

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 – MAY 11, 2009

**CLOSED SESSION – MAY 11, 2009
CITY HALL CONFERENCE ROOM - 5:00 P.M.
595 HARBOR ST., MORRO BAY, CA**

CS-1 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY

TRANSACTIONS. Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to three (3) parcels.

- Property: Embarcadero/Market Properties
Negotiating Parties: Potential Buyers and City of Morro Bay.
Negotiations: Voluntary Purchase and Sale.
- Property: Vacant Lot/Corner of Coral/San Jacinto.
Negotiating Parties: Potential Buyers and City of Morro Bay.
Negotiations: Voluntary Purchase and Sale.
- Property: City slip and/or the Tidelands Park Side Tie Dock
Negotiating Parties: Big Rock Charters d.b.a. The “Chablis” and City of Morro Bay.
Negotiations: Berthing-License Terms and Conditions.

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

**PUBLIC SESSION – MAY 11, 2009
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 MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF APRIL 27, 2009; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 PROCLAMATION DECLARING MAY 2009 AS “COMMUNITY ACTION MONTH”; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

A-3 PROCLAMATION DECLARING MAY 17 TO MAY 23, 2009 AS “2009 NATIONAL BEACH SAFETY WEEK”; (RECREATION & PARKS)

RECOMMENDATION: Adopt Proclamation.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 CONSIDERATION OF MORRO BAY DIAL-A-RIDE FARE INCREASE; (PUBLIC SERVICES)

RECOMMENDATION: Conduct a public hearing to consider increasing the Morro Bay Dial-a-Ride Regular and Discount fares, approve the fare increase, and authorize staff to enact the new fare July 1, 2009.

B-2 CONSIDERATION OF CONTRACT EXTENSION WITH MV TRANSPORTATION; (PUBLIC SERVICES)

RECOMMENDATION: Approve a month-to -month extension of the current Morro Bay Dial-a-Ride and Trolley Operations and Management Agreement with MV Transportation.

B-3 PUBLIC HEARING TO RECEIVE PUBLIC TESTIMONY ON GRANT REQUEST TO STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR FEDERAL TRANSIT ADMINISTRATION (FTA) SECTION 5311 PROGRAM FUNDING TO PURCHASE REPLACEMENT DIAL-A-RIDE AND TROLLEY VEHICLES; (PUBLIC SERVICES)

RECOMMENDATION: Conduct a public hearing to hear testimony on the \$229,000 grant request to the State of California Department of Transportation for FTA Section 5311 program funding to purchase replacement Dial-a-Ride and trolley vehicles.

B-4 RESOLUTION APPROVING THE ENGINEERS REPORT AND DECLARING THE INTENT TO LEVY THE ANNUAL ASSESSMENT FOR THE CLOISTERS LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution No. 21-09.

B-5 RESOLUTION APPROVING THE ENGINEERS REPORT AND DECLARING THE INTENT TO LEVY THE ANNUAL ASSESSMENT FOR THE NORTH POINT LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution No. 22-09.

B-6 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 548 REPEALING, AMENDING, AND REENACTING TITLE 10 (VEHICLES AND TRAFFIC) OF THE MORRO BAY MUNICIPAL CODE; (POLICE)

RECOMMENDATION: Approve introduction and first reading of Ordinance No. 548 by number and title only.

C. UNFINISHED BUSINESS – NONE.

D. NEW BUSINESS

D-1 REVIEW OF 2008 TROLLEY SEASON PERFORMANCE AND UPCOMING 2009 SEASON; (PUBLIC SERVICES)

RECOMMENDATION: Receive report for information.

D-2 CONSIDERATION OF CO-SPONSORSHIP OF THE 2009 DAHLIA DAZE CELEBRATION; (RECREATION & PARKS)

RECOMMENDATION: Review the possibility of co-sponsoring the Morro Bay Garden Club's annual Dahlia Daze event and direct staff appropriately.

D-3 REPORT ON CITIZENS BIKE COMMITTEE'S LETTER OF RECOMMENDATIONS ON THE CITY BIKEWAYS PLAN; (PUBLIC SERVICES)

RECOMMENDATION: Consider the letter from the Morro Bay Citizens Bike Committee, and direct staff on the recommendations made or any other potential projects to be included in the City's Bicycle Transportation Plan.

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

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

MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION AT CITY HALL LOCATED AT 595 HARBOR STREET; 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.

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION 6 APRIL 27, 2009
CITY HALL CONFERENCE ROOM - 5:00 P.M.

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

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember

STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney

CLOSED SESSION

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

Mayor Peters read the Closed Session Statement.

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

Negotiating Parties: City Tidelands Trust Leaseholders and the City of Morro Bay.
Negotiations: Lease Terms and Conditions.

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

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

The meeting adjourned at 5:50 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó APRIL 27, 2009
VETERANS MEMORIAL HALL - 6:00 P.M.

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

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

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &
PRESENTATIONS

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

PUBLIC COMMENT

Andrea Klipfel, President of the Board of Directors for the Morro Bay Chamber of Commerce, announced there would be a first laser light show on the 4th of July in place of the traditional fireworks. She said the laser light show would have zero impact on the local wildlife and animals in the community and there will be no fear of fog in fact fog would enhance the light show. She also noted there would be a grand opening benefit at the historic Caccia Home on May 2nd in support of the Morro Bay Rotary Club and in conjunction with the Morro Bay CruisingøCar Show.

Sue Streben announced øAt Home in the Gardenö would be held May 3rd ó 16th at the San Luis Obispo Botanical Garden with various events and activities planned.

Garry Johnson announced the first annual Morro Photo Expo would be held October 23rd ó 25th in Morro Bay; schedule of events can be located at www.morrobay.org. He said registration would be opened to 300 registrants starting in June.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó APRIL 27, 2009

Nancy Johnson stated Dahlia Daze would be held August 15th. On another note, she expressed concern with the discussion that took place at the last City Council meeting regarding the proposed subdivision on Teresa Drive. She said the City Council discussed issues that had already been thoroughly examined by the Planning Commission. Ms. Johnson stated this high quality project is the type of development the City needs and requested the City to allow the applicant to move forward with this project.

Phil Hill expressed concern with what is being placed down the City storm drains and ending up in the estuary.

Mayor Peters closed the hearing for public comment.

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

A. CONSENT CALENDAR

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

A-1 APPROVAL OF MINUTES FOR THE JOINT CITY COUNCIL-PLANNING COMMISSION MEETING ON MARCH 30, 3009, AND THE REGULAR CITY COUNCIL MEETING ON APRIL 13, 2009; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 QUARTERLY FINANCIAL REPORT AS OF MARCH 31, 2009; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Accept the Status Report as presented.

A-3 RESOLUTION NO. 17-09 AUTHORIZING PAYING AND REPORTING OF THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR SEIU MISCELLANEOUS EMPLOYEES; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 17-09.

A-4 RESOLUTION NO. 18-09 AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR THE MORRO BAY FIRE FIGHTERS; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 18-09.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING 6 APRIL 27, 2009

A-5 CONSIDERATION FOR APPROVAL TO RELEASE A REQUEST FOR PROPOSALS TO LEASE LEASE SITE 96/96W AT 945 EMBARCADERO 6 WHALE'S TAIL RESTAURANT; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Authorize staff to prepare and release a Request for Proposals to lease the Tidelands Property know as Lease Site 96/96W located at 945 Embarcadero.

A-6 RESOLUTION TO AUTHORIZE GRANT APPLICATION (PRINCIPLE FORGIVENESS LOAN) TO THE STATE WATER RESOURCES QUALITY CONTROL BOARD CLEAN WATER STATE REVOLVING FUND FOR PHASE I CONSTRUCTION OF A LOW IMPACT DEVELOPMENT BOAT REPAIR YARD; (HARBOR)

RECOMMENDATION: Adopt Resolution No. 19-09.

A-7 ADOPTION OF ORDINANCE NO. 546 ESTABLISHING THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT (MBTBID), FIXING THE BOUNDARIES THEREOF, AND PROVIDING FOR THE LEVY OF A BUSINESS ASSESSMENT TO BE PAID BY THE HOTEL BUSINESSES IN SUCH DISTRICT; (CITY ATTORNEY)

RECOMMENDATION: Adopt Ordinance No. 546.

A-8 ADOPTION OF ORDINANCE NO. 547 PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES; (CITY ATTORNEY)

RECOMMENDATION: Adopt Ordinance No. 547.

A-9 STATUS REPORT ON APPLICATIONS FOR ECONOMIC STIMULUS FUNDING; (ADMINISTRATION)

RECOMMENDATION: Review and accept the information.

A-10 FUNDRAISER FOLLIES ALLOCATIONS FOR 2009/10

RECOMMENDATION: Approve allocation schedule and direct staff to notify event organizers regarding funds available for 2009/10 events.

A-11 PROCLAMATION DECLARING MAY 2009 AS "BIKE MONTH"; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó APRIL 27, 2009

Councilmember Winholtz pulled Items A-1 and A-8 from the Consent Calendar; Mayor Peters pulled Items A-5, A-10, and A-11.

MOTION: Councilmember Grantham moved the City Council approve the Consent Calendar with the exception of Items A-1, A-5, A-8, A-10 and A-11. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

A-1 APPROVAL OF MINUTES FOR THE JOINT CITY COUNCIL-PLANNING COMMISSION MEETING ON MARCH 30, 2009, AND THE REGULAR CITY COUNCIL MEETING ON APRIL 13, 2009; (ADMINISTRATION)

Councilmember Winholtz requested the following addition to page 5 of the minutes of the Joint City Council-Planning Commission meeting on March 30, 2009, after the discussion on Lot Splitting: ðWinholtz requested the record reflect the fact that during the discussion three Council Members indicated they are not interested in lot splits.ö

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

A-5 CONSIDERATION FOR APPROVAL TO RELEASE A REQUEST FOR PROPOSALS TO LEASE LEASE SITE 96/96W AT 945 EMBARCADERO ó WHALEøS TAIL RESTAURANT; (ADMINISTRATIVE SERVICES)

Mayor Peters announced the lessee of Lease Site 96/96W has requested a one month extension before releasing a Request for Proposal.

MOTION: Councilmember Borchard moved the City Council approve Item A-5 of the Consent Calendar. The motion was seconded by Councilmember Grantham and carried with Councilmember Smukler and Councilmember Winholtz voting no. (3-2)

A-8 ADOPTION OF ORDINANCE NO. 547 PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES; (CITY ATTORNEY)

Councilmember Winholtz stated she would be voting in opposition to the adoption of Ordinance No. 547.

MOTION: Mayor Peters moved the City Council approve Item A-8 of the Consent Calendar. The motion was seconded by Councilmember Smukler and carried with Councilmember Winholtz voting no. (4-1)

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó APRIL 27, 2009

A-10 FUNDRAISER FOLLIES ALLOCATIONS FOR 2009/10

Mayor Peters reviewed the Fundraiser Follies allocations report wherein \$2,376 was collected, and announced the various events the funds were distributed.

MOTION: Mayor Peters moved the City Council approve Item A-10 of the Consent Calendar. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

A-11 PROCLAMATION DECLARING MAY 2009 AS "BIKE MONTH";
(ADMINISTRATION)

Mayor Peters pulled this item in order to make a presentation to Kelsie Greer of Rideshare in honor of Bike Month.

MOTION: Councilmember Winholtz moved the City Council approve Item A-11 of the Consent Calendar. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 548
REPEALING, AMENDING, AND REENACTING TITLE 10 (VEHICLES AND
TRAFFIC) OF THE MORRO BAY MUNICIPAL CODE; (CITY ATTORNEY)

Police Chief John DeRohan stated Title 10 provides for regulations for the placement and enforcement of traffic control within the City. Certain parts of the current Title 10 date back to 1964 and therefore are outdated, cumbersome, and unenforceable. The revisions and implementation of Ordinance No. 548 will ensure that the City is in compliance with State law and will provide City staff with enforcement mechanisms. Chief DeRohan recommended the City Council receive public testimony and then introduce Ordinance No. 548 for first reading by number and title only.

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

The City Council asked questions of staff and made amendments to the proposed Ordinance No. 548. Due to the amendments, the first reading and introduction of Ordinance No. 548 was continued as a public hearing to the May 11, 2009 City Council meeting.

No further action was taken on this item.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó APRIL 27, 2009

B-2 REPORT ON HARBOR FEES INCLUDING MOORING FEES AND BOAT
LAUNCH PARKING FEES AT TIDELANDS PARK; (HARBOR)

Harbor Director Rick Algert stated last year, the City Council directed staff to prepare a report for review by the Harbor Advisory Board, with a comparison of mooring fees in other Central Coast harbors, and recommend a daily fee for parking at the boat launch ramp. The Harbor Advisory Board reviewed the report comparing fees in other Central Coast harbors in March and April 2009. Mr. Algert stated the Harbor Advisory Board recommends to not raise liveaboard fees more than the CPI until Harbor facilities and services are improved, to establish a parking fee for boat launchers at the Tidelands Park Launch Ramp of \$1 hourly and \$10 daily maximum, and to establish a Mooring Transfer Fee. Mr. Algert further recommended direction from the City Council on desired new fees or specific fee increases for inclusion on the annual Master Fee Schedule revisions to be presented to the City Council in June 2009. In the absence of Council direction on specific fees, staff will recommend the standard CPI adjustments in June 2009.

Mayor Peters opened the hearing for public comment.

Denise Jacobson, Member of the Morro Bay Liveaboard Association, stated the Association supports the Harbor Advisory Board's recommendation in increase all liveaboard fees by the CPI annually; a 400% increase is not acceptable.

Phil Hill, Vice-President of the Morro Bay Liveaboard Association, expressed appreciation for the Harbor Department. He said a 400% increase is not acceptable. Mr. Hill stated Liveaboards do contribute to the community as any other resident does.

Mayor Peters closed the public comment hearing.

Councilmember Borchard asked questions of staff for clarification.

Councilmember Smukler stated he supports the Harbor Advisory Board recommendations.

Councilmember Grantham asked staff how many Mooring Transfer Fees are requested per year?

Councilmember Winholtz supports the Harbor Advisory Board recommendations. She said she is not in favor of the Mooring Transfer Fee that goes beyond just covering costs.

Mayor Peters stated she supports the Harbor Advisory Board recommendations.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó APRIL 27, 2009

MOTION: Councilmember Winholtz moved the City Council adopt the Harbor Advisory Board recommendations as follows: 1) increase all liveaboard fees by the cost of Consumer Price Index annually until such time that Harbor facilities and services are improved; then the item can be revisited; and 2) implement a parking fee of \$1 per hour with a maximum of \$10 per day for boat trailer spaces only at the boat launch ramp, using an automated machine. The motion was seconded by Councilmember Smukler.

Councilmember Winholtz amended her motion to leave it open on the number of automated machines; Councilmember Smukler accepted the amendment.

VOTE: The motion carried unanimously. (5-0)

Mayor Peters called for a break at 8:47 p.m.; the meeting resumed at 8:56 p.m.

C. UNFINISHED BUSINESS ó NONE.

D. NEW BUSINESS

D-1 REVIEW AND DISCUSSION ON BUDGET PROCESS AND TERMS;
(ADMINISTRATIVE SERVICES)

Administrative Services Director Susan Slayton reviewed the budget process and terms for Council information with a power point presentation.

This was an informational item; no action was taken on this item.

D-2 RESOLUTION NO. 20-09 ADOPTING THE BY-LAWS FOR THE MORRO
BAY TOURISM BUSINESS IMPROVEMENT DISTRICT (MBTBID)
ADVISORY BOARD; (CITY ATTORNEY)

City Attorney Robert Schultz stated State law allows cities to form assessment districts pursuant to the Parking and Business Improvement Area Law of 1989, California Streets and Highways Code Sections 36500, *et seq.* Now that the City Council has established the Morro Bay Tourism Business Improvement District, the City Council, by law, must appoint an advisory board, which shall make recommendations to the City Council on the expenditure of revenues derived from the assessment. Mr. Schultz recommended the City Council adopt Resolution No. 20-09 adopting the by-laws for the Morro Bay Tourism Business Improvement District Advisory Board.

The City Council requested the following amendment to Exhibit óAö attached to Resolution No. 20-09:

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó APRIL 27, 2009

TERM OF OFFICE

If a vacancy is within the last 6 months of a term, it will be held over to the normal interview process.

QUALIFICATIONS (3rd paragraph)

The Chamber of Commerce representative shall be the Executive Director of the Morro Bay Chamber or Commerce **(or a member of the Executive Board.)**

MOTION: Councilmember Borchard moved the City Council approve Resolution No. 20-09 adopting the by-laws for the Morro Bay Tourism Business Improvement District Advisory Board as amended by the City Council. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

The interview date for the Morro Bay Tourism Business Improvement District Advisory Board was scheduled for May 26, 2009 at 5:00 p.m. in the VeteransøMemorial Building.

D-3 CONSIDERATION OF THE AD-HOC FIRE SERVICE COMMITTEE APPOINTMENTS AND GUIDELINES; AND, THE DEVELOPMENT OF AN AMADOR AGREEMENT FOR FORMAL CONSIDERATION BY CAL FIRE; (FIRE)

Fire Chief Mike Pond stated on March 9, 2009, the City Council directed staff to form an ad-hoc committee comprised of two Councilmembers one or two executive staff members, and one or two firefighters. Council further directed that this ad-hoc committee discuss the City fire service need; and, explore Federal and/or State stimulus funds in order to open Fire Station 54. At this same Council meeting, Council also directed staff to provide costs, for consideration in the budget process, to provide a part-time reserve firefighter as a fourth person scheduled each day and to come back with information on an Amador Agreement with Cal Fire within 30 days. The Morro Bay Fire Department Five-Year Strategic Plan has been a guiding document for the City. This plan recommends staffing the north Morro Bay Fire Station and that the City should provide a minimum of four firefighters on shift per day to: 1) address response time concerns in north Morro Bay; 2) address the increasing call volume; 3) respond to simultaneous calls; and 4) comply with OSHA mandates.

Chief Pond recommended the City Council: 1) appoint two Councilmembers to participate on the newly formed Ad-Hoc Fire Services Committee along with the City Manager, Fire Chief, and up to two firefighters; 2) identify fire service needs through a process to update the Morro Bay Fire Department Five-Year Strategic Plan; and 3) direct the Committee to develop an Amador Agreement proposal for formal consideration by Cal Fire.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó APRIL 27, 2009

Councilmember Borchard stated she would prefer the Fire Department to perform an in-house study to identify the fire service needs through a process to update the Department's Five-Year Strategic Plan.

MOTION: Councilmember Winholtz moved the City Council direct the Fire Chief to return to the City Council by September 1, 2009 with an update on an Amador Agreement, and addressing response time, and the number of firefighters on a unit. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

MOTION: Councilmember Borchard moved the City Council direct staff to include a price analysis of a reserve fire fighter and full time fire fighter/paramedic comparison. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

MOTION: Councilmember Grantham moved the City Council give the Fire Chief authority to work with Cal Fire on the Amador Agreement. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

D-4 RECOMMENDATION TO PARTICIPATE IN A FEASIBILITY STUDY FOR
JOINT DISPATCH SERVICES; (ADMINISTRATION)

City Manager Andrea Lueker stated the cities of Arroyo Grande, Grover Beach and the Oceano Community Services District have discussed for some time the concept of joint dispatch operations for their Police and Fire Departments. Recently, through a combined effort, they produced a Request for Proposal for the study. To date, it appears that the cities of San Luis Obispo, Atascadero, and Paso Robles have agreed to join Arroyo Grande, Grover Beach and the Oceano Community Services District as part of the study area. The City Council, at their recent Goal Setting Workshop identified a number of items for City staff to research in an effort to "develop and maintain a structurally sustainable budget"; one of those items was a review of dispatch services. The communities of Arroyo Grande and Grover Beach have decided to investigate the possibility of a more regional approach to dispatch and as a result contracted for a study and other communities have been invited to participate in the study. Ms. Lueker recommended the City Council agree to participate in the Joint Dispatch Services.

MOTION: Councilmember Grantham moved the City Council not participate in the Feasibility Study for Joint Dispatch Services and thank the communities for their participation. The motion was seconded by Councilmember Smukler and carried with Councilmember Borchard voting no. (4-1)

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Winholtz requested to agendaize the Citizens Bike Committee's letter of recommendations on the City Bikeways Plan; Council concurred.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING ó APRIL 27, 2009

ADJOURNMENT

The meeting adjourned at 10:15 p.m.

Recorded by:

Bridgett Bauer
City Clerk

**A PROCLAMATION OF THE CITY OF MORRO BAY
DECLARING MAY 2009 AS
“COMMUNITY ACTION MONTH”
AND RECOGNIZING THE COMMUNITY ACTION PARTNERSHIP
OF SAN LUIS OBISPO COUNTY, INC. AS THE
COUNTY’S COMMUNITY ACTION AGENCY**

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

WHEREAS, the Economic Opportunity Commission of San Luis Obispo County, Inc. (EOC) was established by Congressional decree, incorporated as a nonprofit organization on December 9, 1965, and designated by the County Board of Supervisors as San Luis Obispo County’s official Community Action Agency; and

WHEREAS, the EOC’s name has changed to the COMMUNITY ACTION PARTNERSHIP OF SAN LUIS OBISPO COUNTY, INC. to better reflect its role in the national network of community action agencies that focus their collective energies on addressing the issues of poverty in local communities; and

WHEREAS, the COMMUNITY ACTION PARTNERSHIP OF SAN LUIS OBISPO COUNTY, INC. will continue to work with volunteers, local government, community service providers, faith-based partners, and the private sector, to provide high quality services to San Luis Obispo County’s low-income residents.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay does hereby recognize the **COMMUNITY ACTION PARTNERSHIP OF SAN LUIS OBISPO COUNTY, INC.** as the new name of the County’s official Community Action Agency, and proclaim May 2009 as **“Community Action Month”**.

IN WITNESS WHEREOF I have
hereunto set my hand and caused the
seal of the City of Morro Bay to be
affixed this 11th day of May, 2009.

Janice Peters, Mayor
City of Morro Bay, California

AGENDA NO: A-3

MEETING DATE: 5/11/09

**A PROCLAMATION OF THE CITY OF MORRO BAY
DECLARING MAY 17 TO MAY 23, 2009 AS
“2009 NATIONAL BEACH SAFETY WEEK”**

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

WHEREAS, the beautiful coastal and inland beaches of Morro Bay represent a renowned recreational resource; and

WHEREAS, residents and visitors alike are drawn to these beaches each year for water and beach activities; and

WHEREAS, the aquatic environment has dangers that can be effectively managed through public awareness and the vigilance of professional rescue and safety personnel; and

WHEREAS, for reasons of public safety, an annual reminder of the joys and hazards associated with the aquatic environment are appropriate at the commencement of the busy summer beach season; and

WHEREAS, residents and visitors must remember to never swim alone, always swim near a lifeguard, never drink alcohol before swimming, respect the power of the surf, and learn to swim;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay does hereby proclaim May 17 to May 23, 2009 as 2009 National Beach Safety Week.

IN WITNESS WHEREOF I have
hereunto set my hand and caused the
seal of the City of Morro Bay to be
affixed this 11th day of May, 2009.

Janice Peters, Mayor
City of Morro Bay, California



AGENDA NO: B-1

MEETING DATE: May 11, 2009

Staff Report

TO: Honorable Mayor and City Council **DATE:** May 5, 2009
FROM: Janeen Burlingame, Management Analyst

SUBJECT: Consideration of Morro Bay Dial-A-Ride Fare Increase

RECOMMENDATION:

Conduct a public hearing to consider increasing the Morro Bay Dial-A-Ride (MBDAR) Regular and Discount fares, approve the fare increase outlined in the staff report, and authorize staff to enact the new fare July 1, 2009.

MOTION: I move that the City Council approve a fare increase to MBDAR effective July 1, 2009 as follows: \$2.00 Regular one way fare, \$1.25 Discount one way fare, \$20.00 Regular 11 ride punch pass, and \$12.50 Discount 11 ride punch pass.

FISCAL IMPACT:

Approval and enactment of the fare increase would result in an increase to MBDAR fare revenue by approximately \$12,000 and furthers the goal recommended in the Management Partners study towards eliminating the use of general funds for an enterprise fund. Not approving the fare increase would result in weekday service level cuts that would have to be made as the FY 09/10 budget developed only included the elimination of Saturday service.

DISCUSSION:

Decrease in Transportation Development Act (TDA) Revenue: TDA funds the City receives from the State to operate MBDAR come from two sources: Local Transportation Fund (LTF) and State Transit Assistance (STA). The original FY 08/09 allocation for LTF was decreased by 10% (\$39,484) in December 2008 due to a reduction in sales tax revenues generated for the State and the STA was decreased by 50% (\$9,372) due to the passage of the State budget.

The Regional Transit Authority (RTA) JPA required contribution from the City's LTF allocation did not change as RTA was not included in the 10% LTF cut, further exacerbating the loss in LTF for MBDAR operations. Total loss of TDA to MBDAR for FY 08/09 was \$48,856. Staff requested and the SLOCOG Board approved a change in the project description of a previously awarded Rural Transit Fund (RTF) capital grant to allow its use for operations so the City could retain existing service and fare levels through FY 08/09.

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

The State budget that was passed eliminated STA for FY 09/10, a loss of \$18,745 to MBDAR. The LTF allocation for FY 09/10, while estimated to be 6.7% higher than the revised allocation after the 10% December 2008 reduction is still 4.5% lower than the original FY 08/09 allocation. Total loss of TDA to MBDAR between the FY 09/10 allocation and the original FY 08/09 allocation is \$35,720.

Table 1 - Breakdown of Revenue Funds Used to Operate MBDAR

	FY09/10 (draft budget)	FY09/10 %Operating Funds	FY08/09 After 12/08 Cut	FY08/09 %Operating Funds After 12/08 Cut	FY08/09 Original TDA Allocation	FY08/09 %Operating Funds Orig. TDA Allocation
STA	\$0	0%	\$9,372	2%	\$18,745	4%
LTF	\$284,072	72%	\$272,996	68%	\$312,480	76%
Fares	\$50,668	13%	\$40,063	10%	\$40,063	10%
RTF- Operating	\$40,000	10%	\$65,000	16%	\$0	0%
General Fund	\$19,414*	5%	\$16,144	4%	\$37,666	9%

*Includes Triennial Performance Audit cost City did not have to pay for until FY09/10.

New Mandated Expenditure: A State required Triennial Performance Audit will need to be completed during the 09/10 fiscal year and in the past these audits were funded by the San Luis Obispo Council of Governments (SLOCOG). The SLOCOG used State Transit Assistance (STA) funds for these audits and with the Governor eliminating STA for this fiscal year, the SLOCOG informed jurisdictions in mid-March 2009 that they are now responsible for this cost.

Proposed New Fare Structure: The current fares are \$1 for a Regular one way ride, \$0.75 for Discount (seniors and mobility impaired individuals) one way ride, and children up to the age of 5 years ride free with a fare-paying adult. Regular and Discount ticket books are available (11 rides for the price of 10) for those who use the service often. The last increase to fares occurred in July 2005.

The proposed new fares would be as follows:

- \$2.00 Regular one way fare
- \$1.25 Discount one way fare
- \$20.00 11 ride punch pass
- \$12.50 11 ride punch pass

The proposed fares would help towards reducing the general fund subsidy for FY 09/10 with the ultimate goal in the future to eliminate the general fund subsidy as LTF begins to recover when the State economy improves, and would also bring them in alignment with several of the other Dial-A-Rides operating in the county.

CONCLUSION:

Given the loss in TDA funds to be allocated to the City to operate MBDAR, the additional expenditure for the State required performance audit that are now required to come from the City, and the Management Partners recommendation to eliminate general fund subsidies from enterprise funds, staff recommends the City Council approve a fare increase to MBDAR as outlined above and make the increase effective July 1, 2009.

At the end of the first meeting, it was decided to work with a sub regional approach as each area has different transit needs and what may work in one sub region, may not work in another. The sub regions are North Coast, North County, South County and Central (San Luis Obispo).

A meeting with the North Coast members was originally scheduled for April or May; however, the timeline has been delayed due to other priority issues occurring at the same time: the American Recovery and Reinvestment Act program management, the San Luis Obispo Regional Transit Authority (RTA) Board's recent decision to take services in-house in August 2009 coinciding with a move to their new facility, and the SLOCOG closing escrow on a new facility in May with tenant improvements needing to be completed before moving into their new facility at the end of July 2009.

The current operations and management agreement with MV Transportation expires at midnight on June 30, 2009. All terms and conditions are applicable during any extension period. MV Transportation began providing transit service for the City in July 2001. The existing agreement with MV Transportation began July 1, 2004 and a two year contract extension was approved and became effective July 2007. The City has not had any issues with MV Transportation during the existing contract period and there are no major changes that need to be made the operations and management agreement at this time.

As there is the potential for transit efficiency strategies that may impact the City's transit system and how it is operated that could differ from existing operations, staff feels that going through a Request for Proposals (RFP) process for a one year agreement while the SLOCOG Transit Efficiencies sub-committee study is completed is not warranted given the staff time and expense involved; particularly since there are no issues with MV Transportation that need to be corrected.

It is staff's intent, that once the SLOCOG Transit Efficiencies sub-committee study is completed, the City would develop and conduct an RFP for transit services, whether it is for the existing services if nothing relevant comes from the study or an alternative that came from the study and is adopted by the Council.

CONCLUSION:

The SLOCOG Transit Efficiencies sub-committee study the City is participating in is tentatively scheduled to be completed over the next year, and there is uncertainty as to what changes may be recommended for consideration by the City Council to incorporate into the City's current transit system that would impact the current transit operations and management agreement.

As such, it would be prudent to extend the current transit operations and management agreement with MV Transportation on a month-to-month basis and wait until the study is completed and then develop and conduct an RFP for the next transit operations and management agreement.



AGENDA NO: B-3

MEETING DATE: May 11, 2009

Staff Report

TO: Honorable Mayor and City Council **DATE:** May 4, 2009
FROM: Janeen Burlingame, Management Analyst

SUBJECT: Public Hearing to Receive Testimony on Grant Request to State of California Department of Transportation for Federal Transit Administration Section 5311 Program Funding to Purchase Replacement Dial-A-Ride and Trolley Vehicles

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing to hear testimony on the \$229,000 grant request to the State of California Department of Transportation for Federal Transit Administration Section 5311 program funding to purchase replacement Dial-A-Ride and trolley vehicles.

MOTION: _____ No action required.

FISCAL IMPACT:

The only fiscal impact to conducting the public hearing is the required 30 day notice in the newspaper. The cost for the public hearing notice is an expense to the Transit budget.

DISCUSSION:

On February 16, 2009, President Obama signed into law the American Recovery and Reinvestment Act which includes funding for Transit Capital Assistance programmed through the existing Federal Transit Administration (FTA) Section 5311 program. Only capital assistance is allowable under the ARRA Transit Capital Assistance program.

Current programming of 5311 funding is through the San Luis Obispo Council of Governments (SLOCOG). Project requests were submitted to the SLOCOG on March 4 and the City submitted to SLOCOG requests for two projects: purchase one Dial-A-Ride vehicle (\$69,000) and one trolley vehicle (\$160,000) that would replace vehicles that are beyond the FTA's useful life criteria by the time funding and procurement are completed. On April 8, 2009 the SLOCOG Board approved a Program of Projects that included the City's two requested projects on the recommended list for funding.

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

The SLOCOG notified the City that an application would need to be submitted to CalTrans Headquarters for the two requested projects. Applications were due to CalTrans on April 17. One requirement of the Section 5311 application is that the applicant must hold a public hearing to receive public testimony on the grant application. In addition, the public hearing must be noticed 30 days in advance in a newspaper of general circulation; however, the actual hearing did not have to take place by the due date for applications. The public hearing notice was published April 9, 2009.

No other action is required by the City Council as a resolution authorizing the grant application and contract execution was adopted at the April 13 Council meeting and submitted along with the public hearing notice affidavit in the grant application package.

CONCLUSION:

Staff recommends the City Council conduct a public hearing to hear testimony on the grant request to the State of California Department of Transportation for Federal Transit Administration Section 5311 program funding to purchase replacement Dial-A-Ride and trolley vehicles.



AGENDA NO:

MEETING DATE:

Staff Report

TO: Honorable Mayor and City Council **DATE:** May 11, 2009

FROM: Joe Woods, Recreation and Parks Director

SUBJECT: Resolution Approving the Engineers Report and Declaring the Intent to Levy the Annual Assessment for the Cloisters Landscaping and Lighting Maintenance Assessment District

RECOMMENDATION

Staff recommends the City Council adopt Resolution No. 21-09 declaring the intent to levy the annual assessment for the maintenance of the Cloisters Park and Open Space and approving the Engineers Report.

This recommendation has direct application to Council's established goals/priorities which is to foster proactive action and communication between Staff, Council and Community.

MOTION: I move that the City Council approve the Engineering Report and Resolution No. 21-09, declaring intent to levy the annual assessment for the Cloisters Landscaping and Lighting Maintenance.

FISCAL IMPACT

Based on the Engineers Report, which estimates the annual costs of maintaining the Cloisters Park and Open Space for the upcoming year, the fiscal impact is estimated at \$148,944. These costs will be offset by the collection of an assessment for the same amount from the parcel owners in the Cloisters Subdivision.

SUMMARY

On April 13, 2009, the City Council adopted Resolution No. 15-09, which initiated the proceedings to levy the annual assessment to fund the maintenance of the Cloisters Park and Open Space. Additionally, staff was directed to have an Engineer's Report prepared, detailing the estimated annual assessment for the parcel owners for fiscal year 2009/10. Upon adoption of Resolution No. 21-09, the next and final step in the annual levy of assessment process is the protest hearing/public hearing after which the City Council actually orders the levy of assessment.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

BACKGROUND

As part of the annual assessment process, staff is required to provide an Engineer's Report, which is an estimate of costs for maintenance of the Cloisters Park and Open Space. The cost estimates are based on the maintenance standards currently adhered to in the existing parks within Morro Bay and included in the Flat Rate Manual for Parks Maintenance, as well as maintenance costs incurred to date. As with the North Point Landscaping and Lighting Maintenance Assessment District, personnel costs as well as supplies and services have risen significantly in the past several years. However, due to the decrease in personnel in the district during fiscal year 2005/2006 and subsequent reduction in the level of service, the assessment amount slated to be collected for 2008/09 should be adequate to cover the cost of maintenance. In the future, staff anticipates the maintenance costs will exceed the assessment amount collected.

The process for the annual levy of assessment for the Cloisters Landscaping and Lighting Maintenance Assessment District requires the City Council to receive the Engineer's Report, approve and/or modify the report and adopt a Resolution of Intention. The Resolution of Intention gives notice of the time, date and place for a public hearing by the City Council on the issue of the levy of assessment. The protest hearing/public hearing has been set for June 22, 2009 at the Veteran's Memorial Building. Upon adoption, the Resolution of Intention shall be published in the newspaper as a legal notice of public hearing, at which all interested parties are afforded the opportunity to be heard either through written or oral communication. In addition, the City sends public notices via first class mail to all property owners on record in the Assessment District. Upon completion of the protest hearing/public hearing on June 22, 2009, the City Council may adopt the resolution ordering the levy of the annual assessment.

RECOMMENDATION

Staff recommends the City Council adopt Resolution No. 21-09, which approves the Engineer's Report and states the City's intention to levy the annual assessment for the maintenance of the Cloisters Park and Open Space.

RESOLUTION NO. 21-09

**A RESOLUTION OF THE CITY COUNCIL
DECLARING THE CITY'S INTENTION TO LEVY THE
ANNUAL ASSESSMENT FOR THE MAINTENANCE OF THE
CLOISTERS PARK AND OPEN SPACE**

THE CITY COUNCIL

City of Morro Bay, California

WHEREAS, all property owners of the Cloisters subdivision requested the City of Morro Bay form a maintenance assessment district to fund the maintenance of the Cloisters Park and Open Space; and

WHEREAS, the Landscaping and Lighting Act of 1972 (the "Act") enables the City to form assessment districts for the purpose of maintaining public improvements; and

WHEREAS, pursuant to Section 22623 of the Act, the Engineer has filed in the Office of the City Clerk, and submitted for review to the City Council, a report entitled "Engineers Report - Cloisters Landscaping and Lighting Maintenance Assessment District", May 11, 2009, prepared in accordance with Article 4 of the Act, commencing with Section 22565; and

WHEREAS, pursuant to Section 22608.2 of the Act, the subdivider(s) were required by City Ordinance to install improvements for which an assessment district was required in order to assure continued and uninterrupted maintenance of the Cloisters Park and Open Space; and

WHEREAS, pursuant to the intent of Article XIII, Section 4, of the California Constitution, the property owners have elected to form the Cloisters Landscaping and Lighting Maintenance Assessment District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that it is the intent of the Council to order the annual levy and collection of assessments for the Cloisters Landscaping and Lighting Maintenance Assessment District generally located as shown in Exhibit "A" attached hereto at a public hearing to be held June 22, 2009 at 6:00 p.m. in the Veteran's Memorial Building, 209 Surf Street, Morro Bay, CA.

BE IT FURTHER RESOLVED by the City Council the improvements to be maintained at the Cloisters Park and Open Space are specified in the Engineer's Report dated May 11, 2009, which is hereby approved.

BE IT FINALLY RESOLVED by the City Council the assessment upon assessable lots within the district is proposed to total \$148,944 or \$1,241.20 per assessable parcel for fiscal year 2009-2010.

RESOLUTION 21-09
PAGE 2

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held this 11th day of May 2009 by the following roll call vote:

AYES:

NOES:

ABSENT:

JANICE PETERS, MAYOR

ATTEST:

BRIDGETT BAUER, CITY CLERK



AGENDA NO: _____

Meeting Date: _____ Action: _____

Staff Report

TO: Honorable Mayor and City Council

DATE: May 11, 2009

FROM: Joe Woods, Recreation and Parks Director

SUBJECT: Resolution Approving the Engineers Report and Declaring the Intent to Levy the Annual Assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District

RECOMMENDATION

Staff recommends the City Council adopt Resolution No. 22-09 declaring the intent to levy the annual assessment for the maintenance of the North Point Natural Area and approving the Engineers Report.

FISCAL IMPACT

Based on the Engineers Report, which estimates the annual costs of maintaining the North Point Natural Area for the upcoming fiscal year, the fiscal impact is estimated at \$5,645. These costs will be offset by the collection of an assessment for the same amount from the parcel owners in the North Point Subdivision.

SUMMARY

On April 13, 2009, the City Council adopted Resolution No. 16-09, which initiated the proceedings to levy the annual assessment to fund the maintenance of the North Point Natural Area. Additionally, staff was directed to have an Engineers Report prepared, detailing the estimated annual assessment for the parcel owners for fiscal year 2009/10. Upon adoption of Resolution No. 22-09, the next and final step in the annual levy of assessment process is the protest hearing/public hearing after which the City Council actually orders the levy of assessment.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

Page 1 of 5

BACKGROUND

As part of the annual assessment process, staff is required to provide an Engineers Report, which is an estimate of costs for maintenance of the North Point Natural Area. The cost estimates are based on the maintenance standards currently adhered to in the existing parks within Morro Bay and included in the Flat Rate Manual for Parks Maintenance, as well as maintenance costs from the current fiscal year. The estimate for the maintenance of the North Point Natural Area is \$5,645, or \$564.50 per parcel for fiscal year 2009/10.

As with the Cloisters Landscaping and Lighting Maintenance Assessment district, personnel costs as well as supplies and services have risen significantly in the last several years. However, due to the small acreage, natural landscaping and little irrigation in the North Point Natural Area the assessment amount collected is currently adequate to cover the costs of maintenance. In the near future, staff anticipates the maintenance efforts needed will exceed the assessment amount collected.

DISCUSSION

The process for the annual levy of assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District requires the City Council to receive the Engineers Report, approve and/or modify the report and adopt a Resolution of Intention. The Resolution of Intention gives notice of the time, date and place for a public hearing by the City Council on the issue of the levy of assessment. The protest hearing/public hearing has been set for June 22, 2009 at the Veteran's Memorial Building. Upon adoption, the Resolution of Intention shall be published in the newspaper as a legal notice of public hearing, at which all interested parties are afforded the opportunity to be heard either through written or oral communication. In addition, the City sends public notices via first class mail to all property owners on record in the Assessment District. Upon completion of the protest hearing/public hearing on June 22, 2009, the City Council may adopt the resolution ordering the levy of the annual assessment.

RESOLUTION NO. 22-09

**A RESOLUTION OF THE CITY COUNCIL
DECLARING THE CITY'S INTENTION TO LEVY
THE ANNUAL ASSESSMENT FOR THE MAINTENANCE OF THE
NORTH POINT NATURAL AREA**

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

WHEREAS, all property owners of the North Point subdivision requested the City of Morro Bay form a maintenance assessment district to fund the maintenance of the North Point Natural Area; and

WHEREAS, the Landscaping and Lighting Act of 1972 (the "Act") enables the City to form assessment districts for the purpose of maintaining public improvements; and

WHEREAS, pursuant to Section 22623 of the Act, the Engineer has filed in the Office of the City Clerk, and submitted for review to the City Council, a report entitled "Engineers Report North Point Natural Area Landscaping and Lighting Maintenance Assessment", dated May 11, 2009, prepared in accordance with Article 4 of the Act, commencing with Section 22565; and

WHEREAS, pursuant to Section 22608.2 of the Act, the subdivider(s) were required by City ordinance to install improvements for which an assessment district was required in order to assure continued and uninterrupted maintenance of the North Point Natural Area; and

WHEREAS, pursuant to the intent of Article XIII, Section 4, of the California Constitution, the property owners have elected to form the North Point Natural Area Landscaping and Lighting Maintenance Assessment District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that it is the intent of the Council to order the annual levy and collection of assessments for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District generally located as shown in Exhibit "A" attached hereto at a public hearing to be held June 22, 2009 at 6:00 p.m. in the Veteran's Memorial Building, 209 Surf Street, Morro Bay, CA.

BE IT FURTHER RESOLVED by the City Council the improvements to be maintained at the North Point Natural Area are specified in the Engineer's Report dated May 11, 2009 which is hereby approved.

BE IT FINALLY RESOLVED by the City Council the assessment upon assessable lots within the district is proposed to total \$5,645 or \$564.50 per assessable parcel for fiscal year 2009-2010.

RESOLUTION 22-09
PAGE 2

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held this 11th of May 2009 by the following roll call vote:

AYES:

NOES:

ABSENT:

JANICE PETERS, MAYOR

ATTEST:

BRIDGETT BAUER, CITY CLERK



AGENDA NO: _____

MEETING DATE: 5/11/09

Staff Report

TO: Honorable Mayor and City Council **DATE:** May 5, 2009

FROM: John DeRohan, Police Chief

SUBJECT: Introduction and First Reading of Ordinance No. 548 Repealing, Amending, and Reenacting Title 10 VEHICLES AND TRAFFIC of the Morro Bay Municipal Code

RECOMMENDATION:

Staff recommends that you conduct a public hearing to receive testimony and then introduce Ordinance No. 548.

MOTION: I move for introduction and first reading of Ordinance No. 548 by number and title only.

FISCAL IMPACT:

None.

BACKGROUND:

Title 10 provides for regulations for the placement and enforcement of Traffic Control within the City of Morro Bay. Certain parts of the current Title 10 date back to 1964 and therefore are outdated, cumbersome, and unenforceable. Staff brought to City Council a draft rewrite of Title 10 at your council meeting on January 12, 2009. City Council provided Staff with direction and recommended changes to the draft ordinance. The City Council again reviewed the draft ordinance on April 27, 2009 and provided further direction to Staff. Staff has since made these changes and presents the attached ordinance for introduction and first reading. As mentioned in the staff report for January 12, 2009, Staff could not provide a redline version of the ordinance because it is a complete rewrite of Title 10. However, attached is a redline version of the changes Staff has made since your last meeting.

DISCUSSION

The revisions and implementation of Ordinance No. 548 will ensure that the City is in compliance with state law and provide City staff with enforcement mechanisms. For example, the California Vehicle Code requires that all jurisdictions that enforce speed limit regulations with radar speed measuring devices perform studies to justify the posted limits. The studies must be conducted every

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

five years, but may be extended to ten years if road geometry and traffic volumes have not significantly changed. The code allows speed limits that are obeyed by at least eighty-five percent (85th percentile) of the drivers. The Code does not allow enforcement with radar systems where less than eighty-five percent of the drivers are obeying the limit unless there are conditions present that justify the lower limit, such as road geometry, driveways or high pedestrian volumes.

The Morro Bay Police Department conducted a radar speed survey between December 2007 and February 2008. On each street studied, vehicle speed surveys were conducted on weekdays at non-peak hours that gave reasonable indications of the prevailing speeds on each road segment. A Police Department SMART radar trailer, certified as properly calibrated, was used in the survey. The results of the radar survey were used by the Public Services Engineering Division in the preparation of the 2008 Speed Survey Report. The Speed Survey is in the City Council read file at City Hall. The results are summarized in the following table:

<u>Name of Street or Portion Affected</u>	<u>Speed Limit (miles per hour)</u>
Main St.: Yerba Buena St. to State Highway 41	40
Main St.: Atascadero Rd. (State Highway 41) to Quintana Rd	
Between Quintana Rd. and the Highway 1 on/off ramp.....	25
Between the Highway 1 on/off ramp to Highway 41.....	35
Main St.: Marina St. to Olive St.....	30
Main St.: Olive St. to Morro Bay State Park.....	30
Quintana Rd.: Morro Bay Blvd. to La Loma Ave.....	35
Quintana Rd.: La Loma Ave. to South Bay Blvd.	40
South Bay Blvd.: State Highway 1 to Southerly City Limits	40
Avalon St.: Main St. to Laurel Ave	25
Atascadero Rd.: Main St. to the Embarcadero Rd.....	25
Piney Way: Morro Bay Blvd. to Main St.	25
Embarcadero Rd.: Beach St. to Coleman Dr.	30
Coleman Dr.: Embarcadero Rd. to Morro Rock	25

CONCLUSION:

The City Staff Traffic Committee and the City Attorney met on several occasions to prepare this final recommended ordinance. The amendments to Ordinance No. 548 will serve the city's needs well and address some of the enforcement issues that have been a concern.

ORDINANCE NO. 548

**AN ORDINANCE OF THE CITY OF MORRO BAY
REPEALING, AMENDING, AND REENACTING
TITLE 10 VEHICLES AND TRAFFIC OF THE
MORRO BAY MUNICIPAL CODE**

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

WHEREAS, certain parts of the current Title 10 of the Morro Bay Municipal Code date back to 1964 and therefore are outdated, cumbersome, and unenforceable; and

WHEREAS, for the purpose of providing a system of traffic regulations that are consistent with state law and generally conform to similar regulations throughout the State of California and the nation, the City of Morro Bay desires to repeal its previous traffic regulations and amend and reenact Title 10 as contained herein; and

WHEREAS, City Staff made recommended amendments to Title 10 and presented the draft Title 10 Ordinance to City council at its council meeting on January 12, 2009 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 enforcement issues that have been a concern; and

WHEREAS, a public hearing was scheduled for April 27, 2009, 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:

Title 10 of the Morro Bay Municipal Code is hereby repealed, amended, and reenacted to read as follows:

Title 10

VEHICLES AND TRAFFIC

Chapters:

- 10.04 Definitions**
- 10.08 Administration**
- 10.12 Enforcement and Obedience to Traffic Regulations**
- 10.16 Traffic-Control Devices**
- 10.20 Turning Movements**
- 10.24 One-Way Streets and Alleys**
- 10.28 Special Stops Required**
- 10.32 Miscellaneous Driving Rules**
- 10.36 Pedestrian Regulations**
- 10.40 Stopping, Standing and Parking for Certain Purposes or in Certain Places**
- 10.44 Stopping, Standing or Parking Restricted or Prohibited in Certain Areas**
- 10.48 Stopping for Loading or Unloading Only**
- 10.52 Restricted Use of Certain Streets**
- 10.56 Speed Zones**
- 10.60 Obstructions to Visibility**
- 10.64 Parking Revenues, Fines and Forfeitures**
- 10.68 Inoperative Vehicles**
- 10.72 Bicycles and Motorized Bicycles**
- 10.76 Coasters, Roller Skates and Similar Devices**
- 10.80 Oversize and Overweight Vehicles**
- 10.84 Police Towing Services**
- 10.88 Street Use by Vehicles Used As Living Quarters**
- 10.92 Off Highway Vehicles**
- 10.96 Penalty for Traffic Violations**

Chapter 10.04

DEFINITIONS

Sections:

- 10.04.010** **Generally.**
10.04.020 **Definitions.**

10.04.010 **Generally.**

A. The words and phrases set out in this chapter when used in this title shall, for the purposes of this title, have the meanings respectively ascribed to them in this chapter.

B. Whenever any words or phrases used in this title are not defined, but are defined in the Vehicle Code of the state and amendments thereto, such definitions shall apply.

10.04.020 **Definitions.**

A. "Alley" means that roadway defined in Section 110 of the Vehicle Code.

B. "Bicycle" means a device as defined in Section 231 of the Vehicle Code.

C. "Business District" shall mean as defined in Section 235 of the Vehicle Code.

D. "Central business district" is the district within Morro Bay that includes all streets or portions of streets within the area bounded by the following streets: Bounded on the south by Pacific Street, on the north by Beach Street, Main Street and Radcliff, on the west by the Embarcadero and Front street and on the east by Kern Avenue, Morro Bay Boulevard and Quintana Road.

E. "Code enforcement officer" means and includes enforcement officers regularly employed or designated in that capacity by the city.

F. "Curb" means the lateral boundary of the roadway whether such curb be marked by curbing construction, or not so marked: the word curb as used in this title shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from the tracks or rights-of-way of public utility companies.

G. "Divisional island" means a raised island located in the roadway and separating opposing or conflicting streams of traffic.

H. "Highway" means a way or place of whatever nature, publicly maintained and opened to the use of the public for purposes of vehicular travel. Highway includes streets.

I. Within the meaning of this title, "holidays" are those dates as described in the federal holiday law.

J. "Loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

K. "Official time standard" - Whenever certain hours are named in this title, they shall mean standard time or daylight savings time as may be in current use in this city.

L. "Owner of the land" means the owner of the land on which the vehicle or parts thereof is located as shown on the last equalized assessment roll.

M. "Park" or "Parking" means the definition as described in Section 463 of the Vehicle Code.

N. "Parking meter" means a mechanical device installed within or upon the curb or sidewalk area immediately adjacent to a parking space, for the purpose of controlling the period of time occupancy of such parking meter space by any vehicle.

O. "Parkway" means that portion of a street other than a roadway or a sidewalk.

P. "Passenger loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Q. "Pedestrian" means the definition as described in Section 467 of the Vehicle Code.

R. "Police department volunteer" means persons who are registered and approved volunteers with the police department who are authorized and trained in traffic control and to enforce parking regulations.

S. "Police officer" means every officer of the police department of this city as defined in Section 830.1 of the California Penal Code.

T. "Public Property": means any property owned by a public agency, but does not include highways.

U. "Skateboard" means a board with two small wheels fixed to the bottom of both ends, on which (as a recreation or sport) a person can ride in a standing or crouching position, propelling themselves by occasionally pushing one foot against the ground.

V. "Stop or Stopping" means the definition as described in Section 587 of the Vehicle Code.

W. "Stop or stand," when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

X. "Traffic Control device" means a sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or shared-use path by authority of a public agency having jurisdiction.

Y. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, exempting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

Z. "Vehicle Code" means the Vehicle Code of the state of California.

Chapter 10.08

ADMINISTRATION

Sections:

- 10.08.010 Office of city traffic engineer established—Authority to place and maintain traffic-control devices.**
- 10.08.020 Traffic engineer’s powers and duties.**
- 10.08.030 Traffic-control devices and markings—Installation and maintenance.**
- 10.08.040 City staff traffic advisory committee—Established—Membership.**
- 10.08.050 City staff traffic advisory committee—Duties.**
- 10.08.060 Enforcement.**
- 10.08.070 Declared Streets.**
- 10.08.080 Placement by Council.**

10.08.010 Office of city traffic engineer established—Authority to place and maintain traffic-control devices.

The office of city traffic engineer is established. The city traffic engineer shall be the city engineer until the council shall authorize the creation of a separate officer, and he/she shall exercise the powers and duties as provided in Section 10.08.020 and in the traffic regulations of this city. Whenever the city traffic engineer is required or authorized to place or maintain official traffic-control devices or signals, he/she may cause such devices or signals to be placed or maintained.

10.08.020 Traffic engineer’s powers and duties.

It shall be the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic-control devices, signs and signals, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering and traffic investigations of traffic conditions, to recommend traffic-control devices for inclusion in the capital improvement program and present plans for consideration by the council, and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city. Whenever, by the provisions of this title, a power is granted to the city traffic engineer or a duty imposed upon him/her, the power may be exercised or the duty performed by him/her or by his/her deputy or by a person authorized in writing by him/her .

10.08.030 Traffic-control devices and markings—Installation and maintenance.

The physical maintenance of traffic-control devices and markings shall be handled by the Public Services Department. The installation of devices, signs or markings authorized by city traffic engineer will be either by contract or through the public services department.

10.08.040 City staff traffic advisory committee—Established—Membership.

There is established an advisory traffic committee consisting of a minimum of the following city staff members or their representatives: the city traffic engineer, the chief of police and the fire chief.

10.08.050 City staff traffic advisory committee—Duties.

It shall be the duty of the city staff traffic advisory committee to consider public suggestions having to do with traffic matters and recommend ways and means of improving traffic conditions and the administration and enforcement of traffic regulations.

10.08.060 Enforcement.

A. All adopted state and city parking ordinances shall be administered and enforced by the police chief, the fire chief, and the City Traffic Engineer, or such other persons as they shall designate as enforcing officers.

B. It is the duty of the police chief to enforce the street traffic regulations of the city and all of the state vehicle laws applicable to street traffic in the city, to make arrests for traffic violations, to investigate traffic accidents and to collaborate with other city departments and the staff traffic safety committee with the administration of the traffic laws and in developing ways and means to improve traffic conditions.

10.08.070 Declared Streets.

A. All of the streets and highways in the city now existing or hereafter created or dedicated are declared streets, and all the city parking lots or public areas (whether improved or unimproved) upon which driving, stopping, standing or parking of vehicles shall be limited and restricted; provided, that such street, lot or public area is properly signposted or marked so as to designate the limitation or restriction placed herein. The council may from time to time limit or restrict the driving, stopping, standing or parking of vehicles upon any public street, city parking lot or public area in the city. Such limitation or restriction shall be effectuated by resolution of the council specifying the streets, lots and public areas and limitations or restrictions on driving, standing, stopping or parking therein, followed by proper signposting of the street, lot or public area.

B. When authorized signs are in place giving notice thereof, no person shall drive, stop, stand or park any vehicle on any street, city parking lot or public area in the city in violation thereof.

10.08.080 Placement by Council.

Notwithstanding the above sections, the City Council shall have the power to place and maintain or cause to be placed or maintained official traffic-control devices when and as required under this chapter to make effective the provisions of this chapter and may place and maintain such additional traffic-control devices as it deems necessary to regulate traffic under this chapter or under the State law, or to guide or warn traffic.

Chapter 10.12

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

Sections:

- 10.12.010** Traffic direction—Police and fire department officials authority.
- 10.12.020** Obedience to traffic regulations—Required.
- 10.12.030** Obedience to traffic regulations—Persons riding bicycles or animals.
- 10.12.040** Obstruction or interference with police or authorized officers prohibited.
- 10.12.050** Removal of chalk marks.
- 10.12.060** Exemption of certain vehicles.
- 10.12.070** Report of damage to certain property required.
- 10.12.080** Authority to remove vehicles.

10.12.010 Traffic direction—Police and fire department officials authority.

A. Officers, assigned employees and authorized volunteers of the police department are primarily responsible to direct all traffic by voice, hand, audible or other signals in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, other assigned city employees may direct traffic as conditions may require, notwithstanding that provisions to the contrary are contained in this title or the Vehicle Code. No other person shall direct traffic in any emergency situation unless so directed by the incident commander of the emergency situation.

B. During non emergency situations such as construction, the chief of police or traffic engineer may authorize and/or require the construction firms to provide adequate and proper traffic control and direction during construction.

10.12.020 Obedience to traffic regulations—Required.

It is a misdemeanor or infraction for any person driving any vehicle or other conveyance upon any street, or any pedestrian, to do any act forbidden or fail to perform any act required as applicable to any such person under this title.

10.12.030 Obedience to traffic regulations—Persons riding bicycles or animals.

Every person riding a bicycle or riding or driving an animal upon a highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except those provisions which by their very nature can have no application.

10.12.040 Obstruction or interference with police or authorized officers prohibited.

No person shall interfere with or obstruct in any way any police officer or other officer or employee of this city in their enforcement of the provisions of this title.

10.12.050 Removal of chalk marks

A. The owner or operator of any motor vehicle exercising the privilege of parking a vehicle on any street or portion thereof where regulations are in effect restricting the length of time vehicles

may be parked on a street or portion thereof does so on the condition that the police officers or other designated city personnel may place chalk or other removable marks on the tire of the vehicle for the purpose of enforcing such parking regulations.

B. It is unlawful for any person to erase, rub out, conceal or otherwise remove, any chalk or other mark so placed by a police officer or other designated city personnel while the marked vehicle remains parked on the street or portion thereof. For the purpose of this section, the movement of a previously marked vehicle in such a manner as to cause the tire marking to be concealed or removed, and without leaving the parking space or the block where such vehicle was parked when its tires were previously marked shall be deemed to be an erasure or removal of such chalk or other marking.

10.12.060 Exemption of certain vehicles.

A. The provisions of this title regulating the operation, parking and standing of vehicles shall not apply to authorized emergency vehicles.

B. The provisions of this title regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction, repair work, or during an emergency, or any vehicle owned or operated by the United States Postal Service while in use for the collection, transportation or delivery of the United States mail.

10.12.070 Report of damage to certain property required.

The operator of any vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including, but not limited to, any fire hydrant, parking meter, lighting post, telephone pole, electric light or power pole, or resulting in damage to any tree, traffic-control device or other property of a like nature located in or along any street, shall immediately or as soon as practical after such accident make a written report of such accident to the police department of this city.

10.12.080 Authority to remove vehicles.

A. Any police officer of the city police department may remove a vehicle as specified in Section 22650-22856 of the California Vehicle Code.

B. Any trained police volunteer may remove a vehicle as specified in Section 22651.05 of the California Vehicle Code.

Chapter 10.16

TRAFFIC-CONTROL DEVICES

Sections:

10.16.010	Authority to place and maintain.
10.16.020	Traffic-control signs required for enforcement purposes.
10.16.030	Obedience required.
10.16.040	Traffic signal installation.
10.16.050	Lane marking.
10.16.060	Distinctive roadway markings—Authority to place.
10.16.070	Removal, relocation and discontinuance—Authority.
10.16.080	Hours of operation.
10.16.090	Unauthorized painting on curbs prohibited.
10.16.100	Signs and signals—Tampering with

10.16.010 Authority to place and maintain.

A. The city traffic engineer shall have the power and duty to place or cause to be placed official traffic-control devices when and as required to make effective the provisions of this title.

B. Whenever the Vehicle Code requires for the effectiveness of any provision thereof that traffic-control devices be installed to give notice to the public of the application of such law, the city traffic engineer is authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

C. The city traffic engineer may also place or cause to be placed such additional traffic-control devices as he/she may deem necessary or proper to regulate traffic or to guide or warn traffic, but he/she shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations and rules as may be set forth in this chapter or as may be determined by ordinance or resolution of the council.

D. The police chief may also place or cause to be placed temporary traffic-control signs as he/she may deem necessary or proper to regulate traffic or to guide or warn traffic in emergency situations, special events, or other temporary events.

E. It is unlawful for any person to place or maintain any device other than an official warning or directional sign or signal erected under competent authority, on or in view of the street, which purports to be, or is an imitation of, or resembles an official warning or direction sign or signal, or which attempts to direct the movement of traffic or the actions of operators of vehicles; and any such prohibited device shall be a public nuisance and the police department may remove it, or cause it to be removed without notice.

10.16.020 Traffic-control signs required for enforcement purposes.

No provision of the Vehicle Code or of this title for which signs are required shall be enforced against an alleged violator unless appropriate legible signs are in place giving notice of such provisions of the traffic regulations.

10.16.030 Obedience required.

The operator of any vehicle shall obey the instructions of any official traffic-control device placed in accordance with this title unless otherwise directed by a police officer or other authorized person subject to the exceptions granted the operator of an authorized emergency vehicle when responding to emergency calls.

10.16.040 Traffic signal installation.

A. The city traffic engineer is directed to install official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

B. The city traffic engineer shall ascertain and determine the locations where such signals are required by field investigation, input from the City Staff Traffic Advisory Committee, traffic counts and other traffic information as may be pertinent and his determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the Traffic Manual issued by the California Department of Transportation.

C. Whenever the city traffic engineer installs an official traffic signal at any intersection, he/she shall likewise erect at such intersection street name signs visible to the principal flow of traffic unless such street name signs have previously been placed and are maintained at any such intersection.

10.16.050 Lane marking.

The city traffic engineer is authorized to mark centerlines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway.

10.16.060 Distinctive roadway markings—Authority to place.

The city traffic engineer is authorized to place distinctive roadway markings as described in the Vehicle Code on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such markings or signs and markings shall have the same effect as similar markings placed by the State Department of Transportation pursuant to the provisions of the Vehicle Code.

10.16.070 Removal, relocation and discontinuance—Authority.

The city traffic engineer is authorized to remove, relocate or discontinue the operation of any traffic-control device not specifically required by the Vehicle Code or this title whenever he/she shall determine in any particular case that the conditions which warranted or required the installation no longer exist.

10.16.080 Hours of operation.

The city traffic engineer shall determine the hours and days during which any traffic-control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this title.

10.16.090 Unauthorized painting on curbs prohibited.

No person, unless authorized by city traffic engineer, shall paint any street or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinance of this city pertaining thereto.

10.16.100 Signs and signals—Tampering with.

It is unlawful for any person to deface, injure, move or interfere with any official warning or directional signal or sign.

Chapter 10.20

TURNING MOVEMENTS

Sections:

- 10.20.010** **Turning markers—Authority to place—Obedience to required.**
- 10.20.020** **Restricted turn signs—Authority to place.**
- 10.20.030** **No-turn signs - Obedience required.**
- 10.20.040** **No free right turn on red light signs—Obedience required—Sign posting.**
- 10.20.050** **U-Turns**

10.20.010 **Turning markers - Authority to place—Obedience to required.**

A. The city traffic engineer is authorized to place markers, buttons or other official traffic-control signs within or adjacent to intersections and indicating the course to be traveled by vehicles turning at such intersections, and the city traffic engineer is authorized to locate and indicate more than one lane of traffic from which drivers of vehicles may make right or left hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning there, no driver of a vehicle shall disobey the directions of such indications.

10.20.020 **Restricted turn signs—Authority to place.**

The traffic engineer is authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at

other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

10.20.030 **No-turn signs—Obedience required.**

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of such sign.

10.20.040 **No free right turn on red light signs—Obedience required—Sign posting.**

A. No driver of a vehicle shall make a right turn against a red or stop signal at any intersection which is sign-posted giving notice of such restriction as provided in subsection B of this section.

B. The city traffic engineer shall post appropriate signs giving effect to this section where he/she determines that the making of right turns against a traffic signal stop indication would seriously interfere with the safe and orderly flow of traffic.

10.20.050 U-Turns

A. No vehicle in a business district shall be turned so as to proceed in the opposite direction except at an intersection.

B. No vehicle in a residential district shall be turned so as to proceed in the opposite direction when any other vehicle is approaching from either direction within two hundred feet except at an intersection.

Chapter 10.24

ONE-WAY STREETS AND ALLEYS

Sections:

10.24.010 Sign posting.

10.24.010 Sign posting.

Whenever any ordinance or resolution of this city designates any one-way street or alley, the city traffic engineer shall place signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Chapter 10.28

SPECIAL STOPS REQUIRED

Sections:

10.28.010 Stop signs—Erection—Removal—Obedience to required.

10.28.020 Vehicles emerging from an alley, driveway or building.

10.28.010 Stop signs—Erection—Removal—Obedience to required.

The city traffic engineer is authorized to erect stop signs at those locations where he or she deems such controls to be necessary or remove those signs no longer warranted in order to protect the public safety. When signs are erected giving notice thereof, drivers of vehicles shall stop at the entrance or entrances to such intersections.

10.28.020 Vehicles emerging from an alley, driveway or building.

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or driveway.

Chapter 10.32

MISCELLANEOUS DRIVING RULES

Sections:

- 10.32.010 Driving through funeral procession.**
- 10.32.020 Commercial vehicles using private driveways.**
- 10.32.030 Riding or driving on sidewalk.**
- 10.32.040 Riding or driving on new pavement markings.**
- 10.32.050 Driving on limited access roadways.**
- 10.32.060 Barriers and signs—Placing or erecting—Tampering with—Obedience to required.**
- 10.32.070 Entering intersections and crosswalks.**
- 10.32.080 Driving over fire hose prohibited**

10.32.010 Driving through funeral procession.

No operator of any vehicle shall drive between the vehicles comprising a funeral procession or a parade; provided, that such vehicles are conspicuously so designated. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be subject to the orders of the police department.

10.32.020 Commercial vehicles using private driveways.

A. No person shall operate or drive a commercial vehicle in, on or across any private driveway approach or sidewalk area itself without the consent of the owner or occupant of the property, if a sign or markings are in place indicating that the use of such driveway is prohibited.

B. For the purpose of this section, a "commercial vehicle" means a vehicle having a rated capacity in excess of one-half ton.

10.32.030 Riding or driving on sidewalk.

No person shall ride, drive, propel, or cause to be propelled, any vehicle or animal across or upon any sidewalk excepting over permanently constructed driveways and excepting when it is necessary for any temporary purpose to drive a loaded vehicle across a sidewalk; provided further, that the sidewalk area be substantially protected by wooden planks two inches thick, and written permission be previously obtained from the city traffic engineer. Such wooden planks shall not be permitted to remain upon such sidewalk area during the hours of darkness.

10.32.040 Riding or driving on new pavement markings.

No person shall ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted markings in any street when a barrier, sign, cone-marker or other warning device is in place warning persons not to drive over or across such pavement or marking, or when any such device is in place indicating that the street or any portion thereof is closed.

10.32.050 Driving on limited access roadways.

No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are lawfully established.

10.32.060 Barriers and signs—Placing or erecting—Tampering with—Obedience to required.

No person, public utility or department in the city shall erect or place any permanent barrier or sign on any street unless of a type approved by the city traffic engineer or disobey the instructions, remove, tamper with or destroy any permanent or temporary barrier or sign lawfully placed on any street by any person, public utility or by any department of this city.

10.32.070 Entering intersections and crosswalks.

A. No operator of any vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

B. It is unlawful for the operator of a vehicle to drive into any marked crosswalk while there is in such crosswalk on the half of the roadway or street on which such vehicle is traveling any pedestrian engaged in crossing the street or roadway, until such pedestrian shall have passed beyond the path of said vehicle.

10.32.080 Driving over fire hose prohibited

No vehicle shall be driven over any unprotected hose of the fire department when laid on any street or private driveway without the consent of the fire chief or fire personnel in command of the incident.

Chapter 10.36

PEDESTRIAN REGULATIONS

Sections:

- 10.36.010** **Crosswalks—Establishment.**
- 10.36.020** **Crosswalks—Use required when.**

10.36.010 **Crosswalks—Establishment.**

A. The city traffic engineer shall establish and designate crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway as follows:

Crosswalks may be established and maintained at all intersections within the central business district and at such intersections outside such districts, and at other places within or outside the district where the city traffic engineer determines that there is particular hazard to pedestrians crossing the roadway, subject to the limitations contained in subsection B of this section.

B. Other than crosswalks at intersections, no crosswalk shall be established in any block which is less than four hundred feet in length and such crosswalk shall be located as nearly as practicable at midblock.

C. The city traffic engineer may place signs at or adjacent to an intersection in respect to any crosswalk directing that pedestrians shall not cross in the crosswalk so indicated.

10.36.020 **Crosswalks—Use required when.**

No pedestrian shall cross a roadway other than by a crosswalk in the central business district or in any business district.

Chapter 10.40

STOPPING, STANDING AND PARKING FOR CERTAIN PURPOSES OR IN CERTAIN PLACES

Sections:

- 10.40.010** **Applicability of provisions—Temporary alteration of parking controls and regulations by traffic engineer and police chief.**
- 10.40.020** **Stopping or standing in parkways prohibited.**
- 10.40.030** **Maintenance of no stopping and no parking zones—Traffic engineer’s duty—Compliance with markings required.**
- 10.40.040** **No stopping and parking areas.**
- 10.40.050** **Parking for more than seventy-two hours prohibited.**
- 10.40.060** **Parking/Storage of boats, trailers, and RVs upon certain streets prohibited.**
- 10.40.070** **Repairing or greasing vehicles on public streets prohibited—Exception.**
- 10.40.080** **Washing or polishing vehicles on public streets.**
- 10.40.090** **Parking adjacent to schools.**
- 10.40.100** **Parking prohibited on narrow streets.**
- 10.40.110** **Parking on grades.**
- 10.40.120** **Peddlers, vendors—Unlawful parking.**
- 10.40.130** **Emergency parking signs.**
- 10.40.140** **Parking of large or commercial vehicles near intersections.**
- 10.40.150** **Nighttime parking of large vehicles.**
- 10.40.160** **Nighttime parking of vehicles with operating air-conditioning or refrigeration units.**
- 10.40.170** **Restricted parking in certain city parking lots except the boat launch area.**
- 10.40.180** **Violation—Penalty.**

10.40.010 **Applicability of provisions—Temporary alteration of parking controls and regulations by traffic engineer.**

A. The provisions of this chapter prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times as specified in this chapter, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

B. The provisions of this chapter imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

C. The city traffic engineer and/or police chief, or his or her designated alternate may, at his or her discretion, set aside, suspend or relocate parking controls and regulations on a temporary basis when it is found to be in the public interest or required for traffic safety. Before any such temporary

change may become effective, the city traffic engineer shall receive the police department's approval for the change and have the change posted.

10.40.020 Stopping or standing in parkways prohibited.

No person shall stop, stand or park a vehicle within any parkway.

10.40.030 Maintenance of no stopping and no parking zones—Traffic engineer's duty—Compliance with markings required.

A. The city traffic engineer is authorized to maintain, by appropriate signs or by paint upon the curb surface, all no stopping zones, no parking areas, and restricted parking areas, as defined and described in this chapter.

B. When the curb markings or signs are in place, no operator of any vehicle shall stop, stand or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this chapter.

10.40.040 No stopping and parking areas.

No operator of any vehicle shall stop, stand, park or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal:

A. Within any divisional island, unless authorized and clearly indicated with appropriate signs or markings;

B. On either side of any street between the projected property lines of any public walk, public steps, street, or thoroughfare terminating at such street when such area is indicated by appropriate signs or by red paint upon the curb surface;

C. In any area where the city traffic engineer determines that the parking or stopping of a vehicle would constitute a traffic hazard, endanger life or property, or for other reasons deemed necessary, when such area is indicated by appropriate signs or by red paint upon the curb surface;

D. In any area established by resolution of the council as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface;

E. In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property;

F. On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided, that signs giving notice of such no parking are erected or placed at least twenty-four hours prior to the effective time of such no parking;

G. At any place within fifteen feet of a crosswalk at an intersection when such place is indicated by appropriate signs or by red paint upon the curb surface, except that a bus may stop at a designated bus stop;

- H. Within fifteen feet of the approach to any traffic signal, boulevard stop sign, or official electric flashing device;
- I. Within any parkway;
- J. Within ten feet of any intersection;
- K. Within ten feet of any fire hydrant;
- L. Directly in front of any building in which is housed fire fighting apparatus belonging to the city;
- M. In any intersection;
- N. In a crosswalk;
- O. In any reserved space, except to take on or let off passengers or merchandise, unless otherwise provided in this chapter.

10.40.050 Parking for more than seventy-two hours prohibited.

Pursuant to California Vehicle Code Section 22507, no vehicle, boat, trailer shall be parked or left standing upon any street, highway, city parking lot or public area (whether improved or unimproved) within the city for seventy-two or more consecutive hours without having been moved at least one-tenth of a mile during that period.

10.40.060 Parking/Storage of boats, trailers, and RVs upon certain streets prohibited.

No person shall park or store any boat, trailer, or recreational vehicle upon any street, highway, city parking lot or public area (whether improved or unimproved) within a Business District, as defined in Section 235 of the California Vehicle Code, between the hours of 2:00 a.m. and 6:00 a.m., unless such area is designated by the City for such parking or storage.

10.40.070 Repairing or greasing vehicles on public streets prohibited—Exception.

No person shall construct or cause to be constructed, repair or cause to be repaired, change the oil, grease or cause to be greased any vehicle or any part thereof upon any public street in this city. Temporary emergency repairs may be made upon a public street.

10.40.080 Washing or polishing vehicles on public streets.

No person shall wash or cause to be washed, polish or cause to be polished any vehicle or any part thereof upon any street in this city, when a charge is made for such service.

10.40.090 Parking adjacent to schools.

A. The city traffic engineer is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in his or her opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected prohibiting parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place.

10.40.100 Parking prohibited on narrow streets.

A. The city traffic engineer is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a

street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet.

B. When official signs or markings prohibiting parking are erected upon narrow streets as authorized in this section, no person shall park a vehicle upon any such street in violation of any such sign or marking.

10.40.110 Parking on grades.

No person shall park or leave standing any vehicle unattended on a highway when upon any grade exceeding three percent without blocking the wheels of the vehicle by turning them against the curb or by other means.

10.40.120 Peddlers, vendors—Unlawful parking.

A. Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunchwagon or eating cart or vehicle, on any portion of any street within this city, except that such vehicles, wagons or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place. The provisions of this subsection shall not apply to nonprofit organizations who have obtained prior approval of council or are part of an approved special event issued a public area use permit.

B. No person shall park or stand on any street any lunchwagon, eating cart or vehicle, or pushcart from which tamales, peanuts, popcorn, candy or other articles of food are sold or offered for sale. The provisions of this subsection shall not apply to nonprofit organizations who have obtained prior approval of the council or are part of an approved special event issued a public area use permit.

10.40.130 Emergency parking signs.

A. Whenever the chief of police shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, special event, gatherings or functions, or for other reasons, the chief of police shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the chief of police shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the chief of police shall cause such signs to be removed promptly thereafter.

B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

10.40.140 Parking of large or commercial vehicles near intersections.

No person shall park any vehicle greater than six feet in height, including any load thereon, within one hundred feet of any intersection at any time. This section shall not apply to any particular intersection until signs or markings giving adequate notice thereof have been placed as determined appropriate by the city traffic engineer.

10.40.150 Nighttime parking of large vehicles.

Between the hours of ten p.m. and seven a.m., it is unlawful to park or leave standing upon any public right-of-way within two hundred feet of any dwelling, any vehicle exceeding (1) twenty feet in length, or (2) six thousand pounds unladen weight, except trailer coaches, housecars, campers or motorhomes.

10.40.160 Nighttime parking of vehicles with operating air-conditioning or refrigeration units.

Between the hours of ten p.m. and seven a.m., no person shall park or leave standing on any street or public right-of-way any vehicle, except a passenger vehicle, with an operating refrigeration or other unit to cool, heat, humidify, or otherwise air-condition the cargo area, except for locations at least two hundred feet distant from the nearest dwelling.

10.40.170 Restricted parking in city parking lots except the boat launch area.

No person shall stop, stand or park a vehicle on any city parking lot which signs are posted between the hours of two a.m. and five a.m. of any day or between the hours established by resolution of the council; provided that this section shall not apply to Tidelands Boat Launch area.

10.40.180 Violation—Penalty.

Every person convicted of a violation of any of the provisions of this chapter shall be punished by a fine for each separate offense as provided in Section 10.64.030.

Chapter 10.44

STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED IN CERTAIN AREAS

Sections:

- 10.44.010** **Timed parking.**
- 10.44.020** **Parking parallel on one-way streets.**
- 10.44.030** **Diagonal parking.**
- 10.44.040** **Parking space markings.**
- 10.44.050** **No stopping/parking zones.**
- 10.44.060** **All night parking prohibited in central business district—Exception.**

10.44.010 **Timed parking.**

When authorized signs, parking meters or curb markings have been determined by the city traffic engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle for a period of time longer than the designated length of time, hours and days posted by sign, parking meter or curb marking. Green curb markings shall mean time limit parking specified by local ordinance or resolution. All other time designations shall be from one hour up to ten hours. Vehicle must move a minimum of one hundred fifty meters once designated time at occupied space has elapsed.

10.44.020 **Parking parallel on one-way streets.**

A. Subject to other more restrictive limitations, a vehicle may be stopped or parked within eighteen inches of the left-hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.

B. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.

C. The city traffic engineer is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way roadway or a highway having two or more separate roadways and shall erect signs giving notice thereof.

D. The requirements of parallel parking imposed by this section shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case such vehicle may be backed up to the curb; provided, that such vehicle does not extend beyond the centerline of the street and does not block traffic thereby.

10.44.030 **Diagonal parking.**

A. On any of the streets or portions of streets established by resolution of the council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it is unlawful for the operator of any vehicle to park the vehicle except:

1. At the angle to the curb indicated by sign or pavement markings allotting space to parked vehicles and entirely within the limits of the allotted space;

2. With the front wheel nearest the curb within six inches of the curb.

B. The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight or goods, in which event the provisions applicable in Section 10.40.040 shall be complied with.

10.44.040 Parking space markings.

A. The city traffic engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs on city streets and in municipal parking lots where authorized parking is permitted.

B. When such parking space markings are placed on the highway or in a municipal parking lot, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space, unless the size or shape of such vehicle makes compliance impossible.

10.44.050 No stopping/parking zones.

A. The city traffic engineer shall designate established no stopping zones by placing and maintaining appropriate signs indicating that stopping of vehicles is prohibited and indicating the hours and days when stopping is prohibited.

B. During the hours and on the days designated on the signs, it is unlawful for the operator of any vehicle to stop said vehicle on any of the streets or parts of streets established by the city traffic engineer as no stopping zones.

10.44.060 All night parking prohibited in central business district—Exception.

No person shall stop, stand or park a vehicle on any street upon which signs are posted in the central business district between the hours of two a.m. and five a.m. of any day or between the hours established by resolution of the council.

Chapter 10.48

STOPPING FOR LOADING OR UNLOADING ONLY

Sections:

- 10.48.010 Loading zones—Marking—Authority.**
- 10.48.020 Curb markings—Meanings—Authority to place.**
- 10.48.030 Yellow loading zone—Time restrictions for loading and unloading.**
- 10.48.040 White zones—Time restrictions for loading and unloading.**
- 10.48.050 Standing in any alley.**
- 10.48.060 Bus zones—Establishment—Authority.**
- 10.48.070 Handicapped parking.**
- 10.48.080 Violation—Penalty.**

10.48.010 Loading zones—Marking—Authority.

A. The city traffic engineer is authorized to determine and to mark loading zones and passenger loading zones as follows:

1. At any place in the central business district or any business district;
 2. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.
- B. Loading zones shall be indicated by yellow paint upon the top of all curbs in the zones.
- C. Passenger loading zones shall be indicated by white paint upon the top of all curbs in the zones.

10.48.020 Curb markings—Meanings—Authority to place.

The city traffic engineer is authorized, subject to the provisions and limitations of this chapter, to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations, and the curb markings shall have the meanings as set forth in this section.

A. "Red" means no stopping, standing or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone.

B. "Yellow" means no stopping, standing or parking at any time between seven a.m. and six p.m. of any day, except Sundays, for any purpose other than the commercial loading or unloading of materials by a commercially registered and licensed vehicle or a professionally signed passenger vehicle that displays an authorized commercial loading zone permit. The commercial loading zone permit requirements and fee shall be established by resolution.

C. "White" means no stopping, standing or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mailbox, which shall not exceed three minutes, and such restrictions shall apply between seven a.m. and six p.m. of any day, except Sundays, and except as follows:

1. When such zone is in front of a hotel or in front of a mailbox the restrictions shall apply at all times.
2. When such zone is in front of a theater the restrictions shall apply at all times.

D. When the city traffic engineer as authorized under this chapter has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb markings in violation of any of the provisions of this section.

10.48.030 Yellow loading zone—Time restrictions for loading and unloading.

A. No person shall stop, stand or park a vehicle in any yellow loading zone for any purpose other than loading or unloading material for such time as is permitted in this section.

B. The loading or unloading of materials shall be allowed only for those deliveries made by commercially registered and licensed vehicles or professionally signed passenger vehicles displaying an authorized commercial loading zone permit that is used for commercial business deliveries; also, the delivery or pickup of express and parcel post packages and United States mail. All other passenger vehicles not meeting the sign and permit requirements may not use a loading zone for any purpose except when the zone is not effective.

C. Permission herein granted to stop or stand a vehicle for the purpose of loading or unloading materials shall not extend beyond the time necessary therefor, and in no event for more than thirty minutes. Evidence that there was no activity involving the loading or unloading of materials into or from a vehicle during any continuous period of time of eight minutes or longer shall constitute prima facie evidence that the vehicle was parked longer than the time necessary for loading or unloading. The council may, by resolution, temporarily extend the time for unloading and loading of materials at select locations when it is deemed in the best interest of the public due to temporary conditions such as construction, street or public parking lot closures.

10.48.040 White zones—Time restrictions for loading and unloading.

A. No person shall stop, stand or park any vehicle in any passenger loading zone or any vehicle other than a taxicab in a specially marked loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in this section.

B. Permission herein granted to stop or park for purposes of loading or unloading passengers shall include the loading or unloading of personal baggage and shall not extend beyond the time necessary therefor and in no event for more than three minutes.

C. The council may, by resolution, allow taxicabs to stand in specially marked passenger loading zones and regular parking spaces for extended periods of time providing the driver is present in the cab.

D. Within the total time limits specified in this section the provisions of this section and Section 10.44.030 shall be enforced so as to accommodate necessary and reasonable loading or unloading, but without permitting abuse of the privileges hereby granted.

10.48.050 Standing in any alley.

No person shall stop, stand or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley. Time limits for loading shall be as established in Sections 10.44.020, 10.44.030 and 10.44.040, except that these limitations shall apply twenty-four hours per day seven days a week, including Sundays and holidays. (Prior code § 3211.5)

10.48.060 Bus zones—Establishment—Authority.

- A. The city traffic engineer is authorized to establish bus zones for the loading and unloading of buses and common carriers or passengers, and to determine the location thereof.
- B. Bus zones shall normally be established on the far side of an intersection. (Prior code § 3211.6)

10.48.070 Handicapped parking.

No person other than a person described in Vehicle Code Section 22511.5 shall stop, stand or park in a parking space designated expressly for the use of handicapped persons.

A. The city traffic engineer shall designate special blue curb parking spaces for the purpose of providing on-street parking for exclusive use by disabled persons.

B. The city traffic engineer shall designate parking stalls or spaces in publicly owned, leased or controlled off-street parking facilities for exclusive use by disabled persons.

C. The city declares that there are privately owned and operated parking facilities which may reserve parking space for exclusive use by disabled persons.

D. Designation of parking spaces for disabled persons shall be made by posting immediately adjacent to and visible from same a sign consisting of the international symbol of access; on-street spaces shall be designated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. All off-street parking facilities shall display a white on blue sign not less than seventeen inches by twenty-two inches in size with lettering not less than one inch in height, which clearly states: This facility is subject to public traffic regulations and control. Unauthorized vehicles not displaying distinguishing license plates or placards issued for physically handicapped persons will be issued citations and towed away at owners expense.

This sign shall also display the international symbol of access, and shall be posted at the entrance to the parking facility or immediately adjacent to and visible from the reserved space(s).

E. No person shall park or stand any vehicle in a disabled persons parking space designated as required in subsection D of this section, unless the vehicle bears a special license or displays a special placard issued under the provisions of Section 9105 or Section 22511.5 of the California Vehicle Code.

F. Blue curb on-street parking spaces shall be operative twenty-four hours a day, Sundays and holidays included; off-street disabled persons parking spaces shall be operative at all times the parking facilities in which they are located are open.

G. Parking zones for disabled persons are subject to any temporary parking prohibitions established by the city including daily prohibitions necessary for traffic control, construction and street maintenance.

H. Notwithstanding the provisions of Section 10.64.030, fines for violation of this section shall be as set out in Vehicle Code Section 42001(a).

10.48.080 Violation—Penalty.

Every person convicted of a violation of any of the provisions of this chapter shall be punished by a fine for each separate offense as provided in Section 10.64.020.

Chapter 10.52

RESTRICTED USE OF CERTAIN STREETS

Sections:

- 10.52.010 Advertising vehicles.**
- 10.52.020 Non-motor-drawn vehicles.**
- 10.52.030 Truck routes.**
- 10.52.040 Commercial vehicles prohibited from using certain streets—Sign posting.**
- 10.52.050 Maximum gross weight limits of vehicles on certain streets.**

10.52.010 Advertising vehicles.

No person, without prior permission of the council, shall operate or drive any vehicle used solely for advertising purposes or any advertising vehicle equipped with a sound-amplifying or loud speaking device upon any street or alley at any time within the central business district.

10.52.020 Non-motor-drawn vehicles.

A. No person shall drive any animal-drawn vehicle into or within the central business district, and no person shall operate any non-motor-driven vehicle, cart, cab or other device for hire within the central business district, except by special permit.

B. The chief of police shall establish, and make available upon request, administrative procedures and standards for permit processing and approval.

C. A nonrefundable fee, as established by council resolution, may be required with each permit application to defray administrative costs for processing and inspection.

10.52.030 Truck routes.

A. Whenever the city designates and describes any street or portion thereof as a street, the use of which is permitted by any vehicle exceeding a maximum gross weight limit of five tons, the city traffic engineer is authorized to designate such street or streets by appropriate signs as "truck routes" for the movement of vehicles exceeding a maximum gross weight limit of five tons.

B. When any such truck route or routes are established and designated by appropriate signs, the operator of any vehicle exceeding a maximum gross weight limit of five tons shall drive on such route or routes and none other except that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of five tons coming from a "truck route" having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups and deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained.

C. The provisions of this section shall not apply to (1) passenger buses under the jurisdiction of the Public Utilities Commission, (2) any vehicle owned by a public utility, or (3) any vehicle under contract to the city.

10.52.040 Commercial vehicles prohibited from using certain streets—Sign posting.

A. Whenever any resolution of the city designates and describes any street or portion thereof as a street, the use of which is prohibited by any commercial vehicle, the city traffic engineer shall erect and maintain appropriate signs on those streets affected by such designation.

B. Those streets and parts of streets established by resolution of the council are declared to be streets, the use of which is prohibited by any commercial vehicle. The provisions of this section shall not apply to passenger buses under the jurisdiction of the public utilities commission or under contract to the city.

10.52.050 Maximum gross weight limits of vehicles on certain streets.

No person shall operate or drive a motor vehicle with a gross vehicle weight in excess of five tons on any portion of Ironwood Avenue between California State Highway No. 41 and Avalon Street. Vehicles with bona fide points of destination on this street segment and vehicles subject to Sections 1032 and 1036, inclusive, of the Public Utilities Code are exempt from compliance with this section. (Ord. 345, 1989)

Chapter 10.56

SPEED ZONES

Sections:

10.56.010 Speed limit designation.

10.56.020 Regulation of speed by traffic signals—Sign posting.

10.56.010 Speed limit designation.

Prima facie speed limits shall be determined by the city traffic engineer pursuant to provisions set forth in the California Vehicle Code. A speed limit established pursuant to this section shall be effective when appropriate signs giving notice thereof are erected upon a street. The following speed limits are so designated:

Name of Street or Portion Affected	Speed Limit (miles per hour)
Main Street: Yerba Buena Street to Atascadero road (State Highway 41)	40
Main Street: Atascadero Road (State Highway 41) to Radcliff	35
Main Street: Marina Street to Morro Bay State Park	30
Quintana Road: Morro Bay Blvd. to La Loma Ave.	35
Quintana Road: La Loma Ave. to Easterly City Limits	40
South Bay Blvd.: State Highway 1 to Southerly City Limits	40
Avalon Street: Laurel Avenue to Main Street	25
Atascadero Road: State Highway 1 to Embarcadero Road	25
Piney Way: Morro Bay Blvd. to Main street	25
Embarcadero road: Beach Street to Coleman Drive	30
Coleman Drive: Embarcadero Road to Morro Rock	25

10.56.020 Regulation of speed by traffic signals—Sign posting.

The city traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and may erect appropriate signs giving notice thereof.

Chapter 10.60

OBSTRUCTIONS TO VISIBILITY

Sections:

- 10.60.010** **Scope.**
- 10.60.020** **Intersections.**
- 10.60.030** **Exceptions.**
- 10.60.040** **Violations deemed nuisance—Abatement.**

10.60.010 **Scope.**

No obstruction to cross-visibility shall be deemed to be excepted from the application of this chapter because of its being in existence at the time of the adoption of the provisions set out in this chapter, unless expressly exempted by the terms of this chapter.

10.60.020 **Intersections.**

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

10.60.030 **Exceptions.**

The provisions set out in Section 10.60.020 shall not apply to public utility poles; trees trimmed (to the trunk) so that only the trunk obstructs the view; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view; and permanent buildings.

10.60.040 **Violations deemed nuisance—Abatement.**

In addition to the remedy by prosecution for violation of this chapter, any obstruction maintained in violation of this chapter shall be deemed a nuisance, and upon failure to abate the same within fourteen days after the posting upon the premises of notice to abate the nuisance, signed by the director of public services or his or her authorized representative, they may enter upon the premises and remove or eliminate the obstruction. In such event the cost to the city of the abatement of the nuisance shall be a personal obligation against the owner of the premises upon which the nuisance was maintained, recoverable by the city in an action before any court of competent jurisdiction.

Chapter 10.64

PARKING REVENUES, FINES AND FORFEITURES

Sections:

- 10.64.010** **Persons violating the provisions of title to be fined for each separate offense.**
- 10.64.020** **Parking fines.**
- 10.64.030** **Disposition of fine and forfeitures.**

10.64.010 **Persons violating the provisions of title to be fined for each separate offense.**

Every person convicted of a violation of any of the provisions of this title shall be punished by a fine for each separate offense as provided in Section 10.64.030. For the purposes of this section: (1) a separate offense occurs when the initial citation is issued for a parking violation; and (2) an additional separate offense occurs, and an additional citation shall be issued, whenever, after the issuance of any citation, the vehicle remains parked for a subsequent period of time equaling or exceeding the parking limitation for the space or zone in which the vehicle is parked.

10.64.020 **Parking fines.**

The fines for parking violations written under the provisions of the Morro Bay Municipal Code and the California Vehicle Code shall be established by resolution of the council or as included in this Title.

10.64.030 **Disposition of fine and forfeitures.**

All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of this title, shall be paid into the city treasury.

Chapter 10.68

INOPERATIVE VEHICLES

Sections:

10.68.010	Findings and declarations.
10.68.020	Exceptions.
10.68.030	Applicability of other laws.
10.68.040	Administration and enforcement.
10.68.050	Initiation of proceedings.
10.68.060	Notice of vehicle abatement—Service of notice.
10.68.070	Notice of vehicle abatement—Contents.
10.68.080	Hearing and determination.
10.68.090	Vehicle abatement.
10.68.100	Notice to Department of Motor Vehicles.
10.68.110	Collection of removal and administration costs.

10.68.010 Findings and declarations.

In accordance with the determinations made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, as public nuisances, the council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, on private or public property is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the public health, safety and general welfare. Therefore, the presence of such vehicles, or a part thereof, on private or public property, as defined in Section 10.68.020, and except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter as set forth under Section 38773.5 of the California Government Code.

(moved to the definitions at the beginning of the document ó 10.04) 10.68.020 Exceptions.

A. This chapter shall not apply to the following as set forth in Section 22661 of the California Vehicle Code:

1. A vehicle or parts thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;
2. The storage of one vehicle or parts thereof which is located behind a solid fence six feet in height and which is not plainly visible from a street, highway or other property;
3. A vehicle or parts thereof which is stored or parked in a lawful manner on private property on an approved site in connection with the business of a licensed dismantler, vehicle dealer, junk dealer, a towing service, or an auto repair or body shop, when such storage or parking is necessary to the operation of an otherwise lawfully conducted business or commercial enterprise.

B. Nothing in this section shall authorize the maintenance of a public or private nuisance as prohibited in Chapter 8.14.

10.68.030 Applicability of other laws.

This chapter does not constitute the exclusive procedure for removal of abandoned, wrecked, dismantled or inoperative vehicles within the city, but supplements and is in addition to all other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, the county, the state or any other legal entity or agency having jurisdiction, relating thereto.

10.68.040 Administration and enforcement.

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the police chief of the city or such other persons as he or she shall designate as enforcing officers, or by the city code enforcement officer, or other person(s) so directed by the city manager.

10.68.050 Initiation of proceedings.

When the enforcing employee has reason to believe or observes that the accumulation and the storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on public or private property constitutes a public nuisance as described in Section 10.68.010, he or she shall immediately investigate the same. In the performance of such investigation the enforcing employee and his or her designees may enter upon private or public property to examine a vehicle or parts thereof and to obtain information as to the identity and the ownership thereof.

10.68.060 Notice of vehicle abatement—Service of notice.

If the enforcing employee determines from his or her investigation that a public nuisance exists, he or she shall serve or cause to be served, either by personal service or by registered or certified mail, a copy of a notice of vehicle abatement upon every person concerned, including the owner of the property on which the alleged public nuisance exists, as shown on the last equalized assessment roll, and the last known registered and legal owner of the subject vehicle if the identification numbers are available to determine ownership. If a notice sent by registered or certified mail is returned unclaimed, a subsequent notice sent by first class mail, postage prepaid, to the last known address of the party concerned shall be sufficient and such notice shall be effective upon mailing. The failure of any person to receive such notice shall not affect in any manner the validity of the proceedings taken under this chapter.

10.68.070 Notice of vehicle abatement—Contents.

The notice of vehicle abatement served pursuant to Section 10.68.070 shall contain the following information:

- A. The findings, in brief, that the vehicles constitute a public nuisance;
- B. That it is the intention of the enforcing employee to abate the vehicles on the premises, as both are described, fifteen days from service of notice of vehicle abatement, and that the costs of removal may be assessed against the premises;
- C. A common description of the premises by address or assessor's parcel number and a description of the vehicles, including license numbers or identification numbers if these are available on the vehicles;

D. That the owner of the property or any owner of the vehicles may, within ten days of receipt of the notice, file a written request for a hearing before the council, or such person as they may designate to hear the matter, to show any cause why the vehicles should not be abated by the enforcing officer;

E. That the owner of the property on which the vehicles are located may either appear at a hearing or present a sworn statement denying responsibility for the presence of the vehicles and giving the reasons for the denial, and that such statement shall be deemed a request for a hearing not requiring the presence of the requestor.

10.68.080 Hearing and determination.

A. All hearings under this chapter shall be held before the council, or any person they may designate to hear the matter, who may hear all the relevant evidence pertaining to the alleged public nuisance, including testimony on the condition of the vehicle or parts thereof, the circumstances concerning its location on the private or public property, and the costs of removal and disposal.

B. The hearing need not be conducted according to technical rules relating to evidence and witnesses. The hearing shall commence within twenty days of the filing of the written request, and it may be continued from time to time. Any person affected may be present at such hearing, may be represented by counsel, may present testimony, and may cross-examine witnesses. The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing denying responsibility for such denial.

C. After the conclusion of the hearing, the council or hearing officer may:

1. Impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purposes of this chapter;

2. Delay the time for removal of the vehicle or parts thereof if, in its opinion, the circumstances justify it; or

3. Find that the vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided in Section 10.68.100; and determine the administrative costs and the cost of removal and charge the same against the owner or other person in possession of the parcel of land on which the vehicle or parts thereof is located, or against the owner of the vehicles, or against them jointly. Any such order requiring removal shall include a description of the vehicle or parts thereof, and the correct identification number and license number of the vehicles if available at the site.

D. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, the city shall not charge the costs of administration or of removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such landowner.

E. If an interested party makes a written presentation to the council, but does not appear, he or she shall be notified in writing of the decision.

10.68.090 Vehicle abatement.

After a finding has been made by the enforcing employee that any vehicle or parts thereof is a public nuisance under this chapter and if no hearing has been requested pursuant to subsections D and

E of Section 10.68.080, or if the council after a hearing so orders, the vehicle or parts may be disposed of by removal to a scrapyard or automobile dismantler's yard, or to any suitable site operated by a local agency for processing as scrap or other final disposition consistent with this section. The party removing the vehicle or parts thereof may in so doing enter upon the private or public property on which it is located. Except as provided in the Vehicle Code, after removal a vehicle shall not be reconstructed or made operative.

10.68.100 Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time, there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificate, certificate of title, and license plates.

10.68.110 Collection of removal and administration costs.

The council may, from time to time, determine and set an amount to be assessed as administrative costs under this chapter. If no hearing is requested and held by the council, the enforcing employee shall determine the cost of removal and charge the same against the owner or other person in possession of the parcel of land on which the vehicle or parts thereof are located or against the owner of the vehicle, or against them jointly. If the administrative costs and the cost of removal which are charged against the owner of a parcel of land, pursuant to this section or to Section 10.68.090 are not paid within thirty days of the date of the order, such costs shall be assessed against the parcel of land pursuant to Section 25845 of the Government Code and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other county and city taxes.

Chapter 10.72

BICYCLES AND MOTORIZED BICYCLES

Sections:

- 10.72.010** **Definitions**
- 10.72.020** **Operation of bicycles and motorized bicycles**
- 10.72.030** **Violations and penalties**

10.72.010 **Definitions**

For purposes of this chapter the words set out in this section are defined as follows:

- A. A "bicycle" is a device as described in Section 231 of the California Vehicle Code.
- B. A "motorized bicycle" is a device as described in Section 406 of the California Vehicle Code.
- C. The provisions of this chapter apply to bicycles and motorized bicycles.

10.72.020 **Operation of bicycles and motorized bicycles.**

A. As per California Vehicle Code Section 21200, every person riding a bicycle upon a highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle by Division 11 of the California Vehicle Code. However any police officer operating a bicycle during the course and scope of his/her duties is exempt from the requirements of this chapter if the bicycle is being operated under any of the following circumstances:

- 1. In response to an emergency call.
- 2. While engaged in rescue operations.
- 3. In the immediate pursuit of an actual or suspected violator of the law.

B. It is unlawful to operate a bicycle on a roadway unless it is equipped with the required equipment as set forth in California Vehicle Code Section 21201.

C. It is unlawful to violate any of the following provisions of the California Vehicle Code:

- Section 21202 Operation on Roadway
- Section 21203 Hitching Rides
- Section 21204 Riding on a Bicycle
- Section 21205 Carrying Articles
- Section 21207.5 Prohibited Operation of Motorized Bicycles
- Section 21208 Permitted Movements from Bicycle Lanes
- Section 21209 Motor Vehicles and Motorized Bicycles in Bicycle Lanes
- Section 21210 Bicycle Parking
- Section 21211 Obstruction of Bikeways or Bicycle Paths or Trails

D. It is unlawful to operate any bicycle which is in an unsafe condition, which is not equipped as required by this code, or which is not safely loaded.

E. Any person under the age of 18 years old and any parent or legal guardian having control or custody of an unemancipated minor, must comply with the requirements of California Vehicle Code Section 21212 pertaining to helmets.

F. No person shall equip a bicycle with a siren or operate or use a bicycle so equipped; provided, that nothing in this section prohibits the equipping, operation or use of a public safety department bicycle with a siren as approved by the Chief of Police.

G. Every bicycle equipped with a carrier must have the carrier securely attached to the bicycle.

H. Every bicycle that is equipped with handlebar grips must have the grips securely fitted, glued or cemented to the handlebars.

I. No person shall ride or operate a bicycle upon any sidewalk in a business district unless such sidewalk is officially designated as a bicycle route.

J. Any person riding or operating a bicycle upon any street where a bicycle lane or path appropriate to his/her direction of travel is established and officially designated may ride or operate such bicycle in such bicycle lane or path or on the sidewalk where otherwise allowed by this code. "Street" means an way or place of whatever nature publicly maintained and open to the use of the public for purposes of travel.

K. No person riding or operating a bicycle, moped, motorcycle, sled, toy vehicle, or any other similar human-powered or motor-powered device upon a public right-of-way or upon park or open space lands owned and/or controlled by the city shall tow any other vehicle or person, including a skateboard and rider, except that bicycle trailers used for the delivery or transportation of newspapers, magazines, people or merchandise may be towed when being used in such activity.

L. No person riding or operating a bicycle, moped, skateboard, roller skates, roller blades, sled, toy vehicle, or any other similar human-powered or motor-powered device upon a public right-of-way or upon any land, property, or facilities owned or controlled by the city, shall participate in any race, speed, or endurance contest unless such race, speed or endurance contest has been approved by the city.

M. No person riding or operating a bicycle, moped, skateboard, roller skates, roller blades, sled, toy vehicle, or motorcycle shall perform any acrobatic, fancy, stunt, or trick riding upon a public right-of-way or upon any land, property, or facilities owned or controlled by the city.

N. No person shall park a bicycle against any window or on the main-traveled portion of the sidewalk, nor in such a manner as to constitute a hazard to pedestrians, traffic or property.

O. No person shall willfully or maliciously remove, destroy, mutilate or alter the identification number of any bicycle frame.

10.72.030 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.

Chapter 10.76

COASTERS, ROLLER SKATES AND SIMILAR DEVICES

Sections:

- 10.76.010 Use of prohibited on streets and sidewalks.**
- 10.76.020 Application of foreign substance**
- 10.76.030 Reckless skateboarding and rollerskating**
- 10.76.040 Violations and penalties**

10.76.010 Use of prohibited on streets and sidewalks.

A. Skateboarding and rollerskating shall be prohibited on any public street, sidewalk, parking lot or other public property when such area is prohibited or restricted by resolution of the city council.

B. Skateboarding and rollerskating shall be prohibited on any private property when the owner or person in charge of the property has posted an appropriate sign restricting or prohibiting such use.

C. Skateboarding and rollerskating shall be prohibited on downtown streets between Market Avenue and Shasta Avenue on Morro Bay Blvd. and between Dunes Street and Pacific Street on Main Street when posted.

10.76.020 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.

10.76.030 Reckless skateboarding and rollerskating

No person shall use or operate any skateboard or rollerskate 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.

10.76.040 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.

Chapter 10.80

OVERSIZE AND OVERWEIGHT VEHICLES

Sections:

10.80.010	Purpose of provisions.
10.80.020	Permit—Required.
10.80.030	Permit—Application—Contents.
10.80.040	Permit—Good for one-time move only—Blanket permit issuance.
10.80.050	Permit—Denial—Restrictions—Permit holder’s responsibilities.
10.80.060	Permit holder’s responsibility for damages to public property.
10.80.070	Liability insurance required.
10.80.080	Notification of police department required prior to move.

10.80.010 Purpose of provisions.

The purpose of this chapter is to establish regulations and procedures for permitting the movement of oversize and overweight vehicles and loads on city streets.

10.80.020 Permit—Required.

No vehicle or structure which exceeds the size and/or weight limitations established by the California Vehicle Code shall be allowed on city streets without first obtaining a permit issued by the city traffic engineer and complying with the conditions set forth by the permit.

10.80.030 Permit—Application—Contents.

Each permit application shall include a full description of the vehicle, and its contents, for which the permit is issued. The description shall indicate the extent of the oversize and/or overweight, the routes to be followed, date and time of day when the move will be made.

10.80.040 Permit—Good for one-time move only—Blanket permit issuance.

The permit issued shall be for a one-time move unless noted otherwise. Blanket permits may be issued for a time period not to exceed one year, but may not be issued for vehicles or loads which cannot be moved at normal traffic speeds.

10.80.050 Permit—Denial—Restrictions—Permit holder’s responsibilities.

A. The city traffic engineer may deny the issuance of a permit or set special requirements based upon public safety and the limitation of the street system to handle the proposed vehicle or structure.

B. The permit holder is fully responsible to arrange with the appropriate utility companies and with the city for the relocation and replacement of wires, poles, traffic-control devices and other facilities. The permit holder shall not cut or trim trees, attach cables to them or otherwise disturb them. The permit holder shall not puncture or mark the pavement in any way.

C. The permit holder shall not park the vehicle or structure upon a public street unless the permit is so endorsed.

D. Upon completion of a move, and as directed by the city traffic engineer or the police department, the permit holder shall clear the right-of-way of materials left by his or her operation and restore it to the condition existing prior to the move.

10.80.060 Permit holder's responsibility for damages to public property.

The permit holder shall be responsible for the repair of all damage to public property, including trees, pavement, curb, gutter, sidewalk, and other facilities both above and below ground. The State of California financial responsibility laws shall apply in all cases where motor vehicles are used.

10.80.070 Liability insurance required.

The permit holder is responsible for personal injury or private property damage which may occur through any act or omission when acting under a permit; and in the event any claim is made against the city or any department, officer, agent or employee thereof, by reason of, or in connection with, any such act or omission, the permit holder shall defend, indemnify and hold each of them harmless from such claim. The permit shall not be effective for any purpose unless and until the permit holder files with the city traffic engineer an insurance certificate and an "additional insured endorsement" to the satisfaction of the city attorney. The insurance certificate supplied shall reflect the endorsement naming the city, its officers, agents and employees, as additional insured, and indicate that the policy will not be canceled or the coverage reduced without ten days' advance written notice to the city. The amount of coverage shall not be less than that required by the California Vehicle Code for vehicles weighing in excess of seven thousand pounds unladen weight per Section 16600.5 or such other amount considered appropriate for unusually large or heavy loads which pose a substantial risk to public facilities, as determined by the city engineer and city attorney.

10.80.080 Notification of police and fire departments required prior to move.

The permit holder shall notify the police and fire departments twenty-four hours in advance of moving on the public streets and obtain clearances regarding the need for front and rear escorts, sufficient personnel to handle traffic or utility problems and proper signing.

Chapter 10.84

POLICE TOWING SERVICES

Sections:

10.84.010	Establishment of authority
10.84.020	Definitions
10.84.030	Police tow service agreements
10.84.040	Agreement termination
10.84.050	Application
10.84.060	Compensation
10.84.070	Rates and fees
10.84.080	Independent contractor status
10.84.090	Requirements of tow service providers
10.84.100	City indemnification
10.84.110	Insurance
10.84.120	Police tow service provider files
10.84.130	Disputes and claims
10.84.140	Appeal

10.84.010 Establishment of authority

In exercise of their power, the City Council may regulate the operations of police towing services contracted to the City to include rates and fees charged resulting from police towing services requested pursuant to California Vehicle Code Section 21100(g). The chief of police is authorized and directed to enter into and regulate police towing services contracted to private tow companies. Tow service providers shall provide tow service to the City on request in accordance with all the rules and regulations outlined in this Agreement. The provisions of this Agreement shall apply only to the towing and storage of vehicles, contracted as a result of police activity or in the performance of duties as a City contracted tow service provider.

10.84.020 Definitions

The following words shall have the meaning given herein:

“City” is the City of Morro Bay.

“Person” is any person, firm, partnership, association, corporation, company, or organization of any kind.

“Tow Service Provider” is a person under contract with the City to provide the services of a vehicle tow truck or trucks or towing service, whereby motor vehicles are towed or otherwise moved by use of a tow truck so designed for that purpose or by a truck, automobile, or other vehicle so adapted to that purpose. Tow Service Providers must be under current contract with the California Highway Patrol to provide towing services unless granted an exception by the Police Chief.

10.84.030 Police tow service agreements

Police tow service contracts are valid for a period of one year and effective from July 1st through June 30th of the following year. Tow service providers will be required to sign an initial Agreement, which will automatically renew annually unless canceled by either party. The Chief of Police may review the tow service agreement on an annual basis to evaluate the service provided by the tow company. Only towing service providers under contract with the City as provided herein shall be entitled to participate in the distribution of City towing service orders. Any agreement entered into pursuant to these regulations shall not affect any other permit or license requirements imposed by federal, state or local law.

10.84.040 Agreement termination

- A. Default. The agreement may be terminated by the City if the tow service provider:
1. Ceases operations for any reason, or fails or refuses to promptly answer City calls for towing services;
 2. Fails to comply with the provisions of this chapter or the fee schedule;
 3. Fails to respond to the twenty-minute maximum response time requirements without previously notifying the police dispatchers.

B. Termination for Cause - If, through any cause, the tow service provider shall fail to fulfill in a timely and proper manner its obligations under the contract, or if the tow service provider violates any of the covenants, agreements or stipulations of the contract, the City will thereupon have the right to terminate the contract by giving written notice to the tow service provider of such termination and specifying the effective date thereof, at least three days before the effective date of such termination.

Notwithstanding the above, the tow service provider will not be relieved of liability to the City for damages sustained by the City by virtue of any breach of the contract by the tow service provider.

C. Termination for Convenience of the City - The City may terminate the contract at any time by notice in writing from the City to the tow service provider at least five days before the effective date of such termination.

D. Either party may terminate this Agreement at any time for any other reason by tendering written notice to the other party thirty (30) days before the effective date of termination. In the event of such termination, or at the expiration of this Agreement, within fifteen (15) days of such date, Tow Service Provider shall prepare and file with City all written reports required and due under this Agreement, a closing statement of any fees payable to City, and remit full payment of all fees due and payable (if applicable).

10.84.050 Application

A. Application for tow services agreement shall be made to the Chief of Police by submitting the following documents:

- Copy of the California Highway Patrol Rotation Tow Listing Application
- Copy of current liability and automotive insurance
- Copy of Worker=s Compensation insurance
- Copy of City of Morro Bay business license
- Description of storage areas including photos

Description of all tow trucks including photos

B. An initial application hereunder shall be accompanied by a nonrefundable application fee as determined by the City.

C. The Chief of Police may recommend to the City council that a contract be entered into with the applicant if the operator meets all the requirements of these regulations, and any other requirements imposed by federal, state or local law. The Chief of Police may regulate the number of tow service providers.

10.84.060 Compensation

Tow service providers shall receive no compensation except those fees payable by parties responsible for fees due to towing services rendered. In no event shall the City be under obligation to compensate tow service provider for services rendered to other parties. As Tow Service Provider's sole compensation for Services provided under this Agreement, Tow Service Provider shall be entitled to keep and retain all profits realized from the lawful redemption, sale or disposition of all vehicles, vehicle parts, or equipment removed, towed or stored under this Agreement.

10.84.070 Rates and fees

A. Towing fees of the Tow Service Provider will be reasonable and not exceed those rates established by the local area California Highway Patrol.

B. Rates and Charges shall be posted in the tow service provider's office, visible to the public.

C. A copy of the schedule of current rates shall be provided to the police department. The police department shall be advised in writing of any proposed adjustment of the rates prior to any change taking place. The Chief of Police must approve any rate changes.

D. In the event the police department accepts liability for a tow, no charge will be made for storage fees to the City or other person or business.

10.84.080 Independent contractor status

A. The relationship between the tow service provider and the City is that of independent contractor. The tow service provider is not an employee of the City, and is not entitled to the benefits provided by the City to its employees, including, but not limited, to group insurance and retirement plans.

B. The conduct and control of the services to be performed by the tow service provider under this contract will lie solely with the tow service provider. The tow service provider will perform its services for the City in accordance with currently approved methods and ethical standards applicable to its professional capacity. The tow service provider will be free to practice its profession and/or trade for others during those periods when it is not performing work under the contract for the City.

C. The tow service provider will provide its own motor vehicles and will maintain and operate the vehicles at its own expense. The vehicles will be maintained by the tow service provider in a safe and serviceable condition and meet all California regulations.

10.84.090 Requirements of tow service providers

A. Response to Tow Requests.

1. Tow service providers shall be available for response within the incorporated area of the City and within a reasonable distance of those limits on a twenty-four hour, seven-day per week basis. Services originating as a result of a call from the police department shall not be subcontracted to another contracting tow service provider or to any other person or business at any time of the day or night.

2. Tow service providers shall be capable of responding a minimum of two tow service vehicles within the defined area within twenty minutes. If the tow service provider is unable to respond as required, the police dispatcher will be so advised so that another tow service may be summoned.

3. Tow service providers shall conduct business in an ethical, orderly manner, endeavoring to obtain and keep the confidence of the community. They will abide by the decisions of police officers or code enforcement officers.

B. Training and Experience. Tow service provider shall provide proper and adequate training and supervision of its agents and personnel. No charge will be permitted if, in the opinion of the City, a charge, or part of a charge, results from inadequate training and/or inexperience of the tow service provider, its employees, personnel, or agents. Each tow service provider requesting an agreement shall have been operating as a towing service in the San Luis Obispo County for not less than one year prior to requesting the agreement unless this requirement is waived by the Chief of Police. Any tow truck driver employed by a tow service provider shall have had sufficient training and/or experience to enable the driver to safely and competently tow vehicles.

C. Employee Records. The tow service provider shall keep complete and accurate records of its employees and maintain these records for at least two years after an employee or agent leaves its employment, and that these records shall be made available to the office of the Morro Bay City attorney upon request.

D. Towing and Storage Records. The tow service provider shall maintain complete and thorough records of all City requested towing and storage transactions, including consecutively numbered receipts and the same shall be open for inspection by the City at any reasonable time with or without notice. The records and receipts shall be maintained in good condition in a safe and secure area for a period of not less than two years and shall be kept longer if requested by the City. Information in the records shall include times and dates of towage, locations from which vehicles are towed, their descriptions, license numbers, etc. and the fees paid by the claimant of the vehicle.

E. Office and Storage Facility. Tow service providers shall maintain a physical location within five miles of the geographic boundaries of the City. The Chief of Police may exempt this requirement. All structures and property involved in the operator's wrecking, towing and storage operations shall be in compliance with all applicable building, fire, and zoning codes and ordinances, and with all adopted or proposed land use plans. All towed vehicles must be stored within an area that is screened from street view by a minimum six foot high view-obscuring fence. No towed vehicle may be parked by the tow service provider or its employees or agents outside its authorized and licensed storage yard.

F. Vehicle Storage. Tow service providers shall be solely responsible for the safekeeping of all vehicles towed, and for any personal property within the towed vehicle. In keeping with this

responsibility, tow service providers shall provide secured areas in which towed vehicles may be safely stored in an area until ready for release to authorized persons.

1. No vehicle will be stored in inside storage and charged as such without prior approval of the police department watch commander.

2. Tow service providers shall have the capability for releasing vehicles between eight a.m. and five p.m., normal business days (generally Monday through Friday or Saturday), and by appointment after hours and during nonbusiness days.

3. Tow service providers have the responsibility for safeguarding all articles left in impounded/stored vehicles. Bulk property left in vehicles will normally be listed on the vehicle impound report by the police officers. Any article removed for any reason will be properly identified on the tow service provider's copy of the impound report.

G. Abandoned Vehicles. Tow service providers will furnish the necessary personnel and equipment to pick up, tow away and lawfully dispose of all motor vehicles abandoned in the City or removed in violation of the 72 hour parking restrictions, irrespective of value, as designated by the police department.

1. Abandoned vehicles will be removed from City streets and private property without charge to the City if requested by police or code enforcement personnel. Abandoned vehicle impounds requested by private property owners are not a police matter and will be subject to rates and fees established by the tow company.

2. Abandoned vehicles will, if at all possible, be towed during Monday through Friday, eight a.m. to five p.m.

H. Equipment. A tow service provider must have the following equipment:

1. A minimum of two tow trucks with at least one being a flat bed; each having at least ten thousand pound gross vehicle weight capacity.

2. Each tow truck shall have a winch and cable; each of a weight bearing or pulling capacity equal to the gross load capacity of the tow truck to which they are attached. Each boom tow truck shall have cables at least one hundred fifty feet long. All winches shall have safety dogs or equivalent braking devices.

3. Each tow truck shall be maintained in compliance with the provisions of sections 24605, 25300, 27700, and 27907 of the California Vehicle Code.

I. Other Duties.

1. Tow service providers shall, upon request by the police department, protect from disturbance and touching all surfaces and contents of an impounded vehicle, until released from such obligation by a representative of the police department.

2. Allow inspection for impounded or stored vehicles by any person estimating or appraising damage to such vehicles, and shall assist police representatives making such inspections.

3. Remove hazards and clean up debris at the area of a towing operation.

4. Comply with all instructions of City dispatchers, police officers, and fire personnel at the scenes of towing operations.

J. Legal Requirements. All tow service vehicles and all tow vehicle operators will meet all legal requirements in respect to proper licensing, mechanical equipment, emergency lighting, towing, storage, lien selling, or junking. Tow service providers will comply with all vehicle code sections pertaining to required equipment (VC 27700), lighting equipment (VC24605-06, 25110, 25253),

signs (VC27907), drivers (VC2430, 2431, 2436.5, 2436.7, 2432). Tow service providers will also comply with Vehicle Code Section 10652 requiring the reporting of vehicles stored for a period of thirty days or more.

K. Assignment of Tow Requests. The tow service provider will accept the decision of the Chief of Police as it relates to the assignment of calls, if more than one business or company operates as a tow service provider. The City will make every attempt to equally distribute the calls-for-service on a rotation basis. The City retains the right to assign at its election, where in its sole discretion it determines that a particular service or equipment is required and convenience to the particular need, which would permit them, when they feel a particular operator can service a particular need better than another, or has equipment more appropriate than another, to exercise discretion in the assignment.

10.84.100 City indemnification

Tow service providers shall indemnify and save the City and its officers, agents and employees harmless against all claims for damages to persons or property arising out of tow service providers execution of the work, or otherwise by the conduct of the operator or its employees, agents, subcontractors, or others (including the active and passive negligence of the City, its officers, agents and employees) in connection with the execution of the work covered by this agreement and any and all costs, expenses, attorney's fees and liability incurred by the City, its officers, agents, or employees in defending against such claims, whether the same proceed to judgment or not, except only for those claims arising from the sole negligence or willful conduct of the City, its officers, agents, or employees. Further, tow service provider at his/her own expense shall, upon written request by the City, defend any such suit or action brought against the City, its officers, agents or employees.

Tow service providers shall reimburse the City for all costs and expenses (including but not limited to fees and charges of engineers, attorneys, and other professionals and court costs) incurred by City in enforcing the provisions of this section.

10.84.110 Insurance

A. Tow service provider shall, throughout the duration of its contract, maintain comprehensive general liability and property damage insurance, or commercial general liability insurance, covering all its operations, its agents and employees, performed in connection with the contract including but not limited to premises and automobile.

B. Tow service provider shall maintain the following minimum limits:

General liability: combined single limit per occurrence--two million dollars;
Automobile liability; combined single limit per occurrence--two million dollars.

C. All insurance companies affording coverage to the tow service provider shall be required to add the City of Morro Bay as additional insured under the insurance policy.

D. All insurance companies affording coverage to the tow service provider shall be insurance organizations authorized by the Insurance Commissioner of the State Department of Insurance to transact business of insurance in the state of California.

E. All insurance companies affording coverage shall provide thirty days written notice to the City should the policy be canceled before the expiration date. For the purposes of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.

F. Tow service provider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City attorney, concurrently with the submittal of the application. A statement of the insurance certificate which states that the insurance company will endeavor to notify the certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives does not satisfy the requirements. The tow service provider shall ensure that the above quoted language is stricken from the certificate by the authorized representative of the insurance company.

G. Tow service provider shall provide a substitute certificate of insurance no later than thirty days prior to the policy expiration date. Failure by the operator to provide such a substitution and extend the policy expiration date shall be considered a default by tow service provider.

H. Maintenance of insurance by the tow service provider as specified in this chapter shall in no way be interpreted as relieving the tow service provider of any responsibility whatever and the tow service provider may carry, at its own expense, such additional insurance as it deems necessary.

I. Pursuant to Labor Code Section 3700, the tow service provider shall be insured against liability for worker's compensation at the statutory limit or undertake self-insurance in accordance with provisions of that code, and provide certification of such compliance as part of the application process.

10.84.120 Police tow service provider files.

The chief of police or designee will maintain a record file of each tow service provider. Such file will include the tow service provider's application for a tow services contract, a copy of the contract, copy of insurance coverages, and a record of all inspections and complaints regarding the respective tow service providers.

10.84.130 Disputes and claims.

The City council designates authority to the Chief of Police and/or the City Attorney or authorized agent to settle any claim or dispute involving the City and the tow service provider.

10.84.140 Appeal

Any tow service provider whose application for a permit has been denied or whose permit has been revoked may appeal in writing within five days of notice of such action to the City Manager. The City Manager or his/her representative will review the decision for reasonableness and may receive evidence and testimony from all interested parties. The decision of the City Manager shall be final.

Chapter 10.88

STREET USE BY VEHICLES USED AS LIVING QUARTERS

Sections:

- 10.88.010** **Prohibited on certain streets.**
- 10.88.020** **Individual use permit for residents on restricted streets.**
- 10.88.030** **Exhibit A – Streets designated.**

10.88.010 **Prohibited on certain streets.**

Except as provided in Section 10.88.020, it is unlawful for any person to operate any vehicle containing or carrying a compartment designed or used as temporary or permanent living quarters for human occupancy, or to pull or tow any trailer designed or used as temporary or permanent living quarters for human occupancy, over, across or upon any portion of portions of the streets designated in Exhibit A, in Section 10.88.030.

10.88.020 **Individual use permit for residents on restricted streets.**

Upon application by any person residing on any street or portion of any street set forth in Exhibit A, the traffic engineer may issue to such person an individual use permit, granting to such permittee, the members of his/her household and his/her agents and employees, the right to operate or tow the vehicles or trailers particularly described in such use permit over, upon and across the streets designated in Exhibit A. The provisions of Section 10.88.010 shall not apply to any person operating or towing any vehicle or trailer pursuant to such individual use permit.

10.88.030 **Exhibit A – Streets designated.**

Streets and portions of streets affected by use restrictions of this chapter are as follows:

All streets east of Juniper from Avalon to City Limits
Andros
Azure, except that portion of Azure Street lying westerly of Sandalwood Street
Bali
Beachcomber
Capri
Coral
Danmar
Driftwood
Easter
Formosa
Gilbert
Hatteras
Island
Java
Kodiak

Luzon
Mindoro
Nassau Court
Nassau Street
Oahu
Oceanside
Orcas
Panay
Rennel
Sandalwood, except for the portion of Sandalwood between Azure Street and Indigo Street
Sicily
Sienna
Tahiti
Terra
Tide
Trinidad
Toro Lane
Vashon
Verdon
Whidbey
Zanzibar

Chapter 10.92

OFF HIGHWAY VEHICLES

Sections:

10.92.010 Definitions.

10.92.020 Prohibition.

10.92.010 Definitions.

As used in this chapter, "off-highway motor vehicle" means and includes any motorcycle, motor-driven cycle, minibike, trailbike, or motor vehicle commonly referred to as a sand buggy, dune buggy, all-terrain vehicle (ATV) or jeep (38012 CVC).

10.92.020 Prohibition.

A. No person shall operate or drive any off-highway vehicle upon any public property which is not held open to the public for vehicular use and which is not subject to the provisions of the California Vehicle Code except for emergency vehicles, the vehicles of governmental agencies and public utilities and the vehicles of persons holding a written permit from the city.

B. No person shall operate any off-highway motor vehicle on any private property of another which is not held open to the public for vehicular use, and which is not subject to the provisions of the California Vehicle Code except for emergency vehicles, the vehicles of governmental agencies or public utilities and to persons or vehicles driven upon such property without the written consent of the owner or person in lawful possession of such property. Such written consent shall be displayed upon request of a peace officer and shall contain as a minimum: the name and address of the person to whom the permit is issued; any restrictions as to days or hours of operation; designation of a definite expiration date which will be automatically six months from the date of issue if none is so designated; and signature of property owner or person in lawful possession of such property.

C. It is unlawful for any person operating or driving an off-highway vehicle within the city limits to violate any of the provisions of California Vehicle Code Division 16.5.

D. No person shall operate or drive an off-highway vehicle in such a manner as to disturb the peace and quiet of any neighborhood or person by noise, dust, smoke, fumes or other cause arising out of the operation of such vehicle.

Chapter 10.96

PENALTY FOR TRAFFIC VIOLATIONS

Sections:

10.96.010 Amount designated.

10.96.010 Amount designated.

Unless otherwise specified in this Title all fines and penalties for violation of any provisions of Title 10 will be established by resolution of the council.

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 27th day of April 2009, by motion of Councilmember _____ and seconded by Councilmember _____.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morro Bay on the ____ day of _____, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Janice Peters, Mayor

ATTEST:

Bridgett Bauer, City Clerk

APPROVED AS TO FORM:

Robert Schultz, City Attorney

The City' Parking Management Plan was adopted in October 2007 and included a recommendation to add a third route dedicated to the Waterfront. The idea was to increase service frequency by reducing headway 50% to encourage visitors to park in outlying public parking areas and use the trolley in order to reduce congestion on the Embarcadero and in the downtown. The Council adopted the parking management plan and directed staff to purchase a new trolley for the third route while using the 1985 trolley for the 2008 season until the new trolley procurement was completed.

For the 2008 trolley season, the third route was added and the remaining two routes were redesigned to also increase service frequency by reducing headway 50%. This was particularly crucial for the State Parks and campgrounds in the north and south ends of Morro Bay as the previous headway was one hour and visitors could now more easily use the trolley service to bring them into the downtown and waterfront thereby reducing vehicle congestion in these busy commercial areas.

The number of operating days, hours and fare structure did not change between the 2007 and 2008 seasons. Tables 1 through 4 provide information on the 2008 season. For the 2008 season, ridership for the expanded and redesigned service increased by 70% over the prior year.

The City received a Proposition 1B State grant to purchase a new trolley as directed by Council. The City piggy-backed on a City of San Luis Obispo trolley purchase contract to acquire the new trolley. In April 2009, the new trolley was delivered to the City and will be placed into service for the 2009 season. The 1985 trolley is intended to become surplus property and be sold as there is not enough space at the Corporation Yard for storage of a fourth trolley.

Table 1 - Trolley Summary

Season	# Days	Ridership	Ave. Riders per Day	Riders per VSH	Farebox	Ave. Fares per day
2007	70	15,257	218	13	\$ 7,058	\$ 100.82
2008	70	25,956	371	15	\$ 11,337	\$ 161.95

Table 2 - Trolley 2008 Season - Ridership per Hour Analysis by Route

Waterfront Route	11-12	12-1	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9	Total Riders
Total Ridership	1147	1486	1485	1600	1573	1342	967	537	317	83	10,537
Ridership/Vehicle Service Hour	16	21	21	23	22	19	19	16	9	4	
Downtown Route	11-12	12-1	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9	Total Riders
Total Ridership	1029	908	1010	893	963	956	711	302	211	177	7,160
Ridership/Vehicle Service Hour	15	13	14	13	14	14	14	9	6	8	
North Morro Bay Route	11-12	12-1	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9	Total Riders
Total Ridership	1058	1072	1242	1197	1209	905	729	367	337	143	8,259
Ridership/Vehicle Service Hour	15	15	18	17	17	13	14	11	10	7	

Table 3 - Trolley 2008 Season - Ridership by Hour All Routes

	11-12	12-1	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9	Total Riders
2008 Total Ridership	3234	3466	3737	3690	3745	3203	2407	1206	865	403	25,956
Riders/Day	46	50	53	53	54	46	46	35	25	19	

Table 4 - Trolley 2008 Season - Ridership per Hour Analysis

	11-12	12-1	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9*	Friday Total
Friday Ridership	627	557	701	696	657	611	485	373	280	144	5,131
Riders by Hour	45	40	50	50	47	44	35	27	20	13	

*Includes July 4 extended hours

	11-12	12-1	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9	Sat Total
Saturday Ridership	1,195	1,294	1,390	1,404	1,438	1,214	1,295	833	585	259	10,907
Riders by Hour	60	65	70	70	72	61	65	42	29	13	

	11-12	12-1	1-2	2-3	3-4	4-5	5-6	Sun. Total
Sunday Ridership	877	923	1,036	929	956	769	592	6,082
Riders by Hour	44	46	52	46	48	38	30	

	11-12	12-1	1-2	2-3	3-4	4-5	5-6	Mon. Total
Monday Ridership*	535	692	610	661	694	609	35	3,836
Riders by Hour	36	46	41	44	46	41	18	

*Includes Memorial Day and Labor Day holidays

Upcoming 2009 Trolley Season

The 2009 trolley season begins Memorial Day weekend. As mentioned previously, one of the recommendations from the Management Partners Assessment of City Organization and Financial Options report was to eliminate general fund support of the trolley tourist program.

With that in mind, staff developed the FY 2009/2010 trolley budget that requires no general funds for operation while at the same time retaining the same levels of service and fare structure as the 2008 season. This was accomplished in two ways: 1) using Parking-In-Lieu funds for the Waterfront and Downtown routes, and 2) creation of a sponsorship program to generate additional revenue.

When the trolley began in 1994, the City received four \$3,000 sponsorships to fund operations. Over time, the companies who were sponsors cut back on the sponsorship amount and eventually eliminated sponsorship support altogether. Understanding the difficult economic times, staff has developed a sponsorship program with two tiers: \$500 and \$250. For the \$500 sponsorship, the sponsor would be given one free advertising space on the trolley, have their name placed on the trolley brochure and on the trolley website. For the \$250 sponsorship, the sponsor would have their name placed on the trolley brochure and on the trolley website.

CONCLUSION:

Staff recommends the Council receive and file the report on 2008 trolley season performance and information about the upcoming 2009 season.



AGENDA NO:

MEETING DATE: 5/11/2009

Staff Report

TO: Honorable Mayor and City Council **DATE:** 5/11/2009
FROM: Joseph M. Woods, Recreation and Parks Director
SUBJECT: Consideration of Co-Sponsorship of the 2009 Dahlia Daze celebration

RECOMMENDATION:

Staff recommends City Council review and discuss the possibility of co-sponsoring the Morro Bay Garden Club's annual Dahlia Daze event and direct staff appropriately.

This agenda item is in reference to the Council's established goal to foster proactive action and communication between staff, Council and the community.

MOTION: I move that the City Council (*support or not support*) the co-sponsorship of the City and the Morro Bay Garden Club with their annual Dahlia Daze event on August 15, 2009 at the Morro Bay Community Center.

FISCAL IMPACT:

The financial impact to the City would be the difference of the non-profit rate schedule and direct cost rate schedule. However, indirect revenues may be realized by an increase of participation at this year's event. Basic rental of the Community Center Auditorium by a non-profit organization for six (6) hours and three (3) hours of kitchen use would be \$228.00. If Council decides to co-sponsor this event, staff would apply only direct costs for facility use, reducing the invoiced amount to \$100.50. The difference being \$127.50.

DISCUSSION:

The Morro Bay Garden Club sponsors an annual event to celebrate the City of Morro Bay's official flower, the Dahlia. The Dahlia Daze event has increased in popularity over the two years since inception and the Club is seeking a larger venue for their third annual celebration on August 15, 2009. In co-sponsoring Dahlia Daze, the Club would realize an increased ability to reallocate resources to enhance Club operations and community involvement. The City will have shown action towards a stated goal as well as increase the opportunities for sales tax enhancement.

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



AGENDA NO: D-3

MEETING DATE: May 11, 2009

Staff Report

TO: Honorable Mayor and City Council
FROM: Rob Livick, PE/PLS – City Engineer

DATE: May 4, 2009

SUBJECT: Report on Citizens Bike Committee's Letter of Recommendations on the City Bikeways Plan

RECOMMENDATION:

It is recommended that the City Council consider the letter from the Morro Bay Citizens Bike Committee (Attachment 1) and give direction to staff on these or any other potential projects or issues to be included in the City's Bicycle Transportation Plan.

FISCAL IMPACT:

The fiscal impacts for all of the Morro Bay Citizens Bike Committee's recommendations are not known at this time. The impact of item 3 alone, North Main Class II bike lanes, has been estimated to cost between \$283,000 to approximately \$1,045,000 depending on the level of improvements. The North Main Street Bike lane project ranked high in the San Luis Obispo Council of Government's (SLOCOG) recommendations to the California Transportation Commission (CTC) for funding through American Recovery and Reinvestment Act (ARRA). This potential funding may result in a lesser financial impact to the City.

BACKGROUND:

On March 9, 2009 Public Services staff updated City Council and requested direction regarding the desired design of North Main Street bike lanes (Attachment 2), and whether to pursue the project should funding become available. At that same meeting City Council directed staff to return with a bike plan within three months with potential funding sources, and a survey of the businesses along North Main Street.

DISCUSSION:

On April 22, 2009 the Morro Bay Citizens Bike Committee met to review unmet bike needs and make recommendations that these unmet needs be included in the City's Bikeways Plan. Their recommendations are included in the attached letter. The requirements of a Bicycle

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

Transportation Plan are stipulated in Section 891.2 (Attachment 3) of the California Streets and Highways Code and include citizen involvement and participation.

CONCLUSION:

Staff will review and provide analysis of the Morro Bay Citizens Bike Committee's unmet needs recommendations in the forthcoming Bicycle Transportation Plan.

Attachments:

1. April 27, 2009 Letter from the Morro Bay Citizens Bike Committee
2. March 9, 2009 staff report for the North Main Street Class II Bike Lane project
3. Section 891.2 California Streets and Highways Code, Bicycle Transportation Plan Requirements

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