay six percent (6%) over the base salary range and step schedule established for the position classification held by the ASSOCIATION member and as specified herein under Article 18, Salaries.

16.1.3 For Sworn UNIT members hired on or after January 1, 1998, CITY agrees to pay \$120 per month for P.O.S.T. certificates as follows:

	<u>Intermediate</u>	<u>Advanced</u>
Sergeant	\$120	\$120
Corporal	\$120	\$120

ARTICLE 17 - UNIFORMS

- 17.1 Uniforms for employees shall be as set forth in Morro Bay Police Department Policy Manual Section 1046, Uniform and Equipment Regulations and Specifications.
- 17.2 Newly hired employees shall receive a full uniform issue and will receive full uniform replacement as needed until the following July 1. Effective July 1 after hire, such employees shall commence receiving an annual uniform allowance.
- 17.3 The following uniform articles are covered by the uniform allowance and must meet the department uniform standards:
- a. Uniform pants
 - b. Uniform shirts - long and short sleeves
 - c. Dress belt
 - d. Ties
 - e. Duty jacket
 - f. Uniform patches
- 17.4 All maintenance, tailoring and other alterations will be at the employee's expense.
- 17.5 All optional equipment will be the responsibility of the employee.
- 17.6 All safety equipment originally issued and replaced by the department remains the Department's property.
- 17.7 The annual uniform allowance for sworn officers shall be \$1000.00. The annual uniform allowance for dispatch shall be \$700.00.
- 17.8 The CITY agrees to repair or replace any personal article damaged while on duty, including uniform items as listed above, providing that such article is a reasonable and necessary part of the employee's attire.

ARTICLE 18 - SALARIES

- 18.1 Salaries shall remain unchanged for the term of this agreement.

ARTICLE 19 - SPECIAL PAY PRACTICES

- 19.1 STANDBY

19.1.1 Standby duty is defined as that circumstance which requires an employee so assigned to:

Be ready to respond immediately to a call for service;
Be readily available at all hours by telephone; and
Refrain from activities which might impair his/her assigned duties upon call.

19.1.2 Employees on standby shall be compensated for two (2) hours computed at their straight hourly base rate per twenty-four (24) hours of authorized standby time. The twenty-four (24) hours time period is defined as 0700 hours to 0659 hours the following day. Subject to the maximum accrual provisions of Section 10.2.3 employees may elect to receive two (2) straight time compensatory time off hours in lieu of paid standby compensation.

19.1.3 Court standby – Employees on court standby will receive two (2) hours computed at their straight hourly base rate to be available for court callback on off duty days. Subject to the maximum accrual provisions of Section 10.2.3 employees may elect to receive two (2) straight time compensatory time off hours in lieu of court standby compensation.

19.2 CALL BACK

19.2.1 Call back is defined as that circumstance which requires an employee to unexpectedly return to work after the employee has left work at the end of the employee's work shift or work week; except that, an early call in of up to two (2) hours prior to the scheduled start of a work shift shall not constitute a call back; or, employee is required for off-duty court appearance.

19.2.2 Required off-duty court appearance.
Employees called back shall receive either a two (2) hour minimum computed at straight hourly base rate or pay for all time actually worked, whichever is greater. An employee shall not receive overlapping minimums.

19.2.3 An employee shall not receive standby pay for the same hours he/she received callback pay.

19.3 DISPATCHER TRAINING PAY

19.3.1 An employee who is in the classification of Dispatcher and is assigned to train a new Dispatcher, shall receive an additional one-dollar (\$1.00) per hour when he/she actually performs the duties of a Dispatch/Trainer.

19.3.2 The parties agree, the Chief has the right to assign the Dispatcher Training function to any qualified Dispatcher.

19.4 OUT OF CLASS ASSIGNMENT

19.4.1 The term "out-of-class assignment" shall be defined as the full-time performance of the significant duties of a vacant, funded position in one

classification by an individual in a classification with a lower compensation range.

19.4.2 If an employee is required to work in an out-of-class assignment for more than fifteen (15) workdays, within a calendar month his/her department head shall, with prior approval of the Administrative Services Director, make an acting appointment. Such acting appointment shall be effective on the sixteenth (16th) workday within a calendar month of the out-of-class assignment.

19.4.3 An employee on an acting appointment shall receive a one (1) step increase within the employee's current classification salary as provided by City's Personnel Rules and Regulations. In the absence of available steps within his/her current range, the employee shall be granted a five percent (5%) increase above his/her current base salary.

19.5 BILINGUAL PAY

Qualified employees who possess the necessary ability and who are assigned to perform services as an interpreter in Spanish, shall be eligible for additional stipend depending upon the employee's level of bilingual expertise. Qualifications shall be determined by the CITY.

19.5.1 For those employees who conduct conversational assistance in Spanish on a regular basis, seventy-five dollars (\$75) per month stipend is available.

19.5.2 For those employees who interpret and explain legal documents, conduct conversational assistance, and write documents for those persons who speak only Spanish, One Hundred Fifty dollars (\$150) per month stipend shall be available.

19.6 FIELD TRAINING OFFICER ASSIGNMENT PAY

Individuals in the classification of Police Officer formally assigned a trainee by the Chief of Police or his/her designee shall be compensated at the rate of twelve (\$12) dollars per scheduled shift. Compensation will be paid for a scheduled shift only.

19.7 SENIOR OFFICER ASSIGNMENT PAY

Up to four (4) individuals may be assigned as Senior Police Officers. This assignment is not a permanent promotion to a higher classification. Continuation in the assignment is based on an annual performance evaluation of "Meets Satisfactory Performance Standards" as well as at the discretion of the Chief of Police. Senior Police Officers will be compensated at the rate of 5% above base pay for the term of the assignment. While receiving Senior Officer Assignment pay, employees are not eligible for Field Training Officer pay.

Incumbents in the Corporal classification will maintain status in the Corporal class, and maintain the terms and conditions of the classification as they existed at the time of their promotion; however, if the incumbents in the Corporal classification leave the positions (due to promotion, retirement, etc...), the Corporal classification revert to assignments of Senior Officers as provided above.

No individual may be concurrently assigned as both a Senior Officer and Detective.

19.8 DETECTIVE ASSIGNMENT PAY

Up to two individuals may be assigned as Detectives. The Detective assignment is not a permanent promotion to a higher classification. Continuation in the assignment is based on an annual performance evaluation of "Meets Satisfactory Performance Standards" as well as at the discretion of the Chief of Police. Detectives will be compensated at the rate of 5% above base pay for the term of the assignment.

Incumbent Corporals may apply for, and be appointed to the Detective assignment. If appointed, Corporals will maintain status in the Corporal class and maintain the terms and conditions of the classification as they existed at the time of their promotion. When the Detective assignment ends, the Corporal may be placed into a Senior Officer assignment or a regular officer position; still in the Corporal classification with the terms and conditions of the Corporal classification being maintained.

No individual may be concurrently assigned as both a Senior Officer and Detective.

ARTICLE 20 - BULLETIN BOARD

20.1 CITY agrees to furnish space for ASSOCIATION-purchased bulletin boards of reasonable size for the posting of ASSOCIATION material. Location of such bulletin boards shall be at the Police Station in an area commonly used for briefings or meetings.

20.2 ASSOCIATION agrees it shall not use bulletin boards to ridicule, defame, or harass any City employees, officer or agent.

ARTICLE 21 - PROBATIONARY PERIOD

The parties agree that any appointments to fill vacant positions shall be subject to the following probationary periods:

Sworn personnel	18 months
Non-sworn personnel	12 months

ARTICLE 22 - DRUG AND ALCOHOL TESTING

ASSOCIATION agrees to the terms of the Substance Abuse and Testing Policy adopted by the Morro Bay City Council pursuant to Resolution No. 14-99.

ARTICLE 23 - GRIEVANCE PROCEDURE

23.1 The ASSOCIATION agrees that whenever investigation or processing of a grievance is to be transacted during working hours, only the amount of time necessary to bring about a prompt disposition of the matter will be utilized. It is further agreed that the time spent on an investigation and processing of grievances will not interfere with the normal operation of the department. CITY agrees to provide every reasonable amount of time for the investigation and the processing of a grievance, but by so agreeing does not imply that the processing or investigation of a grievance shall take priority over normal functions of the department.

CITY further agrees that any payment of overtime arising because of UNIT personnel's involvement in grievance investigation or processing shall not be authorized. Time spent on the investigation and processing of grievances will be recorded on a form provided by CITY. Stewards will be permitted reasonable time-off with pay for the investigation and processing of grievances provided, however, stewards shall first obtain permission from the department head and/or his/her designee and inform him/her of the nature of his/her business. CITY shall grant such permission promptly unless such absence would cause an undue interruption of work or would require the CITY to pay overtime in order to maintain the normal operation of the department.

Upon entering the work location, the steward shall inform the department head and supervisor of the nature of his/her business. Permission to leave a job will be granted to the employee involved unless such absence would cause an interruption of work. If the employee cannot be made available, the steward will seek an alternate time for employee availability with the department head or supervisor.

It is agreed that in some instances the investigation and processing of a grievance may be accomplished on the employee's time. This agreement is in recognition of the mutual sharing of costs involved in the handling of employee-initiated actions.

23.2 PURPOSE

The primary purpose of this procedure shall be to provide a means whereby an employee, without jeopardizing his employment, can express a personal grievance relating to his wages, hours of work, and working conditions, and obtain a fair and equitable disposition of his grievance.

23.3 ASSOCIATION REPRESENTATIVE

The CITY agrees that the ASSOCIATION may designate a representative to represent employees in the processing of grievances. The ASSOCIATION shall furnish the City Manager with a written list identifying by name and work location all regular and alternate representatives and the list shall be kept current by the ASSOCIATION at all times. The representatives are to begin investigating grievances only after the employee has tried to resolve the problem with his/her immediate supervisor and the two parties have failed to reach resolution of the problem.

23.4 PROCEDURE

Procedures shall be in accordance with Resolution No. 46-74 and any amendments thereto.

ARTICLE 24 - NO STRIKE, SLOW-DOWN OR OTHER INTERRUPTION TO WORK

- 24.1 ASSOCIATION agrees not to cause, authorize, advise, encourage or participate in any interruption of work or any other concerted action. The term "interruption of work" shall mean any work stoppage or strike (including economic and unfair labor practice strikes) or any intentional slow-down of work. The term "other concerted action" includes picketing or boycott activities by the ASSOCIATION.
- 24.2 Participation by any employee in any activity resulting in interruption of work or other concerted action or use of paid or unpaid leave for these purposes shall subject employee to disciplinary action, up to and including, discharge. When the City Manager has reason to believe that such leave is being used as a method of interruption work, the burden of proof of illness is upon the employee. Doctor's statements can be required in accordance with Resolution No. 34-83, Personnel Rules & Regulations, Section 13.B.4.

ARTICLE 25 - FULL UNDERSTANDING, MODIFICATION, WAIVER

- 25.1 This Agreement sets forth the full and entire understanding of the parties regarding the matters set forth herein, and any other prior or existing understanding or agreements by the parties, whether formal or informal, regarding any such matters are hereby superseded or terminated in their entirety.
- 25.2 It is agreed and understood that each party hereto voluntarily and unqualifiedly waives its right to negotiate, and agrees that the other party shall not be required to negotiate, with respect to any matter covered herein.
- 25.3 No agreement, alteration, understanding variation, waiver, or modification of any of the terms or provisions contained herein shall in any manner be binding upon the parties hereto unless made and executed in writing by all parties hereto, and if

required, approved by the CITY and ratified by the membership of the ASSOCIATION.

25.4 The waiver of any breach of any term, or condition of this Agreement by either party shall not constitute a precedent in the future enforcement of all its terms and provisions.

ARTICLE 26 - SEVERABILITY

If any provision(s) are held to be contrary to law by a court of competent jurisdiction, such provision will not be deemed valid and subsisting except to the extent permitted by law, but all other provisions will continue in full force and effect.

Date: _____ Date: _____

MORRO BAY PEACE OFFICERS ASSOC. CITY OF MORRO BAY

Enrique S. Cantu, President

Andrea K. Lueker, City Manager

Robbyn Smith, Employee Representative

Susan Slayton, Admin. Services Director

Robert D. Hufstetler, Employee Representative

William Avery, Consultant



AGENDA NO: B-1

MEETING DATE: October 23, 2012

Staff Report

TO: Honorable Mayor and City Council

DATE: October 17, 2012

FROM: Mary Reents, Contract Planner

SUBJECT: Appeal of the Amendment of Conditional Use Permit CUP-02-01 to Construct a Second Story Office/Storage Area at the Existing Harbor Hut, 1205 Embarcadero

RECOMMENDATION

Staff recommends that the City Council uphold the Planning Commission's approval of the requested Amendment of Conditional Use Permit CUP-02-01 to construct a second-story, 686 square foot restaurant office/storage area at the Harbor Hut Restaurant.

FISCAL IMPACT

The appeal was filed on a project that required an amendment to an existing conditional use permit, and as such there is a \$250.00 fee associated with this appeal. Should the appellant prevail, the appeal fee will be refunded; therefore, fees associated with the appeal will be absorbed by the City. The costs associated with processing this appeal are the noticing fees and staff's time writing the report, preparing notices, and attending the City Council meeting.

SUMMARY AND BACKGROUND

At their meeting on September 19, 2012, the Planning Commission approved the amendment to the existing Conditional Use Permit for the construction of an additional 686 square feet of office/storage space at the existing Harbor Hut Restaurant. The applicant would construct a second-story above the existing restaurant; this space would be used for an office and storage. The existing office/storage located on the restaurant ground floor would be converted to an employee break room and storage. The existing office is 110 square feet and is located at the rear of the restaurant kitchen. The second story office would be 185 square feet, and the remainder 501 square feet would be used for access, wine storage and an ADA adaptable restroom. Access would be via an outside stairway. The Planning Commission approved the project with a 5-0 vote; the staff report, findings and conditions of approval are attached as Attachment A and minutes of the Planning Commission meeting are attached as Attachment D.

An appeal of the Planning Commission decision on September 19, 2012, approving the

Prepared by: MR Dept. Review: RL

City Manager Review: AL

City Attorney's Review: _____

amendment to a use permit was filed on October 1, 2012, by Betty Winholtz. Ms. Winholtz's appeal requests that the City Council overturn the Planning Commission approval recommendations. She contends that the action is not consistent with Measure D (Zoning Ordinance 17.24.180). The Appeal Form is attached as Attachment C.

DISCUSSION

The following section states each of the appellant's grounds for the appeal. The appellants comments are in plain text and staff responses are italicized.

Appellant Betty Winholtz bases an appeal of the project on the following grounds:

The Harbor Hut is a growing business. This is a desirable affair, but not in this zone; see Measure D or Zoning Ordinance 17.24.180.

The Harbor Hut is an existing restaurant that has seen an increase in the number of patrons over the past year. The applicant, Troy and Heather Leage, is requesting the second story office and storage space so that they can relieve the overcrowded storage area and office by relocating the office and wine storage to the second floor and by using the existing storage area and office as a break room for employees and some storage of goods. By increasing storage, the restaurant can economize by buying wine and other non-perishable products in larger bulk sizes. No increase in restaurant patron space is proposed.

Regarding Measure D; Ordinance No. 207, passed by the City Council on June 8, 1981, states the following:

“The City shall not grant any permit, authorization or other approval of any state owned tidelands subject to City lease between Beach Street and Target Rock, unless such development or use is primarily for the purpose of serving or facilitating licensed commercial fishing activities or noncommercial recreational fishing activities, or is clearly incidental thereto. For purposes of illustration only, and not by way of limitation, no approval shall be granted for any new passenger or hire boats or supporting facilities, or for any new restaurant, café, gift shop or other retail establishments serving the general public, and any existing such uses shall hereafter be considered nonconforming and shall not be expanded or enlarged.” (Zoning Ordinance Section 17.24.180.B.1).

The Planning Commission approved the requested second story office because it was incidental to the operation of the existing business and did not expand restaurant seating, thereby upholding the intent of Measure D to maintain the area for commercial fishing uses. The Planning Commission did not approve any new restaurant seating or expansion of the restaurant uses, other than to allow for an office and additional storage to support the existing restaurant.

The action taken by the Planning Commission was an amendment to an existing permit.

On April 30, 2012, the City Council approved Amendment #2 to the Lease Agreement for Lease Site 122-123/122W-123W to extend the lease term for 10 years. This lease site includes the Harbor Hut Restaurant building, the Lil Hut Takeout building and berthing for a tour boat operation.

Planning Condition #21 should remove the words “if feasible.”

The applicant has amended the plans to show the stairway facing the restaurant, as required in Planning Condition #21.

There is no public benefit for this expansion to allow for an exception.

The applicant did not request an exception; rather, the applicant requested an amendment to the existing Conditional Use Permit # CUP02-01. The amendment request would allow for an incidental use to the restaurant in order to provide storage and office space. The restaurant uses would not be expanded.

CONCLUSION:

The project as proposed is consistent with the General Plan, Local Coastal Plan, and Municipal Code for development standards. Staff recommends that the City Council uphold the Planning Commission’s approval of the requested Amendment of Conditional Use Permit CUP-02-01 to construct a second-story, 686 square foot restaurant office/storage area at the Harbor Hut Restaurant.

ATTACHMENTS

- Attachment A: Planning Commission Staff Report Dated September 19, 2012, with Findings and Conditions of Approval.
- Attachment B: Harbor Hut Second Story Project Plans as revised consistent with Condition #21
- Attachment C: Appeal
- Attachment D: Approved Planning Commission Minutes from September 19, 2012



AGENDA NO:

MEETING DATE: September 19, 2012

Staff Report

TO: Planning Commissioners

DATE: September 19, 2012

FROM: Mary Reents, Contract Planner

SUBJECT: Amendment to CUP 02-01; Harbor Hut; 1205 Embarcadero

RECOMMENDATION:

Staff recommends that the Planning Commission Conditionally Approve the amendment to CUP 02-01 subject to the findings contained in Exhibit A and the Conditions of Approval in Exhibit B.

PROJECT DESCRIPTION:

The applicant is requesting a Conditional Use Permit to amend CUP 02-01 to construct a second story office/storage area, as shown on the development plans attached as Exhibit E.

LEGAL DESCRIPTION

APN(S)	066-351-017; City Lease Sites 122 and 123 on the water front.
ZONING	CF/PD-Commercial Fishing, Planned Development Overlay
GENERAL PLAN	Commercial/Recreational Fishing

APPLICANT: Troy and Heather Leage
1205 Embarcadero Road
Morro Bay, CA 93442

AGENTS: Cathy Novak
PO Box 296
Morro Bay, CA 93442

The applicant proposes to construct a 686 square foot restaurant office / storage area at the Harbor Hut restaurant. The existing office is 110 square feet and is located at the rear of the restaurant kitchen. The existing office is proposed to be used for an employee break room and storage, and the office would move to the second story. The second story office would be 185 square feet.

Prepared By: _____	Department Review: _____
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The applicant indicates that the Harbor Hut is a growing business and desires to relocate the office to create an employee break room and additional storage space on the first floor. Currently, as configured, the Harbor Hut does not have adequate facilities for its employees. The limited storage space forces the restaurant to have more frequent deliveries. With the office relocation to the second floor, it frees up the office for additional storage and the restaurant will have the capabilities to store more products on-site, therefore reducing truck delivery for many items.

Access for the proposed second story office would be from a new stairway, located towards the front of the existing restaurant. This would be the only access to the second story office. The stairway is designed such that it is accessible from the public parking lot, which may cause the public to use the stairway. It would be more appropriate for the stairway to be configured to enter the stairway from near the kitchen access way located near the restaurant entrance.

<u>BUILDING CHARACTERISTICS</u>		
	EXISTING	PROPOSED
Harbor Hut Restaurant	3,925 SF	4,611 SF
Existing Lil' Hut Restaurant	400 SF	400 SF
Existing outdoor seating	960 SF	960 SF
<i>Total Square Footage</i>	<i>5,285 SF</i>	<i>5,971 SF</i>
First Story	5,285 SF	5,825 SF
Second Story	0	686 SF
Second Story Height	23 feet to apex of A-frame structure	Second Story 21'6"

BACKGROUND:

The Harbor Hut has an existing Conditional Use Permit (CUP 02-01), for an addition of a roof to cover an existing outside bar and dining area. This request would amend the existing CUP (see Exhibit C for original Permit and Conditions of Approval for CUP 02-01) for the purposes of adding the second story office. The City currently has a lease agreement for Lease Site 122-123/122W-123W with Try and Heather Leage THMT, Inc. This lease site includes the Harbor Hut Restaurant building, the Lil Hut takeout building and berthing for a tour boat operation.

On April 30, 2012, the City Council approved Amendment #2 to the Lease Agreement for Lease Site 122-123/122W-123W. The applicant was requesting an amendment to the lease to extend the lease term for 10 years. The tenant desires to construct a second-story approximately 680 square foot addition to add additional storage space and an employee break room. Cost for the proposed improvements was estimated to be \$150,000, and in exchange, the tenant is requesting an extension of the lease for ten years. This request was determined to be "in compliance with MBMC 17.36.020 as said additional space shall not be used as additional restaurant or retail service"; the staff report is attached as Exhibit D. MBMC 17.36.040 has been integrated into the Zoning Ordinance 17.24.180.

ENVIRONMENTAL DETERMINATION:

The proposed project is categorically exempt per CEQA Guidelines, Section 15303(a), Class 3

COASTAL DEVELOPMENT PERMIT:

The project is within original jurisdiction of the California Coastal Commission. A Coastal Development Permit would be required prior to issuance of a building permit for this project.

PROJECT SETTING AND DESCRIPTION:

The proposed second-story addition is located on the existing Harbor Hut building and no new uses are proposed; the requested addition is to be an office use, consistent with zoning requirements.

<u>Site Characteristics</u>	
Site Area	
Existing Use	Harbor Hut Restaurant and Lil'Hut Restaurant
Terrain	Flat; developed
Vegetation/Wildlife	Landscaping
Archaeological Resources	None known
Access	Restaurant entrance is from Embarcadero Road via existing parking lot

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Commercial Recreational Fishing (CF) and Harbor (H)
Base Zoning District	Commercial/Recreational Fishing
Zoning Overlay District	Planned Development Overlay
Special Treatment Area	n/a
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Yes, Original Jurisdiction; Coastal Commission responsible for Coastal Development Permit

ANALYSIS:

The proposed request to construct a second story office totaling 686 square feet is consistent with Measure D, which has been incorporated into the Zoning Ordinance under MBMC 17.24.180. The proposed office is

consistent with allowable uses and does not result in any expressly prohibited use. It is also well within the height restriction of 30 feet; being approximately 21 feet 6 inches in height.

Parking requirements for the proposed addition is one space per 300 square feet of office use. The Harbor Hut has provided one parking space for the existing 110 square foot office. The existing parking space will meet the requirement for parking for the proposed 185 square foot office. The net increase in office space is 75 square feet or a .25 parking space. The remainder of the addition is to be used for storage and employee rest area; therefore no additional parking spaces are needed.

The applicant indicates that the proposed exterior stairway is needed due to constraints inside the existing building, such as walk-in freezers, narrow passageways, necessity of maintaining preparation and storage areas and configuration of the fire sprinklers. However, the configuration of the stairway is such that the stairs are easily accessible to the public. It is recommended that the entrance to the stairs be oriented towards the restaurant entrance, behind the screen running along the north side of the restaurant.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Telegram-Tribune newspaper on September 9, 2012, and all property owners of record within 300 feet of the project site were notified on this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION:

The proposed project, as conditioned, would be consistent with all applicable development standards of the Zoning Ordinance, and applicable provisions of the General Plan and Local Coastal Plan, and Waterfront Master Plan. No modifications or exceptions to City development requirements are proposed.

Report prepared by: Mary Reents, Contract Planner

Attachments:

1. Findings-Exhibit A
2. Conditions of Approval-Exhibit B
3. Permit and Conditions for CUP 02-01, dated August 7, 2001- Exhibit C
4. City Council Staff Report for Amendment #2 to the Lease Agreement, dated April 30, 2012-Exhibit D
5. Development Plans-Exhibit E

EXHIBIT A: FINDINGS

Amendment to CUP 02-1; Harbor Hut; 1205 Embarcadero

Addition of second story office, totaling 686 Square feet, Harbor Hut

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. S00-111 is exempt per Section 15303(a), Class 1 of the California Environmental Quality Act *Guidelines*.

Conditional Use Permit Findings

- B. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the commercial use is historically pre-existing and conforms to all City regulations as it applies to “Non Conforming Structures and Uses.”
- C. This project will not be detrimental or injurious to the property, the commercial neighborhood, or the general welfare of the City. The proposed project will improve, and be consistent with the historical character of this portion of the Embarcadero.
- D. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the City in that the plan to add a second story office is consistent with all pre-existing use conditions and City regulations.

EXHIBIT B

CONDITIONS OF APPROVAL Amendment to CUP 02-1 Harbor Hut; 1205 Embarcadero

Addition of second story office, totaling 686 Square feet, Harbor Hut

STANDARD CONDITIONS

1. Permit: This permit is granted for the land described in the staff report referenced above, and all attachments thereto, dated August 15, 2012, for the project depicted on the attached plans labeled "Exhibit E", dated September 9, 2012, on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:
 - a. Prior to commencement of occupancy and use of this second story office, the owner or designee shall have been issued a building permit for the second story and have received an "approved" final inspection.
 - b. Prior to issuance of a building permit, the owner or designee shall have received a Coastal Development Permit from the California Coastal Commission.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim,

action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed herein shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Undergrounding of Utilities: Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities associated with the second-story addition, including electrical, telephone and cable television shall be installed underground.
8. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. during the weekdays and eight a.m. and seven p.m. during the weekends, unless an exception is granted by the Building Official pursuant to the terms of this regulation.

FIRE CONDITIONS

9. Knox Box: Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. (CFC 506.1) Therefore, the applicant shall provide and install a Knox Box on the east exterior of the structure. A Knox Box application shall be obtained from the Morro Bay Fire Department and approved prior to occupancy.
10. Fire Sprinkler System Modifications: Automatic fire sprinkler systems shall be maintained in accordance with the original installation standards and Section 903. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled or added to. (CFC 901.4) The applicant shall extend fire sprinkler coverage to all areas of the proposed remodel and show on building plans.
11. Fire Extinguishing System Alarm Modifications: Alarm systems shall be installed and maintained in accordance with NFPA 72 and California Fire Code Sections 901 and 907. Alarm systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled or increased in size. The applicant shall extend fire alarm coverage to all areas of the proposed remodel.

12. Commercial Cooking Systems: Cooking equipment that produce grease laden vapors shall be provided with a Type 1 Hood, in accordance with California Mechanical Code. All wet and dry chemical systems shall comply with UL 300. (CFC 904.11) Automatic fire-extinguishing systems shall be serviced at least every 6 months and after activation of the system. Inspectors shall be qualified individuals, and a certificate of inspection shall be forwarded to the fire code official upon completion. (CFC 904.11.6.2) The City's records indicate that the commercial cooking systems located at Harbor Hut Restaurant was serviced November 4, 2010 and The Little Hut Takeout Restaurant August 8, 2007. The applicant shall immediately contract with a C-16 certified service company and provide cooking system service reports to Morro Bay Fire Department. Additionally, the service reports shall indicate if both systems are UL 300 and NFPA 17-A compliant. Prior to submittal of the building plans, the applicant shall show proof to the Morro Bay Fire Department that the inspection has occur consistent with UL 300.
13. Portable Fire Extinguishers: Wall mounted Fire Extinguishers (2A-10B:C minimum) shall be provided in all areas of the proposed remodel. (CFC 906)
14. Combustible Storage in Buildings: Storage in buildings shall be maintained 2-feet or more below the ceiling in non-fire sprinklered areas and 18-inches or more below sprinkler head deflectors. (CFC 315)
15. Maintenance of Means of Egress: All exits in buildings and structures used or intended to be used for human occupancy shall comply with the provisions of California Fire Code, Chapter 10.
16. Maintenance of Fire-Resistive Construction: Required fire-resistive construction, including occupancy separation walls, exit corridors, draft-stop partitions and roof coverings shall be maintained as specified in California Building Code.
17. Use of Combustible Decorative Materials: Combustible decorative materials, including drapes, curtains, textile and film materials, wood materials less than 1/4-inch, and foam plastics in Group A occupancies shall be flame resistant, in accordance with the requirements of 2010 California Fire Code, Chapter 8.
18. Fire Safety During Construction and Demolition: Buildings and tenant spaces under construction, alteration or demolition shall be provided with approved safety measures as required by 2010 California Fire Code, Chapter 14.

BUILDING DIVISION CONDITIONS

19. Building Permit Application: Prior to construction, the applicant shall submit a complete application to the building department and obtain the required building permit.

PUBLIC WORKS CONDITIONS

None.

PLANNING CONDITIONS

20. Paint: The applicant shall paint the second story to match the existing building.
21. Stairway: Prior to issuance of a building permit, the applicant shall reconfigure the stairway to meet building code, and, if feasible, oriented such that the entrance to the stairs faces the entrance to the restaurant instead of the parking lot.
22. Trash Receptacles: The trash receptacle area and receptacles as designated on the original plan for CUP-02-01 shall be restored on-site, or the applicant shall provide an alternative location to the satisfaction of the Public Services Director and Harbor Director.



EXHIBIT C

City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200

August 7, 2001

Mr. George Leage
1205 Embarcadero
Morro Bay, Ca. 93442

RE: Case No.: CUP 02-01 SITE: 1205 Embarcadero

Dear Mr. Leage;

At its regular meeting on July 2, 2001, the PLANNING COMMISSION approved your request for a CUP to cover the existing outdoor bar and dining area, located at 1205 Embarcadero, with conditions.

This action does not constitute a building permit. Further processing of this project must be initiated by the applicant, and is subject to applicable rules and regulations of the Morro Bay Municipal Code. Please be advised that you must return the "Acceptance of Conditions" form, signed, to this department within thirty (30) days of this approval or the action is null and void (see condition number 7, attached).

Your project is also located within the California Coastal Commission Permit Jurisdiction. Please note that it is the applicant's responsibility to obtain all necessary approvals from the Coastal Commission.

The Morro Bay Municipal Code provides for an appeal of the action by the Planning Commission within ten (10) days of adoption and anyone wishing to appeal may do so in writing by delivering such letter to the office of the City Clerk. There is a fee for processing an appeal. Said "Appeal" is not a "Coastal Permit."

Sincerely,

Albert L. Sengstock, Code Enforcement/Planning
for
Greg Fuz, Director
Public Services Department

Enclosures: Permit, Findings, Conditions of Approval, and Acceptance of Conditions Form

BAW8/07/01 7:16 AM S:\MSOFFICE\TEMPLATE\CUP 02-01

FINANCE
595 Harbor Street

ADMINISTRATION
595 Harbor Street

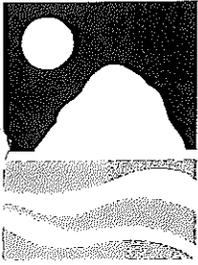
FIRE DEPARTMENT
715 Harbor Street

PUBLIC SERVICES
590 Morro Bay Boulevard

HARBOR DEPARTMENT
1275 Embarcadero

POLICE DEPARTMENT
850 Morro Bay Boulevard

RECREATION AND PARKS
1001 Kennedy Way



City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200

CONDITIONAL USE PERMIT

CASE NO: CUP 02-01

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 1205 EMBARCADERO

APPLICANT: GEORGE LEAGE

APN/LEGAL: 66-351-017

DATE APPROVED: July 2, 2001 APPROVED BY: Planning Commission

APPROVED BASED UPON ATTACHED FINDINGS (Findings and Conditions of Approval Attached)

CEQA DETERMINATION: EXEMPT

DESCRIPTION OF APPROVAL: TO COVER AN EXISTING OUTDOOR DINING AND BAR AREA.

THIS APPROVAL IS CONDITIONAL AND IS VALID ONLY IF CONDITIONS (ATTACHED) ARE MET AND ONLY AFTER THE APPLICABLE APPEAL PERIOD. Failure to comply with the conditions of this permit shall, at the discretion of the Planning & Building Director pursuant to Municipal Code Section 17.60.150, render this entitlement null and void. -

YOUR PROPERTY IS LOCATED IN THE CITY OF MORRO BAY JURISDICTION, THERE IS AN APPEAL PERIOD OF TEN (10) Calendar days, WITHIN WHICH TIME YOUR PERMIT IS APPEALABLE TO THE City Council

YOUR PROPERTY IS LOCATED IN THE COASTAL COMMISSION ORIGINAL JURISDICTION: THE FOLLOWING COASTAL COMMISSION APPEAL PERIOD APPLIES TO YOUR PROJECT: This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. Any person may appeal this decision to the Coastal Commission within TEN (10) Working days following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, Ste. 300, Santa Cruz, CA 95060, Phone: 831-427-4863. If you have any questions, please call the City of Morro Bay Public Services Department, 772-6210.

IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE: June 15, 2001

ATTEST: DATE: 8/7/01
Albert L. Sengstock, Interim Planner for Greg Fuz, Secretary of the Planning Commission

THIS IS A DISCRETIONARY APPROVAL AND DOES NOT CONSTITUTE A BUILDING PERMIT

BA\02\07\01 7:19 AM\5\MSOFFICE\TEMPLATE\PMTCUP07-01

- | | | | |
|---------------------------------------|--|--|--|
| FINANCE
595 Harbor Street | ADMINISTRATION
595 Harbor Street | FIRE DEPARTMENT
715 Harbor Street | PUBLIC SERVICES
590 Morro Bay Boulevard |
| HARBOR DEPARTMENT
1275 Embarcadero | POLICE DEPARTMENT
850 Morro Bay Boulevard | RECREATION AND PARKS
1001 Kennedy Way | |

PUBLIC SERVICES DEPARTMENT
NOTICE OF FINAL ACTION ON COASTAL DEVELOPMENT PERMIT

NOTICE OF FINAL CITY ACTION on Coastal Development Permit No. CUP 02-01

THE FOLLOWING PROJECT IS LOCATED IN THE MORRO BAY COASTAL ZONE AND A COASTAL PERMIT APPLICATION HAS BEEN ACTED ON BY THE CITY.

Applicant: GEORGE LEAGE

Address: 1205 EMBARCADERO, MORRO BAY, CA. 93442

Project Description: TO COVER AN EXISTING OUT DOOR DINING AND BAR AREA

Project Location: 1205 EMBARCADERO Lot Area: 15,600

APN/Legal: 66-351-039

Zoning: CF/PD

LUP/General Plan: COMMERCIAL FISHING/ PLANNED DEVELOPMENT OVERLAY

Filing Date: JANUARY 30, 2001 Action Date: JULY 2, 2001

Action By: PLANNING COMMISSION Action Taken: APPROVED

Attachments: Permit, Findings, and Conditions of Approval

THIS SITE IS OUTSIDE THE COASTAL COMMISSION APPEAL JURISDICTION

This project is located in the California Coastal Commission original jurisdiction and subject to obtaining any required Coastal Commission from the State. You may obtain permit application submittal information from the California Coastal Commission located at 725 Front Street, Suite 300, Santa Cruz, CA 95060. Phone: 831-427-4863

APPLICANT'S ACCEPTANCE
OF
CONDITIONS OF APPROVAL

CASE NO. CUP-02-01

SITE LOCATION: 1205 EMBARCADERO

APPLICANT NAME: GEORGE LEAGE

APPROVAL BODY: Planning and Building Director
 Zoning Administrator
 Planning Commission
 City Council

DATE OF ACTION: JULY 2, 2001

I, _____ the undersigned have read, and
(APPLICANT'S NAME - PLEASE PRINT)

reviewed the conditions of approval imposed by the Approval Body in its action

approving Case Number: CUP 02-01

I UNDERSTAND AND ACCEPT SAID CONDITIONS AND AGREE TO FULLY COMPLY WITH THEM.

APPLICANT'S SIGNATURE

DATE:

August 7, 2001

GEORGE LEAGE
370 EMBARCADERO
MORRO BAY, CA 93442

RE: Notice of Exemption
Case No. CUP 02-01

SITE: 1205 EMBARCADERO

Dear Mr. Leage;

Please find enclosed, the "Notice of Exemption," for your project. It has been approved for CUP 02-01 on the Water Front to cover an existing out door dining and bar area at 1205 Embarcadero. The City of Morro Bay no longer files notices of exemptions.

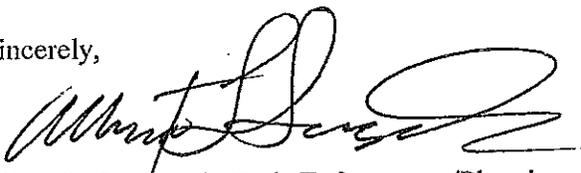
You may file the Notice of Exemption with the County Clerk's office located in the County Government Building in San Luis Obispo. The filing Fee is \$25.00.

Section 15062 (d) of The California Environmental Quality Act (CEQA) provides:

"The filing of a Notice of Exemption and the posting on the list of notices start a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180 day statute of limitations will apply."

If you have any questions, please contact this department.

Sincerely,



Albert L. Sengstock, Code Enforcement/Planning
Public Services Department

CITY OF MORRO BAY

NOTICE OF EXEMPTION

TO: X San Luis Obispo Co. Clerk
County Government Center
San Luis Obispo CA 93401

FROM: Public Services Department
595 Morro Bay Blvd
Morro Bay CA 93442

Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95814

Project Title: CUP 02-01

Project Location - Specific: 1205 EMBARCADERO

Project Location - City: Morro Bay County: San Luis Obispo

Description of Project: TO COVER AN EXISTING OUTSIDE DINING AND BAR AREA

Name of the Public Agency Approving the Project: City of Morro Bay

Name of Person or Agency Carrying Out Project: GEORGE LEAGE

Exempt Status: (Check One)

Reasons why project is exempt: Class I Section 15301 (Existing Facilities)

Ministerial (Sec.21080(b)(1); 15268); CATEGORICAL EXEMPTION:

Declared Emergency (Sec. 21080(b)(3); 15269(a) State type and Section Number 15301

Declared Emergency (Sec. 21080(b)(3); 15269(a) Type and Section Number: CLASS 1

Lead Agency: City of Morro Bay

Contact Person: Albert L. Sengstock Area Code/Telephone: (805)-772-6210

Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Certification: I hereby certify that the public agency has made the above finding and that the project is categorically exempt from CEQA.

Signature: [Handwritten Signature] Date: 8/7/01 Title: Interim Planner

ATTACHMENT A: FINDINGS

**CASE NO. CUP 02-01
1205 Embarcadero**

TO COVER AN EXISTING OUTSIDE EATING AND BAR AREA

- A. **California Environmental Quality Act (CEQA)** Case number CUP 02-01 is categorically exempt from CEQA requirements under class 1, CEQA guidelines sec. 15303(e), (new construction or conversion of small structures).
- B. The project will not be detrimental to the neighborhood or City 's health, safety, morals, or welfare in that:
1. This project meets the requirements of MBMC 17.58 "**NON CONFORMING USES AND STRUCTURES,**" and 17.60, "**USE PERMITS, PROCEDURES, NOTICES AND VARIANCES**"
 2. The Use will be an improvement to the existing restaurant site, and will be consistant with the historical character of this portion of the Embarcadero.

ATTACHMENT B

CONDITIONS OF APPROVAL

**CASE NO. CUP 02-01
1205 EMBARCADERO**

PROJECT: TO COVER AN EXISTING OUTDOOR EATING AND BAR AREA

A. STANDARD CONDITIONS:

1. Permit: This permit is granted for the land described in the staff report, referenced above, and all attachments thereto, and as shown on the attached exhibits, and on file with the Public Service Department. The locations of all buildings and other features shall be located and designed substantially as shown on the aforementioned exhibit, unless otherwise specified herein.
2. Inaugurate Within Two Year: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the Applicant, prior to the expiration of this approval, the Applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Any minor change may be approved by the Public Services Director. Any substantial change will require the filing of an application for an amendment.
4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.

Hold Harmless: The Applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City if the

Applicant's project; or Applicant's failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

5. Compliance with Conditions: Compliance with, and execution of all conditions listed hereon shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Planning and Building Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
6. Acceptance of Conditions: Prior to obtaining a building permit and within thirty (30) days of the effective date of this permit, the Applicant shall file with the Director of Public Services written acceptance of the conditions stated herein.

B. PLANNING CONDITIONS

1. Coastal Development Permit from The California Coastal Commission: Prior to initiating the use the applicant shall submit to the Public Services Department, a written confirmation indicating the project has been reviewed and approved by the California Coastal Commission. Any modifications to the project
2. Signage: Signage is not a part of this approval. Prior to issuance of a building permit. A sign permit application identifying the location of required coastal access signs shall be submitted for Planning Division review and approval.
3. The required lateral coastal access must be provided as presented on plans described as "Exhibit C."
4. All required building permits are to be issued prior to beginning the use.
5. The thatched roofing must meet required fire retardant standards and be approved by the MBFD.

EXHIBIT D



AGENDA NO: A-4
MEETING DATE: 5/22/12

Staff Report

TO: Honorable Mayor and City Council DATE: April 30, 2012
FROM: Robert Schultz, City Attorney
SUBJECT: Request for Approval of Amendment #2 to the Lease Agreement for
Lease Site 122-123/122W-123W (Harbor Hut, 1205 Embarcadero)

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 21-12 for Lease Site 122-123/122W-123W approving Amendment # 2 to the lease to extend the term 10 years.

FISCAL IMPACT:

None.

BACKGROUND:

The City currently has a lease agreement for Lease Site 122-123/122W-123W with Troy and Heather Leage THMT, Inc. This Lease Site includes the Harbor Hut Restaurant building, the Lil Hut takeout building and berthing for a tour boat operation. The Tenant desires to construct approximate 680 sq. ft. second level over the existing office, freezer and kitchen preparation area on Lease Site 122-123/122W-123W, estimated to cost \$150,000. Staff has determined that the proposed expansion of 680 sq. ft. to add additional storage space and an employee break room is in compliance with MBMC 17.36.020 as said additional space shall not be used as additional restaurant or retail service.

DISCUSSION:

Staff recommends that the City Council adopt Resolution No. 21-12 to approve the attached Amendment #2 to the lease agreement to extend the term of the existing lease 10 years in exchange for the new tenants expending a minimum of \$150,000 to construct an approximate 680 sq. ft. second level over the existing office, freezer and kitchen preparation area on Lease Site 122-123/122W-123W no later than June 30, 2016.

CONCLUSION:

It is recommended that the City Council adopt the attached Resolution No. 21-12 to approve Amendment #2 providing for a 10-year extension of the lease agreement.

Prepared By: RJS

Dept Review: _____

City Manager Review: Rt for A

City Attorney Review: RJS

ATTACHMENT B

OVERSIZED PLANS ATTACHED SEPARATELY

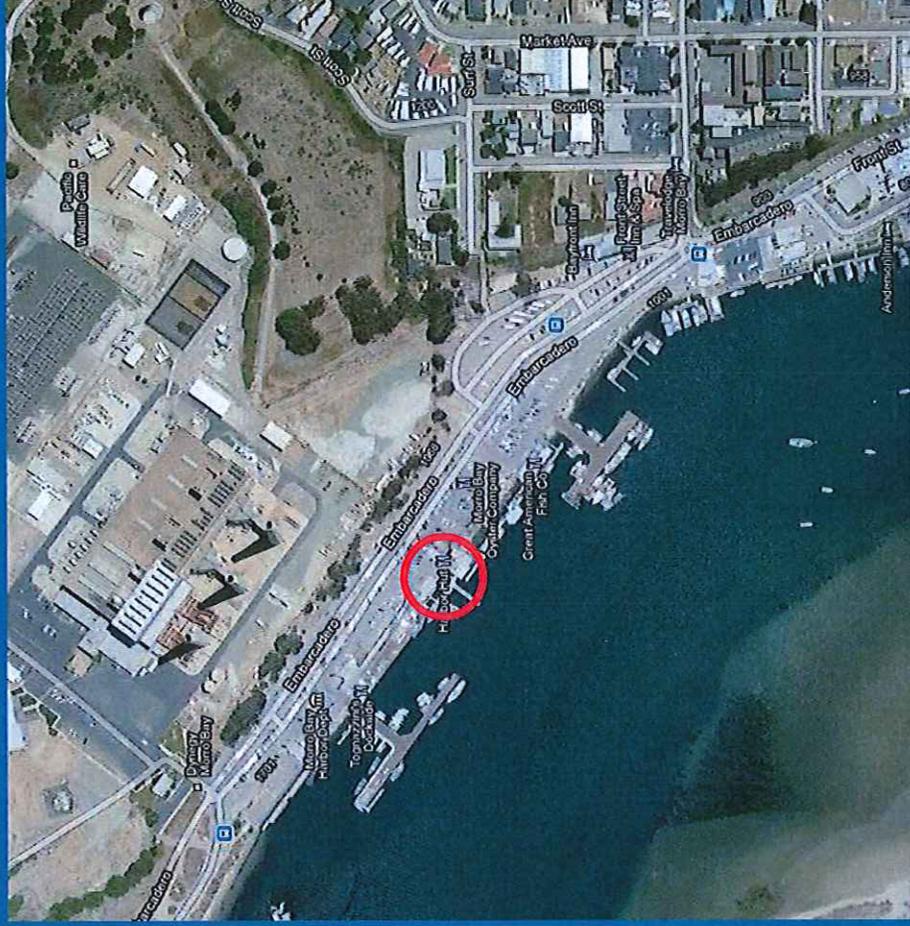
POWER POINT PRESENTATION WITH FLOOR PLAN, SECOND STORY RENDERINGS AND A SIMULATION

CITY OF MORRO BAY PLANNING COMMISSION

Amending CUP 02-01

Amendment to existing Conditional Use Permit to allow a remodel of the Harbor Hut Restaurant. The remodel includes a 686 sq. ft. second floor addition that will house an office and storage area.

Applicant:
Troy Leage



Vicinity Map

Parcels



Existing Structure



Updated Elevations

C. P. PARKER ARCHITECT

PROPOSED RELOCATED PRIVATE OFFICE FOR HARBOR HUT RESTAURANT

DESIGN DEVELOPMENT

DATE: 10/1/11

PROJECT: HARBOR HUT RESTAURANT

CLIENT: PRIVATE OFFICE

ARCHITECT: C. P. PARKER ARCHITECT

SCALE: 1/8" = 1'-0"

DATE: 10/1/11

PROJECT: HARBOR HUT RESTAURANT

CLIENT: PRIVATE OFFICE

ARCHITECT: C. P. PARKER ARCHITECT

RECONFIGURED STAIRCASE

PROPOSED RELOCATED PRIVATE OFFICE FOR HARBOR HUT RESTAURANT

DESIGN DEVELOPMENT

DATE: 10/1/11

PROJECT: HARBOR HUT RESTAURANT

CLIENT: PRIVATE OFFICE

ARCHITECT: C. P. PARKER ARCHITECT

SCALE: 1/8" = 1'-0"

DATE: 10/1/11

PROJECT: HARBOR HUT RESTAURANT

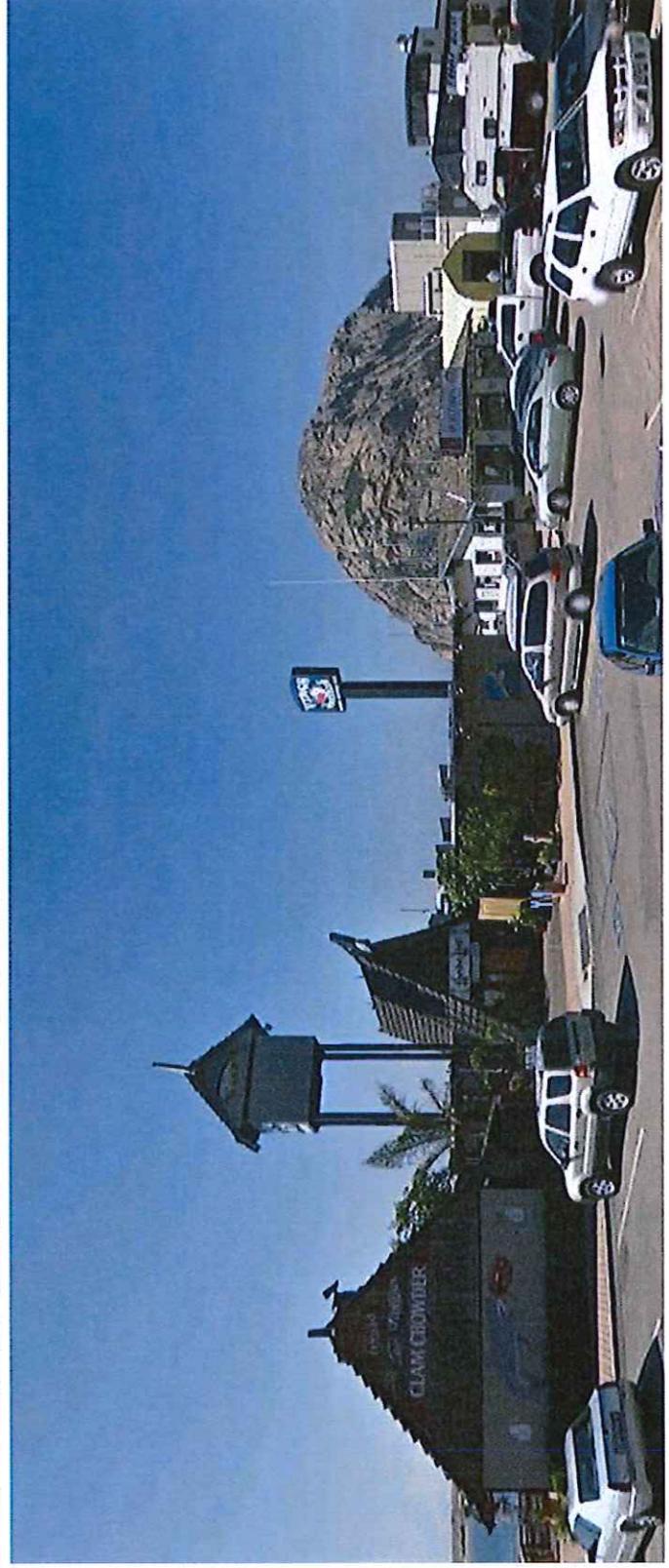
CLIENT: PRIVATE OFFICE

ARCHITECT: C. P. PARKER ARCHITECT

HARBOR HUT RESTAURANT



PROPOSED SECOND FLOOR OFFICE ADDITION



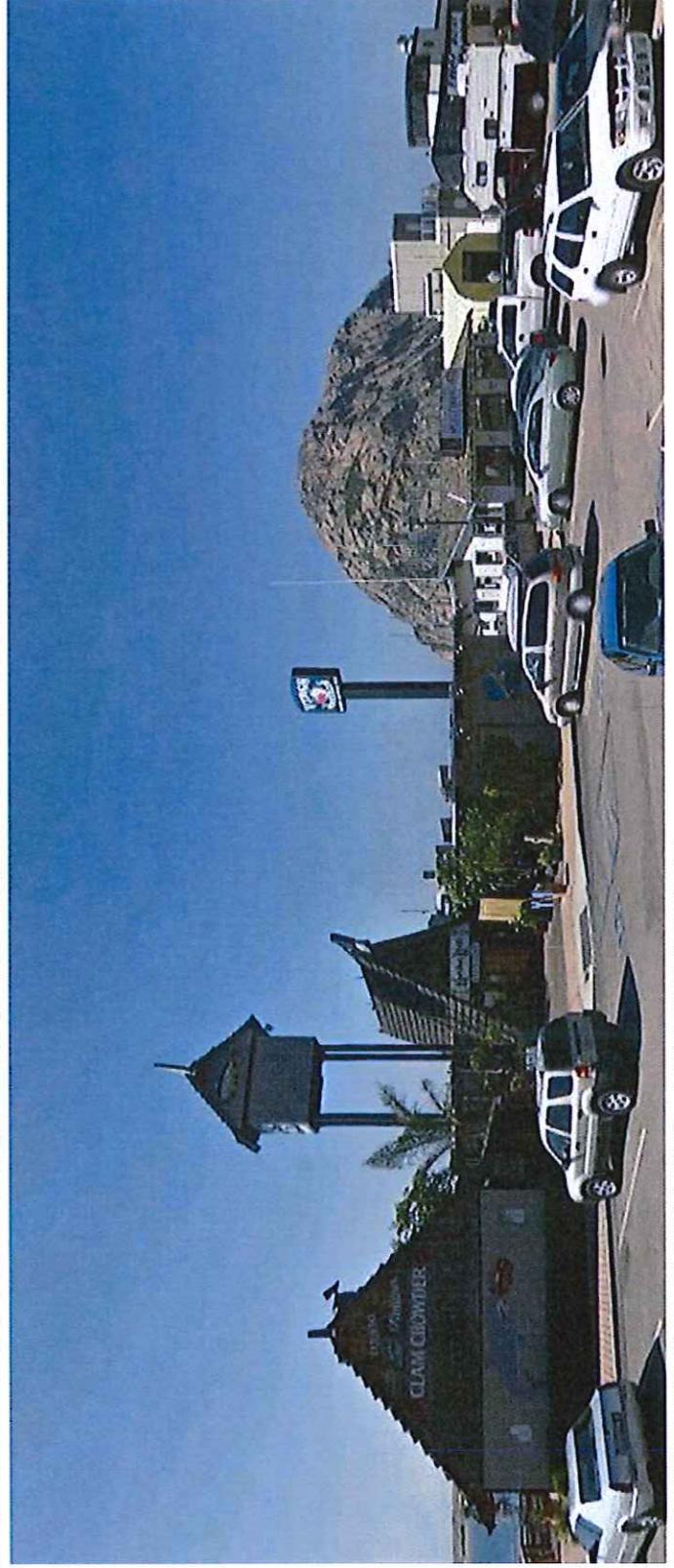
EXISTING RESTAURANT PHOTO

C.P. PARKER
ARCHITECT

HARBOR HUT RESTAURANT



PROPOSED SECOND FLOOR OFFICE ADDITION



EXISTING RESTAURANT PHOTO

C.P. PARKER
ARCHITECT



CITY OF MORRO BAY
PUBLIC SERVICES DEPARTMENT
APPEAL FORM

RECEIVED
City of Morro Bay
OCT 01 2012
Administration

<i>APPEAL FROM THE DECISION OR ACTION OF (GOVERNING BODY OR CITY OFFICER):</i>	
Planning Commission	
<i>APPEAL OF SPECIFIC DECISION OR ACTION:</i>	
Amendment to a CUP for the Harbor Hut restaurant	
<i>PERMIT TYPE BEING APPEALED (IE. COASTAL PERMIT, USE PERMIT, TENTATIVE SUBDIVISION):</i>	
Amendment to CUP 02-01 or CUP 02-1 (both are used)	
<i>DATE DECISION OR ACTION RENDERED:</i> September 19, 2012	
<i>APPELLANT (PLEASE PRINT):</i> Betty Winholtz	
<i>SIGNATURE:</i>	
<i>ADDRESS:</i> 405 Acacia, Morro Bay, CA	<i>TELEPHONE NUMBER:</i> 772-5912

<i> GROUNDS FOR THE APPEAL (ATTACH SHEETS AS NECESSARY):</i>
1. The "Harbor Hut is a growing business." This is a desirable affair, but not in this zone, i.e. see Measure D or Zoning Ordinance 17.24.180.
2. If the CUP has been fulfilled, then this should be a separate CUP not an amendment. If the CUP has not been fulfilled, then it has expired.
3. Planning Condition #21 should remove the words "if feasible."
3. There is no public benefit for this expansion to allow for an exception.

<i>REQUESTED RELIEF OR ACTION:</i>
Deny the expansion.

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

ATTACHMENT D

AGENDA ITEM: A-1

DATE: October 17, 2012

ACTION: APPROVED

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 19, 2012
VETERANS MEMORIAL HALL – 6:00 P.M.

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

PRESENT:	Rick Grantham	Chairperson
	John Solu	Vice-Chairperson
	Paul Nagy	Commissioner
	Jessica Napier	Commissioner
	John Fennacy	Commissioner
STAFF:	Andrea Lueker	City Manager
	Rob Livick	Public Services Director
	Mary Reents	Contract Planner
	Cindy Jacinth	Assistant Planner

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

PUBLIC COMMENT

Chairperson Grantham opened public comment period and hearing none closed public comment period.

PRESENTATIONS – None

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

A. CONSENT CALENDAR

A-1 Approval of minutes from Planning Commission meeting of August 15, 2012
Staff Recommendation: Approve minutes as submitted.

MOTION: Commissioner Solu moved to approve the Consent Calendar. Commissioner Fennacy seconded the motion and the motion passed unanimously. (5-0).

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 19, 2012

B. PUBLIC HEARINGS

B-1 **Case No:** Variance #ADO-O67

Site Location: 3202 Beachcomber Street

Proposal: A variance to construct a new single family residence with intermediate floors and a roof deck. This item continued from the August 15, 2012 Planning Commission Meeting

CEQA Determination: Categorical Exemption Class 1.

Staff Recommendation: Denial

Staff Contact: Mary Reents, Contract Planner (805) 772-6270

Reents presented the staff report and discussed with Commissioners the inconsistencies in the ordinance language between what was presented and what is codified in the zoning ordinance. Reents also informed Commissioners that with this new information, alternative findings were also included should the Commission wish to approve the request for variance.

Reents noted Kevin Elder and Wally Arbach submitted letters regarding the status of the project after the Commission packet was distributed and should be entered into the record.

Chairperson Grantham opened the comment period to the Commissioners.

Commissioners questioned the inconsistency in the zoning language, wanting more clarification. Reents provided Commissioners with a history of the height ordinance.

Commissioner Nagy questioned grade plane and whether the project is recognized as a floor.

Chairperson Grantham opened public comment period.

John Belsher, Applicant's representative, expressed his opinion that no variance is needed for the project, depending on the Commissioner's definition of a single-story structure. He distributed information to Commissioners regarding the definition of a story and disagreed with the interpretation that the understory is defined as a story. He stated the project meets the seven requirements set forth in the overlay zone. Belsher confirmed the property would not be used as a corporate retreat, but for a family project. He also stated that there is an abundance of parking for this project (approximately 12 spaces).

David Brown, Applicant's architect, addressed the S.2A overlay zoning standards for this neighborhood. He stated the project meets or exceeds all of the setback, lot coverage, and height/story requirements. Brown expressed concern regarding the treatment of roof decks in the City. Brown also stated his definition of a story and how it relates to the grade plane. He stated that the Building Inspector, Brian Cowen, confirmed the building is consistent with the building codes. Brown provided a letter by a building code official.

Kevin Elder, Attorney representing Sally and Steve Norcross, reminded the Commission of his letter which urged the Commission to accept the staff recommendation to deny the request for a variance based on the overlay zone standards. He also stated the role of the Commission is to review the facts, apply it to law, and make a decision.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 19, 2012

Tim Gailey, resident of Morro Bay, spoke against the proposed project based on the two variance exceptions requested. He also stated the scope and scale of the project are inconsistent with the character of the neighborhood.

Roger Ewing, resident of Morro Bay, spoke against the proposed project based on the fact that it is inconsistent with the scope and scale of the neighborhood. He stated the ground level of this structure is habitable, and thus it constitutes a story. He also stated the available parking for the project is insufficient given the number of people utilizing the property.

Chairperson Grantham closed public comment period.

Commissioner Napier clarified the definition of levels and stories according to her professional background. She stated the project is out of conformance with the character of the neighborhood.

Chairperson Grantham asked Commissioner Napier to comment on whether she felt the project should be considered one or two stories, and also on its height.

Livick reminded Commissioners the issue of stories here is moot; the height of the roof deck is what needs to be discussed.

Commissioners discussed the issue of character with Staff.

Livick confirmed that character of the house itself will be addressed when the use permit is brought forward.

Chairperson Grantham confirmed that the discussion is being confined to the height of the building only.

Commissioner Nagy clarified handrail height versus roof height of the structure. He questioned whether clear or glass handrailing would meet the 14 foot height requirement. Nagy clarified that there is no existing language which prohibits combining three lots. He pointed out the impact that building three separate homes would have, if the applicant were to do so.

Chairperson Grantham reminded Nagy to confine the discussion to the height of the structure.

Commissioner Nagy stated he would like clarification regarding the height determination of handrailing on roof decks.

Commissioner Fennacy supported granting the variance based on the pitched roof zoning standards.

Reents clarified Staff's interpretation of S.2A overlay zone, Standard 7, as it appears in the zoning ordinance.

Livick stated the issue at hand is where the deck is in relationship to the height of other properties. He stated the height of the deck itself is more important than the railing since that is what is being occupied.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 19, 2012

Commissioner Solu confirmed Livick's definition.

Livick added there are allowances for increased height in the R-1 zoning district and they call for increased setbacks. He stated it is unclear whether this applies to special use areas.

Commissioner Fennacy stated he is looking primarily at the language outlined in the zoning ordinance regarding Standard 7 of the overlay zone.

Reents confirmed the Commission has the authority to interpret the zoning ordinance.

Commissioners continued to discuss the height issues associated with the structure and with the height ordinance in general, and resolved to restrict the vote to granting or denying the variance based on the height.

MOTION: Commissioner Fennacy moved to grant Variance #ADO-O67 with respect to height only, based on the fact that this is a 4 and 12 roof pitch and that the Commission grants the variance accordingly.

Livick confirmed the motion needed to be amended to address the height and that the stories, based on the staff recommendation, did not necessitate a variance.

Commissioner Solu confirmed with Livick the proposed project would return for two additional permit approvals. Commissioners wanted to be sure the character of the structure will be discussed at a later time.

Reents read the alternative findings and conditions of approval.

Commissioner Fennacy revised his motion to include the alternative findings for approval.

REVISED MOTION: Commissioner Fennacy moved to grant Variance #ADO-O67 with respect to height only and adopt the alternative findings as follows:

- A. The project is categorically exempt under CEQA, 15303(a).
- B. Not a Special Privilege: It has been determined that a special privilege would not be given if this project is approved. Zoning restrictions allow dwelling units up to 14 feet for flat roofs and top of deck railing, provided that for peak roofs, 4 and 12 or greater pitch and other architectural features a height of up to 17 feet may be permitted. The roof contains peaks of 17 feet and clear deck railings.
- C. Special Circumstances with Property: The property contains no special circumstances that would not otherwise be granted for any other property in the area.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 19, 2012

D. Consistency with General Plan and LCP: The residential home proposal is inconsistent with the visions of the General Plan and the Local Coastal Plan.

The revised motion included the following condition of approval:

1. The applicant shall construct a deck between the peak roof design with a glass or see-through barrier with no visible deck railings not to exceed 17 feet high.

Chairperson Grantham seconded the motion and the motion passed (4-1), with Commissioner Napier voting no.

Chairperson Grantham called for a five minute break.

B-2 **Case No:** Tentative Tract Map #SOO-111

Site Location: 300 Piney Lane

Proposal: Request to divide an existing one acre parcel into four parcels, the first three parcels are to be flag lots and the fourth parcel will remain in its existing use as a single family residence. Access is via a private easement to the four parcels.

CEQA Determination: Categorical Exemption Class 3.

Staff Recommendation: Approval

Staff Contact: Mary Reents, Contract Planner (805) 772-6270

Jacynth presented the staff report noting that the approval of a Coastal Development Permit is required due to the omission of the Coastal Development Permit approval at the August 15, 2012 meeting.

Chairperson Grantham opened public comment period and hearing none closed public comment period.

MOTION: Commissioner Fennacy moved to approve the Coastal Development Permit #CP0375 for approval of Tentative Parcel Map.

Chairperson Grantham seconded the motion for discussion.

Commissioner Solu stated he is not in favor of approval of the permit because of the lack of conditions and because it does not meet the criteria for the neighborhood .

The motion passed. (4-1), with Commissioner Solu voting no.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 19, 2012

- B-3 **Case No:** Amend Conditional Use Permit #02-01
Site Location: 1205 Embarcadero
Proposal: Amendment to existing CUP to allow construction of a second story to the Harbor Hut Restaurant. The proposed 686 sq. ft. addition will provide space for a new private office and storage. There will be a 75 sq. ft. net increase in office space when it is relocated from the first floor to the proposed area on the second floor.
CEQA Determination: Categorical Exemption Class 1.
Staff Recommendation: Approval
Staff Contact: Mary Reents, Contract Planner (805)772-6270

Reents presented the staff report.

Chairperson Grantham asked Reents to clarify if the stairwell will need to be fenced off from public access. Reents clarified the stairwell will not need to be chained or locked from public access.

Commissioner Solu asked Reents to clarify communication with the Applicant involving elevators. Reents clarified an elevator is not required.

Commissioner Nagy asked staff to clarify if the square footage of the structure is in compliance with Measure D.

Livick confirmed the Applicant would not be able to lease the building to an outside party or use the structure for a use that is not authorized in Measure D.

Chairperson Grantham opened public comment period.

Cathy Novak, Applicant's representative, urged the Commission to support the project. She stated the second floor addition will not expand the actual restaurant uses, and therefore the project is consistent with Measure D. She also stated the height of the building will be below the maximum allowable height for this zoning district.

Chairperson Grantham closed public comment period.

Commissioners concurred that there are no issues with the proposed project.

MOTION: Chairperson Grantham moved staff recommendation regarding the findings in Exhibit A and the conditions of approval in Exhibit B to approve the proposed 686 sq. ft. addition for a new private office and storage. Commissioner Napier seconded the motion and the motion passed unanimously. (5-0).

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 19, 2012

- B-4 **Case No:** Conditional Use Permit #UP0-319
Site Location: 1185 Embarcadero
Request: Applicant is requesting a permanent use of existing dock for Virg's Sport Fishing at GAFCO for both sport fishing (passenger for hire) as well as commercial fishing. GAFCO was issued a Temporary Use Permit (UPO-319); they wish to make this a permanent use.
CEQA Determination: Categorically Exempt, Section 15301, Class 1
Staff Recommendation: Continue this item to the October 17, 2012 Planning Commission Meeting.
Staff Contact: Mary Reents, Contract Planner (805) 772-6270.

Chairperson Grantham stated staff is requesting this item be continued to October 17, 2012 in order to give the City Attorney more time to research this item further.

MOTION: Chairperson Grantham moved to continue this item to October 17, 2012.
Commissioner Solu seconded the motion and the motion passed unanimously. (5-0).

UNFINISHED BUSINESS

- C-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.
Upcoming Projects: 589 Morro Avenue-Addition of Roof Deck to SFR
781 Quintana-Burger King signage and remodel
575-591 Embarcadero-Amend Parking Calculations
1000 Ridgeway-Parking Exception

Reents reviewed the Work Program with Commissioners and stated there are additional upcoming projects for the November and December meetings.

NEW BUSINESS – None

DECLARATION OF FUTURE AGENDA ITEMS – None

ADJOURNMENT

The meeting adjourned to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, October 17, 2012 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary



AGENDA NO: C-1

MEETING DATE: October 23, 2012

Staff Report

TO: Honorable Mayor and City Council **DATE:** October 17, 2012
FROM: Rob Livick, PE/PLS – Public Services Director/City Engineer
SUBJECT: Update on Sidewalk Upgrades on the Embarcadero between Beach Street and Pacific Streets and the impact to Parking

RECOMMENDATION

That the City Council review and discuss the feasibility of sidewalk improvements on the Embarcadero between Beach and Pacific Streets and provide direction to staff.

FISCAL IMPACT

Construction of replacement sidewalk by removing approximately 1264 feet of substandard sidewalk, between Beach and Pacific Streets along the West side of the Embarcadero, and replacing with 10-ft wide sidewalk has an estimated budgetary cost of \$348,100.

BACKGROUND/DISCUSSION

At the April 24, 2012 City Council meeting the City Council discussed the unfriendliness of sidewalks in the commercial areas of the City. As a result of that meeting, Council directed staff to bring back the costs and impacts to parking by upgrading the sidewalk along the West side of the Embarcadero between Beach and Pacific Streets to a 10 foot wide sidewalk.

In order to construct a standard 10 foot wide commercial sidewalk along the Embarcadero, either the buildings need to be set back during site redevelopment, as is the current policy; or the widening would need to take place on the street side. For sidewalk widening to take place as the lease sites redevelop will require time and will happen piecemeal over the next 20 plus years. To widen the sidewalk to the street side requires the removal of on-street parking. In the reach between Beach and Pacific Streets along the Embarcadero there are 45 parking spaces on the West side of the Embarcadero that would require removal in order to accommodate the widened sidewalk, one lane of parking at two travel lanes. In addition to the loss of street parking there are not currently unallocated funds available to achieve the construction. Potential future funding sources include the Harbor accumulation fund as this benefits access to the lease sites, Measure Q funds or reserves.

CONCLUSION

The construction of a 10 foot wide sidewalk along Embarcadero would result in the loss of street side parking and cost approximately \$348,100.

ATTACHMENTS

1. Estimate of Probable Cost

Prepared By: RL

Dept Review: RL

City Manager Review: _____

City Attorney Review: _____

**CITY OF MORRO BAY
DEPARTMENT OF PUBLIC SERVICES**

Embarcadero Sidewalk Project - Pacific
Project: to Beach 1264 ft
Prepared by: Rob Livick, PE/PLS
Date: 10/17/2012

252.70
252.70 Caltrans

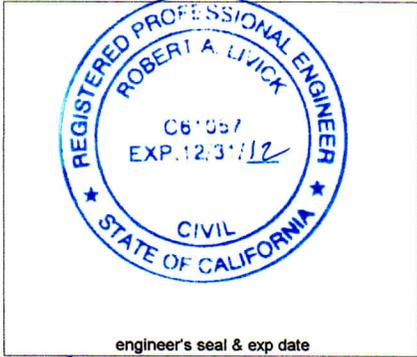
SITE PREPARATION: SEC. 2-1	UNIT COST	UNIT	MINIMUM	QUANTITY	TOTAL
CONCRETE REMOVAL	\$3.25	SF		6320	20,540.00
CONCRETE REMOVAL	\$10.00	LF		1264	12,640.00
GRIND HOT MIX ASPHALT	\$1.03	SF	\$4,250	1896	4,250.00
DISPOSAL OF HOT MIX ASPHALT	\$50.00	CY	\$360	70	3,500.00
<i>Subtotal</i>					40,930.00

ROADWAYS: SEC. 3-1	UNIT COST	UNIT	MINIMUM	QUANTITY	TOTAL
HOT MIX ASPHALT IN PLACE	\$3.70	SF	\$800	1896	7,015.20
<i>Subtotal</i>					25,912.00

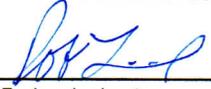
ROAD EDGES: SEC. 4-1	UNIT COST	UNIT	MINIMUM	QUANTITY	TOTAL
DRIVEWAY APPROACH	\$9.00	SF		1008	9,072.00
HANDICAP RAMP	\$13.00	SF		450	5,850.00
CURB AND GUTTER	\$22.00	LF		1264	27,808.00
SIDEWALK	\$10.00	SF		12640	126,400.00
<i>Subtotal</i>					169,130.00

TRAFFIC CONTROL: SEC. 9-1	UNIT COST	UNIT	MINIMUM	QUANTITY	TOTAL
TRAFFIC STRIPING	\$0.60	LF		1264	758.40
REMOVE STRIPING	\$3.00	LF		135	405.00
STOP + STREET NAME SIGNS	\$600.00	EA		3	1,800.00
STREET NAME SIGN ONLY	\$300.00	EA		3	900.00
CONSTRUCTION AREA SIGNS	\$400.00	EA		4	1,600.00
TRAFFIC CONTROL	3%	EA		241030	7,230.90
<i>Subtotal</i>					12,694.30

Subtotal	\$248,666.30
Cost Index Factor	1.00
Adjusted Subtotal	\$248,666.30
FAQ	
Contingency (10%)	\$24,866.63
Inflation (10%)	\$24,866.63
Design & Admin (20%-40%)	\$49,733.26
Total Probable Cost	\$348,100
(rounded to the nearest \$100)	



engineer's seal & exp date



 Engineer's signature



AGENDA NO: C-2

MEETING DATE: October 23, 2012

Staff Report

TO: Honorable Mayor and City Council **DATE:** October 16, 2012
FROM: Andrea Lueker, City Manager
Rob Livick, PE/PLS – Public Services Director/City Engineer
SUBJECT: Public Services Department - Department Reorganization

STAFF RECOMMENDATION

It is recommended that the City Council review and approve the Public Services Department reorganization, and authorize the associated reclassification, hiring and direct job description modifications of the affected positions.

SUMMARY

Note: No increases in staffing levels are proposed, with the exception of the building permit technician. The “created” positions are proposed to be filled with existing staff.

- Consolidate the Wastewater and Collections functions under one division with the WWTP Division Manager (\$88,870 – \$108,022) as their common supervisor
 - Align the Wastewater Treatment Plant (WWTP) and Collection System Supervisors salary’s with that of the Water System Supervisor (\$57,676-\$70,106)
 - Create a Leadworker position at the WWTP (\$51,537- \$62,644)
- Consolidate the Capital Projects Division and Engineering Division into one work group
 - Reduce the salary of the Capital Projects Manager (\$88,870 – \$108,022) to the level of Senior Civil Engineer (\$68,552 - \$83,326)
 - Create an Engineering Technician IV for support and coordination of all Water-, Wastewater- and Stormwater-permitted activities
 - Align the Assistant Civil Engineer (\$48,179 – \$58,562) and Engineering Technician IV salary with that of the Building Inspector (\$51,537- \$62,644)
 - Move the Building Inspection function from the Planning Division to the Engineering Division
- Miscellaneous
 - Authorize the recruitment and hiring of an Administrative Technician position to fill the current vacancy (\$42,135 - \$51,215)
 - Move the Building/Planning/Business License Permit Technician function under the supervision of the Public Services Administrative Division, and restore the position back to full-time from ¾ time (\$12,030 additional salary).

Prepared By: AL/RL/SS/BK

Dept Review: RL

City Manager Review: _____

City Attorney Review: _____

FISCAL IMPACT

Wastewater Treatment Plant/Collections Enterprise Funds:

We are requesting that the Wastewater Division Manager salary move to the top range in the Management Unit's salary schedule which will cost \$6,300; alignment of the Wastewater Supervisor (\$4,899) and the Collections Supervisor (\$4,899) salaries with the Water Supervisor salary will cost a total of \$9,788; and, the creation of a Leadworker position at the Wastewater Treatment Plant will cost \$3,861. These recommendations result in a \$10,316 cost to the City and \$3,439 cost to the Cayucos Sanitary District. Because of the agreement with the Cayucos Sanitary District and the way costs are apportioned for the Treatment Plant operations, the Wastewater Division Manager will need to keep track of the time spent working outside of Treatment Plant activities so the Treatment Plant costs can be correctly allocated.

The reclassification of the Capital Projects Manager will result in a reduction of \$24,696 in salary; reclassification of the Engineering Technician III to Engineering Technician IV along with the increase to the Assistant Civil Engineer salary will result in a total salary increase of \$8,164 all of which will be split between Enterprise and General Funds. The restoration of the Permit Technician's salary from ¾ time to full time results in an increase of \$12,030 to the General Fund. The following table summarizes the fiscal impact of the proposed salary adjustments¹:

Position	Water Fund	Wastewater Fund	General Fund	Total
Wastewater Division Manager		\$6,300		\$6,300
WWTP Supervisor		\$4,899		\$4,899
WWTP Leadworker		\$3,861		\$3,861
WW Collections Supervisor		\$4,899		\$4,899
Capital Projects Manager	-\$9,878	-\$9,878	-\$4,940	-24,696
Assistant Engineer	\$1,633	\$1,633	\$816	\$4,082
Engineering Technician IV	\$2,041	\$2,041		\$4,082
Permit Technician			\$12,030	\$12,030
Totals	-\$6,204	\$13,755	\$7,906	\$15,457

BACKGROUND/DISCUSSION

1. Consolidation of Wastewater Treatment Plant and Collection Divisions

Currently, the City has a separate Wastewater Collections Division to oversee the operations and maintenance of the Sewer Collection system. The Division operates under the general supervision of Rob Livick, PE/PLS - Public Services Director, with technical assistance provided by the Engineering Division and other administrative and technical staff. The Collections Division includes a Wastewater Collection Supervisor and four (one being vacant with a recruitment in process) trained and certified Wastewater Collection System Operators.

¹ All salary comparisons are made at the top step of the salary range which may not occur for 3 – 5 years.

The Division responds to sewage spills and other calls, 7 days a week, 24 hours per day. To expedite cleaning and emergency response, the City owns and operates a combination cleaner (Hydro-Vac), a trailer-mounted jetter (for sewerline cleaning), three emergency generators, a diesel-powered hydraulic pump, and maintains an inventory of spare pumps and motors, confined-space entry and safety equipment, plus other tools and equipment. The Division does have a scheduled preventive maintenance and enhanced maintenance program to maintain the system, and contracts with Closed Circuit Television (CCTV) for inspecting and recording historical data about the systems well as to prioritize maintenance activities. The programs meet many of the requirements of the Waste Discharge Requirements (WDR). The WDR requires that these activities be assessed and codified by specified deadlines specified in the City's permits.

The Wastewater (Treatment) Division is comprised of eight trained and certified personnel. Bruce Keogh is currently the Wastewater Division Manager, and serves as the Chief Plant Operator and the Laboratory Director. Reporting to Bruce is Les Girvin, WWTP Supervisor, who oversees the day-to-day operations and maintenance of the Wastewater Treatment Plant.

The Collections Division works closely with the WWTP and staff to actively identify and eliminate sources of inflow (rainwater runoff) and infiltration (of groundwater), known as I&I, within the Collections System. Reducing the volume of I&I entering the Collection System minimizes the amount of non-wastewater unnecessarily processed by the WWTP. Additionally, both divisions work together in regards to source control to prevent unwanted and regulated contaminants from entering the treatment process. Treatment Plant personnel have maintained a diligent and proactive preventative maintenance program that includes major preemptive repairs of various components of the treatment process and the outfall. The Collections Division has assisted by providing both staffing and equipment for some of these activities, such as head works maintenance and effluent flow meter repair.

Both the wastewater and collections divisions have reporting requirements to the Regional Water Quality Control Board (RWQCB) through the National Pollution Discharge Elimination System (NPDES) Permit or the WDR. Additionally there are many commonalities between the two divisions that make management under a common manager beneficial to the City. Both divisions implement confined space entry programs in similar environs, both use lock-out-tag-out procedures during equipment repairs and, both divisions have employees whose expertise is working with wastewater and have been educated and are certified in that field. The combination of the two divisions would also allow for potential of cross training, based on the needs of the City, in both the collection and treatment of wastewater.

The proposed reorganization will place additional managerial workload on the Wastewater Division Manager for the general management of Wastewater Collections. This proposal increases the salary range of the Wastewater Division Manager to that commensurate with the Police Commander.

The reorganization will also have an impact on the WWTP as it is currently structured. Presently, the Manager is devoted 100% to WWTP operations and associated activities, such as

the upgrade project. The Manager's responsibilities will now be split between the WWTP and the Collections Division. Current estimates are that approximately 25 % of the Manager's time will be allocated to the Collections Division. The increased responsibilities associated with managing the Collections Division will result in increased responsibilities for the WWTP staff. As the Manager's time and resources are diverted, the WWTP Supervisor will have to fill the void at the plant, and assume some of the Manager's current workload. The redistribution of duties to the Supervisor will create "trickle down" effect which necessitates the creation of the Leadworker position.

Staff recommends promoting the WWTP Supervisor and Wastewater Collections System Supervisor to the same salary range as the Water System Supervisor. This reflects the level of responsibility associated with supervising operations of the WWTP and the Collections System on a daily basis, and compensates both supervisors for the additional duties and responsibilities assumed with the proposed reorganization. The fiscal impact associated with this adjustment is \$4,899 each.

The next recommendation is to create a WWTP Leadworker position. This position would result in a fiscal impact of \$3,861. A copy of the Leadworker job description is attached to this staff report. The Leadworker position would work closely with the Supervisor to provide back up, assistance, and leadership on the numerous daily tasks required to keep the WWTP operating at a high level of efficiency and compliance. For example, the new position would provide assistance or take the lead in researching and purchasing for projects, ordering of materials for routine daily operations, monitoring the budget, serving as the Safety Officer at the plant, and assist with training Plant and Laboratory personnel. The increased compensation would recognize the additional work load and responsibilities. Creation of this position also provides for succession planning as training, operation and administration of the WWTP is a complex process; creation of this position would allow the Leadworker position to be trained and gain experience in the different facets of the operation and administrative functions necessary for the successful operation of the plant

2. Consolidation and Modifications to Capital Projects and Engineering Divisions

Currently, the Public Services Department is organized into a Capital Projects/Utilities Division and an Engineering Division with separate supervision. The two permanent staff members in the Engineering Division report directly to the Public Services Director/City Engineer, while the one staff member and Water Supervisor report to the Capital Projects Manager. Additionally, Engineering Division personnel work on capital projects under the direction of the Capital Projects Manager.

From an efficiencies standpoint and for consistencies in the engineering decision-making process, the consolidation of capital projects management into the Engineering Division is recommended. Additionally, for a City the size of Morro Bay having two separate engineering groups is not the best use of limited resources. The Engineering Division will provide support for Public Services customers and other departments for the development of capital projects and engineering tasks related to utility maintenance, street maintenance, flood control and other typical public works functions. Staff also recommends the creation of the Engineering

Technician IV position, which will have the primary duty of coordinating and providing technical support with the City's environmental (Water, Wastewater and Stormwater) permitting activities. With the creation of the Engineering Tech IV position, it also is recommended, for equity and level of responsibility, to increase the Assistant Civil Engineer to the same level as the Engineering Technician IV level and equal to that of the Building Inspector and proposed WWTP Leadworker. In addition to consolidation of the engineers and engineering technicians into one group, staff recommends changing the management duties of the Capital Projects Manager to supervising the Engineering Division. The new Capital Projects Manager position will not have the supervision responsibilities of the Water (recommended supervision from Public Services Director/City Engineer) and Wastewater Collections Divisions (recommended supervision from Wastewater Division Manager) and the proposed salary adjustment is commensurate with the new responsibilities. That new salary of the Capital Projects Manager is proposed to be set at the same level as the Senior Civil Engineer

3. Miscellaneous Department Modifications

With the successful in-house recruitment of a planner from existing Public Services personnel, there exists a vacancy for an Administrative Technician in the Department. This position is the primary point of contact at the public counter and provides basic information to customers. In addition to the counter contact, this position also processes accounts payable, coordinates timesheets, and provides back up to the Permit Technician for the issuance of business licenses. Staff also recommends that the Permit Technician be placed under the supervision of the Public Services Administrative Division Supervisor to better coordinate the front counter duties and coverage. Additionally, due to the transfer of business licenses to the Public Services Department and the need to follow-up on the collection activity that is now year round as well as increases in permit activity, it is recommended to restore the Permit Technician to a full time position.

With the proposed changes adopted as recommended, the Director will be able to become more engaged in the higher level duties necessary, such as the County Water Resources Advisory Committee, the Technical Advisory Committee for San Luis Obispo Council of Governments, and overall management of the Wastewater Treatment Plant upgrade project.

CONCLUSION

This reorganization and associated personnel actions allow the Public Services Department to respond to State-mandated and locally-instituted programs in Wastewater Collections, and the heavy workload in capital project management as well as makes more efficient use of the planning, administrative and engineering resources.

ATTACHMENTS

1. Wastewater Division Manager Job Description
2. Capital Projects Manager Job Description
3. WWTPO Leadworker Job Description
4. Engineering Technician IV Job Description

5. Existing Public Services Organizational Chart
6. Proposed Public Services Organizational Chart
7. Revised Salary Schedules

CITY OF MORRO BAY

WASTEWATER DIVISION MANAGER

DEFINITION

Under administrative direction of the Public Services Director to supervise, plan and direct the maintenance and operation of all wastewater related systems of the wastewater treatment plant, laboratory, collection system, source control and inflow/infiltration reduction/elimination; and do related work as required.

ESSENTIAL DUTIES & RESPONSIBILITIES

1. Development and implementation of goals, objectives, programs, policies, and priorities; assesses progress of various programs to insure the attainment of goals.
2. Assigns, assures the proper training of, and supervises employees in the operation of the wastewater treatment system; prepares and administers performance evaluations; provides documentation for progressive disciplinary action when needed.
3. Prepare and present a broad range of technical reports to the legislative bodies of the wastewater treatment plant, regulatory and advisory agencies and bodies. Makes recommendations to management regarding needed programs and staffing.
4. Maintains surveillance of the operating efficiency of the wastewater treatment plant, processes, source control and inflow/infiltration reduction programs.
5. Reviews and maintains records; prepares reports regarding the operation of the wastewater systems.
6. Insures operations and testing are in accordance with water quality control, federal, state, and local agencies standard methods; and issues required reports to same. Serve as manager of State-certified laboratory.
7. Develops routine and emergency operating procedures.
8. Utilizes a variety of computerized programs in the maintenance, monitoring, and analyses of wastewater and collection system operations, including maintenance, telemetry, database, spreadsheet and word processing programs.
9. Reports and coordinates related activities with other departments, agencies and contractors.
10. Interprets, trains, and enforces all applicable safety standards.
11. Assists in budget preparation and administration of both operating and capital improvement budget; monitors use of budgeted funds.
12. Deals effectively with the public, other governmental organizations, regulatory agencies, and contractors.
13. Inspects job-in-progress for compliance with State and City safety requirements with regard to appropriate personnel, equipment, and procedural precautions.

WASTEWATER DIVISION MANAGER

14. Makes periodic inspections of system facilities for proper operating conditions; assures that N.P.D.E.S. and W.D.R. permit requirements are met, makes recommendations to assure compliance.
15. Evaluates plant and collection system capacities and recommends necessary improvements, replacements or upgrades.
16. Performs other work as required.

QUALIFICATIONS

Knowledge of:

Operation of pumps, hydraulics, valves, electrical motors, piping, control systems and related equipment common to wastewater treatment, sewer collection, and industrial pretreatment; modern wastewater treatment and sewer collection methods and practices; physical, chemical and bacteriological processes involved in wastewater treatment, sewage collection and pretreatment; State of California Water Quality Control Board, Department of Health Services, and Environmental Protection Agency discharge and reporting requirements; principles of supervision, training, budgeting and safe work practices; thorough knowledge of laws, codes, and regulations applicable to municipal utility operations, Publicly Owned Treatment Works (P.O.T.W.), and collection systems.

Ability to:

Plan, assign, schedule, and coordinate the work of subordinates in all areas of the wastewater system; exercise good judgment in situations; prepare and present reports and communicate clearly and concisely, orally and in writing; make investigations and studies of work programs; prepare routine and special reports; supervise, train, and evaluate subordinates; develop and monitor capital and operating budgets; identify wastewater treatment needs and develop cost efficient plans to meet the needs identified; establish and implement goals, objectives, procedures, and priorities; review changes in regulations and identify potential impacts to the wastewater treatment plant, provide comments and reports to the appropriate regulatory agencies, and prepare responses; maintain cooperative work relationships; use personal computers and related software.

Education and Experience:

Bachelor's degree (or equivalent) with major related to wastewater treatment including a minimum of 30 units of basic science courses, and two years experience performing the functions of a wastewater treatment plant operator; or, four (4) years of experience performing the functions of a wastewater treatment plant operator while certified as a

WASTEWATER DIVISION MANAGER

Grade IV operator.

Five years increasingly responsible experience in the operations and monitoring of wastewater treatment, industrial pretreatment, and collection system programs; including three (3) years of supervisory experience.

Possession of a Grade IV Wastewater Treatment Plant Operator's Certificate issued by the California State Water Resources Control Board; possession of a valid and appropriate California Drivers License.

Possession of a Grade III Collections Certificate issued by the California Water Environment Association (CWEA) is highly desired.

TOOLS & EQUIPMENT USED

Detection devices, mobile radio, telephone, personal computer including word processing and other software, copy and 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 regularly required to use hands to finger, handle, feel or operate objects, tools, or controls and reach with hands and arms. The employee frequently is required to stand and talk or hear. The employee is occasionally required to walk; sit; climb or balance; stoop, kneel, crouch, or crawl; and smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, depth perception, 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.

While performing the duties of this job, the employee occasionally works in outside weather

WASTEWATER DIVISION MANAGER

conditions. The employee occasionally works near moving mechanical parts and is occasionally exposed to wet and/or humid conditions and vibration. The employee occasionally works in high, precarious places and is occasionally exposed to fumes or airborne particles, toxic or caustic chemicals, and risk of electrical shock.

The noise level in the work environment is usually loud in field settings, and moderately quiet in office settings.

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 _____.

CITY OF MORRO BAY

CAPITAL PROJECTS MANAGER

DEFINITION

Under administrative direction of the Public Services Director performs a variety of professional, administrative, skilled and technical work to ensure the long-term adequacy of the City's infrastructure in conformance to the General Plan and related policies including water, wastewater and streets and storm drains; performs comprehensive planning, project development fiscal analysis and design and construction management for those resources; ensures technical support staff competence and; supervises technical support staff; and serves as project manager as needed. Performs related duties as required.

ESSENTIAL DUTIES & RESPONSIBILITIES

1. Acts as the supervisor to the Engineering Division
2. Develops comprehensive community-wide resource and infrastructure capital improvement and replacement programs.
3. Prepares reports and presents oral and written presentations to the City Council, boards, commissions, other agencies, individuals, and groups.
4. Analyzes budgeting needs and prepares budget submittals to the Public Services Director.
5. Performs research, develops and presents to Public Services Director information necessary to implement and update general and master plans and management plans.
6. Prepares, promulgates and administers engineering consultant and construction contracts.
7. Manages and maintains regular contact with consulting engineers, construction project engineers, consultants, City, County, State and Federal agencies, professional and technical groups and the general public regarding division activities and services.
8. Identifies, analyzes and makes recommendations to Public Services Director for project funding mechanisms.
9. Prepares grant applications.
10. Coordinates activities with other City departments and divisions.
11. Plans, schedules, implements and oversees construction activities.
12. Coordinates long-term planning with the City Engineer and other City staff as may be deemed necessary.
13. Selects, trains, supervises, evaluates part and full-time staff.
14. Performs related duties as required.

QUALIFICATIONS

Knowledge of:

Municipal resource planning, infrastructure, and administration; regulations, methods,

UTILITIES AND CAPITAL PROJECTS MANAGER

tools, and equipment used in the improvement, of water, wastewater, streets, and storm drainage; laws, codes and safety orders applicable to said systems; construction administration and management; consultant supervision and coordination; general information on water rights; budgetary principles and techniques; funding mechanisms including, but not limited to, grant application procedures and assessment districts; effective written and oral communication techniques; effective staff supervision, motivation, evaluation and disciplinary techniques.

Ability to:

Plan, organize and maintain work and operational records, prepare and present necessary oral and written reports; understand applicable laws, codes and safety orders; establish and maintain cooperative public working relationships.

Education and Experience:

Graduation from an accredited four year college or university with a degree in engineering, public administration, or closely related subject.

Registration as a Registered Civil Engineer in the State of California is desired.

Five years of responsible experience relating to municipal infrastructure, resources and programs, including at least two years of supervisory experience.

Possession of a valid California Class 3 driver's license ~~or ability to achieve same.~~

Any other appropriate combination of education and experience that provides the necessary training.

TOOLS & EQUIPMENT USED

Personal computer, including word processor and spreadsheets; calculator; motor vehicle; telephone; radio; fax and copy 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.

Work is performed in both office and outdoor settings.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle or operate objects, tools, or controls; write; reach with hands and arms; and display hand-eye coordination. The employee is frequently required to sit; stand; walk; talk; and hear. The

UTILITIES AND CAPITAL PROJECTS MANAGER

employee is occasionally required to work in outside weather conditions; work near moving mechanical parts and electrical equipment; climb or balance; stoop, kneel crouch or crawl; and smell.

The employee must frequently lift and/or move up to 25 pounds and occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those which 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 regularly works in outside weather conditions. The employee occasionally works near moving mechanical parts and is occasionally exposed to wet and/or humid conditions. The employee occasionally works in high, precarious places and is occasionally exposed to fumes or airborne particles, toxic or caustic chemicals, risk of electrical shock, and vibration.

The noise level in the work environment is regularly loud in the outside settings and quiet to moderate in the office settings.

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 _____.

CITY OF MORRO BAY

WASTEWATER TREATMENT PLANT LEADWORKER

DEFINITION

Under general supervision to operate and maintain the facilities of a wastewater treatment plant; to perform skilled and routine repair work on treatment plant facilities; to perform a variety of chemical, biochemical and bacteriological tests on plant influent, effluent and receiving waters; assist and train laboratory personnel; assists the wastewater division supervisor; do related work as required.

DISTINGUISHING CHARACTERISTICS

This is the leadworker class in the wastewater operator series where incumbents perform a variety of skilled tasks as a senior member of a wastewater crew. Incumbents in this class are assigned more difficult work involving independent responsibility and will assist in the training of less experienced personnel; they are required to have a complete working knowledge of the City's wastewater treatment plant operations and are required to perform qualitative and quantitative chemical, physical and biological analysis of water and wastewater. When the wastewater supervisor is unavailable, this person will have responsible-charge for all wastewater treatment and operating issues.

ESSENTIAL DUTIES & RESPONSIBILITIES

1. Assist supervisor's duties and participates in the daily operation of the wastewater treatment plant providing for adjustment of the plant operations within prescribed limits to meet N.P.D.E.S. permit standards, changing conditions and emergencies.
2. Plans, lay out, assigns and supervises the work of City personnel engaged in maintaining and repairing the City's wastewater treatment plant.
3. Performs the duties of the safety officer; develops and maintains safety programs and standard operating procedures; makes inspections and reports plant conditions to assure adherence to maintenance and procedures; inspects wastewater treatment plant equipment and facilities to locate needed repairs and maintenance; reports all findings to supervisory personnel.
4. Assist in the requisitions of materials, supplies and equipment; reports the need for unusual items; may request plant repairs and improvements.
5. Provides new operators the instruction of safe working conditions; assures operators perform duties in accordance to procedures.
6. Assures and assists in work necessary to keep plant in a clean, safe and orderly condition.
7. Monitors, services and otherwise maintains a variety of plant equipment including pumps, valves, motors, filters, meters, disinfection, dechlorination and related plant equipment.
8. Performs general electrical diagnostics and repairs; interprets electrical plans and schematics.
9. Performs more difficult plant maintenance and repair work while training other

WASTEWATER TREATMENT PLANT LEADWORKER

- wastewater treatment plant operators.
10. Keeps records, prepares necessary reports and logs daily treatment plant activities.
 11. Reads gauges, dials and digital instruments that record data; tests meters for accuracy.
 12. Operates light and heavy construction equipment including forklifts and loaders.
 13. Operates a variety of hand and power tools including jackhammers, air compressors, building machines, cutters, welders, grinding machines; lifting equipment, slings, hoists and overhead cranes.
 14. As necessary, performs unskilled and manual tasks on assigned maintenance projects.
 15. Maintains chlorinators, metering pumps and handles Sodium Hypochlorite, Sodium Bisulfite, Ferrous Chloride and other related chemicals used in the wastewater treatment plant.
 16. Collects water and sewage samples for laboratory tests; assists in keeping laboratory records and preparing laboratory reports; maintains cleans and cares for laboratory equipment and material.
 17. Conducts and assists in conducting a variety of chemical, biochemical and bacteriological tests on plant influent, effluent receiving waters; interprets and records data.
 18. Investigates air quality complaints, determines the cause and takes appropriate remedial action.
 19. Plans, supervises and participates in repairs, construction and routine preventative maintenance work related to system lines, pumps, equipment and computerized systems; interprets operational and maintenance plans.
 20. Assists in the development and implementation of goals, objectives, policies, and priorities; works closely with contractors and engineers on plant improvement projects.
 21. Utilizes a variety of computerized programs in maintenance, monitoring and laboratory data; records preventative maintenance, trouble areas and history; prepares necessary reports, logs activities.
 22. Reports activities and conditions to wastewater treatment plant supervisor and manager.
 23. Performs related duties as required.

QUALIFICATIONS

Knowledge of:

General maintenance and repair materials, procedures and equipment with particular reference to wastewater operations; use, operation and maintenance of heavy and light power driven equipment; tools, materials, procedures and equipment; operating principles of valves, pumps and motors; principles of bacteriological and chemical sewage analysis; mathematics; safe work practices; principles of supervision and

WASTEWATER TREATMENT PLANT LEADWORKER

training.

Ability to:

Perform the more skilled wastewater maintenance and repair assignments; operate a variety of heavy and light power driven equipment, forklifts and loaders as required; assign crew in the performance of general maintenance and repair work; perform heavy manual labor; provide training to less experienced maintenance employees; read, write and type at the level required for successful job performance; read and interpret work plans and blueprints; perform mathematical and chemical computations; assist in the development and maintenance of all safety programs; perform the daily duties of lab analyst; associated with wastewater systems; understand and carry out oral and written direction; maintain cooperation working relationships; take turn being on 24 hour standby duty.

Education and Experience:

High school diploma or equivalent.

Must possess and maintain a Wastewater Operator III certificate issued by the State of California.

Three (3) years of increasingly responsible experience including at least (2) years of experience performing duties comparable to that of a Wastewater Operator II in the City of Morro Bay.

Possession of California driver's license Class C or above.

Possession of a valid Laboratory Analyst Grade I Certification from the California Water Environment Association.

TOOLS & EQUIPMENT USED

Motorized vehicles and equipment, including pickup truck, utility truck, forklift, loader, manlift, motor driven hydraulic emergency pumps, saws, diaphragm pumps, compressors, roto-hammers, bearing pullers, banding tools, sanders, generators, common hand and power tools, shovels, wrenches, slings, hoists, leak and chemical detection devices, variety of laboratory equipment, personal computer including word processing, excel, MP2 and other software; copy and fax machine, mobile radios and telephone.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an

WASTEWATER TREATMENT PLANT LEADWORKER

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 regularly required to use hands to finger, handle, feel or operate objects, tools, or controls and reach with hands and arms. The employee frequently is required to stand. The employee is occasionally required to walk, talk or hear; sit; climb or balance; stoop, kneel, crouch, or crawl; and smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, depth perception, 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.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee occasionally works near moving mechanical parts and is occasionally exposed to wet and/or humid conditions. The employee occasionally works in high, precarious places and is occasionally exposed to fumes or airborne particles, risk of electrical shock, and vibration. The employee is frequently exposed to toxic or caustic chemicals.

The noise level in the work environment is usually 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 _____.

CITY OF MORRO BAY

ENGINEERING TECHNICIAN IV

DEFINITION

Under general supervision, to perform responsible sub-professional engineering office and field work; and to do related work as required.

DISTINGUISHING CHARACTERISTICS

Employees in this class normally perform engineering work in the office or in the field including the following activities: Designs and prepares engineering drawings; makes engineering estimates; performs field inspections of new construction work to determine conformance to specification, or heads a survey crew; assists in developing and monitoring the storm water management plan, water systems, wastewater collection systems, street and traffic programs; assists in developing, updating and maintaining the engineering drawings, files and data systems; assists in the building permit and plan check process; or assists in the planning review process. This class is distinguished from the lower class of Engineering Technician I, Engineering Technician II and Engineering Technician III by responsibility for (1) performing both engineering duties and lower level building inspection and plan check reviews; and/or (2) assisting in the development and maintenance of advanced engineering analysis tools of all the major public works infrastructure systems (3) Coordination of all City Environmental Permitting Activities, including Water, Wastewater and Stormwater.

ESSENTIAL DUTIES & RESPONSIBILITIES

1. Inspects construction of public works projects (such as curbs, gutters, overlays, and sidewalks) and residential dwellings (such as single family residences) for adherence by contractors to specifications, drawings, codes and contractual terms.
2. Prepares designs, specifications, construction drawings, and cost estimates for formal and informal bid proposals for public works projects.
3. Confers with property owners to ascertain adherence of proposed improvements to appropriate specifications, codes, and contractual terms.
4. Issues encroachment permits for sidewalk, curb and gutter, drive approaches, sewer connections, and public utilities.
5. Develops and maintains paper and electronic files of departmental data, maps and charts.
6. Makes traffic counts and performs traffic studies.
7. Conducts plan checks.
8. Reviews subdivision maps and legal descriptions.
9. Provides information to citizens, contractors, engineers, and other governmental agencies at the counter, by telephone and by mail.

10. Provides technical support to other City departments.
11. Prepares staff reports and grant applications.
12. Assists in the review of building permit submittals.
13. Assists in monitoring the City's water quality program, including sampling of the municipal water system, for compliance with Department of Health and Safety standards, and prepares DOHS required reports.
14. Provides contract management of contract services such as tree-trimming, street repair, water laboratory etc.
15. Assists in the maintenance/updating of the engineering library, infrastructure records, as-built records, and other documents necessary for the operations and maintenance programs.
16. Assists in the development and maintenance of an electronic engineering drawing and information system.
17. Assist in the development of computer models and databases of the water, wastewater, storm water, streets, and traffic systems.
18. Attend City meetings (such as City Council, Planning Commission, and Public Works Advisory Board) to present project related information and respond to questions.
19. Performs related duties as required.

QUALIFICATIONS

Knowledge of:

Drafting methods, techniques and equipment; surveying methods and practices; construction materials and equipment and their uses; principles and techniques of construction inspection; principles and practices of all facets of civil engineering; principles and practices of building inspection; trigonometry.

Ability to:

Read and interpret engineering plans and specifications; make arithmetical calculations with speed and accuracy; prepare plans and drawings neatly and accurately; maintain records and submit reports; maintain cooperative working relationships with engineers, architects, contractors, other governmental agencies, and the general public.

Education and Experience (minimum requirements):

Bachelor's Degree from an accredited college or university in physical science, life science, engineering or a closely related field.

Five years of experience in environmental monitoring/permitting, engineering, surveying or office-engineering work.

Ability to obtain CPESC Certification within one (1) year of hire.

ENGINEERING TECHNICIAN III

Ability to obtain Water Treatment Operator, Grade 1, certification within one (1) year of hire.

Possession of a valid and appropriate California Drive's License.

TOOLS & EQUIPMENT USED

Personal computer including but are not limited to word processing, spreadsheet, and data base; civil engineering application software (AutoCAD and GIS); standard surveying tools; standard drafting tools; pipe locator; engineering calculator; motor vehicle; telephone; mobile radio.

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.

Work is performed mostly in office settings. Outdoor work is required in the inspection of various land use developments, construction sites, public works facilities, or water system sampling. Hand-eye coordination is necessary to operate drafting instruments, computers and various pieces of office equipment. While performing the duties of this job, the employee is occasionally required to stand; walk; use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to sit; climb or balance; stoop, kneel, crouch, or crawl; talk or hear.

The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, 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. While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee occasionally works near moving mechanical parts and in traffic; and is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, risk of electrical shock, and vibration.

The noise level in the work environment is usually quiet to moderate.

ENGINEERING TECHNICIAN III

SELECTION GUIDELINES

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

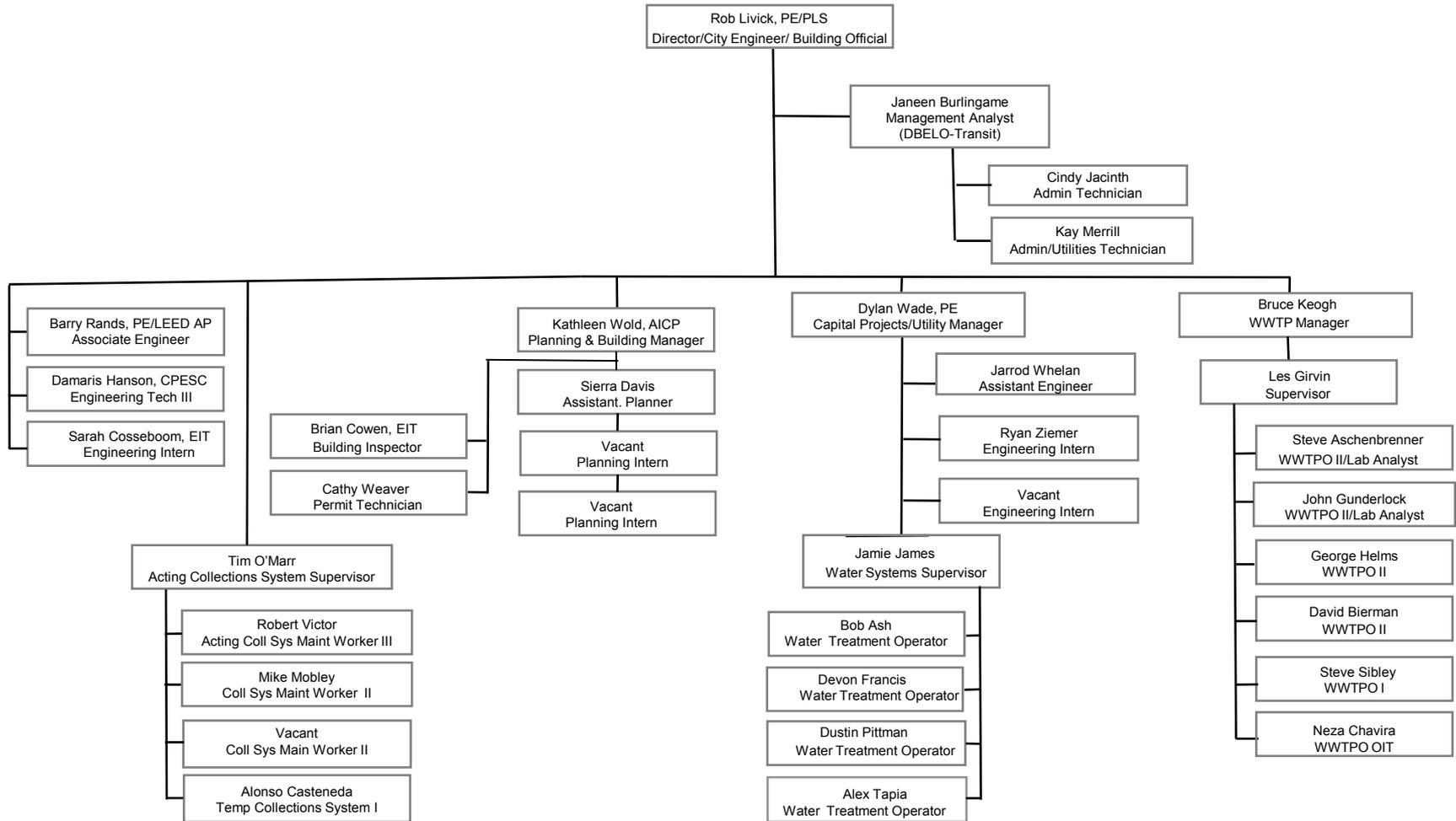
The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

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 _____ .

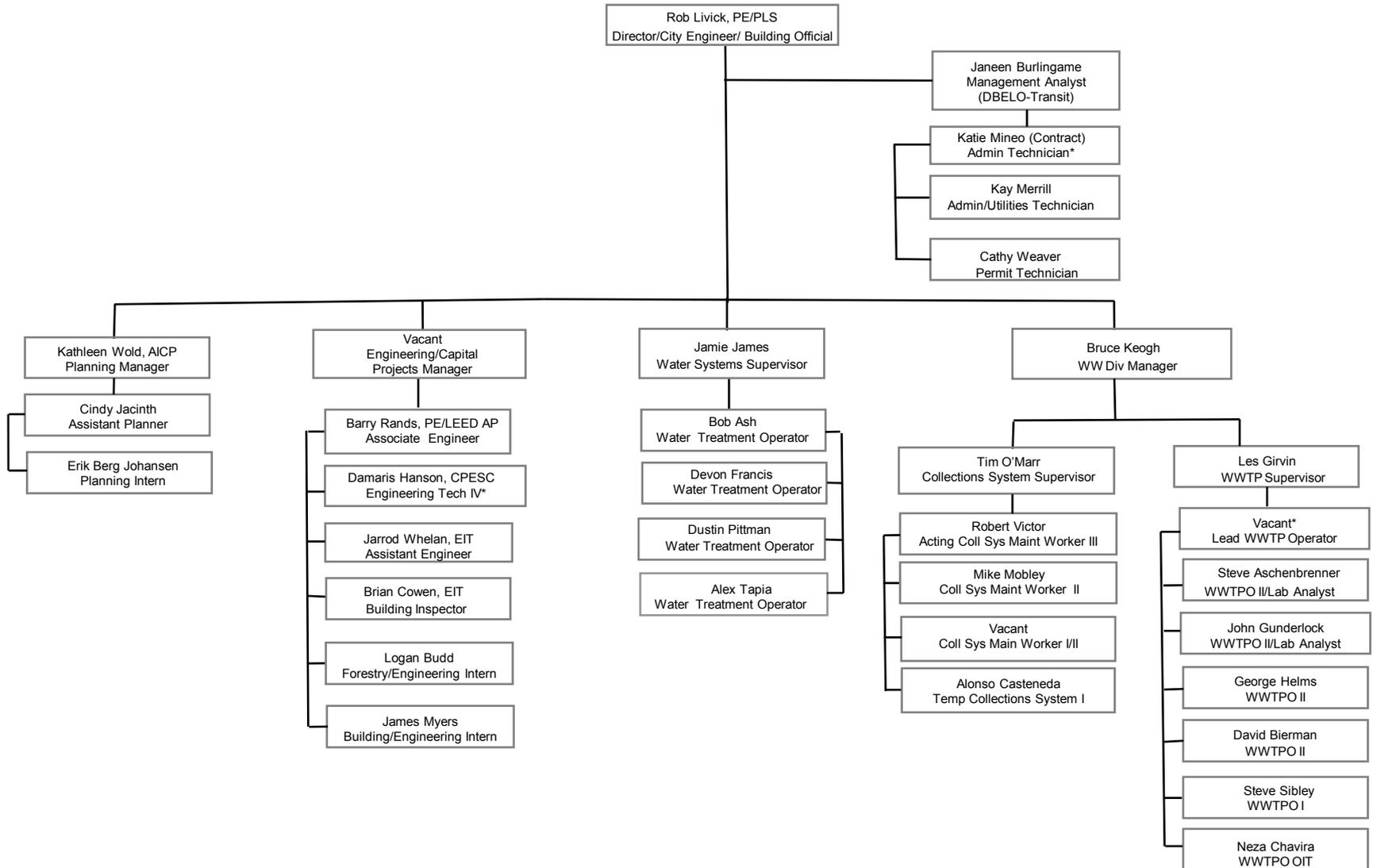
JobDescriptions\engtechii

City of Morro Bay Public Services Department



Staff directory of phone numbers available on City website at www.morro-bay.ca.us

City of Morro Bay Public Services Department



* To be filled with existing staff, no additional personnel

CITY OF MORRO BAY - SEIU

SALARY SCHEDULE

July 1, 2012 - June 30, 2013

5% salary increase Miscellaneous; 7% Harbor Patrol

Employee paying 100% PERS contribution (8%/9%)

	STEP	ANNUAL	MONTHLY	BIWEEKLY	HOURLY
610 ASSOCIATE PLANNER	5	\$70,106	\$5,842	\$2,696.37	\$33.7046
WATER SYSTEM SUPERVISOR	4	\$66,767	\$5,564	\$2,567.97	\$32.0996
ASSOCIATE CIVIL ENGINEER	3	\$63,588	\$5,299	\$2,445.69	\$30.5711
Collections System Supervisor	2	\$60,560	\$5,047	\$2,329.22	\$29.1153
WWTP Supervisor	1	\$57,676	\$4,806	\$2,218.31	\$27.7289
HARBOR PATROL SUPERVISOR	5	\$68,781	\$5,732	\$2,645.42	\$33.0678
	4	\$65,506	\$5,459	\$2,519.45	\$31.4931
	3	\$62,386	\$5,199	\$2,399.48	\$29.9935
	2	\$59,416	\$4,951	\$2,285.22	\$28.5652
	1	\$56,586	\$4,716	\$2,176.40	\$27.2050
620 WWTP SUPERVISOR	5	\$65,207	\$5,434	\$2,507.98	\$31.3498
622 COLLECTION SYSTEM SUPERVISOR	4	\$62,102	\$5,175	\$2,388.55	\$29.8569
630 HOUSING PROGRAMS COORD	3	\$59,145	\$4,929	\$2,274.81	\$28.4352
666 HARBOR BUSINESS COORD	2	\$56,329	\$4,694	\$2,166.48	\$27.0811
	1	\$53,646	\$4,471	\$2,063.32	\$25.7915
640 BUILDING INSPECTOR	5	\$62,644	\$5,220	\$2,409.38	\$30.1173
Assistant Civil Engineer	4	\$59,661	\$4,972	\$2,294.65	\$28.6831
Engineering Tech IV	3	\$56,820	\$4,735	\$2,185.38	\$27.3172
WWTP Leadworker	2	\$54,114	\$4,510	\$2,081.31	\$26.0164
	1	\$51,537	\$4,295	\$1,982.20	\$24.7775
650 ASSISTANT PLANNER	5	\$60,238	\$5,020	\$2,316.84	\$28.9605
	4	\$57,369	\$4,781	\$2,206.51	\$27.5814
	3	\$54,637	\$4,553	\$2,101.44	\$26.2680
	2	\$52,036	\$4,336	\$2,001.37	\$25.0172
	1	\$49,558	\$4,130	\$1,906.07	\$23.8259
670 RECREATION SUPERVISOR	5	\$59,865	\$4,989	\$2,302.52	\$28.7815
	4	\$57,015	\$4,751	\$2,192.87	\$27.4109
	3	\$54,300	\$4,525	\$2,088.45	\$26.1056
	2	\$51,714	\$4,310	\$1,989.00	\$24.8625
	1	\$49,251	\$4,104	\$1,894.29	\$23.6786
675 WWTP OPERATOR II/LAB ANALYST	5	\$58,783	\$4,899	\$2,260.90	\$28.2613
WATER SYSTEM OPERATOR III	4	\$55,984	\$4,665	\$2,153.24	\$26.9155
	3	\$53,318	\$4,443	\$2,050.70	\$25.6338
	2	\$50,779	\$4,232	\$1,953.05	\$24.4131
	1	\$48,361	\$4,030	\$1,860.05	\$23.2506

CITY OF MORRO BAY - SEIU

SALARY SCHEDULE

July 1, 2012 - June 30, 2013

5% salary increase Miscellaneous; 7% Harbor Patrol

Employee paying 100% PERS contribution (8%/9%)

	STEP	ANNUAL	MONTHLY	BIWEEKLY	HOURLY
660 WATER DISTRIBUTION LEADWORKER	5	\$58,562	\$4,880	\$2,252.39	\$28.1549
661 R&P MAINT LW - STS/PARKS/FACILITIES	4	\$55,773	\$4,648	\$2,145.13	\$26.8142
663 COLLECTIONS SYS LEADWORKER	3	\$53,118	\$4,426	\$2,042.98	\$25.5373
667 MAINT LEADWORKER - FLEET	2	\$50,588	\$4,216	\$1,945.70	\$24.3212
702 ENGINEERING TECH III	1	\$48,179	\$4,015	\$1,853.05	\$23.1631
ASSISTANT CIVIL ENGINEER					
690 HARBOR PATROL OFFICER	5	\$58,393	\$4,866	\$2,245.90	\$28.0737
	4	\$55,613	\$4,634	\$2,138.95	\$26.7369
	3	\$52,964	\$4,414	\$2,037.09	\$25.4637
	2	\$50,442	\$4,204	\$1,940.09	\$24.2511
	1	\$48,040	\$4,003	\$1,847.70	\$23.0963
680 WWTP OPERATOR II	5	\$55,984	\$4,665	\$2,153.24	\$26.9155
WATER SYSTEM OPERATOR II	4	\$53,318	\$4,443	\$2,050.70	\$25.6338
	3	\$50,779	\$4,232	\$1,953.05	\$24.4131
	2	\$48,361	\$4,030	\$1,860.05	\$23.2506
	1	\$46,058	\$3,838	\$1,771.47	\$22.1434
MECHANIC	5	\$52,853	\$4,404	\$2,032.80	\$25.4100
	4	\$50,319	\$4,193	\$1,935.36	\$24.1920
	3	\$47,939	\$3,995	\$1,843.80	\$23.0475
	2	\$45,667	\$3,806	\$1,756.44	\$21.9555
	1	\$43,483	\$3,624	\$1,672.44	\$20.9055
731 ADMINISTRATIVE TECHNICIAN	5	\$51,215	\$4,268	\$1,969.81	\$24.6226
735 ADMINISTRATIVE UTILITIES TECH	4	\$48,776	\$4,065	\$1,876.01	\$23.4501
	3	\$46,454	\$3,871	\$1,786.67	\$22.3334
	2	\$44,241	\$3,687	\$1,701.59	\$21.2699
	1	\$42,135	\$3,511	\$1,620.57	\$20.2571
710 MAINTENANCE WORKER III - FLEET	5	\$50,327	\$4,194	\$1,935.66	\$24.1957
720 WATER DISTRIBUTION OPERATOR III	4	\$47,931	\$3,994	\$1,843.48	\$23.0435
730 ACCOUNT CLK III	3	\$45,648	\$3,804	\$1,755.70	\$21.9462
740 WWTP OPR I	2	\$43,474	\$3,623	\$1,672.09	\$20.9012
751 MAINTENANCE WORKER III - PARKS	1	\$41,404	\$3,450	\$1,592.47	\$19.9059
752 COLLECTION SYS WORKER III					
760 FACILITY MAINTENANCE WORKER					

CITY OF MORRO BAY - SEIU**SALARY SCHEDULE**

July 1, 2012 - June 30, 2013

5% salary increase Miscellaneous; 7% Harbor Patrol

Employee paying 100% PERS contribution (8%/9%)

	STEP	ANNUAL	MONTHLY	BIWEEKLY	HOURLY
791 PERMIT TECHNICIAN	5	\$48,122	\$4,010	\$1,850.83	\$23.1353
	4	\$45,830	\$3,819	\$1,762.69	\$22.0337
	3	\$43,648	\$3,637	\$1,678.75	\$20.9844
	2	\$41,569	\$3,464	\$1,598.81	\$19.9852
	1	\$39,590	\$3,299	\$1,522.68	\$19.0335
800 MAINTENANCE WORKER II	5	\$46,990	\$3,916	\$1,807.31	\$22.5914
<i>800 WATER DISTRIBUTION OPERATOR II</i>	4	\$44,752	\$3,729	\$1,721.25	\$21.5156
801 COLLECTION SYS WORKER II	3	\$42,621	\$3,552	\$1,639.28	\$20.4910
810 WWTP OIT	2	\$40,592	\$3,383	\$1,561.22	\$19.5153
WATER SYSTEM OPERATOR I	1	\$38,659	\$3,222	\$1,486.88	\$18.5860
ACCOUNT CLERK II					
831 OFFICE ASST. IV	5	\$45,228	\$3,769	\$1,739.56	\$21.7445
	4	\$43,075	\$3,590	\$1,656.72	\$20.7090
	3	\$41,024	\$3,419	\$1,577.83	\$19.7229
	2	\$39,070	\$3,256	\$1,502.69	\$18.7837
	1	\$37,210	\$3,101	\$1,431.14	\$17.8892
802 COLLECTION SYSTEM WORKER I	5	\$41,834	\$3,486	\$1,609.01	\$20.1126
<i>840 OFFICE ASST. III</i>	4	\$39,842	\$3,320	\$1,532.39	\$19.1549
850 ACCOUNT CLERK I	3	\$37,945	\$3,162	\$1,459.42	\$18.2427
	2	\$36,138	\$3,011	\$1,389.92	\$17.3740
	1	\$34,417	\$2,868	\$1,323.73	\$16.5467

Positions in **BOLD** are filled and/or budgetedPositions in *ITALICS* are unfilled and unbudgeted

City of Morro Bay
 Management Salary Schedule
 July 9, 2011 - June 30, 2012
 2% Salary reduction
 7% / 9% PERS Employee paid

	Step	Annual	Monthly	Biweekly	Hourly
City Engineer	5	\$108,022	\$9,002	\$4,154.70	\$51.9338
Capital Projects Manager	4	\$102,878	\$8,573	\$3,956.86	\$49.4607
Wastewater Division Manager	3	\$97,979	\$8,165	\$3,768.44	\$47.1055
	2	\$93,314	\$7,776	\$3,588.99	\$44.8623
	1	\$88,870	\$7,406	\$3,418.08	\$42.7260
Commander*	5	\$110,041	\$9,170	\$4,232.36	\$52.9045
	4	\$104,801	\$8,733	\$4,030.82	\$50.3852
	3	\$99,811	\$8,318	\$3,838.87	\$47.9859
	2	\$95,058	\$7,921	\$3,656.07	\$45.7009
	1	\$90,531	\$7,544	\$3,481.97	\$43.5246
Harbor Operations Mgr*	5	\$93,379	\$7,782	\$3,591.50	\$44.8938
	4	\$88,935	\$7,411	\$3,420.59	\$42.7574
	3	\$84,696	\$7,058	\$3,257.52	\$40.7190
	2	\$80,659	\$6,722	\$3,102.29	\$38.7786
	1	\$76,827	\$6,402	\$2,954.90	\$36.9362
Planning Manager	5	\$91,660	\$7,638	\$3,525.37	\$44.0671
Building Official	4	\$87,295	\$7,275	\$3,357.49	\$41.9687
Harbor Business Manager	3	\$83,138	\$6,928	\$3,197.61	\$39.9702
	2	\$79,179	\$6,598	\$3,045.35	\$38.0668
	1	\$75,409	\$6,284	\$2,900.33	\$36.2541
Wastewater Division Mgr.	5	\$83,326	\$6,944	\$3,204.84	\$40.0605
Public Services Maint Supt.	4	\$79,357	\$6,613	\$3,052.20	\$38.1526
R&P Maintenance Supt	3	\$75,580	\$6,298	\$2,906.91	\$36.3364
Personnel Off/Risk Mgr.	2	\$71,981	\$5,998	\$2,768.49	\$34.6061
Information Systems Tech.	1	\$68,552	\$5,713	\$2,636.62	\$32.9578
Senior Civil Engineer					
Capital Projects Manager					
Accountant	5	\$71,248	\$5,937	\$2,740.32	\$34.2540
Facilities Superintendent	4	\$67,855	\$5,655	\$2,609.83	\$32.6228
Management Analyst	3	\$64,625	\$5,385	\$2,485.57	\$31.0696
Sr Planner	2	\$61,548	\$5,129	\$2,367.23	\$29.5904
Parks Superintendent	1	\$58,615	\$4,885	\$2,254.44	\$28.1805
Support Services Manager	6	\$61,003	\$5,084	\$2,346.25	\$29.3281
	5	\$58,098	\$4,841	\$2,234.52	\$27.9315
	4	\$55,331	\$4,611	\$2,128.12	\$26.6015
	3	\$52,696	\$4,391	\$2,026.78	\$25.3347
	2	\$50,187	\$4,182	\$1,930.27	\$24.1283
	1	\$47,797	\$3,983	\$1,838.35	\$22.9794



AGENDA NO: D-1

MEETING DATE: 10/23/12

Council Report

TO: Mayor and City Council

DATE: October 17, 2012

FROM: Carla Borchard, City Councilmember

SUBJECT: Discussion of Moratorium on Building Impact Fees for Commercial and Residential Impact Fee Reduction and Adoption of Resolution 52-12 Establishing a Reduction for the Payment of Development Impact Fees for Residential Projects

RECOMMENDATION

It is recommended the City Council continue with the original time frame for a moratorium on impact fees for commercial development as noted in Resolution No. 45-11 and adopt Resolution No. 52-12 which reduces impact fees on residential development until July 2013.

FISCAL IMPACT

Unknown at this time.

BACKGROUND

In June 2011, the City Council discussed and ultimately passed Resolution No. 45-11 (attached) which established a moratorium on the payment of development impact fees for all commercial projects on commercially zoned land for a period of three years commencing on July 1, 2011 and ending on June 30, 2014.

In February 2012, Council member Borchard, during declaration of future agenda items, received support to bring back a discussion on the reduction of residential impact fees.

DISCUSSION

The intent behind the reduction of residential impact fees is two-fold; first to act as an incentive to residential owners to improve their homes, and secondly, as an incentive to housing projects. The hope would be that incremental improvements to homes would ultimately culminate into more attractive and thriving neighborhoods in Morro Bay. In addition, the removal of the economic disincentive (Development Impact Fees) may be the catalyst that some owners need to move ahead with an improvement project at this time.

In 2006 the City Council authorized a comprehensive review of the City's Development Impact Fees to

Prepared By: CBorchard

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

determine whether the fees were adequate to defray the cost of public facilities related to development projects. A Public Facilities Fee Study was prepared in September 2007 which included the necessary calculations to establish that the fees accurately reflected the fees necessary to provide public facilities. It was the decision of the City Council at that time, to reduce all fees by 50 percent or to the greatest extent practical without impacting the current fees. When the Development Impact Fees were adopted in 2007, they applied to all new land use developments; however, specific exceptions were provided including single family residential additions of less than 500 square feet and all development projects under review as of September 24, 2007. Development Impact fees include the following categories: general, police, park, fire, storm drain, transportation, water and wastewater.

Relieving the payment of paying the Impact fees would not reduce all the fees as projects would still be required to pay the reduced development impact fees, along with standard fees including plan check and inspection.

The Master Fee Schedule is attached and it is recommended that the following reduction for residential projects be made:

1. Fee determination by square footage shall be for habitable space only (i.e. garages not included).
2. General Government and Traffic fees shall be reduced 50% from the current amount.
3. Police, Fire, and Storm Drain fees shall remain the same.
4. Park fees shall be 50% of current amount.
5. Water and Wastewater fees shall be shall be reduced 50% from the current amount.

CONCLUSION

Staff recommends that City Council adopts Resolution No. 52-12 which reduces impact fees on residential development until July 2013.

RESOLUTION NO. 52-12

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY,
CALIFORNIA ESTABLISHING A REDUCTION FOR THE PAYMENT
OF DEVELOPMENT IMPACT FEES FOR RESIDENTIAL PROJECTS**

**THE CITY OF MORRO BAY
City of Morro Bay, California**

WHEREAS, the City Council adopted Development Impact Fees in 2007 with Resolution No. 47-07 establishing a three year moratorium the levying of commercial project impact fees; and

WHEREAS, the City Council has adopted a Master Fee Schedule, which authorizes the establishment of fees by Resolution of the Council; and

WHEREAS, the Master Fee Schedule includes Development Impact Fees for residential projects; and

WHEREAS, the City of Morro Bay also has a variety of goals and policies to enhance the housing opportunities of the City; and

WHEREAS, the City Council recognizes that payment of Residential Development Fees can be a disincentive to construction of residential projects; and

WHEREAS, in furtherance of these goals, the City Council hereby desires to establish the following reductions to the payment of Development Impact Fees for residential projects:

1. Fee determination by square footage shall be for habitable space only.
2. General Government and Traffic fees shall be reduced 50% from the current amount.
3. Police, Fire, and Storm Drain fees shall remain the same.
4. Park fees shall be 50% of current amount.
5. Water and Wastewater fees shall be reduced 50% from the current amount.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, that any residential project for either discretionary and/or building permit approval and any project that has not been issued a building permit as of October 23, 2012 shall be eligible until July 1, 2013, for the residential projects impact fee waiver.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 23rd day of October 2012, by the following vote:

AYES:

NOES:

ABSENT:

WILLIAM YATES, Mayor

ATTEST:

JAMIE BOUCHER, City Clerk

RESOLUTION NO. 45-11

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
ESTABLISHING A THREE YEAR MORATORIUM FOR THE PAYMENT
OF DEVELOPMENT IMPACT FEES FOR COMMERCIAL PROJECTS
WITHIN A COMMERCIAL ZONE DISTRICT**

**THE CITY OF MORRO BAY
City of Morro Bay, California**

WHEREAS, the City Council adopted Development Impact Fees in 2007 with Resolution No. 47-07; and

WHEREAS, the City Council has adopted a Master Fee Schedule, which authorizes the establishment of fees by Resolution of the Council; and

WHEREAS, the Master Fee Schedule includes Development Impact Fees for commercial projects within commercial zone districts; and

WHEREAS, the City of Morro Bay also has a variety of goals and policies to enhance the economic strength of the City; and

WHEREAS, the City Council recognizes that payment of Commercial Development Fees can be a disincentive to commercial projects; and

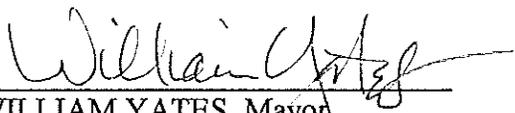
WHEREAS, in furtherance of these goals, the City Council hereby desires to establish a moratorium of the payment of Development Impact Fees for commercial development projects within commercial zone districts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, that no Development Impact Fees shall be paid for commercial projects on commercially zoned land for a period of three years commencing on July 1, 2011.

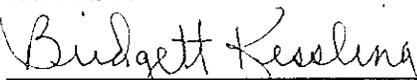
BE IT FURTHER RESOLVED by the City Council of the City of Morro Bay, that only commercial or mixed-use projects on commercially zoned land shall be eligible and that residential projects within the mixed use areas shall not be eligible.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 28th day of June 2011, by the following vote:

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


WILLIAM YATES, Mayor

ATTEST:


BRIDGETT KESSLING, City Clerk

City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

Building Development Impact Fees^{3, 6}

Building fees, per square foot⁴:

Residential:

Single Family ⁵	\$	3.80
Multi-Family ⁵	\$	6.07

Non-residential:

Commercial ⁵	\$	3.81
Office ⁵	\$	2.71
Industrial ⁵	\$	1.41

Park fees for residential in-fill lots, per square foot:

Single Family	\$	1.17
Multi-Family	\$	1.96

Water fee:

1" meter	\$	2,368.00
1-1/2" meter	\$	4,736.00
2" meter	\$	7,575.00
3" meter	\$	15,151.00

Wastewater fee:

1" meter	\$	4,347.00
1-1/2" meter	\$	8,695.00
2" meter	\$	17,388.00
3" meter	\$	27,820.00

³ Adjust annually based on change in Engineering News Record (ENR).

⁴ Fees are per square foot including garages (enclosed spaces). Single-family residential additions of 500 square feet or less are exempt (this is for a cumulative five (5) year period).

⁵ Plus water and wastewater fees, which are based on meter size

⁶ At its July 10, 2012, meeting, Council voted to **not** increase building impact fees at this time.

City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

Building Development Impact Fees ⁶

Public Facilities Fees (per square foot):

Residential:

Single Family Residential:

General Government	\$ 1.12
Police	\$ 0.38
Parks	\$ 1.17
Fire	\$ 0.41
Storm Drain	\$ 0.05
Traffic	\$ 1.82
Water ⁷	\$ 0.63
Wastewater ⁷	\$ 1.75

Multi-Family Residential:

General Government	\$ 1.87
Police	\$ 0.62
Parks	\$ 1.96
Fire	\$ 0.68
Storm Drain	\$ 0.06
Traffic	\$ 2.84
Water ⁷	\$ 0.95
Wastewater ⁷	\$ 2.60

⁶ At its July 10, 2012, meeting, Council voted to **not** increase building Impact fees at this time.

⁷ Water and Wastewater actual fees are based on the meter size. Amount shown is estimated based on the fees divided by the estimated building square feet.