

# City of Morro Bay

## City Council Agenda

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### *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.*

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### REGULAR MEETING TUESDAY, AUGUST 27, 2013 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

CLOSED SESSION REPORT

MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS

PUBLIC PRESENTATIONS

- **SLO Clean Energy**

PUBLIC COMMENT - Members of the audience wishing to address the Council on City business matters not on the agenda may do so at this time. For those desiring to speak on items on the agenda, but unable to stay for the item, may also address the Council at this time.

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 AGENDA

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

A-1 APPROVAL OF CITY COUNCIL MINUTES FOR THE SPECIAL CLOSED SESSION MEETING HELD ON AUGUST 13, 2013; (CITY ATTORNEY)

**RECOMMENDATION: Approve as submitted.**

A-2 APPROVAL OF THE CITY COUNCIL MINUTES FOR THE REGULAR COUNCIL MEETING HELD ON AUGUST 13, 2013; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-3 APPROVAL OF THE AMENDMENT TO THE SUPPORT SERVICES MANAGER JOB DESCRIPTION; (POLICE)

**RECOMMENDATION: Approve the proposed amendment to the Support Services Manager job description as well as the proposed job title change to Support Services Coordinator.**

A-4 RESOLUTION 46-13 APPROVING AMENDMENT #2 TO LEASE SITE 65-66/65W-66W, 571 EMBARCADERO (IMANI); (HARBOR)

**RECOMMENDATION: Approve Resolution 46-13, executing Amendment #2 to the Lease Agreement for Lease Site 65-66/65W-66W between the City of Morro Bay and Abba Imani.**

A-5 APPROVAL OF SETTLEMENT AGREEMENT BETWEEN THE CITY OF MORRO BAY AND PACIFIC WESTERN BANK IN REGARD TO THE AFFORDABLE HOUSING AGREEMENT AT 600 MORRO BAY BLVD.; (CITY ATTORNEY)

**RECOMMENDATION: Approve the Settlement Agreement thereby releasing Unit 106 located at 600 Morro Bay Blvd. from the Affordable Housing Agreement Deed Restrictions.**

A-6 RESOLUTION 45-13 APPROVING AN APPLICATION TO THE STATE OF CALIFORNIA'S COASTAL CONSERVANCY FOR GRANT FUNDS THROUGH ITS CLIMATE READY PROGRAM; (PUBLIC SERVICES)

**RECOMMENDATION: Approve Resolution 45-13 as submitted.**

B. PUBLIC HEARINGS - NONE

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS

D-1 DISCUSSION OF THE FORMATION OF A GENERAL PLAN/LOCAL COASTAL PLAN (GP/LCP) UPDATE CITIZEN REVIEW COMMITTEE (CRC); (PUBLIC SERVICES)

**RECOMMENDATION:** Review the idea and particulars regarding formation of a GP/LCP review committee and provide direction to staff as to when the formation would be appropriate.

D-2 DISCUSSION ABOUT OPTIONS TO REDUCE UNPERMITTED AND ILLEGAL FIREWORKS FOR THE 2014 4TH OF JULY; (POLICE)

**RECOMMENDATION:** Staff recommends no change to the current Municipal Code 14.08.090. Additionally, staff recommends continued proactive patrol efforts, which may include increased staffing, to mitigate the use of dangerous fireworks in the City of Morro Bay.

D-3 DISCUSSION AND DIRECTION ON A CONSULTANT SERVICES HIRING POLICY; (CITY ATTORNEY)

**RECOMMENDATION:** Review this report and the attached draft Consultant Services Hiring Policy and provide direction to staff.

D-4 DISCUSSION AND DIRECTION ON LEAGUE OF CALIFORNIA CITIES RESOLUTIONS; (ADMINISTRATION)

**RECOMMENDATION:** Authorize the City's voting delegate to support both Resolution No. 1 and Resolution No. 2 at the League of California Cities Annual Conference.

D-5 QUARTERLY STATUS OF THE GOALS SET BY THE CITY COUNCIL IN MARCH 2013; (ADMINISTRATION)

**RECOMMENDATION:** Review and discuss this status report.

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

**THIS AGENDA IS SUBJECT TO AMENDMENT UP TO 72 HOURS PRIOR TO THE DATE AND TIME SET FOR THE MEETING. PLEASE REFER TO THE AGENDA POSTED AT CITY HALL FOR ANY REVISIONS OR CALL THE CLERK'S OFFICE AT 772-6205 FOR FURTHER INFORMATION. MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION AT CITY HALL LOCATED AT 595 HARBOR STREET; MORRO BAY LIBRARY LOCATED AT 625 HARBOR STREET; AND MILL'S COPY CENTER LOCATED AT 495 MORRO BAY BOULEVARD DURING NORMAL BUSINESS HOURS.**

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

MINUTES – MORRO BAY CITY COUNCIL  
SPECIAL CLOSED SESSION MEETING –  
AUGUST 13, 2013  
CITY HALL CONFERENCE ROOM – 4:30PM

PRESENT:	Jamie Irons	Mayor
	Christine Johnson	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Susan Slayton	Administrative Services Director
	Eric Endersby	Harbor Director

ESTABLISH QUORUM AND CALL TO ORDER

SUMMARY OF CLOSED SESSION ITEMS - The Mayor read a summary of Closed Session items, noting the correct Government Code Section for Item CS-2 is 54956.9(d)(2).

CLOSED SESSION PUBLIC COMMENTS - Mayor Irons opened the meeting for Public Comment.

Wastewater Treatment Plant Manager, Bruce Keogh, spoke on behalf of Management employees and all employee groups, stating the need to find a way to recruit and retain employees. He also asked Council to consider a change to Resolution 28-10.

Doug Redican, owner of Rose’s Landing, provided historical information regarding his lease site, an update on the planned boat slip project, and asked Council to consider a new long term lease agreement.

Abba Imani provided Council with an update on the construction project at 571 Embarcadero.

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

**CS-1 GOVERNMENT CODE SECTION 54956.8: PROPERTY TRANSACTIONS:**

Instructing City’s real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to two parcels.

- **Property: Lease Site 65-66/65W-66W, Abba Imani, 571 Embarcadero**  
Negotiating Parties: Abba Imani and City of Morro Bay  
Negotiations: Lease Terms and Conditions
- **Property: Lease Site 82-85/82W-85W, Rose’s Landing, 725 Embarcadero**  
Negotiating Parties: Doug Redican and City of Morro Bay  
Negotiations: Lease Terms and Conditions

**CS-2 CONFERENCE WITH LEGAL COUNSEL DUE TO ANTICIPATED LITIGATION  
-- GOVERNMENT CODE SECTION 54956.9(d)(2): Exposure to litigation exists based upon existing facts and the advice of legal counsel as to one matter.**

- Parties: First American Title Company/First California Bank and City of Morro Bay

**CS-3 GOVERNMENT CODE SECTION 54957.6; CONFERENCE WITH LABOR NEGOTIATOR:** Conference with City Manager, the City's Designated Representative, for the purpose of reviewing the City's position regarding the terms and compensation paid to the following employee organizations and giving instructions to the Designated Representative: Firefighters Association (FFA), Police Officer's Association (POA), Service Employee's International Union, SEIU Local 620, Management and Confidential Employees.

CITY COUNCIL CONVENED TO OPEN SESSION – The City Council convened to open session; City Attorney, Rob Schultz reported that no reportable action under the Brown Act was taken.

#### ADJOURNMENT

The meeting adjourned at 5:50pm.

Recorded by:

Dana Swanson  
Deputy City Clerk

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – AUGUST 13, 2013  
VETERAN’S MEMORIAL HALL – 6:00P.M.

PRESENT:	Jamie Irons	Mayor
	Christine Johnson	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Dana Swanson	Deputy City Clerk
	Amy Christey	Police Chief
	Steve Knuckles	Fire Chief
	Susan Slayton	Administrative Services Director
	Eric Endersby	Harbor Director
	Joe Woods	Recreation & Parks Director
	Rob Livick	Public Services Director

Mayor Irons called the meeting to order at 6:07 p.m.

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE  
PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT – City Attorney Robert Schultz reported that City Council met in a Special Closed Session on August 13, 2013 on the following items:

Government Code Section 54956.8: Property Transactions related to two lease sites located at 571 Embarcadero and 725 Embarcadero; Conference with legal counsel due to anticipated litigation, noting that the correct Government Code Section is 54956.9 (d)(2): Exposure to litigation exists based upon existing facts and the advice of legal counsel as to one matter - First American Title Company/First California Bank and City of Morro Bay; concerning development at 600 Morro Bay Blvd, bank foreclosure and threatened litigation if the City does not remove the Affordable Deed Restriction; and Government Code Section 54957.6: Conference with Labor Negotiator regarding terms and compensation paid to the following employee organizations: Firefighters Association (FFA), Police Officer’s Association (POA), Service Employee’s International Union, SEIU Local 620, Management and Confidential Employees. With regard to these agenda items, no reportable action under the Brown Act was taken.

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS & PRESENTATIONS

## PUBLIC PRESENTATIONS

### **Quarterly Report from the Economic Development Program**

Craig Schmidt and John DeNunzio presented the Quarterly Report on the Economic Development Program. They are currently working with 15 businesses that are interested in Morro Bay, including a couple of industrial sites. 157 new business licenses have been issued since the first of the year, 63% of those are located outside of Morro Bay.

The Chamber of Commerce has a new website: <http://www.dobusinessinmorrobay.com/> where they are able to track prospective businesses. Along with the Tourism Bureau, they held an event planners workshop and are developing materials that will be handed out by the Recreation & Parks Department.

They performed a retail survey, and discussed how the results compare to a similar survey performed in 1995. The results show that while shopping trips to the City of SLO have remained about the same, we are shopping less in Morro Bay than 18 years ago. This may be attributed to online shopping and development of other retail outlets around the County.

A free consultation program for current and emerging business is being offered through the Economic Development Program and the SLO County Economic Vitality Corporation. Thus far, 33 businesses have used this service.

There are currently two incubator businesses at the Chamber office: Central California Seafood Marketing Association and Fishline.com. The initial agreement with an incubator business is for a 12 month period, with 36 months being the maximum.

### **Event Summary from the Morro Bay 4<sup>th</sup> Committee**

Daniel Podesto, on behalf of the 4<sup>th</sup> of July committee, provided an event summary, thanking those that helped make the event happen. The Tourism Bureau financial contribution and City accommodations were tremendous. He also thanked Stax Wine Bar and Tognazzaini's Dockside Too for the fantastic fundraising events which donated 100% of proceeds to the 4<sup>th</sup> of July. Numerous businesses were also involved including Morro Dunes RV Park, Embarcadero Inn and Morro Bay Mobil. Donations received from residents were also greatly appreciated.

These donations helped to secure advertising monies. The organization partnered with El Dorado Broadcasters (4 stations) who ran ads for three months promoting fundraisers and the event. Advertising was also done through Bakersfield Clear Channel Radio, KSBY, a Morro Bay Facebook page, and other social media outlets.

Although there was no head count, this year seemed to be one of the best attended events. The crowd came early and stayed all day. The transient occupancy tax numbers are not yet available, but anecdotally many hotels and restaurants have done great business in the last month. The Morro Bay Albertson's store is rumored to have the highest grossing store in the California chain during the 4<sup>th</sup> of July weekend.

There are currently seven volunteers that meet year round to put on the event. They are looking for more volunteers and support from the business community.

With regard to event costs, Mr. Podesto noted that this year's event cost \$35,000 and was planned similar to 2010. The fireworks are more than half of total budget at \$20,000. Music makes up about 15% of the budget. This is as trim as they can get. The maximum spent on the event was \$47,000 but the added expense did not pay off, so they trimmed down for this year's event.

Anyone interested in getting involved should contact Mr. Podesto or any of the current board members. You can also visit the website <http://morrobay4th.org> for more information.

#### PUBLIC COMMENT

David Schultz, owner of The Bike Shop, presented the Morro Bay business report. The Bike Shop is located at 842 Main Street, across from Coalesce Book Store. He offers complete bikes as well as bike products, parts and service. Tune ups start at \$20. The phone number is 772-2697 and website is [www.thebikeshopmb.com](http://www.thebikeshopmb.com)

Garry Johnson spoke about the Morro Bay Junior Lifeguard program. The Morro Bay Recreation & Parks Department and Morro Bay Harbor Department put on this three week program which is a great opportunity for our youth. The program teaches them the right way to have fun in the ocean. For younger kids, a one week Beach Camp is available.

Annie K. Rocci, 10 years old, shared that she is attending Morro Bay Beach Camp. In addition to attending the Beach Camp, she also helped with Project Surf Camp.

John Solu, the new President of Harbor Festival shared that the Harbor Festival is on its way to recovery from a painful process of catching up on debt from prior years, including the City bill. The 32<sup>nd</sup> annual event will be held October 5<sup>th</sup> and 6<sup>th</sup>, with a new look and lineup of entertainment including Queen Nation on Sunday afternoon. The Harbor Festival will continue to highlight our working fishing port, local wines, and craft beer, with sales that account for 30% of event revenue equaling \$90,000 for the weekend. After expenses, all proceeds go to local non-profits. Last year, \$25,000 was given to local non-profit groups. With regard to Item C-3 on the Council Agenda, Solu noted that until 2004 the City was a full partner in the Harbor Festival. Removing the City from the partnership discourages non-profit groups from hosting events. Year-end reports show that TOT for FY 12-13 exceeded projections. He encourages Council to invest in local events.

Don Doubledee, a Morro Bay resident of 44 years, spoke regarding local events. He volunteers for the Morro Bay Car Show and Harbor Festival. The volunteers work hard to bring monies into the City and he encourages Council to partner in local events. This year's Harbor Festival will feature the Young Dubliners on Saturday and Queen Nation on Sunday. Please co-sponsor, join in our effort to do good things in Morro Bay.

Don Henderson of 620 Fresno Avenue presented images of overgrown vegetation at the intersection of Fresno and Marina Streets. He also presented a petition with 45 signatures asking the City to address the need for traffic control at this location.

Liz Klinzman stated that she was in a car accident on the intersection of Fresno and Marina Streets six weeks ago. She is pleased that the shrubs have been cut back but asks the City to put in a yield sign at that location. Her son was involved in an accident there six years ago.

Sonja Flores is interning with the Morro Bay Economic Development Program as an Associate Planner. Her background is working as an advocate for the creation of more affordable housing for farm workers and low income families. Since then she entered the Cal Poly Masters of City and Mutual Planning Program and is half way through that program. Since early July, she has been working to create a draft economic development action plan. It is intended to guide future economic development activities in Morro Bay for 2013-2018, setting the framework to continue to revitalize the City's economy and business oriented design.

Gary Hixon shared that he has shortened the movie Innerspace to 30 minutes. This, along with the Gary Mirror Show can be found on You Tube. He thinks everyone is doing a great job.

Kim O'Brien spoke regarding the RFP for the Aquarium. She feels that AZA accreditation should be required, not desired. She also suggests having a specialty consultant in marine design as part of the selection team.

Keith Taylor thanked volunteers on all levels. He also noted that the City is losing a really good person as Mary Sponhaltz will be leaving the Police Department after 12 years of service. He's happy for her but sad for us; she's a really great person.

Councilmember Christine Johnson asked Public Services Director Rob Livick what the follow up would be on Mr. Henderson's petition. Director Livick noted this intersection had been studied previously by staff and does not meet the criteria for stop signs. The next step would be for Council to agendize this issue and, if desired, determine by Resolution or Ordinance to install a stop sign there. Mayor Irons asked for clarification on petitions being used for this purpose. Director Livick states the City does not currently have a petition process, but that traffic control can be added by Council action.

Mayor Irons closed the public comment period.

A. CONSENT AGENDA

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

A-1 APPROVAL OF CITY COUNCIL MINUTES FOR THE SPECIAL CLOSED SESSION MEETING HELD ON JULY 9, 2013; (CITY ATTORNEY)

**RECOMMENDATION: Approve as submitted.**

A-2 APPROVAL OF THE CITY COUNCIL MINUTES FOR THE REGULAR COUNCIL MEETING HELD ON JULY 9, 2013; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-3 STATUS REPORT OF A MAJOR MAINTENANCE & REPAIR PLAN (MMRP) FOR THE EXISTING WASTEWATER TREATMENT PLANT; (PUBLIC SERVICES)

**RECOMMENDATION: Receive report as submitted.**

A-4 RESOLUTION 44-13 AUTHORIZING EXECUTION OF A DEED OF TRUST FOR THE LEASE AGREEMENT ON LEASE SITE 65-66/65W-66W (ABBA IMANI); (HARBOR)

**RECOMMENDATION: Approve Resolution 44-13 authorizing the execution of a Deed of Trust for the Lease Agreement on Lease Site 65-66/65W-66W (Abba Imani).**

A-5 REQUEST FOR APPROVAL OF ASSIGNMENT OF LEASE AGREEMENT FOR LEASE SITES 87-88/87W-88W FROM VIOLET LEAGE TO B & L FLASH, INC. (833 EMBARCADERO); (HARBOR)

**RECOMMENDATION: Approve the Assignment of the Lease Agreement for Lease Sites 87-88/87W-88W.**

Mayor Irons opened up the public comment period for Items on the Consent Calendar.

Richard Sadowski spoke on Item A-3 noting that Cayucos Sanitary District had recently released a report, stating that the most economical option for Cayucos would be for the WWTP to stay in the current location. A rebuttal to that report can be found on the Slo Coast Journal. Regarding MMRP, it appears citizens of Morro Bay could be subsidizing repairs for Cayucos; he asks Council to put a stay on this item and address the joint powers agreement as it appears they are going in two different directions.

The public comment period for Items on the Consent Calendar was closed.

Mayor Irons pulled Items A-4 and A-5 from the Consent Calendar to allow Councilmember Leage to recuse himself.

MOTION: Councilmember Nancy Johnson moved the City Council Approve Items A-1, A-2 and A-3 of the Consent Calendar as presented. The motion was seconded by Councilmember Christine Johnson and carried 5-0.

Councilmember Leage recused himself for Items A-4 and A-5 due to a conflict of interest.

A-4 RESOLUTION 44-13 AUTHORIZING EXECUTION OF A DEED OF TRUST FOR THE LEASE AGREEMENT ON LEASE SITE 65-66/65W-66W (ABBA IMANI); (HARBOR)

**RECOMMENDATION: Approve Resolution 44-13 authorizing the execution of a Deed of Trust for the Lease Agreement on Lease Site 65-66/65W-66W (Abba Imani).**

City Attorney Schultz explained that this is a routine matter as loans are required for major improvement projects and through the loan process the Lender requires that they be entitled to any notice of default on the property. Council has asked that other items regarding lease compliance be addressed in a lease amendment that will be brought back in two weeks. Staff asks Council to approve the estoppel certificate, subject to a lease amendment that will be brought back in two weeks. Staff will not execute the estoppel certificate until the lease amendment has been approved.

**MOTION:** Councilmember Nancy Johnson moved the City Council approve Item A-4, subject to a lease amendment that will come back to Council in two weeks. The motion was seconded by Councilmember Smukler and carried 4-0-1 with Councilmember Leage having recused himself.

**A-5** REQUEST FOR APPROVAL OF ASSIGNMENT OF LEASE AGREEMENT FOR LEASE SITES 87-88/87W-88W FROM VIOLET LEAGE TO B & L FLASH, INC. (833 EMBARCADERO); (HARBOR)

**RECOMMENDATION:** Approve the Assignment of the Lease Agreement for Lease Sites 87-88/87W-88W.

**MOTION:** Councilmember Nancy Johnson moved to approve the Assignment of Lease Agreement for Lease Sites 87-88/87W-88W from Violet Leage to B & L Flash, Inc. The motion was seconded by Councilmember Smukler and carried 4-0-1 with Councilmember Leage having recused himself.

**B. PUBLIC HEARINGS**

**B-1** APPEAL OF ADMINISTRATIVE DECISION REGARDING REQUEST FOR PAYMENT OF REDUCED IMPACT FEES FOR A RESIDENTIAL PROJECT LOCATED AT 281 MAIN STREET (APPLICANT: JOHN AND ALAIR HOUGH); (PUBLIC SERVICES)

Public Services Director Rob Livick presented the staff report.

Cathy Novak spoke on behalf of the Appellants, providing a detailed timeline of project submittal dates as well as Council action related to Resolution 52-12, pointing out that without an appeal to the Coastal Commission, a reasonable expectation to submit for a building permit would have been in September 2012, making the project eligible for a reduction in impact fees. However, due to delays with Coastal Commission the hearing did not occur until March 6, 2013 where they voted unanimously for a No Substantial Issue determination, thereby denying the appeal.

Mayor opened up public comment for Item B-1.

Betty Winholtz stated that she had appealed the Hough project to Coastal Commission. She asks Council to remember that this couple is not being penalized, they are being asked to pay what

everyone else is expected to pay. Their application was submitted before Council took action to reduce impact fees. She asks that Council uphold the staff recommendation.

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

Councilmember Leage stated this is a unique project and kind of border line but he feels they deserve a break. Councilmember Christine Johnson added that it's easy to feel emotional about the process being extended, but important to leave emotions aside. The first application was March 16, 2012 which was quite a bit before the deadline. She also noted the August 14<sup>th</sup> date in Ms. Novak's report, which is still prior to October 2012 council action. Logically, the decision to build was prior to the council action.

Councilmember Nancy Johnson stated this project goes beyond logic and dates. It was subject to unfounded appeals which extended their time and cost them a lot of money. She would like to determine findings to reduce impact fees and support people who want to build and add to the economy in Morro Bay.

Councilmember Smukler stated the property owners are in the process of building a home, and agrees with staff decision; he is particularly concerned about extending a benefit that would not be available to others. Impact fees are fair and important for maintaining our City services.

Mayor Irons stated that based on the facts of the matter and timeline, he believes that Resolution 14-13 was thoughtful and addressed any project that was in the pipeline. This project just fell outside of that, according to the timeline. He agrees with staff recommendation and moves that we proceed with staff recommendation.

MOTION: Councilmember Smukler moved to uphold staff decision and denial of the reduced impact fees per City Council Resolution 14-13. The motion was seconded by Christine Johnson and carried 3-2 with Councilmembers Nancy Johnson and Leage voting no.

## C. UNFINISHED BUSINESS

### C-1 APPROVAL OF DRAFT REQUEST FOR PROPOSALS FOR LEASE SITE 69-70/69W-70W (MORRO BAY AQUARIUM); (HARBOR)

Harbor Director Eric Endersby presented the staff report.

Mayor Irons opened up public comment for Item C-1.

Marla Jo Bruton of Morro Bay takes issue with Harbor Advisory Board involvement in the selection process and asks Council to keep an ear to the ground on those discussions. Since it is Tidelands Grant area with outfalls at that sight, if not used for an aquarium, those outfalls should be used for storm water catchment/treatment.

Betty Winholtz states that the City is presuming that all applicants or projects will need AZA approval, but that may not be true. We are about 5 years out which may allow time for

applicants to be prepared for AZA compliance. Process wise, she suggests that changes in RFP that were not specifically requested by Council should not be included in the final document.

Public Comment for Item C-1 was closed.

Mayor Irons commented regarding liberties by staff in the draft RFP and noted that interaction happens during the motion and during discussions with staff.

Councilmember Leage asked how staff will determine how much parking is needed. Director Livick explained that it is common during redevelopment projects that calculations are based on square footage and parking requirements in place at the time of the development. Different uses have different calculations and parking is either provided with actual parking spaces or parking in-lieu.

Councilmember Christine Johnson is looking forward to refining the RFP and noted this is a draft document and an opportunity for input from the community and Council to refine the process. On page six, in the bold paragraph, 3<sup>rd</sup> sentence, she would like to add, “however, it is not currently operating as a rehabilitation center.” On page 9, regarding the selection panel, she likes the model used for the WRF Consultant Selection. A ten person committee worked well, and provided a wide variety of input. She suggests two Harbor Advisory Board members be included, and possibly staff from SLO County Animal Services Division. She also suggests that having that input would replace sending the top two candidates to the Harbor Advisory Board. She would also like to discuss the point values on page 12-13 and putting the final numbers in priority order.

Councilmember Nancy Johnson agrees with Councilmember Christine Johnson’s suggestion to add a statement that the aquarium is not currently operating as a rehabilitation center. In addition, she doesn’t believe the statement about the Tylers being named Living Treasures should be included, and supports the selection committee model used for WRF, as it brought forward citizens with a variety of expertise.

Councilmember Smukler agrees with changes on page 6, as well as comments by Councilmembers Christine Johnson and Nancy Johnson. On page 5, under Objectives, he suggests striking “economic return to Harbor Dept.” as this is generally a lower priority on this specific lease site. The benefit to the community is more important. With regard to the selection committee, he suggests two councilmembers, three staff, a marine specialist, possibly a Tourism Bureau or Chamber member, and Harbor Advisory Board or the fishing industry. With regard to page 5, he sees a potential for not charging the standard lease format. This language can be left in, but it’s something he wants to address.

Councilmember Nancy Johnson noted that a major part of the harbor income comes from the leases. She understands the importance of visitor serving, but wants to provide income to the Harbor Department. If the language on page 5 is standard, leave in.

Mayor Irons agrees. Councilmember Smukler supports keeping the language on page 5 in the document, but notes we want affordable public access and a well-designed, constructed and managed facility.

Council discussed the desired changes to the RFP document, and agreed on the following:

- Page 6 – Delete the last sentence of the bold paragraph, and add a statement clarifying the Aquarium is not currently operating as a rehabilitation center.
- Page 9 – Selection committee - after some discussion, Council agreed that a 10 member selection panel is best. Councilmember Leage suggested two councilmembers, two staff, two Harbor Advisory Board Members and four at large. Council agreed. City Attorney Schultz suggests this be advertised in January when new advisory board members are chosen.
- Page 12-13 – Council discussed and agreed that Selection criteria #5 is extremely important and would like to increase that to 20 points. A decision was made to reduce #3 to 10 points, reduce #4 to 10 points and increase #5 to 20 points, and add the following language to #7, “collaborating with other education partners, if feasible.” The selection criteria should be listed in descending order.

MOTION: Councilmember Christine Johnson moved to approve the RFP for Lease Sites 69-70/69W-70W as amended. The motion was seconded by Councilmember Leage and carried 5-0.

C-2 CONSIDERATION OF ADOPTION OF RESOLUTION NO. 43-13 SUPPORTING THE CALIFORNIA COASTAL COMMISSION STAFF RECOMMENDATION OF APPROVAL WITH CONDITIONS FOR THE MORRO STRAND STATE PARK CAMPGROUND PROJECT NO. A-3-SLO-13-0203; (ADMINISTRATION)

Councilmember Christine Johnson recused herself due to a conflict of interest in the matter.

City Manager Andrea Lueker presented the staff report.

Mayor Irons stated that he had contacted Brooke Guterrez from State Parks to discuss the project and Resolution.

Mayor opened up public comment for Item C-2.

Cathy Novak spoke on behalf of the Wiebenga’s and other residents, sharing that the appellants and neighbors had met with State Parks and were able to resolve some of the issues. The two major items remaining are the campfire rings and the number of RV spaces. She asked the Council to support the neighbors by including these two important items in the Resolution and also to authorize staff to attend the Coastal Commission meeting to speak on the City’s behalf.

Harold Wiebenga, Morro Bay resident, stated that Morro Strand State Park is a pollution park. He asks the City to join the residents to object to the project and to send staff to the Coastal Commission meeting to represent clean air.

Marla Jo Bruton reminded Council that during the rehabilitation at Morro Bay State Park Campground involving the removal of trees, State Parks did not address the collection system which had an added impact to the City due to an increased number of spaces. At that time, Schultz noted that State Parks is treated like any other customer. She asks if that policy is still

the same. With regard to Atascadero State Park campground, she asks how the State Park is being treated now and believes it should be a different agreement.

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

Mayor Irons asked staff if fire pits are allowed in the City limits. Director Livick stated that fire pits are allowed in the City limits so long as they meet fire code (distance from structures). Director Livick also notes that State Parks has offered to provide campfire educational materials (dry wood and no trash in fire pits).

City Attorney Schultz stated that the argument regarding fire pits is going on in southern California as well. Coastal Commission there supports allowing fire pits for campers, however the Air Pollution Control District is fighting it. This item was on the July Agenda for Coastal Commission.

Councilmember Nancy Johnson loves camping and campfires and notes that the mobile home park near her home has fire pits, as do many residents. She believes education is good and suggests that State Parks provide dry wood at lower cost. Also notes that some areas, Yosemite as an example, limit fires until late evening which might alleviate pollution.

Mayor Irons reminds Council that options have been provided in the Resolution for Council consideration.

Councilmember Smukler supports option #2 in last the “Whereas” paragraph. With regard to #3, he willing to go along with it, but believes there are larger issues that should be included. 1) public access, suggest “enhanced public access from Beachcomber and designated corridors”, 2) “expanded day use parking beyond what is proposed”, 3) require timeline for amenities to be improved (showers, restrooms, interior landscape screening), 4) designation and preservation of tent/motorcycle/car camping sites, 5) coastal bluff erosion control plan, 6) ensure protection plan for viewshed.

City Manager Lueker listed the following revisions for confirmation:

Eliminate #1 – Reduction of the number of fire rings at the RV sites to every other site.

Keep #2 - Removal of the fire rings at the RV sites.

Keep #3 – Reduction of the number of converted RV spots from the proposed 27 to 20.

Add the following:

1. Enhanced public access from Beachcomber Street and provide designated corridors through the park.
2. Expanded day use parking beyond the proposal.
3. Require a timeline for improvement of the restroom and showers and include interior landscape screening.
4. Preservation and designation of non-RV sites.
5. Preparation of a coastal bluff erosion plan.
6. Ensuring a view shed protection plan

MOTION: Councilmember Smukler moved to approve Resolution 43-13 as amended. The motion was seconded by Mayor Irons and carried 4-0-1 with Councilmember Christine Johnson having recused herself.

Staff asked for direction on whether to send staff to the August 15<sup>th</sup> Coastal Commission Meeting to speak on this item, adding that the City Manager and Public Services Director are not available due to the Water Reclamation Facility Community Workshop that evening. Council directed the City Attorney to attend.

### C-3 REVIEW AND DISCUSSION OF CO-SPONSORSHIP OF SPECIAL EVENTS; (RECREATION & PARKS)

Councilmember Nancy Johnson asked if she should recuse herself as she is the chair of one of the events that is currently co-sponsored. City Attorney Schultz asked if she receives a stipend or other financial benefit from being on the Board. Councilmember Johnson confirmed that she does not. City Attorney Schultz stated as there is no financial benefit, she may hear the item.

Recreation & Parks Director Joe Woods presented the staff report.

Councilmember Christine Johnson believes that it would be good to be able to support special events but that it's difficult to know what the fiscal impact would be. She asked if this item should be brought back along with the Aid to Agencies. She wants to see this developed as a budgetary item and prioritized as such. City Manager Lueker explained that Aid to Agencies was not handled that way in the past, but it is an option.

Councilmember Nancy Johnson wants to move forward with this policy with a few changes. She does not support completely waiving fees for City support services.

Mayor Irons is concerned about the potential impact of supporting all 35 events listed in the staff report and asked for clarification on Aid to Agencies. City Manager Lueker confirmed that in the past Aid to Agencies could be awarded to any non-profit organization in the community, and that this policy could be expanded to include that.

Councilmember Smukler wants to also consider how a marketing plan through Tourism Bureau could help with sponsorships and revenues.

Council directed staff to bring this item back as a Public Hearing item, to encourage more public participation, and to include the fiscal impact of both the current policy and suggested policy. Information regarding sponsorship with the Tourism Bureau should also be discussed.

No action was taken on this item.

### C-4 WATER RECLAMATION FACILITY (WRF) PROJECT STATUS AND DISCUSSION; (ADMINISTRATION)

City Manager Andrea Lueker presented the staff report.

Mayor Irons opened up public comment for Item C-4, seeing none the public comment period was closed.

Councilmember Smukler presented a slide presentation on the Santee Lakes “Recreation Preserve” and Water Recycling Facility to encourage the public to consider what values are important to Morro Bay and to bring ideas to the Community Workshop.

No action taken on this item.

D. NEW BUSINESS

D-1 REVIEW OF THE CITY OWNED PARKING LOT LOCATED ADJACENT TO THE DYNEGY POWER PLANT AND DISCUSSION OF PARKING OPTIONS AND FUTURE USES; (PUBLIC SERVICES)

Public Services Director Rob Livick presented the staff report, and noted that whatever design is considered should consider a future bike path that may come through this area.

Councilmember Christine Johnson asked staff to clarify what parking-in-lieu funds can be used for, specifically whether it could be used for street repairs. Director Livick stated that parking-in-lieu funds can be used for improvements within the parking-in-lieu district for parking purposes only, not for street repairs. Nor can street paving monies be used for parking lots.

City Attorney Schultz noted that according to the parking management plan and zoning code, the Morro Rock parking lot is included in the parking-in-lieu area, but the Dynegy parking lot is not. However, that can be changed.

Mayor Irons opened up public comment for Item D-1, seeing none the public comment period was closed.

Mayor Irons restated the options are to consider rezoning the area for permanent parking, or amend for an interim use. Director Livick confirmed that interim use allows for no permanent improvements. Mayor Irons asked about driveway approach, and suggests that we consider aligning with the drive way on the other side of the road to allow for a crosswalk, along with improved signage. Continued use as a laydown or storage area should also be addressed for the short-term. Long term, need to consider the location of the bike path and maritime museum.

Councilmember Christine Johnson is leaning toward keeping it as interim use with minimal improvements and suggests bringing the item back in one year for discussion on a permanent use. She also asks that event planning teams coordinate use of that lot.

Councilmember Leage stated that this parking lot is an answer to a lot of problems. He believes that removing the gate and chain link fence will make it more user-friendly. He believes the signage is fine and that discussion on further improvements is premature.

Councilmember Nancy Johnson is pleased to have the additional parking and wants to see it set up for use before the Harbor Festival.

Councilmember Smukler agrees that we need to take a better look at some of the big uses that could end up there, such as boat haul out, maritime museum and the bike path. He agrees with minimal cost, interim use permit, and an update to parking in lieu map. Making the parking lot friendly and inviting is important and better signage, parking flow, and aesthetic improvements will help with that. He asks to be sure to include this lot on public transit maps and encourage restaurants to use it for employee parking.

MOTION: Councilmember Nancy Johnson moved to direct staff to process with interim use permit and change to parking in lieu map. Councilmember Christine Johnson seconded the motion.

Councilmember Smukler asked that the motion be amended to include an update on the proposed improvements and cost estimate. Staff confirmed this can be done after the interim use permit is processed. The amended motion was seconded by Councilmember Christine Johnson and carried 5-0.

MOTION: Councilmember Smukler moved to continue the meeting past 11:00, if needed. The motion was seconded by Councilmember Christine Johnson and carried 3-2 with Councilmembers Nancy Johnson and Leage voting no.

D-2 REVIEW OF PROPOSED MEMORANDUM OF UNDERSTANDING WITH THE MORRO BAY BIKE PARK ORGANIZATION FOR THE DESIGN AND PERMITTING OF A BIKE PARK IN MORRO BAY; (RECREATION AND PARKS)

Director Woods presented the staff report.

Mayor Irons opened up public comment on Item D-2, seeing none the public comment was closed.

As a matter of ex parte, Mayor Irons noted he is a member of CCCMB, and asked if that presented a conflict of interest. City Attorney Schultz stated that it does not.

Mayor Irons asks for Council permission to write letters on the City's behalf requesting funding for the Bike Park. Mr. Schultz notes that is allowed under Council Policies & Procedures so long as it's a direction that Council supports. Council concurs.

MOTION: Councilmember Nancy Johnson moved to approve the Memorandum of Understanding. The motion was seconded by Councilmember Leage and carried 5-0.

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

Mayor Irons requested a discussion regarding a traffic control device at the intersection of Marina and Fresno Streets. Councilmember Christine Johnson suggested this item be sent to PWAB first. Council concurred.

Mayor Irons requested a policy discussion regarding a public process to request traffic signs. This item would also be sent to PWAB first. Council concurred.

Mayor Irons requested a discussion regarding the parking-in-lieu Resolution for the downtown area, as the previous Resolution expired in July. Councilmembers Nancy Johnson and Christine Johnson concurred.

Councilmember Leage requested a discussion to form a subcommittee to talk to the Hartzells about the vacant lot on the Embarcadero. Mayor Irons, Councilmember Nancy Johnson and Councilmember Smukler concurred.

Councilmember Nancy Johnson requested Council review and possibly rescind Resolution 28-10. Councilmember Smukler and Mayor Irons concurred.

#### ADJOURNMENT

The meeting adjourned at 11:03 p.m.

Recorded by:

Dana Swanson  
Deputy City Clerk



AGENDA NO: A-3

MEETING DATE: 8/27/13

# Staff Report

**TO:** Honorable Mayor and City Council

**DATE:** August 20, 2013

**FROM:** Amy Christey, Police Chief

**SUBJECT:** Approval of the Amendment to the Support Services Manager Job Description

## RECOMMENDATION

Staff recommends Council approve the proposed amendment to the Support Services Manager job description as well as the proposed job title change to Support Services Coordinator, Alternative 1.

## ALTERNATIVES

The City Council is provided the following 2 Alternatives:

Alternative 1: approve staff's recommendation and amend the job title and job description.

Alternative 2: leave the position as is and recruit for a management position.

## FISCAL IMPACT

There is little fiscal impact to the approval of the amendment to the Support Services Manager job description. Of note, with the realignment of this position to the Confidential Unit, the following will occur:

- Administrative Leave: Management = 64 hours; Confidential = 36 hours
- CTO/Overtime: Management employees are exempt from overtime; with the movement of this position to the Confidential Unit, they will be allowed CTO/overtime accrual possibilities. Currently, the need for CTO/overtime for this position is minimal.
- Salary: this position retained its 6 steps when it was relocated from POA to the Management Unit; with the movement to the Confidential Unit, it is being proposed to drop the 6<sup>th</sup> step which creates a potential general fund savings of \$2,905.
- PERS Retirement Formula: while it is unknown who may be hired to fill this position, there is a possibility that the new hire will be hired into a 2<sup>nd</sup> or 3<sup>rd</sup> Tiered PERS Retirement formula.

Prepared By: AC

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

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

## **SUMMARY**

The Police Department's Support Services Manager has resigned to accept employment at a neighboring City. The department must recruit and hire a Support Services employee and recommends amending the position to more appropriately align the responsibilities and duties with the City's Confidential employee group and department's command structure.

## **BACKGROUND**

The Morro Bay Police Department employs 25 public safety and support services professionals. These positions include 18.5 peace officers, 5.5 public safety dispatchers, one support services administrator and one .5 property evidence technician. Our mission of providing the highest level of police services in partnership with our community is supported by those employed in the above stated positions.

The Support Services Manager duties include critical support tasks and personnel supervision that ensure the department's delivery of public safety services. The Support Services position is defined as: "under direction, supervises non-sworn support personnel engaged in work assignments of the Police Department's administrative, dispatch/records, and property and evidence sections; manages the department computer network; provides administrative assistance to the Chief of Police and Commander." The redlined version of the job description is attached.

## **DISCUSSION**

The Morro Bay Police Department is a multifaceted department. Services to the public include police operations, traffic services, investigations, canine, school resource officer, regional SWAT, bicycle patrol, support services, business operations, public safety communications, police finance, police records, technology, property and evidence, police volunteers, police explorers, equipment maintenance, training, and police related code enforcement. Due to staffing requirements of twenty-four hours a day, seven days a week, the Police Department depends on administrative support to properly and efficiently deliver public safety services to the City of Morro Bay.

The Support Services position provides the department critical support with administrative tasks such as, oversight of police records, supervision of property and evidence, police personnel and finance, Public Records Act requests, discovery orders and subpoenas, and administrative assistance to the Police Chief and Commander. Additionally, Support Services provides administrative support for numerous critical duties which assist the police department with compliance of federal, state and local legal requirements as the department is periodically audited by POST (Peace Officer Standards and Training), DOJ (Department of Justice), the Civil Grand Jury, FBI (Federal Bureau of Investigation), and CDCR (California Department of Corrections and Rehabilitation).

The Support Services position has been associated with the City's Management Group. This group is defined in Resolution No. 74-69, in part, as any employee having significant responsibilities for formulating and administering City policies and programs, including but not limited to the chief executive officer and departments heads; and any employee having authority to exercise independent judgment to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline

other employees, or having the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action if in connection with foregoing. The following job classifications are currently included within the City's management group, Wastewater Division Manager, Police Commander, Planning Manager, Information Systems Technician, Recreation and Parks Maintenance Superintendant, Management Analyst, and Support Services Manager.

The City's Confidential Group, where this position is proposed to be moved, is defined in Resolution No. 74-69 as an employee who is privy to decisions of City management affecting employer-employee relations. This proposal will align support services with the appropriate group pursuant to the job requirements and responsibilities. Moreover, by doing so will bring into line appropriate compensation for the job's duties and responsibilities. The following job classifications are currently included within the City's confidential group, the City Clerk, Senior Accounting Technician, Human Resource Analyst, Legal Assistant/Deputy City Clerk, and the Accounting Technician.

A survey of neighboring cities revealed that positions analogous to that of the Support Services position are predominantly found within the confidential group, as is proposed in this staff report.

#### **CONCLUSION**

Staff recommends amending the Support Services position to adequately align the position within the City's employee groups and the department's command structure.

## CITY OF MORRO BAY

### **POLICE SUPPORT SERVICES ~~MANAGER~~ COORDINATOR**

#### **DEFINITION**

Under direction, supervises non-sworn support personnel engaged in work assignments of the Police Department's administrative, dispatch/records, and property and evidence sections; manages the department computer network; provides administrative assistance to the Chief of Police and Commander.

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

1. As directed, serve as department liaison to other City staff, the general public, and outside agencies; screen calls, visitors, and mail; ~~R~~espond to complaints, requests for information, and assistance.
2. Assist in collecting, compiling, analyzing, and assembling information from a variety of sources including departmental policies, procedures, systems and precedents, and a variety of other specialized topics of interest to the department.
3. Develop, implement, evaluate and revise department records, computer, and property management systems, procedures and policies.
4. Establish standards of clerical and communications work performance and review work of subordinates for completion, accuracy and adherence to established policy and procedure.
5. Supervise, oversee, or perform the preparation and maintenance of personnel, operations, statistical and financial records and reports; verify and review materials, applications, records and reports for completeness, accuracy and conformance with established policies, regulations and procedures.
6. Assist in preparing, administering, and monitoring the departmental budget; compile annual budget requests; recommend expenditure requests for designated accounts; estimate supply and equipment requirements for budgetary purposes.
7. Assist in selection of, and make recommendations on, the selection of subordinate personnel; coordinate training and prepare performance evaluations of subordinates.
8. Maintain current knowledge of laws and regulations concerning police records and property management systems and assist subordinates in interpreting them.
9. Implement and manage automated law enforcement records systems using computer applications.
10. Provide administrative clerical activities including composing letters, memoranda, reports, resolutions, and ordinances, some containing confidential material; maintain department administrative and personnel files (sworn and non-sworn).
131. Prepare purchase orders and other fiscal records for expenditure reimbursements;

issues departmental gear and equipment; maintains ~~an~~ inventories; maintains other logs and files as needed.

162. Process and comply with court ordered subpoenas, motions for discovery and record sealing orders.

173. Acts as department's custodian of records, property and evidence.

184. Maintain current knowledge of, and operate a variety of computer programs, office equipment including copiers, and facsimile machines; utilize various computer applications and software packages; maintain data and generate reports from a database network system; create report documents using word processing and spreadsheet software.

195. Perform other related duties as required.

## **QUALIFICATIONS**

### Knowledge of:

Modern office methods, machines, procedures, and practices; including common office computer applications for word processing, spreadsheets and data base management; usage of business English, including vocabulary, correct grammar, and punctuation; policies and procedures of the Police Department Records and Communications Bureau; basic knowledge of principles of management supervision and training; Local, State and Federal laws applicable to law enforcement public records and confidentiality of information and right to privacy; the organizational function of a law enforcement agency as it relates to the criminal justice system; basic computer (LAN) system management and maintenance; principles of budgetary and fiscal management; property and evidence management; basic fiscal, statistical and research report preparation techniques;

### Ability to:

Plan, supervise, train, delegate and coordinate work of subordinates; devise and adapt work procedures; understand, interpret, and apply rules, directives and laws to specific situations; operate a variety of computer software including word processing, database and records management applications; maintain cooperative working relationships; exercise independent judgment; understand the organization and operation of the City and of outside agencies; transcribe tape recordings; research, compile, and interpret data; implement and maintain applicable filing systems; communicate clearly and concisely, both orally and in writing.

### Education and Experience:

Requires an Associate Degree in a related field or equivalent work experience and a minimum of four years of increasingly responsible clerical or administrative experience involving law enforcement records, communications, and computers with two years supervisory or lead experience preferred. Peace Officers Standards and Training

| POLICE SUPPORT SERVICES ~~MANAGER~~COORDINATOR

(P.O.S.T.) courses in records management, property and evidence management, and civilian supervision preferred.

**TOOLS & EQUIPMENT USED**

Typical and complex office equipment including personal computer word processing, spread sheet, computer aided dispatch and records management applications, telephone, copy machine, fax machine, and calculator.

**PHYSICAL DEMANDS**

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

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

The employee must occasionally lift and/or move up to 35 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

**WORK ENVIRONMENT**

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

Normal office setting with extensive public contact.

The employee is occasionally exposed to hazardous, toxic and dangerous substances and objects.

The noise level in the work environment is usually quiet.

**SELECTION GUIDELINES**

Formal application, rating of education and experience, oral interview and reference check; job related tests may be required. Selection process shall include complete background, polygraph, psychological, and pre-employment drug screening.

| POLICE SUPPORT SERVICES ~~MANAGER~~COORDINATOR

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

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

| Approved by the Morro Bay City Council on June 14, 2004.

| Amended by the Morro Bay City Council on August 27, 2013

| ~~Job Description/support services manager 6-14-06.doc~~



AGENDA NO: A-4

MEETING DATE: August 27, 2013

## Staff Report

**TO:** Honorable Mayor and City Council

**DATE:** August 21, 2013

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Resolution 46-13 Approving Amendment #2 to Lease Site 65-66/65W-66W, 571 Embarcadero (Imani)

### RECOMMENDATION

Staff recommends Council approve Resolution 46-13, executing Amendment #2 to the Lease Agreement for Lease Site 65-66/65W-66W between the City of Morro Bay and Abba Imani, Alternative #1.

### ALTERNATIVES

1. Approve Resolution 46-13 and Amendment #2 to the lease agreement.
2. Amend and approve Resolution 46-13 and/or Amendment #2 to the lease agreement.
3. Deny Resolution 46-13 and Amendment #2 to the lease agreement.

### FISCAL IMPACT

No fiscal impact.

### SUMMARY

The tenant, Abba Imani, has experienced numerous delays in completing the Lease Site improvements as required in his lease agreement, as well as has several lease operation deficiencies which have been identified by Council and staff requiring correction. The tenant also requires the execution of a Deed of Trust in order to secure financing for said improvements. Amendment #2 to the lease agreement extends the improvement deadlines and mandates lease site deficiency corrections that will enable execution of said Deed.

### BACKGROUND

In October, 2010, a 25 year lease agreement for Lease Site 65-66/65W-66W was signed by the City and Abba Imani ("Tenant") that was to commence on January 1, 2011. Section 13.01 of that lease stipulates that the tenant must make certain improvements with a final deadline of July 1, 2013 for a Certificate of Occupancy. Said improvements consisted primarily of widening of the sidewalk along Embarcadero Road to eight feet, construction of improved lateral access and the eight-foot wide walkway along the bay-side of the property. To date, those improvements have not been completed,

Prepared By: EE

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

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

in part due to delays both outside of and within the Tenant's control.

In addition, the Tenant has been notified by the City regarding deficiencies with his lease site and operation thereof. These deficiencies range from electrical and fire code violations from the Fire Marshall, occupancy and lease performance issues from the Harbor Department, and lack of maintenance of a public restroom as is a requirement of his lease agreement. While some of the deficiencies have been corrected, some still remain, while others are works in progress.

The Tenant has sought long-term financing for the Lease Site improvement project that requires a new financing security agreement, a Deed of Trust, which is a standard method by which property is secured for financing with City Tidelands leases. At the August 13, 2013 City Council meeting, Council approved said Deed of Trust by approving Resolution 44-13 subject to approval of this lease amendment.

### **DISCUSSION**

In order to execute the Deed of Trust, the City Council also voted, with the approval of Resolution 44-13, to require an amendment to the Lease Agreement be brought back to the next Council meeting for adoption. That amendment would extend the improvement deadlines in addition to stipulating the specific corrections of the Lease Site deficiencies as identified. The attached Amendment #2 addresses those deficiencies and calls out corrective measures to be included in the Tenant's lease agreement.

Amendment #2 also corrects a wording/math error in the lease agreement regarding the expiration date.

### **CONCLUSION**

Staff recommends approval of Resolution 46-13 and Amendment #2 to the lease for Lease Site 65-66/65W-66W that will extend the lease improvement deadlines, allow for Tenant's required improvement project financing, and correct lease site deficiencies.

**RESOLUTION NO. 46-13**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
APPROVAL OF AMENDMENT #2 TO THE LEASE AGREEMENT FOR  
LEASE SITE 65-66/65W-66W BETWEEN THE CITY OF MORRO BAY AND  
ABBA IMANI AT 571 EMBARCADERO**

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

**WHEREAS**, the City of Morro Bay is the lessor of certain waters and properties on the Morro Bay Waterfront described as City Tidelands leases and properties; and

**WHEREAS**, Abba Imani is the lessee of Lease Site 65-66/65W-66W located at 571 Embarcadero; and

**WHEREAS**, Abba Imani has certain lease improvement deadlines in his Lease Agreement that have since passed; and

**WHEREAS**, in order for the Mayor to execute the Deed of Trust for the Lease Agreement on Lease Site 65-66/65W-66W as approved by Resolution 44-13 at the August 13, 2013 City Council meeting, certain other conditions regarding lease compliance are required to be corrected by Abba Imani.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Morro Bay, California, that the attached Amendment #2 to the Lease agreement is hereby approved.

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute said Amendment.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 27th day of August, 2013 on the following vote:

AYES:

NOES:

ABSENT:

---

Jamie L. Irons, Mayor

ATTEST:

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Jamie Boucher, City Clerk

**AMENDMENT #2 TO THE LEASE AGREEMENT FOR  
LEASE SITE 65-66/65W-66W, LOCATED AT 571 EMBARCADERO**

This Amendment #2 ("Amendment") is made and entered into as of this 27<sup>th</sup> day of August, 2013, to the Lease Agreement for Lease Site 65-66/65W-66W dated October 12, 2010 by and between the City of Morro Bay, a municipal corporation of the State of California, hereinafter called "City" and Abba Imani ("Tenant") per Resolution No. 48-10 on October 11, 2010.

**WHEREAS**, Section 1.01, the term of this lease is 25 years and commenced January 1, 2011, however the expiration date was incorrectly documented in the Lease Agreement as December 31, 2026; and

**WHEREAS**, in October 2010, the City entered into the Lease Agreement whereby Tenant was given a 25 year term based on investment in improvements, building permit obtained by July 1, 2011 and construction completed with evidence of an issuance of a Certificate of Occupancy for the premise by July 1, 2013; and

**WHEREAS**, Tenant has had a combination of delays and issues, some of which were outside of Tenants control, to meet the deadlines established in the Lease Agreement; and

**WHEREAS**, Tenant in the past has failed to make restrooms available to the general public during business hours, maintain restroom signage in prominent locations, abide by all City sign ordinances, and keep the premises fully occupied and open for the conduct of business as is required in the Lease Agreement.

**NOW THEREFORE**, Tenant and City shall provide for the amendment of Master Lease as follows:

**1. SECTION 1.01 Term:**

The Termination date shall be amended to correctly read "December 31, 2035."

**2. SECTION 13.01 Construction of Improvements:**

Final date by which Tenant shall obtain a Building Permit shall be changed to "December 1, 2013," and final date by which Tenant shall obtain Certificate of Occupancy shall be changed to "February 28, 2014."

**3. SECTION 13.02 Public Restrooms:**

Section 13.02 shall be changed in its entirety to read:

"The downstairs unisex restroom on the premises shall remain unlocked and open for general public use during normal business hours, and no later than September 30, 2013 Tenant shall have two international restroom symbol signs installed on premises; one clearly visible from the adjacent street/sidewalk area, and one clearly visible on or adjacent to the downstairs restroom door. In the case of a dispute over the location and design of the restroom signage, the Harbor Director shall be the sole determinate of the signs' size, type, and location."

**4. SECTION 3.03 Operation of Business – Hours of Operation:**

Tenant is required per Section 3.01 of this lease to operate the premises in an efficient and diligent manner and to keep the premises occupied and open for the conduct of business continuously and without interruption for at least six hours each day of the year except one day each week and legal holidays. Evidence of this shall be constituted by continued percentage-of-gross sales payments commensurate with past history of this lease site and percent-of-gross sales trends of similar lease sites along the waterfront.

**5. SECTION 3.07 Compliance with Law:**

Section 3.07 of the lease requires compliance with all local, municipal, county, state, and federal laws. As such, the following paragraph regarding signage shall be added to Section 3.07 of the lease:

“Tenant shall ensure that no later than October 31, 2013 all exterior signs and advertising of any sort on premises shall comply with the City of Morro Bay’s sign ordinance, Section 17.68 of the Municipal Code, as evidenced by a valid permit or permits from the City for all signs installed. Said permit(s) shall be maintained for the duration of the lease.”

All other provisions of the lease shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have executed this Amendment as of the date written above.

CITY OF MORRO BAY

TENANT – Abba Imani

\_\_\_\_\_  
Jamie L. Irons, Mayor

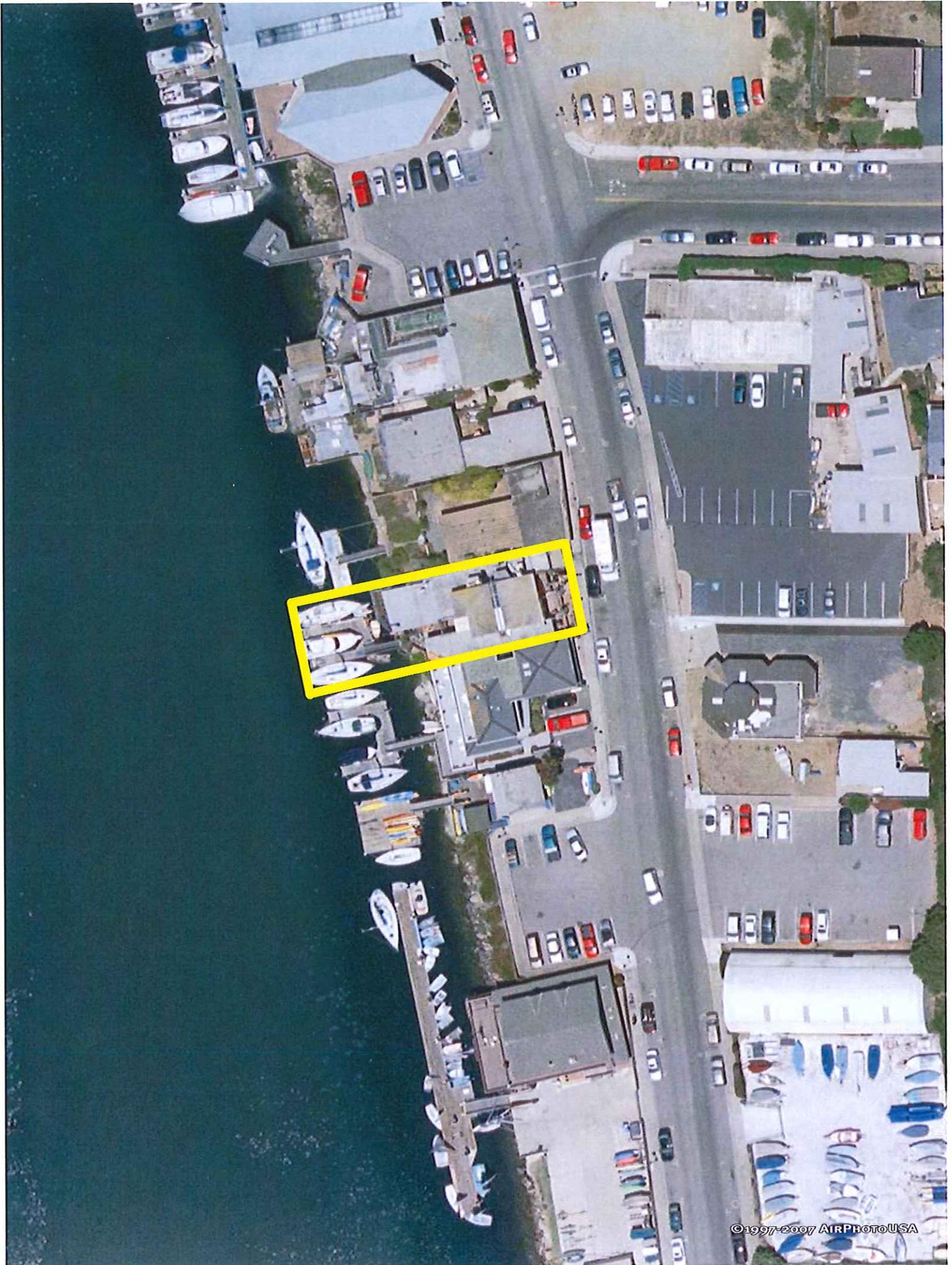
\_\_\_\_\_  
Abba Imani

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Schultz, City Attorney

ATTEST:

\_\_\_\_\_  
Jamie Boucher, City Clerk





AGENDA NO:   A-5  

MEETING DATE:   8/27/13  

## Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** August 21, 2013

**FROM:** Robert Schultz, City Attorney

**SUBJECT:** Approval of Settlement Agreement between the City of Morro Bay and Pacific Western Bank in Regard to the Affordable Housing Agreement at 600 Morro Bay Blvd.

### **RECOMMENDATION:**

Staff recommends that the City Council approve the attached Settlement Agreement thereby releasing Unit 106 located at 600 Morro Bay Blvd. from the Affordable Housing Agreement Deed Restrictions.

### **ALTERNATIVES**

1. Approve the attached Settlement Agreement, releasing the Affordable Housing Agreement Deed Restrictions on 600 Morro Bay Blvd., Unit 106, in exchange for \$25,000.
2. Not approve the attached settlement agreement and allocate at least \$50,000 to defend potential legal action.

### **FISCAL IMPACT**

If the City Council approves the settlement agreement, the City will receive \$25,000. If Council does not approve the settlement agreement, there will need to be an allocation of at least \$50,000 to defend the legal action that will be filed against the City by Pacific Western Bank.

### **SUMMARY**

Pacific Western Bank is demanding that the City release its Affordable Housing Agreement (AHA) restriction on Unit 106 located at 600 Morro Bay Blvd. because the Bank has foreclosed on the original Deed of Trust for the property. Since the Bank's Deed of Trust was recorded prior to the City's Affordable Housing Agreement, it is considered a senior lien and is entitled certain priority rights upon foreclosure. Under normal circumstances when a senior lien forecloses, the junior lienholder's security interest is eliminated.

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

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

Page 1 of 3

The City Attorney has successfully negotiated a payment of \$25,000 to the City in exchange for the release of the Deed Restriction on Unit 106 located at 600 Morro Bay Blvd.

## **BACKGROUND**

On June 13, 2005, City Council approved a Mitigated Negative Declaration, Tract Map, Conditional Use Permit, Coastal Development Permit, and Parking Exception for the project located at 600 Morro Bay Blvd. As a mitigation measure in the Mitigated Negative Declaration, the project was required to deed restrict either one (1) or two (2) of the units to maintain affordability for very low, low or moderate income families for a 30-year period.

In December 2009, in conjunction with the recordation of final Tract Map, the City entered into and recorded an Affordable Housing Agreement with 600 Morro Bay, LP, whereby two (2) residential units of the 19 residential/commercial units to be built at that site would be rented or sold at the moderate income range for a period of 30 years. This deed restriction means that those two units will be sold to eligible purchasers, who have been income-qualified at the moderate income level.

On March 15, 2013, the Bank foreclosed upon the last two units pursuant to a Deed of Trust recorded February 28, 2007.

## **DISCUSSION**

Attached to this staff report is a correspondence from legal counsel for the Bank and three correspondences that I have sent in response thereto. As indicated, the Bank is demanding that the City release its Affordable Housing Agreement (AHA) restriction on the 600 Morro Bay Blvd. because the Bank has foreclosed on the original Deed of Trust for the property.

Over the past 4 years, all of the units at 600 Morro Bay Blvd. have been sold except for Unit 106. According to the developer and the Bank, Unit 106 has been vacant and cannot be sold because of the Affordable Housing Deed Restriction. They have stated that the downturn in the housing market and current economic conditions have made the affordable housing price the same or higher than the market rate.

On March 15, 2013, the Bank foreclosed on Unit 106 pursuant to a Deed of Trust recorded February 28, 2007. Since the Bank's Deed of Trust was recorded prior to the City's Affordable Housing Agreement, it is considered a senior lien and is entitled certain priority rights upon foreclosure. Under normal circumstances when a senior lien forecloses, the junior lienholder's security interest is eliminated. The Bank's current position is set forth in detail in their attached letter.

On the other hand, as set forth in the letters from the City Attorney to the Bank, it is the City's position that the condition of approval for affordable housing remains as a land use approval and the City is not under any affirmative duty to release the affordable housing restriction. Basically, whether or not a foreclosure extinguished an agreement, it does not necessarily follow that a foreclosure extinguished the Conditions of Approval.

Affordable Housing Agreements and restrictions are still in their infancy, so there are very little case decisions that have addressed the issue of foreclosures and eliminating conditions of approval for AHA. Therefore, there would be a tremendous amount of additional legal costs if the City refuses to release the Affordable Housing Agreement. It is important to also understand that litigation is very expensive, especially in light of the opponent being a bank. I have estimated the costs at \$50,000 to defend this action. In addition, litigation would take between 3-5 years and during that period, Unit 106 would remain vacant.

**CONCLUSION**

Staff recommends that the City Council approve the attached Settlement Agreement thereby releasing Unit 106 located at 600 Morro Bay Blvd. from the Affordable Housing Agreement Deed Restrictions.

## SETTLEMENT AND RELEASE AGREEMENT

This Settlement and Release Agreement (hereinafter referred to as the "Agreement") is entered into as of the date fully executed, by and among the following parties (collectively referred to hereinafter as the "Parties"):

1. PACIFIC WESTERN BANK, successor by merger to FIRST CALIFORNIA BANK, successor to FDIC as Receiver of SAN LUIS TRUST BANK (hereinafter "BANK"); and
2. CITY OF MORRO BAY (hereinafter "CITY").

Certain disputes, set forth with more particularity below, have arisen between the BANK, on the one hand, and the CITY, on the other hand. The Parties wish to fully and finally settle their differences with regard to such disputes on the terms set forth below.

### RECITALS

Certain disputes have arisen and exist between the Parties with respect to their respective rights and obligations in connection with certain events that resulted when the CITY entered into and recorded an Affordable Housing Agreement (recorded with the San Luis Obispo County Recorder's Office, on April 16, 2010, as Document No. 2010017582; hereinafter "Affordable Housing Agreement"), with 600 Morro Bay, LP, whereby 600 Morro Bay Blvd., Unit 106, Morro Bay, California (hereinafter "Unit 106"), one of the 19 residential/commercial units to be built at 600 Morro Bay Blvd., Morro Bay, California, would be rented or sold at the moderate income range for a period of 30 years. On March 14, 2013, the BANK foreclosed upon the last two unsold units [*to wit*, Unit 101 and Unit 106, 600 Morro Bay, Blvd., Morro Bay, California] pursuant to a Deed of Trust recorded February 28, 2007. Since the Bank's Deed of Trust was recorded prior to the City's Affordable Housing Agreement, it is the BANK's position that it is

considered a senior lien and is entitled certain priority rights upon foreclosure. Under normal circumstances when a senior lien forecloses, the junior lien holder's security interest is eliminated. On the other hand, it is the CITY's position that the Condition of Approval for affordable housing remains as a land use approval and the CITY is not under any affirmative duty to release the Affordable Housing Agreement restriction. The Parties wish to resolve all differences and disputes between them and to avoid further expense.

WHEREFORE, in consideration of the following acts, promises, warranties, representations and covenants, and for other good and valuable consideration, the Parties agree to resolve the dispute and perform the following:

1. In consideration of the CITY executing and recording the attached *Release of the Affordable Housing Agreement Deed Restriction For Unit 106, 600 Morro Bay Blvd* (hereinafter "Release"), and for the general releases set forth below, the BANK hereby agrees to pay to the CITY Twenty Five Thousand Dollars (\$25,000.00) (hereinafter "In Lieu Fee"). The In Lieu Fee shall be delivered to CITY by First American Title Company (hereinafter "Escrow") concurrent with the recording of the Release and the closing of that certain sale of Unit 106 now pending at Escrow, with the BANK as the seller and Patricia G. Anderson as the buyer.
2. As a material consideration of this Agreement, CITY acknowledges, covenants and agrees that said Unit 101 (i.e., 600 Morro Bay Blvd., Unit 101, Morro Bay, California; hereinafter "Unit 101") located within the 600 Morro Bay Blvd. project, was sold by the BANK free and clear of any restrictions under the Affordable Housing Agreement, with all successors and assigns thereto similarly benefitting thereafter, and that the document entitled *Amendment to Affordable Housing Agreement to Change Locations of One Affordable Housing Unit*, dated on or about July 16, 2010, and recorded with the San Luis Obispo County Recorder's Office on July 19, 2010 as

Document No. 2010033300 ("2010 Amendment"), had no force or effect under the Affordable Housing Agreement therein to encumber Unit 101. In confirmation and to protect the public record, concurrent with the recording of the Release, CITY shall record a *Memorandum* confirming that the Affordable Housing Agreement does not encumber Unit 101, and that the 2010 Amendment has no force or effect as to Unit 101. The form of the *Memorandum* is attached hereto.

3. For valuable consideration as set forth herein, the sufficiency and receipt of which is acknowledged, the BANK on behalf of itself, its employees, administrators, attorneys, agents, servants, principals, representatives, successors and assigns, hereby remises, releases and forever discharges CITY OF MORRO BAY, its agents, servants, principals, representatives, successors and assigns, employees, partners, representatives, affiliates, attorneys and insurers, and any and all other persons, from any and all claims, demands, debts, liabilities, obligations (except such obligations as may be created by this Agreement and the Release), costs, expenses, damages, actions and causes of action, of whatsoever kind, nature or description, whether in law or in equity, whether based on statute, rule, contract or otherwise (collectively referred to hereinafter as "claims"), which now exist or may hereafter accrue against any or all such released parties or persons, whether known or unknown, suspected or unsuspected, based upon, arising out of or connected with, either directly or indirectly, anything done, omitted or suffered to be done, at any time, in connection with the relationships, events, transactions, facts or occurrences referred to in the afore-described Recitals, or at all, including, without limitation, any and all claims that were asserted or could have been asserted in connection with the Recitals above, or at all.
4. For valuable consideration as set forth herein, the sufficiency and receipt of which is acknowledged, the CITY on behalf of itself, its employees, administrators, attorneys, agents,

servants, principals, representatives, successors and assigns, hereby remises, releases and forever discharges the BANK, its agents, servants, principals, representatives, successors and assigns, employees, partners, representatives, affiliates, attorneys and insurers, and any and all other persons, from any and all claims, demands, debts, liabilities, obligations (except such obligations as may be created by this Agreement and the Release), costs, expenses, damages, actions and causes of action, of whatsoever kind, nature or description, whether in law or in equity, whether based on statute, rule, contract or otherwise (collectively referred to hereinafter as "claims"), which now exist or may hereafter accrue against any or all such released parties or persons, whether known or unknown, suspected or unsuspected, based upon, arising out of or connected with, either directly or indirectly, anything done, omitted or suffered to be done, at any time, in connection with the relationships, events, transactions, facts or occurrences referred to in the afore-described Recitals, or at all, including, without limitation, any and all claims that were asserted or could have been asserted in connection with the Recitals above, or at all.

5. In entering this Agreement, each party knowingly and voluntarily waives any and all rights or protections which he, she or it may have under the provisions of Section 1542 of the Civil Code of the State of California, as now worded and as hereafter amended, and of any comparable provisions or principles of state or federal law or the common law with respect to the release provided in this Agreement and acknowledges and agrees that this waiver is an essential and material term of this Agreement and that, without such waiver, the Agreement would not have been entered into. Each party understands and acknowledges the significance and consequence of the release of the claims subject to this Agreement and the specific waiver of California Civil Code Section 1542 and all other comparable provisions or

principles of state or federal law or the common law. Section 1542 of the California Civil

Code now reads as follows:

“A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.”

Each party understands and agrees that the facts in respect of which this Agreement is made and the foregoing releases are given may hereafter turn out to be other than or different from the facts in that connection now known or believed to be true, and each party for himself, herself or itself expressly assumes the risk of the facts turning out to be so different and agrees that this Agreement and the foregoing releases shall be in all respects effective and not subject to termination or rescission by reason of any such difference in facts or discovery of other facts.

6. Each party hereto agrees to incur his or her own attorneys' fees and costs of suit, regardless of nature, unless otherwise set forth herein.
7. Each party represents and warrants that he, she or it has all right, title and interest in, and that such party has neither conveyed, transferred, assigned or hypothecated, nor purported to convey, transfer, assign or hypothecate, either voluntarily or by operation of law, any of the claims released pursuant to this Agreement. Each party further represents and warrants that no other person is known to have been subrogated to any of the claims released pursuant to this Agreement. Each party agrees to indemnify each party released by it, and shall hold each such released party harmless, against any claims arising out of or in connection with any such actual or purported conveyance, transfer, assignment or subrogation, by such indemnifying party, including attorneys' fees actually paid or incurred.

8. Nothing in this Agreement is intended to be, nor shall be construed as, an admission by any of the Parties, or finding of fault or liability, nor an admission of, or finding with respect to, any disputed fact or legal contention. It is understood and agreed by each Party hereto that this Agreement effectuates a compromise resolution of contested claims and that, by entering into this Agreement, each of the Parties is motivated by the desire to avoid protracted and expensive litigation.
9. This Agreement shall be interpreted and governed by the substantive law of the State of California.
10. This Agreement may be executed in any number of counterparts which, taken together, shall constitute and be construed as a single document. In the interest of expeditious and inexpensive consummation of this settlement, it is agreed that this Agreement may be executed by facsimile-transmitted signature of the Parties, provided, however, that any such party so acting shall personally deliver or mail to the other within five (5) business days the original of such facsimile-transmitted Agreement.
11. Each of the Parties, for itself, himself or herself, agrees to execute and deliver, without further consideration, such further papers or documents and to take all such other action as may be reasonably necessary to fulfill the terms and conditions of this Agreement.
12. This Agreement contains all terms and conditions agreed upon by the Parties with reference to its subject matter. Each Party has undertaken such investigation of facts as such Party deems appropriate under the circumstances. No inducements other than those stated in this Agreement exist with respect to the subject matter hereof, and this Agreement supersedes all previous negotiations, representations, commitments and writings, if any. This Agreement

shall not be revoked, amended, altered or modified except by a written instrument signed by all the Parties hereto.

13. Each of the Parties to this Agreement represents and warrants that it, he or she has carefully read and understands the terms and conditions hereof, and that it, he or she neither relies upon nor has relied upon any representation, statement or advice of any other of the Parties nor of any attorney or representative of any other party with regard to the subject matter, basis or effect of this Agreement. Each of the Parties has received independent legal advice from its, his or her own attorneys with respect to the meaning and effect and advisability of making the settlement and releases provided for herein and of executing this Agreement. This Agreement and the terms and conditions hereof were determined in "arms' length" negotiations by, between and among the Parties to this Agreement, and the same represents a final, mutually agreeable compromise.
14. None of the Parties nor any attorney for any party shall be deemed to be the drafter of this Agreement for the purpose of interpreting or construing any of its provisions. Each provision of this Agreement shall be interpreted in accordance with its fair meaning and not strictly for or against any of the Parties. If any term, provision, covenant, warranty or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions of the Agreement shall remain in full force and effect and shall in no way be affected, impaired or invalidated.
15. Each person who signs this Agreement represents and warrants for itself, himself or herself that it, he or she has full and complete authority to execute this document on behalf of the respective party or parties indicated and to bind said party or parties indicated in accordance with this Agreement.

16. This Agreement shall inure to the benefit of and be binding on the Parties hereto and the heirs, successors, assigns and legal representatives of each of the respective Parties.
17. The Parties agree that the Recitals herein are binding upon the Parties only with respect to this Agreement.
18. Should any litigation be commenced between the parties hereto concerning this Agreement, or the rights and duties of any party in relation thereto, or should any attorney be retained to enforce any provision herein, whether or not any litigation commences, the party determined by a court of law to be the prevailing party in such litigation or other action, shall be entitled, in addition to such other relief as may be granted to a reasonable sum as and for his attorney's fees.
19. All exhibits referenced in this Agreement and attached hereto are incorporated in toto by each respective reference and are made a part of this Agreement.

IN WITNESS HEREOF, the undersigned Parties have executed this Agreement on the respective dates shown below.

PACIFIC WESTERN BANK, successor by merger to FIRST CALIFORNIA BANK, successor to FDIC as Receiver of SAN LUIS TRUST BANK

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
By: David A. Duarte, Sr. Vice President

CITY OF MORRO BAY

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
By: Jamie L. Irons, Mayor

RECORDING REQUESTED BY

CITY OF MORRO BAY

WHEN RECORDED, RETURN TO:

CITY OF MORRO BAY  
PLANNING & BUILDING DEPARTMENT  
595 HARBOR STREET  
MORRO BAY, CA 93442

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**RELEASE OF THE AFFORDABLE HOUSING AGREEMENT  
DEED RESTRICTION FOR UNIT 106, 600 MORRO BAY BLVD**

THIS RELEASE OF THE AFFORDABLE HOUSING AGREEMENT DEED RESTRICTION AND COVENANT for 600 Morro Bay Blvd., Unit 106, Morro Bay, California, is made and agreed to on this day of August 27, 2013, by and between PACIFIC WESTERN BANK, successor by merger to FIRST CALIFORNIA BANK, successor to FDIC as Receiver of SAN LUIS TRUST BANK. (hereinafter referred to as "OWNER"), and the City of Morro Bay, a public body, and politic, (hereinafter referred to as "CITY").

WHEREAS, OWNER is the record owner of the real property located at 600 Morro Bay Blvd., Unit 106, Morro Bay, California, and more specifically described on Exhibit A attached hereto (hereinafter referred to as "Unit 106"); and

WHEREAS, on or about December 1, 2009, in conjunction with the recordation of a final Tract Map, the City entered into and recorded with the San Luis Obispo County Recorder's Office, on April 16, 2010, as Document No. 2010017582, an Affordable Housing Agreement (hereinafter referred to as "Affordable Housing Agreement") with 600 Morro Bay, LP, whereby, inter alia, Unit 106, one of the 19 residential/commercial units to be built at 600 Morro Bay Blvd., in Morro Bay California, would be rented or sold at the moderate income range for a period of 30 years.

**WHEREAS**, on March 14, 2013, the OWNER foreclosed upon Unit 106, pursuant to a Deed of Trust recorded February 28, 2007.

**WHEREAS**, since the OWNER's Deed of Trust was recorded prior to the CITY's Affordable Housing Agreement, and a dispute has arisen between the CITY and OWNER as to the continuing enforcement of the Affordable Housing Agreement as it pertains to Unit 106, the CITY has agreed to release Unit 106 from the restrictions and other covenants of the Affordable Housing Agreement in return for the payment by OWNER of an in lieu fee.

**WHEREAS**, on August 27, 2013, the City Council approved a Settlement Agreement and Mutual Release (hereinafter referred to as "Settlement Agreement") between the CITY and the OWNER to allow for execution of this Release of the Affordable Housing Agreement to release Unit 106 from the Affordable Housing Agreement.

**NOW THEREFORE, FOR VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, IT IS HEREBY MUTUALLY AGREED TO** and understood between the CITY and the OWNER, which agreement shall be binding upon their respective successors and assigns, and which agreement shall run with the land as to Unit 106, that in return for the payment of the In Lieu Fee as more particularly set forth in the Settlement Agreement, that Unit 106, shall be and hereafter is, forever released from the terms of the Affordable Housing Agreement.

DATED: \_\_\_\_\_

PACIFIC WESTERN BANK, successor by merger to FIRST CALIFORNIA BANK, successor to FDIC as Receiver of SAN LUIS TRUST BANK

OWNER: \_\_\_\_\_  
By: David A. Duarte, Sr. Vice President

CITY: \_\_\_\_\_  
BY: Jamie L. Irons, Mayor



RECORDING REQUESTED BY

CITY OF MORRO BAY

WHEN RECORDED, RETURN TO:

CITY OF MORRO BAY  
PLANNING & BUILDING DEPARTMENT  
595 HARBOR STREET  
MORRO BAY, CA 93442

---

**MEMORANDUM REGARDING THE AFFORDABLE HOUSING  
AGREEMENT DEED RESTRICTION FOR UNIT 101,  
600 MORRO BAY BLVD**

This Memorandum Regarding The Affordable Housing Agreement Deed Restriction For Unit 101, 600 Morro Bay Blvd. (hereinafter "Memorandum") is being recorded to confirm that 600 Morro Bay Blvd., Unit 101, Morro Bay, California; APN: 066-125-031 (hereinafter "Unit 101"); as more particularly described on Exhibit A attached hereto), is not subject to the restrictions or other covenants of that certain Affordable Housing Agreement, recorded with the San Luis Obispo County Recorder's Office, on April 16, 2010, as Document No. 2010017582 (hereinafter "Affordable Housing Agreement"), and that the document entitled Amendment to Affordable Housing Agreement to Change Locations of One Affordable Housing Unit, dated on or about July 16, 2010, and recorded with the San Luis Obispo County Recorder's Office on July 19, 2010 as Document No. 2010033300, had no force or effect under the Affordable Housing Agreement therein to encumber Unit 101.

DATED: \_\_\_\_\_

CITY OF MORRO BAY

BY: \_\_\_\_\_  
Jamie L. Irons, Mayor.

MEMORANDUM REGARDING THE AFFORDABLE HOUSING AGREEMENT DEED RESTRICTION FOR  
UNIT 101, 600 MORRO BAY BLVD

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Approved for Recordation By:

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Kathleen Wold  
Public Services Planning Manager

STATE OF CALIFORNIA            )  
  )    SS.  
COUNTY OF SAN LUIS OBISPO )

On \_\_\_\_\_, before me, Dana Swanson, Deputy City Clerk for the City of Morro Bay, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

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(Signature of Notary Public)

My commission expires on 12/31/14.

# MATTHEW S. KENNEDY

• A PROFESSIONAL LAW CORPORATION •

Matthew S. Kennedy

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May 23, 2013

Via Facsimile @ (805) 772-6572  
Via E-Mail: [Rschultz@morro-bay.ca.us](mailto:Rschultz@morro-bay.ca.us)  
Hard Copy Via On Trac

Robert W. Schultz, Esq.  
City Attorney  
City of Morro Bay  
955 Shasta Ave.  
Morro Bay, California 93442

Re: First California Bank, as Assignee  
from the Federal Deposit Insurance Corporation,  
as Receiver for San Luis Trust Bank ("Bank")  
  
600 Morro Bay Blvd., Unit 106, Morro Bay, Ca ("Property")  
  
Affordable Housing Agreement ("AHA")  
  
Demand to Release / Retract Claim - Slander of Title

Dear Rob:

As we have discussed in the past on this matter, this office represents the Bank. The Bank is the owner by nonjudicial foreclosure of the Property, having obtained its title under a Trustee's Deed Upon Sale, dated March 15, 2013, recorded with the San Luis Obispo County Recorder's Office on March 15, 2013 [copy attached]. The Bank's supporting Deed of Trust dated February 16, 2007, was recorded with the San Luis Obispo County Recorder's Office on February 28, 2007, as Document No. 2007013238 ("DOT").

The Bank is in escrow to sell the Property. The scheduled closing date is Wednesday, May 29, 2013. The Bank has been informed by Hilary Hopkins, Escrow Office at First American Title Co., in Morro Bay ("FATCO"), that upon her contacting the Morro Bay City Attorney's Office, presumably you, to coordinate a release statement of the AHA as part of FATCO issuing a CLTA Seller's policy, she was informed that the City would not do so and that the City contends the AHA remains a cloud / senior encumbrance upon the Property.

As you know, the subject AHA was recorded sometime on or after December 1, 2009 [i.e., sometime after the stated date of its making]. As confirmed above, the Bank's DOT was recorded nearly three (3) years prior to that date. The Bank's DOT is patently a senior lien on the Property and is entitled to all rights and benefits of its priority recording and upon foreclosure of the same, renders the AHA a sold out junior status, that no longer affects the Bank's or its assignees' interest in the Property.

Accordingly, absent the City providing the Bank with a signed and recorded Subordination whereby the Bank or its predecessors agreed to subordinate the DOT in favor of the AHA, any further claim by the City that the AHA continues to be an encumbrance upon the Property is unsupported by the law. Absent the City's immediate confirmation with FATCO that the Property is no longer subject to the same, its present

May 23, 2013

Page 2

stance will amount to slander of title, with actual consequential damages to the Bank should it lose its pending sale that is now scheduled to close.

In addition to the above recording statutes' premise of law, it is worth noting as well that pursuant to the terms of the AHA itself, it was never meant to be a senior encumbrance to the Bank's financing. As stated in the AHA's 4<sup>th</sup> recital:

**"WHEREAS, it is intended that any restriction shall be irrevocable and shall constitute enforcement covenants and restrictions, but subject to and subordinate to the terms of any public or private financing provided on the project; ..."**

The AHA continues at pages 4 and 5:

**"Burden to Run with Property. The covenants and conditions herein contained shall apply to and bind the heirs, executors, administrators, successors, transferees, all assignees of all the parties having or acquiring any right, title or interest in or to any part of the Property and shall run with and burden the Property until terminated or released in accordance with the provisions hereof. Prior to the issuance of building permits, the Developer shall expressly make the conditions and covenants contained in this Agreement a part of any deed or other instrument conveying any interest in the Property. Notwithstanding anything to the contrary set forth in this Agreement, individual purchasers of units pursuant to any approved public report in compliance with the California Subdivided Lands Act, and mortgage lenders holding deeds of trust on such individual units after sale to such purchasers, shall not be subject to the terms of this Agreement; and the terms of this Agreement shall be of no further force or effect with respect to such completed unit on the date of the recordation of a deed to the individual purchaser.**

The Bank is not a party to the AHA, and is therefore not bound to it. The AHA was specifically drafted to exclude and not make any private financing provided to the project subject to the AHA. To now claim a continuing right to encumber the Property after the Bank's foreclosure of its senior lien is unsupported by the AHA itself.

If the City has some authority to the contrary that makes this Property subject to AHA, demand is hereby made that the City provide that authority by no later than Tuesday, May 28, 2013.

Finally, as a catch-all in addition to the above legal theories and other arguments that may arise, the Bank, as an assignee of the Federal Deposit Insurance Corporation, as Receiver for San Luis Trust Bank, is also not subject to the AHA under the federal common law doctrine known as the *D'Oench Duhme Doctrine* (*O'Dench Dulme & Co. v. F.D.I.C.* (1942) 315 U.S. 447) or under the doctrine's "partial codification" in the federal statutes at 12 United States Code section 1823(e) (*Weber v. New West Federal Savings & Loan Assn.* (1992) 10 Cal.App.4th 97, 99).

In summary, Congress codified the *D'Oench Duhme* doctrine in section 1823(e) of title 12 of the United States Code, which states, in part:

(1) No agreement which tends to diminish or defeat the interest of the Corporation in any asset acquired by it under this section or section 1821 of this title, either as security for a loan or by purchase or as receiver of any insured depository institution, shall be valid against the Corporation unless such agreement-

(A) is in writing,

May 23, 2013

Page 3

(B) was executed by the depository institution and any person claiming an adverse interest thereunder, including the obligor, contemporaneously with the acquisition of the asset by the depository institution,

(C) was approved by the board of directors of the depository institution or its loan committee, which approval shall be reflected in the minutes of said board or committee, and

(D) has been, continuously, from the time of its execution, an official record of the depository institution." (Emphasis added.)

Section 1823(e) applies when the FDIC acts in a corporate capacity, as it did herein when it assigned through a Purchase and Assumption Agreement its rights to subject Promissory Note and the Construction Deed of Trust to the Bank. However, enactment of section 1823(e) did not preempt the common law rule of D'Oench Duhme, which does not distinguish between corporate and receivership capacity. "The discussion of [§ 1823(e)] in the legislative history does not mention D'Oench Duhme [citation], and there is no reason to suppose that Congress intended to forbid the rule of estoppel from being applied when the FDIC sues as receiver of a failed bank. [Citations.]" (Federal Deposit Ins. Corp. v. Dureau, supra, 212 Cal.App.3d 956, 961, fn. 1, citing Federal Deposit Ins. Corp. v. McClanahan (5th Cir. 1986) 795 F.2d 512, 514.) Therefore, as assignee of the FDIC, the Bank is entitled to the protection of section 1823(e) and the D'Oench Duhme Doctrine. (Weber v. New West Federal Savings & Loan Assn., supra, 10 Cal.App.4th at p. 105.)

The AHA was not a part of the loan files assumed by the Bank, and the same was obviously not executed by San Luis Trust Bank, nor approved by its board of directors or its loan committee. Accordingly, in that the City's present contention of the AHA surviving the Bank's nonjudicial foreclosure tends to diminish or defeat the interest of the Bank in its collateral - the Property, under federal pre-emptive law, the AHA has no force and effect as against the Property.

Accordingly, DEMAND IS HEREBY MADE that on or before end of business Tuesday, May 28, 2013, the City, in particular your office as it seems this is where the claims have emanated, inform FATCO in the manner as they require, that the City is no longer seeking to hold the Property subject to the AHA. In the event the City fails to do so, the pending sale will fall out of escrow, and the Buyer, who has already sold her existing home to move into the Property, will terminate this escrow. In such case, Bank will have no alternative but to bring *inter alia* an action against the City for quiet title, slander of title and other appropriate causes of actions seeking, without limitation, a court's determination that the AHA is no longer an encumbrance upon the Property, and therein seek monetary damages, costs and attorney's fees, resulting from the City's wrongful actions in slandering the Property's title.

Thank you for your anticipated cooperation in this regard. If you have any questions or comments concerning the foregoing, please do not hesitate to contact me.

Very truly yours,

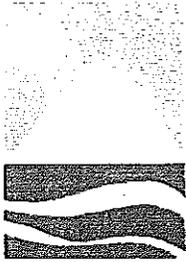
**MATTHEW S. KENNEDY**  
**A Professional Law Corporation**



Digitally signed by Matthew S Kennedy Esq  
DN: cn=Matthew S Kennedy Esq, o=Kennedy Law  
& Realty.com, ou,  
email=msk@KennedyLawRealty.com, c=US  
Date: 2013.05.23 17:08:52 -0700

**MATTHEW S. KENNEDY, ESQ.**  
**Attorney at Law**

cc: Client  
Enclosures [listed above]



# City of Morro Bay

City Attorney Department  
Morro Bay, CA 93442  
805-772-6568

May 24, 2013

Matthew S. Kennedy  
P.O. Box 1031  
San Luis Obispo, CA 93406-1031

*Re: Demand to Release/Retract AHA Recorded on the Property Located at  
600 Morro Bay Blvd., Unit 106*

Dear Matt:

This correspondence shall confirm receipt of your correspondence dated May 23, 2013, on that date at 4:42 p.m.

Your correspondence demands that the City, by the end of business Tuesday, May 28, 2013, inform First American Title (FATCO) that the City no longer seeks to hold the above referenced property subject to the City Affordable Housing Agreement (AHA) that was recorded on the property.

To begin with, your correspondence is incorrect that I informed Hilary Hopkins at FATCO that the City would not execute a release statement, nor did I contend that the AHA remains a cloud/senior encumbrance upon the property. What I told Ms. Hopkins is that I have no knowledge of the foreclosure or other documentation, and that she would have to provide me with such documentation and legal analysis before I could make a legal recommendation to the City. I also informed Ms. Hopkins that I did not have the authority to execute such a release statement.

I appreciate you now providing the City with the documentation and the legal position of First California Bank in regard to this matter. However, providing the City only two business days to review a very complicated legal transaction and deciding whether it has a legal obligation to execute a release of the AHA is completely unreasonable. This is especially true in light of the fact that First California Bank allegedly foreclosed on this property on March 15, 2013. Instead of contacting the City shortly after the alleged foreclosure, First California Bank waited over two months to contact the City and now has placed a two business day demand upon the City. Providing the City only two business days to respond is completely unreasonable and the City simply cannot comply with your short timeframe demand. In addition, assuming your legal

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CITY ATTORNEY  
595 Harbor Street

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715 Harbor Street

HARBOR DEPARTMENT  
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POLICE DEPARTMENT  
850 Morro Bay Boulevard

PUBLIC SERVICES  
955 Shasta Avenue

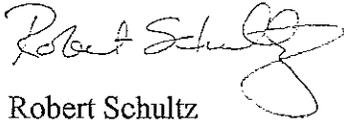
RECREATION & PARKS  
1001 Kennedy Way

analysis is correct, which I am not, the release of the recorded AHA would probably require City Council authorization. Such authorization would require a minimum of three weeks to obtain.

As mentioned above, the City had no knowledge that the property at 600 Morro Bay Blvd. had been foreclosed upon by First California Bank. Therefore, please provide the City with documentation that notice of the foreclosure was given to the City. Also, please provide the City with your legal authority that the City has an affirmative duty to release the AHA and also explain how this property will be in compliance with Tract Map 2978 and the Conditions of Approval if the AHA is released by the City without the payment of in lieu fees.

In order to resolve this complicated legal matter expeditiously, the City has retained the services of Mark J. Huebsch of Stradling, Yocca, Carlson & Rauth. Mr. Huebsch has extensive experience with Affordable Housing Agreements and Financing and will follow up with you next week if there are any further questions.

Sincerely,



Robert Schultz  
City Attorney

cc: Mark Huebsch



# City of Morro Bay

City Attorney Department  
Morro Bay, CA 93442  
805-772-6568

June 4, 2013

Matthew Kennedy  
P.O. Box 1031  
San Luis Obispo, CA 93406-1031

Re: 600 Morro Bay Blvd. – Affordable Housing Agreement

Dear Mr. Kennedy:

This correspondence is a follow up to our correspondences, emails and phone calls in regard to the above referenced matter. As you know, the City has been working diligently trying to resolve this situation to the satisfaction of the City and your client, and provide you with following analysis.

The starting point from the City's perspective is that the City approved a development subject to the condition that two dwelling units be restricted for a period of thirty years at affordable housing cost to households of moderate income; those provisions, which find a basis in the City's general plan and zoning code, were further supported by the conditions of approval, mitigation measures, and an Affordable Housing Agreement. The project as approved consisted of 19 parcels (16 residential parcels, 3 commercial), with two units (one of which was Unit 106) being required to be restricted for affordable housing purposes to moderate income households. As alluded to above, the requirement for affordable, covenanted units is set forth in Condition 17 to the City's land use approval and was further contained in a mitigation measure, as well as being referenced in the final map for the project and through the recorded Affordable Housing Agreement. The project proponent did enjoy the benefits of developing the project and, we are informed, sold some of the market rate units.

Subsequently, we received from you a demand that the City release the Affordable Housing Agreement from one or more dwelling units. You indicated that in connection with the efforts of your client to market certain properties (Unit 106 and possibly Unit 101), a title company has included within its disclosures the Affordable Housing Agreement as recorded.

In reviewing this matter, and having consulted with other counsel, we see no duty of the City to take any action to release Unit 106 or, for that matter, Unit 101 from the effects of the Affordable

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POLICE DEPARTMENT  
850 Morro Bay Boulevard

PUBLIC SERVICES  
955 Shasta Avenue

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1001 Kennedy Way

Housing Agreement. We further question whether any of the authority cited by you supports the proposition that the Affordable Housing Agreement was extinguished or nullified by a non-judicial foreclosure; the inclusion by a title company in listing the Affordable Housing Agreement would appear to support the City's position in that regard.

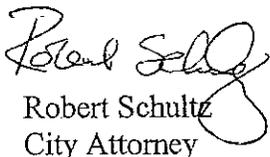
It is the City's position that the City has a right to enforce the conditions of land use approval and you have not provided us with any law or argument that a foreclosure, especially a non-judicial foreclosure, extinguished the Conditions of Approval for this project.

Regarding your contention that the City has a duty to execute documents either cancelling the Affordable Housing Agreement (for which we see no basis) or confirming that it was extinguished by non-judicial foreclosure (which, in addition to being unsupported, rather begs the question in that you indicate a non-judicial foreclosure was completed), you have not, despite request therefor, provided us with any authority to support your assertion that the City has an affirmative duty to release the Affordable Housing Agreement – or, for that matter, to take any actions whatever in respect to 600 Morro Bay Blvd. or what you indicate is a proposed sale by your client of a Unit at that address to a private purchaser. If in fact your assertion that the Affordable Housing Agreement was wiped-out as a result of the bank's non-judicial foreclosure is correct, then there is nothing for the City to release. However, your insistence that the City execute a release certainly raises the issue as to whether, in fact, the foreclosure eliminated the Affordable Housing Agreement.

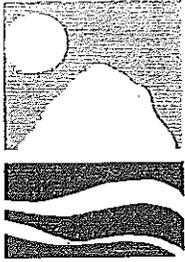
In addition, your threat that if the City fails to execute a release that you will bring an action for slander of title is without merit. First, a necessary element of a cause of action for slander of title is publication of a matter which is untrue. Clearly, you cannot be asserting that the AHA is untrue. Second, there is an absolute privilege for publications made in the discharge of official duties (Civil Code § 47). The absolute privilege codified in Civil Code section 47 has been extended to causes of action for slander of title. Accordingly, your threat to pursue a slander of title cause of action if the City refuses to take affirmative action to release the Affordable Housing Agreement is without merit, and if filed against the City may result in the City seeking sanctions for filing a frivolous lawsuit.

We respectfully request that your client reconsider its position. If you have any questions, please do not hesitate to call.

Sincerely,

  
Robert Schultz  
City Attorney

cc: Mark Huebsch, Stradling Yocca Carlson & Rauth



# City of Morro Bay

City Attorney Department  
Morro Bay, CA 93442  
805-772-6568

June 7, 2013

Matthew Kennedy  
P.O. Box 1031  
San Luis Obispo, CA 93406-1031

Re: 600 Morro Bay Blvd. – Affordable Housing Agreement; Settlement Offer Protected By Evidence Code section 1152, *et seq.*

Hi Matt,

This correspondence is a follow up to our correspondences, emails and phone calls in regard to the above referenced matter. As you know, the City has been working diligently trying to resolve this situation to the satisfaction of the City and your client.

On June 4, 2013, I provided you with a letter which sets forth our analysis of the question you proposed; briefly, we do not see any duty of the City to take any action whatever with respect to 600 Morro Bay Blvd., the release of covenants, or any other action in connection with the Affordable Housing Agreement referenced in that letter. That said, this office is prepared to explore with you a mutually agreeable voluntary settlement regarding this matter.

As we discussed, I did speak with Ms. Patricia Anderson, a private party whom you had indicated was interested in purchasing Unit 106 at 600 Morro Bay Blvd., about potentially assuming or providing an exception to her title for the AHA. Ms. Anderson indicated that she was unwilling to commit to such an arrangement. However, if your client would reduce the price of the sale of Unit 106 and Ms. Anderson were to affirmatively recognize (in a recordable instrument that this office would prepare) that Unit 106 is and will remain subject to the Affordable Housing Agreement, this office would be prepared to recommend to the City Council that arrangement. Alternatively, if your client were to pay to the City an Affordable Housing In Lieu Fee, this office is prepared to recommend to the City Council that alternative as a resolution to this matter. Note that the original In Lieu Fee amount for this project was \$336,000, based upon a requirement for inclusion of two affordable, covenanted units. All of the foregoing is subject to approval by the City Council, which must act at a duly noticed public meeting. The foregoing terms are premised upon an expeditious resolution of this matter. In the event the City is called upon to defend a lawsuit and incur expenses in connection therewith, your client should not assume that any comparable terms would be recommended by this office.

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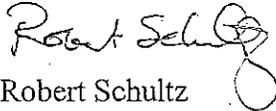
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955 Shasta Avenue

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There will be a Closed Session City Council Meeting on June 11, 2013, to discuss this matter, therefore, kindly respond to this offer or provide the City with any other suggestions for settlement of this matter prior to 3:00 p.m. on June 11, 2013.

Hopefully we can continue to work on this matter quickly and expeditiously and resolve the matter. If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Robert Schultz". The signature is written in a cursive style with a large, looping "S" at the end.

Robert Schultz  
City Attorney

cc: Mark Huebsch, Stradling Yocca Carlson & Rauth

**RESOLUTION NO: 45-13**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
APPROVING AN APPLICATION TO THE STATE OF CALIFORNIA'S  
COASTAL CONSERVANCY FOR GRANT FUNDS  
THROUGH ITS CLIMATE READY PROGRAM**

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

**WHEREAS**, the State of California's Coastal Conservancy approved a competitive grant program to provide financial assistance to local governments and nongovernmental organizations to act now to prepare for a changing climate; and

**WHEREAS**, the goal of the grant program is to advance planning and implementation of on-the-ground actions that reduce greenhouse gas emissions and lessen the impacts of climate change on California's coastal communities and natural resources; and

**WHEREAS**, the grant will support a wide range of activities including vulnerability assessments, development and implementation of adaptation strategies, science-based scenario planning, and demonstration projects that help inform others about successful and cost-effective adaptation strategies; and

**WHEREAS**, the City of Morro Bay has an effectively certified LCP; and

**WHEREAS**, the City of Morro Bay, recognizing the problems and issues associated with climate change identified in the grant application package desires to pursue a project that would result in the completion and submittal for certification by the California Coastal Commission of an LCP Amendment that would address such impacts; and

**WHEREAS**, the City of Morro Bay will coordinate with the staffs of the State Coastal Conservancy, the California Coastal Commission and the Ocean Protection Council in undertaking the project, if approved.

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

1. Directs the City of Morro Bay staff to submit a grant application package to the Coastal Conservancy to provide financial and planning assistance, in the amount of \$200,000 to fund the project as more particularly described in the grant application package.

2. Authorizes the Public Services Director of the City of Morro Bay to execute, in the name of the City of Morro Bay, all necessary applications, contracts and agreements and amendments thereto to implement and carry out the grant application package attached hereto and any project approved through approval of the grant application.

**PASSED AND ADOPTED** by the Morro Bay City Council at a regular meeting thereof held on the 27<sup>th</sup> day of August, 2013 on the following vote:

AYES:

NOES:

ABSENT:

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JAMIE L. IRONS, Mayor

ATTEST

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JAMIE BOUCHER, City Clerk



AGENDA NO: D-1

MEETING DATE: August 27, 2013

# Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** August 21, 2013  
**FROM:** Robert Livick, PE/PLS - Public Services Director/City Engineer  
**SUBJECT:** Discussion of the formation of a General Plan/Local Coastal Plan  
(GP/LCP) Update Citizen Review Committee (CRC)

## RECOMMENDATION

Review the idea and particulars regarding formation of a GP/LCP review committee, including number composition and selection process, and provide direction to staff as to when the formation would be appropriate.

## ALTERNATIVES

1. Table the discussion until the results of the Strategic Growth Council grant is known (early 2014) and the LCP/GP timeline is fully “fleshed out”.
2. The Council could hold open nominations and select participants. This option is not recommended because the goal of the CRC is to represent the community and a selection not based on interest areas may not be representative enough to develop a balanced plan. In addition, some community members with strong views may feel their voices were not heard and have difficulty in agreeing to the shared vision developed through the process.

## FISCAL IMPACT

There would be no direct fiscal impacts associated with this action. However, it is anticipated that the costs for the preparation of the GP/LCP update is approximately \$900,000, mainly in consultant services, with an additional approximate \$300,000 for the preparation of the Environmental Impact Report (EIR). The EIR is not a grant eligible activity. If the City is not successful in receiving grant funding, the update could be prepared using City staff supplemented with consultant services for the required specialized technical studies. This would greatly extend the timeframe for completion to perhaps five years, and the associated costs for plan preparation would range from \$350,000 to \$600,000 depending on the need for specialized technical studies.

## DISCUSSION

In addition to the extensive public outreach component that will be associated with the update of

Prepared By: RL

Dept Review: RL

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

the GP/LCP, it is typical to have a Citizen Review Committee (CRC) comprised of residents, business owners and other stakeholder group representatives to provide a forum for public input and participation. The function of the CRC will be to inform the process at key points, provide feedback and recommendations to staff, and disseminate information to each member's respective stakeholder or related interest group(s). This will just be a part of the information awareness program for the update. Other ways may include the City Council and Planning Commission meetings and workshops; and perhaps embracing Facebook, and twitter.

As we know, the GP/LCP has not had a significant update since the late 1980's. While there is a need to update these elements to address changes in legislation and completion of many of the programs, much of the vision and values expressed in the General Plan elements are still very strong and relevant. The update will identify the framework and vision that remains strong while addressing those items required to comply with the potential grant funding, including:

- Community input regarding the physical, social, economic, cultural and environmental character of the City.
- Identification of those areas that will be impacted due to climate change and addressing their appropriate use.
- Identification of Environmentally Sensitive Habitat areas and the needed protection parameters.
- A comprehensive guide for decision-making based on land use, design, circulation and access, sustainability and the preservation of the quality of life in the community.
- Policies that balance development and conservation to preserve the City's natural beauty, unique character and heritage while supporting housing opportunities, a vibrant economy and addressing disadvantaged communities.
- Consistency with the Regional Blueprint and policies that guide development of a Sustainable Communities Strategy in collaboration with SLOCOG.
- Opportunities to create Complete Streets/neighborhoods and develop programs to achieve them.
- Identify the circulation system that is needed to appropriately balance the community's values and the need for growth
- Identify ways to achieve more affordable housing.
- Promote energy efficiency & conservation and incorporate Climate Action Plan strategies.
- Identify opportunities for pedestrian and bike access.

Staff is recommending that the Council approve the method and desired composition the review committee. The role of the CRC will be to advise City staff and develop recommendations to update the GP/LCP. The number of members should be a workable size (9-15 members, based on guidelines from the American Planning Association) in order to be responsive and effective in completing the update within a reasonable timeframe of perhaps 2-3 years, or more depending on funding. The CRC would meet at most two times per month and the meeting would be approximately 2-1/2 hours in duration. The expectation for those participating in the CRC, is to commit for the duration of the update process.

While participants may have a primary focus that represents one component, the expectation is that members will have overlapping interests that intersect and create a balanced and representative community vision for the future of Morro Bay. The guidelines outline the roles, responsibilities and relationship of CRC and staff to clarify expectations and understanding of the overall process, so that CRC and staff contribute to moving toward accomplishing the committee's specific goals within schedule and budget.

Once Council identifies the stakeholder groups to be included in the CRC, those groups will be asked to nominate a member who can commit to and fully participate in the process. A letter would be sent to selected stakeholder groups asking for a nomination.

Some of the stakeholder groups that have been discussed by staff include:

- The City's Advisory Boards and Commissions
  - Harbor Advisory Board
  - Planning Commission
  - Public Works Advisory Board
  - Recreation and Parks Commission
- Morro Bay Seniors Incorporated
- Morro Bay Chamber of Commerce
- Realtors/Development Community
- Tourism Bureau
- Economic Development
- Environmental Interests
- Citizen(s) at Large

For at the "at large" members, staff recommends advertising in the newspaper and posting on the City's website for volunteers. It is recommended that Council select a subcommittee along with the City Manager and key Public Services staff, to interview the applicants and nominate several participants to the CRC. Both stakeholder group nominations and Council sub-committee nominations would be subject to Council confirmation and could take place during the time of normal Board and Commission nominations.

### **CONCLUSION**

Update of the GP/LCP is necessary and a CRC can facilitate that process, the question is what should be the make-up of that committee and when should the committee be mobilized for the greatest benefit.



AGENDA NO: D-2

MEETING DATE: 8/27/2013

# Staff Report

**TO:** Honorable Mayor and City Council

**DATE:** August 20, 2013

**FROM:** Amy Christey, Police Chief

**SUBJECT:** Discussion about Options to Reduce Unpermitted and Illegal Fireworks for the 2014 4<sup>th</sup> of July

## RECOMMENDATION

Staff recommends no change to the current Municipal Code 14.08.090, which prohibits the use of dangerous fireworks as defined by California Health and Safety Code 12505, and permits the lawful use of safe and sane fireworks, as defined by California Health and Safety Code 12529, on private property within City limits. Additionally, staff further recommends continued proactive patrol efforts, which may include increased staffing, to mitigate the use of dangerous fireworks in the City of Morro Bay.

## ALTERNATIVES

Staff suggests the following three alternatives to our current practice:

1. Do not change the current Municipal Code 14.08.090.
2. Amend the Municipal Code to prohibit all fireworks, including safe and sane, within the City limits. If the Council elects to prohibit the use of all fireworks within City limits, it will be necessary for the Police Department to increase staffing on the Fourth of July, as well as the days preceding and following.
3. Expand the use of safe and sane fireworks to include the lawful use of safe and sane fireworks in public places. By allowing fireworks in public places, some restriction of emergency vehicle access on our streets may occur which may increase fire risk to our surrounding wild land and other combustible structures in our community. This alternative would result in an increase to fire protection staffing in our community on the Fourth of July and the days preceding and following.

## FISCAL IMPACT

There should not be a significant fiscal impact if Council elects the first alternative; however, there could be a slight increased fiscal impact for the use of overtime staffing. Should Council elect the second or third alternative, there will be an exponential increase in overtime expenditures as the

Prepared By: AC

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

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

Police Department and Fire Department will need to increase staffing which could include an “all hands on deck” staffing plan for responses to fireworks complaints and the resulting potential fire responses.

### **SUMMARY**

During the 2013 Fourth of July celebration, the City of Morro Bay enjoyed a holiday celebration that included a Fourth of July festival and a public fireworks display. Throughout the night, residents and visitors alike celebrated our nation’s birthday and most did so using safe and sane fireworks within the confines of their private property. There were some who possibly used safe and sane fireworks and/or dangerous fireworks on public property.

Shortly after the holiday weekend, the Morro Bay Police Department tallied fireworks complaint statistics which revealed 32 fireworks complaints. Fifteen of the complaints were documented on July 4<sup>th</sup>. The remaining statistics documented three fireworks complaints on July 1<sup>st</sup>, five on July 2<sup>nd</sup>, one on July 3<sup>rd</sup>, six on July 5<sup>th</sup> and two fireworks complaints on July 6<sup>th</sup>. Additionally, Morro Bay City Council Members received one complaint regarding the use of fireworks within the City limits. The Morro Bay Fire Department did not respond to any firework caused emergency during the time the complaints were registered at the Police Department.

The City of Morro Bay Municipal Code 14.08.090 permits the use of safe and sane fireworks on private property within the City limits. This City code includes modifications to California Code of Regulations Title 19, California Fire Code. Our City code provides the following exceptions: “the use of fireworks, approved by the State Fire Marshal as “safe and sane,” shall be permitted on private property only. Public fireworks displays may be allowed, subject to the approval of a permit by the Fire Chief. Pyrotechnics for the use in movie industry operations may be allowed, subject to the approval of a permit by the Fire Chief. This section shall not apply to the sale and use of California State Fire Marshal approved and listed “party poppers and snap caps.”

### **BACKGROUND**

During the 2013 Fourth of July celebration, the City of Morro Bay enjoyed a public display of fireworks pursuant to Municipal Code 14.08.090, which provides exceptions to California Code of Regulations Title 19. Along with the public fireworks display, residents and visitors enjoyed the use of State Fire Marshal approved “safe and sane” fireworks on private property.

Morro Bay Police Department received 32 fireworks complaints during this year’s Fourth of July celebration. This is an increase over the past two years wherein the Police Department responded to nearly half of the fireworks complaints during the 2012 and 2011 Fourth of July holiday week. According to the Police Department records management system, Morro Bay Police Department responded to a total of eleven fireworks complaints in 2012 and 2011. The statistics were gleaned by searching for fireworks complaints during the weekends before and after the Fourth, as well as the holiday week. Moreover, Council has inquired about options to reduce unpermitted and illegal usage of fireworks within the City limits for next year’s 4<sup>th</sup> of July celebration.

### **DISCUSSION**

The California Health and Safety Code, Section 12505, defines “dangerous fireworks,” as including,

in part, all of the following: “firecrackers, skyrocket and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge, roman candles, including all devices which discharge balls of fire into the air, chasers, including all devices which dart or travel about the surface of the ground during discharge, sparklers more than ten inches in length or one-fourth of one inch in diameter, all fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, auto-foolers, cigarette loads, exploding golf balls and trick matches. Fireworks known as devil-on-the-walk, or any other firework which explodes through means of friction, unless otherwise classified by the State Fire Marshal pursuant to this part.”

The California Health and Safety Code, Section 12529 defines “safe and sane” fireworks as any fireworks which do not come within the definition of “dangerous fireworks.” Fireworks known as safe and sane are classified by the State Fire Marshal, pursuant to Health and Safety Code 12567, and bear that designation and may be sold as safe and sane. Those fireworks classified by the State Fire Marshal as safe and sane prior to January 1, 1974 may continue to bear that designation and may be sold as safe and sane fireworks until 12 noon on July 6, 1974. All fireworks previously designated as safe and sane are offered for sale and sold during the 1974 retail license year and thereafter shall bear the State Fire Marshal label with the classification of safe and sane fireworks.

A sampling of cities throughout the State of California indicated a wide range of fireworks enforcement and legislation. This partial list of the cities that permit the use of safe and sane fireworks includes Roseville, Visalia, Fullerton, Cathedral City, Watsonville, Lakeport, Alhambra, Azusa, Temple City, Pacifica, and El Monte. Within San Luis Obispo the following cities permit the use of safe and sane fireworks, Arroyo Grande, Grover Beach, Morro Bay, Oceano, Templeton and San Miguel.

Some cities, and counties, ban the use of safe and sane fireworks. This partial list includes Santa Cruz, Scotts Valley, Capitola, Redwood City, Santa Rosa, Anaheim, Hayward, Long Beach, Los Angeles, Burbank, Glendale, LaCanada, Flintridge, Pasadena and Vacaville. Many of these jurisdictions increase fines during the Fourth of July holiday weekend. In these jurisdictions, the fines are often doubled or tripled in an effort to curb unpermitted fireworks usage. For example, the City of Santa Cruz triples fines for unlawful firework usage and the County of Santa Cruz enforces fines that are \$1000 for each violation. Other cities that include the \$1000 fine for fireworks usage are LaCanada and Flintridge, as well as Pacifica on days indicated as prohibited days. Their reasoning is to do so in an effort to avoid fires and injuries from errant fireworks.

In the cities that ban the use of fireworks, their law enforcement philosophy is one of “all hands on deck.” This typically means a majority, if not all of their staff, is assigned to work the Fourth of July as well as increase staffing levels on the days preceding the holiday. This is done to support law enforcement’s ability to respond to the increased complaints and equates to an increased usage of overtime.

### **CONCLUSION**

The 2013 Fourth of July holiday included an increase in fireworks complaints over the past two years, 2012 and 2011. Even though there was an increase, Morro Bay Police and Fire Departments

did not respond to any reported fires or injuries due to the use of safe and sane fireworks. Staff is recommending no change to the current Municipal Code, 14.08.090, which permits the use of safe and sane fireworks on private property only. Staff also recommends a slight increase in staffing levels for response to fireworks related complaints for the 2014 Fourth of July weekend.



# CITY OF MORRO BAY

## POLICY AND PROCEDURE FOR HIRING CONSULTANTS

This policy outlines the procedures for securing the services of consultants. Before any work by a consultant may begin, the City requires that certain approvals are obtained and an acceptable and properly signed contract is completed. All departments that intend to engage a consultant must obtain pre-approval of budget availability before committing funds to pay a consultant. It is the policy of the City that the following procedures shall be used in the selection of consulting services.

### **Purpose of the Policy:**

The purpose of this policy is to establish general guidelines for the selection of consultants. It is the intent of the City to make a selection on the basis of demonstrated competence and/or professional qualifications for the services required at a competitive price. Furthermore, consultant services are of a professional nature, and due to the ethical codes of the professions involved, as well as the nature of the services to be provided, do not readily fall within the competitive bidding process. Consultants should be individually selected for a specific project or problem with the objective of selecting the most qualified consultant at a fair and reasonable cost based on the complexity of the work involved.

### **Policy:**

Except as otherwise provided, the City of Morro Bay will solicit competitive proposals by releasing, when practicable, Requests for Proposals (RFPs) to perform work for which the City does not have staff available or lacks the technical expertise required to perform a project/program. Consultants will be individually selected for specific projects with regard to special knowledge of the subject matter; ability to perform the services within the time allowed; record of success on similar work; the demonstrated understanding of City project related issues; proven working relationships with City project staff; consultant availability to City staff and the project; and ability to perform effectively in the necessary discussion, presentation, coordination, and cooperation realms of the project. While the primary goal of consultant selection is on the basis of demonstrated competence and professional experience, the cost of providing the technical service to be performed will also be considered. Deviation from an RFP selection process (i.e., negotiated contracts) shall only be employed as discussed below.

### **Application:**

This Consultant Policy applies to the engagement of, and all payments to, individuals or firms who are not employees of the City. The policy provides guidance regarding the engagement of consultants who perform a specific service, provide advice, or render assistance for a specific time period. Consultants normally possess specialized skills, knowledge or credentials that are not readily available among City staff and shall apply to the selection of technical consulting firms for design, review, inspection, field supervision, contract management, feasibility studies, master planning, and related services in connection with public improvement projects and/or

governmental operations for the City of Morro Bay. For purposes of this policy, consulting services include, but are not limited to, professional services which may be contracted for by the City in the following fields:

Engineering (civil, mechanical, electrical, structural, traffic, etc.)  
Architecture  
Landscape Architecture  
City and Regional Planning  
Economic Analysis  
Property Analysis  
Financial Services  
Data Processing Services  
Rates and Fees  
Recreation  
Risk Management  
Human Resources (Key employee recruitment, training, etc.)  
Contract Management (Construction management, inspection, etc.)  
Administrative Services  
Legal Services  
Environmental Services  
Land Surveying

The term "consultant" may include individuals, partnerships, a corporation, joint ventures, or any other combination of firms or persons deemed by the City to be qualified to perform the required services.

**General Requirements:**

1. The use of consultants provides an important human resource tool by addressing short-term project-oriented needs that would not warrant the addition of permanent full-time staff because of the finite nature of the task. Arrangements to secure the services of a consultant are beneficial when the services are so specialized or highly technical that they cannot be performed economically or satisfactorily by existing City staff, or in a situation where there are significant time or city workload constraints.
2. The use of a consultant is expected to be primarily for the purpose of obtaining recommendations for solving clearly delineated problems.
3. In general, the determination regarding employee versus consultant status is made by the Administrative Services Director in close coordination with the affected Department Head. In cases where it is difficult to determine the correct status, the Administrative Services Director shall consult with the City Attorney to determine whether an employer-employee relationship exists. Only upon determination that no employer-employee relationship would be established can the proposed agreement be executed. If an employer-employee relationship would be established, the Administrative Services Director shall follow the normal employment process.

### **Conflict of Interest:**

The City's conflict of interest code requires all City officials and employees to disqualify themselves from participating in a City decision that may result in material financial gain to them. This applies to decisions relating to contracting for the services of a consultant. Further, a consultant shall not be in a reporting relationship to a City employee who is a near relative nor shall the near relative be in a decision-making position with respect to the consultant.

### **Criteria for Selection:**

Selection of consultants for professional services shall be based on demonstrated competence and the qualifications necessary for the work required. The following general selection factors will be considered, to the extent that each may apply, in selecting a consultant for a particular study or project:

- A. The consultant and consultant team's demonstrated understanding of the City's capital program, infrastructure and standards; positive work experience with City's project development and operations staff; and availability to the project and City staff.
- B. Educational and experience background of the consultant's key staff that will be assigned to each of the primary elements of the project work as well as the individual within the consultant's organization who will be in overall charge of the work.
- C. Necessary license or other professional credential(s) of the consultant to perform the particular study, project, or work.
- D. Demonstrated recent record of success of the consultant on work previously performed for the City or others of a similar nature and magnitude. Key areas to consider are the consultant's ability to deliver the required work or services in acceptable form and detail, on schedule, and within budget.
- E. The consultant's documented record in delivering completed design, estimating, construction management services, etc., of proven reliability as evidenced by the final completion costs of previous projects of similar scope and magnitude.
- F. The adequacy of the consultant's staff to perform the work within the time allowance.
- G. The method(s) proposed by the consultant for the work required; the primary elements of the work shall be identified.
- H. The ability of the consultant to make effective written reports and public presentations of the work or design as may be required.

- I. The ability of the consultant to work effectively with City staff, other public agencies, and related parties as may be required during the course of the design, study, or other technical services.
- J. New or innovative ideas that are presented by the consultant in the proposal which demonstrate clear or advanced understanding of the work, its problems, and possible solutions.
- K. Whether the consultant has adequate knowledge of local conditions.
- L. The consultant's past record of continued interest in the success, efficiency, and workability of the program of services previously delivered.
- M. The ability of the consultant to furnish effective construction supervision services, where such services are an inherent part of a "package" of services for which the consultant is employed.
- O. The ability of the consultant to provide errors and omission insurance and other insurance as may be required by the City Attorney/Risk Manager.

Each of the above listed general selection criteria factors may typically be employed in the evaluation of any proposal. To this list may be added any specific or unusual evaluation criteria necessary because of any special work, process, or service required. Each selection criteria factor may be weighted according to its overall, perceived importance against the project whole.

While price may not be the singular guiding issue in selecting a consultant, the consultant's proposal shall include the "fixed" or "not-to-exceed" cost (whichever is required by the RFP). The proposal shall also include any required supporting data in the form of cost/man-hour of each employee classification to be used, anticipated total project, man-hours for each classification, overhead costs, expenses, etc. (Note: If a "not-to-exceed" cost is required by the RFP, the final cost of the service(s) shall be the consultant's actual cost incurred or the agreed upon "not-to-exceed cost," whichever is less.)

The consultant's proposal will be reviewed for any deviations and exceptions taken, work not included, or any other inconsistency between the City's RFP which details the "work required" and the consultant's proposal which details the "work offered." The consultant shall explain the reasons for the deviations and exceptions in the proposal. Deviations and exceptions which demonstrate clear benefit or advantage to the City may receive special consideration.

#### **Selection Process—General Guidelines:**

Firms that have been determined, by the department that is most familiar with the project or program, to be actively in the business of providing the required service will be invited to submit proposals. When possible, the minimum number of firms requested to submit a proposal in response to an RFP shall be three (3) for services estimated to cost from \$45,000 to \$175,000 and five (5) for services estimated to cost \$175,000 or more.

When appropriate, qualified local firms (within San Luis Obispo County) will be sent RFPs. For unusual or extraordinary consulting services, Request for Qualifications (RFQs) will be sent to selected firms. The RFQs will be reviewed and evaluated to narrow and finalize the field of qualified firms to be sent RFPs.

Recognizing that the development and presentation of a professional proposal is often expensive, it is the City's position to request a proposal from a firm only when the firm will be seriously considered for the program, project, or work.

**Selection:**

The review procedure for the selection of professional service contracts shall be as follows:

A. Consultant Contracts Costing Less than \$45,000:

Request for Consultant services shall be initiated by the requesting Department Director. The Department Director may waive the formal RFP process and interview one or more consultants which the Department Director believes is/are qualified to perform the work. The Department Director will then select a consultant and forward a recommendation, to include an explanation/justification for bypassing a competitive RFP process, to the City Manager for issue of a contract. At the discretion of the City Manager, award will be made as recommended, or the City Manager may require consideration of additional service providers.

B. Consultant Contracts Costing More Than \$45,000:

1. Review/Selection Committee:

The responses received to an RFP will be evaluated by a review/selection committee which shall provide a recommendation of a specific consultant for consideration. The review/selection committee shall normally consist of requesting department staff members appointed by the requesting Department Director. For projects of particular interest, complexity, or controversy, the City Manager may designate additional staff from other departments and/or request Council or others to participate on the review/selection committee. The review/selection committee will determine the ranking of the consultants. Final recommendation for awards valued greater than \$45,000 but under \$175,000 will be presented to the City Manager for approval. Recommendations for awards over \$175,000 will then be presented to Council for consideration of contract award.

2. Deviation from RFP process:

The availability of qualified local firms (within San Luis Obispo County) is essential to the business of City government. To preserve this vital resource, the City Staff may decide to solicit annual submission of Statements of Qualification (SoQ) from local and regional professional firms that may provide value in executing the various programs and projects identified in the annual budget or capital improvement program. These SoQs may be used to

award on-demand delivery task order contracts to assist in the execution of the approved budget when appropriate. These on-demand contracts shall not exceed \$175,000 unless specifically approved by the City Council.

In addition, the City Council may authorize the execution of a contract for services up to \$175,000 without any previous publication or posting of notice inviting proposals when the City Council finds and declares that any one or more of the following situations exist:

- a. When a proposal or proposals have been received for the subject services, including publication or posting of notice, and the City has rejected any and all proposals, and has authorized negotiation with one or more proposers or other parties who possess the capability of supplying the required services, and the City finds that the proposed contract so negotiated is more favorable to the City than any which could be made in accordance with the proposals heretofore requested.
- b. When there is only one available source which can supply the subject matter of the contract.
- c. When the contract is for professional services, including peculiar or specialized skill or ability.
- d. When an emergency exists that makes it essential to the health, safety or welfare of the people that emergency action be taken.
- e. When a sole-source procurement is based on standards previously adopted by the City Council.
- f. When prices have been established by other governmental entities, or associations of governmental entities, in such a manner as to ensure the best value available to the City.
- g. For procurement of services over \$175,000 when, at the request of the City Manager, and upon approval thereof by the City Council, services are proposed to be procured which do not constitute public works projects.

All of the above is to be in accordance with the Government Code requirements.

**Final Scope of Work and Contract:**

The final contract of work may vary somewhat from that originally contemplated in the RFP, if the review/selection committee determines that additions, deletions, or corrections are necessary to properly describe the work. Contracts must be prepared on forms approved by the City Attorney to assure that they include all state and CJPIA required contract language. Any modification of forms previously approved by the City Attorney or the use of a non-City form requires the review by the City Attorney.

**Renewal of Contracts with Professional Consultants:**

Requests to the City Manager/City Council to renew an existing contract with a professional consultant should include an evaluation of the work performed by the consultant as well as a determination that the fees being charged are comparable to similar services offered by other consultants.

If the fee of the renewed contract does not exceed \$175,000, the City Manager may execute the agreement. If the fee exceeds \$175,000, the request will be placed on the Council agenda.

DRAFT



AGENDA NO: D-4

MEETING DATE: 8/27/13

# Staff Report

**TO: Mayor and City Council**

**DATE: August 21, 2013**

**FROM: Jamie Boucher, City Clerk**

**SUBJECT: Discussion and Direction on League of California Cities Resolutions**

## **RECOMMENDATION**

Staff recommends that Council authorize the City's voting delegate, Mayor Irons, to support both Resolution No. 1 and Resolution No. 2 at the League of California Cities Annual Conference.

## **ALTERNATIVE**

1. As requested by staff, authorize the City's voting delegate to support the League of California Cities Resolutions as presented.
2. Contrary to staff's input, authorize the City's voting delegate not to support either/both of the League of California Cities Resolutions as presented.

## **FISCAL IMPACT**

Not applicable.

## **DISCUSSION**

The League of California Cities 2013 Annual Conference is scheduled for September 18-20, 2013 in Sacramento, California. An important part of the Conference is the Annual Business Meeting which is scheduled on Friday, September 20 at noon at the Hyatt Regency Hotel. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

At this year's conference, the League will consider the two resolutions being brought forth for vote. The League encourages each City Council to consider the resolutions and determine a City position so that the voting delegate can represent the City's position on each.

Attached to this report is the Annual Conference Resolutions Packet which includes the verbiage for each resolution, as well as background information, at least 5 letters of concurrence by cities and additional information related to consideration of each resolution. Also attached is staff's written input on their insights of the two proposed resolutions being considered.

## **CONCLUSION**

Staff recommends that Council authorize the City's voting delegate to support the League of California Cities Resolutions as proposed.

Prepared By: J Boucher

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

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_



# City of Morro Bay

Morro Bay, CA 93442

(805) 772-6201

[www.morro-bay.ca.us](http://www.morro-bay.ca.us)

August 21, 2013

TO: Andrea Lueker - City Manager

FROM: Rob Livick PE/PLS – Public Services Director/City Engineer

RE: Support for LOCC Resolution to address the critical Need for Water Funding

Public Services staff recommends support for the League of California Cities (LOCC), Los Angeles County Division's effort to submit a resolution for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for local governments working to meet Federal and State objectives to protect water resources and storm water management plans. The resolution also provides direction for the League to educate State leaders and advocates for the inclusion of storm water funding in the State's proposed 2014 Water Bond.

Like many cities, the City of Morro Bay does not have the adequate infrastructure to capture, filter and reuse storm water. And, as you know Federal and State funding to assist in providing for this critical infrastructure has been reduced in recent years. Compliance with the MS-4 permit and other storm water regulations could cost the City hundreds of thousands of dollars, and reduce funding for other vital City services such as needed street repair and providing public safety. The City could also face steep fines, penalties, and third party lawsuits if it is unable to meet the National Pollutant Discharge Elimination Systems (NPDES) permit requirements as administered through the State's Water Board. Receiving State funding could help alleviate the financial burden placed on local governments to meet storm water requirements.

I hereby request City Council support the LOCC resolution regarding water funding.

**FINANCE**  
595 Harbor Street

**ADMINISTRATION**  
595 Harbor Street

**FIRE DEPT.**  
715 Harbor Street

**PUBLIC SERVICES**  
955 Shasta Avenue

**HARBOR DEPT.**  
1275 Embarcadero Road

**CITY ATTORNEY**  
595 Harbor Street

**POLICE DEPT.**  
870 Morro Bay Boulevard

**RECREATION & PARKS**  
1001 Kennedy Way

# MEMO



**To:** Andrea Lueker, City Manager

**From:** Amy Christey, Police Chief

**Date:** August 20, 2013

**RE: Support of Resolution to ensure the success of Public Safety Realignment**

The League of California Cities will be meeting to vote on several Resolutions. I fully support the Resolution submitted by the Public Safety Policy Committee, a Resolution of the League of California Cities calling upon the Governor and Legislature to enter into discussion with the League and California Police Chief's Association representatives to identify and enact strategies that will ensure the success of public safety realignment from local municipal law enforcement perspective.

This Resolution will address several critical issues including the need to fully fund municipal police departments with constitutionally protected funding to appropriately address realignment issues facing front-line law enforcement; provide for greater representation of city officials on the Community Corrections Partnerships, and establish oversight procedures to encourage transparency and accountability over the use of realignment funding.

I am requesting our City Council's support of this Resolution.

July 23, 2013

TO: Mayors, City Managers and City Clerks  
League Board of Directors

RE: Annual Conference Resolutions Packet  
Notice of League Annual Meeting

Enclosed please find the 2013 Annual Conference Resolutions Packet.

**Annual Conference in Sacramento.** This year's League Annual Conference will be held September 18 - 20 in Sacramento. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at [www.cacities.org/ac](http://www.cacities.org/ac). We look forward to welcoming city officials to the conference.

**Annual Luncheon/Business Meeting - Friday, September 20, 12:00 p.m.** The League's Annual Business Meeting will be held at the Hyatt Regency Hotel.

**Resolutions Packet.** At the Annual Conference, the League will consider the two resolutions introduced by the deadline, Saturday, July 20, 2013, midnight. These resolutions are included in this packet. New this year, resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. These letters of concurrence are included with this packet. We request that you distribute this packet to your city council.

We encourage each city council to consider the resolutions and to determine a city position so that your voting delegate can represent your city's position on each resolution. A copy of the resolutions packet is posted on the League's website for your convenience: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

The resolutions packet contains additional information related to consideration of the resolutions at the Annual Conference. This includes the date, time and location of the meetings at which resolutions will be considered.

**Voting Delegates.** Each city council is encouraged to designate a voting delegate and two alternates to represent their city at the Annual Business Meeting. A letter asking city councils to designate their voting delegate and two alternates has already been sent to each city. Copies of the letter, voting delegate form, and additional information are also available at: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

Please Bring This Packet to the Annual Conference  
September 18 - 20 — Sacramento



*Annual Conference  
Resolutions Packet*

*115<sup>th</sup> Annual Conference*



*Sacramento  
September 18 - 20, 2013*

# **ANNUAL CONFERENCE MEETING SCHEDULE FOR RESOLUTIONS**

## **1. Policy Committee Meetings**

Wednesday, September 18, 2013  
Sheraton Grand Hotel  
1230 J Street, Sacramento

Public Safety: 9:00 a.m. – 10:30 a.m.  
Environmental Quality: 10:30 a.m. – 12:00 p.m.

## **2. General Resolutions Committee**

Thursday, September 19, 2013, 1:00 p.m.  
Sacramento Convention Center  
1400 J Street, Sacramento

## **3. Annual Business Meeting and General Assembly Luncheon**

Friday, September 20, 2013, 12:00 p.m.  
Hyatt Regency Hotel  
1209 L Street, Sacramento

## INFORMATION AND PROCEDURES

**RESOLUTIONS CONTAINED IN THIS PACKET:** The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, two resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees.

**POLICY COMMITTEES:** Two policy committees will meet at the Annual Conference to consider and take action on resolutions referred to them. The committees are Environmental Quality and Public Safety. These committees will meet on Wednesday, September 18, 2013, at the Sheraton Grand Hotel in Sacramento. The sponsors of the resolutions have been notified of the time and location of the meetings.

**GENERAL RESOLUTIONS COMMITTEE:** This committee will meet at 1:00 p.m. on Thursday, September 19, at the Sacramento Convention Center, to consider the reports of the two policy committees regarding the two resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

**ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY:** This meeting will be held at 12:00 p.m. on Friday, September 20, at the Hyatt Regency Hotel.

**PETITIONED RESOLUTIONS:** For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (47 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Session of the General Assembly. This year, that deadline is 12:00 p.m., Thursday, September 19. If the petitioned resolution is substantially similar in substance to a resolution already under consideration, the petitioned resolution may be disqualified by the General Resolutions Committee.

Resolutions can be viewed on the League's Web site: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: [mdesmond@cacities.org](mailto:mdesmond@cacities.org) or (916) 658-8224

## **GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS**

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

### **Guidelines for Annual Conference Resolutions**

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
  - (a) Focus public or media attention on an issue of major importance to cities.
  - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
  - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
  - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

## LOCATION OF MEETINGS

### Policy Committee Meetings

Wednesday, September 18, 2013  
Sheraton Grand Hotel  
1230 J Street, Sacramento

Public Safety: 9:00 a.m. – 10:30 a.m.  
Environmental Quality: 10:30 a.m. – 12:00 p.m.

### General Resolutions Committee

Thursday, September 19, 2013, 1:00 p.m.  
Sacramento Convention Center  
1400 J Street, Sacramento

### Annual Business Meeting and General Assembly Luncheon

Friday, September 20, 2013, 12:00 p.m.  
Hyatt Regency Hotel  
1209 L Street, Sacramento

## KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3
		1 - Policy Committee Recommendation to General Resolutions Committee 2 - General Resolutions Committee 3 - General Assembly		

### ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
1	Water Bond Funds			

### PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
2	Public Safety Realignment			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: [www.cacities.org](http://www.cacities.org). The entire Resolutions Packet will be posted at: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

## KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

### KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

### Action Footnotes

- \* Subject matter covered in another resolution
- \*\* Existing League policy
- \*\*\* Local authority presently exists

### KEY TO ACTIONS TAKEN

- A - Approve
- D - Disapprove
- N - No Action
- R - Refer to appropriate policy committee for study
- a - Amend
- Aa - Approve as amended
- Aaa - Approve with additional amendment(s)
- Ra - Amend and refer as amended to appropriate policy committee for study
- Raa - Additional amendments and refer
- Da - Amend (for clarity or brevity) and Disapprove
- Na - Amend (for clarity or brevity) and take No Action
- W - Withdrawn by Sponsor

**Procedural Note:** Resolutions that are approved by the General Resolutions Committee, as well as all qualified petitioned resolutions, are reported to the floor of the General Assembly. In addition, League policy provides the following procedure for resolutions approved by League policy committees but *not* approved by the General Resolutions Committee:

Resolutions initially recommended for approval and adoption by all the League policy committees to which the resolution is assigned, but subsequently recommended for disapproval, referral or no action by the General Resolutions Committee, shall then be placed on a consent agenda for consideration by the General Assembly. The consent agenda shall include a brief description of the basis for the recommendations by both the policy committee(s) and General Resolutions Committee, as well as the recommended action by each. Any voting delegate may make a motion to pull a resolution from the consent agenda in order to request the opportunity to fully debate the resolution. If, upon a majority vote of the General Assembly, the request for debate is approved, the General Assembly shall have the opportunity to debate and subsequently vote on the resolution.

## 2013 ANNUAL CONFERENCE RESOLUTIONS

### RESOLUTION REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE

1. **RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO WORK WITH THE LEAGUE OF CALIFORNIA CITIES IN PROVIDING ADEQUATE FUNDING AND TO PRIORITIZE WATER BONDS TO ASSIST LOCAL GOVERNMENT IN WATER CONSERVATION, GROUND WATER RECHARGE AND REUSE OF STORMWATER AND URBAN RUNOFF PROGRAMS.**

Source: Los Angeles County Division

Concurrence of five or more cities/city officials: Cities of Alhambra; Cerritos; Claremont; Glendora; Lakewood; La Mirada; La Verne; Norwalk; Signal Hill; Mary Ann Lutz, Mayor, city of Monrovia.

Referred to: Environmental Quality Policy Committee

Recommendations to General Resolutions Committee: Approve

**WHEREAS**, local governments play a critical role in providing water conservation, ground water recharge and reuse of stormwater infrastructure, including capture and reuse of stormwater for their citizens, businesses and institutions; and

**WHEREAS**, local governments support the goals of the Clean Water Act to ensure safe, clean water supply for all and the U.S. Environmental Protection Agency has encouraged local governments to implement programs to capture, infiltrate and treat stormwater and urban runoff with the use of low impact development ordinances, green street policies and programs to increase the local ground water supply through stormwater capture and infiltration programs; and

**WHEREAS**, local governments also support the State's water quality objectives, specifically Section 13241 of the Porter-Cologne Water Quality Control Act, on the need to maximize the use of reclaimed and water reuse and the Regional Water Quality Control Boards and the State Water Resources Board encourage rainwater capture efforts; and

**WHEREAS**, the State's actions working through the water boards, supported by substantial Federal, State and local investments, have led to a dramatic decrease in water pollution from wastewater treatment plants and other so-called "point sources" since 1972. However, the current threats to the State's water quality are far more difficult to solve, even as the demand for clean water increases from a growing population and an economically important agricultural industry; and

**WHEREAS**, the State's Little Hoover Commission found in 2009 that more than 30,000 stormwater discharges are subject to permits regulating large and small cities, counties, construction sites and industry. The Commission found that a diverse group of water users – the military, small and large businesses, home builders and local governments and more – face enormous costs as they try to control and limit stormwater pollution. The Commission concluded that the costs of stormwater clean up are enormous and that the costs of stormwater pollution are greater, as beach closures impact the State's economy and environmental damage threatens to impair wildlife; and

**WHEREAS**, at the same time that new programs and projects to improve water quality are currently being required by the U.S. EPA and the State under the National Pollution Discharge Elimination System (NPDES) permits and the Total Daily Maximum Load (TMDL) programs, many local governments find that they lack the basic infrastructure to capture, infiltrate and reuse stormwater and cities are facing difficult economic challenges while Federal and State financial assistance has been reduced due to the impacts of the recession and slow economic recovery; and

**WHEREAS**, cities have seen their costs with the new NPDES permit requirements double and triple in size in the past year, with additional costs anticipated in future years. Additionally, many local businesses have grown increasingly concerned about the costs of retrofitting their properties to meet stormwater and runoff requirements required under the NPDES permits and TMDL programs; and

**WHEREAS**, the League of California Cities adopted water polices in March of 2012, recognizing that the development and operation of water supply, flood control and storm water management, among other water functions, is frequently beyond the capacity of local areas to finance and the League found that since most facilities have widespread benefits, it has become the tradition for Federal, State and local governments to share their costs (XIV, Financial Considerations); and the League supports legislation providing funding for stormwater and other water programs; and

**WHEREAS**, the Governor and the Legislature are currently contemplating projects for a water bond and a portion of the bond could be directed to assist local government in funding and implementing the goals of the Clean Water Act and the State's water objectives of conserving and reusing stormwater in order to improve the supply and reliability of water supply; and now therefore let it be

**RESOLVED** by the General Assembly of the League of California Cities, assembled in Sacramento on September 20, 2013, that the League calls for the Governor and the Legislature to work with the League and other stakeholders to provide adequate funding for water conservation, ground water recharge and capture and reuse of stormwater and runoff in the water bond issue and to prioritize future water bonds to assist local governments in funding these programs. The League will work with its member cities to educate federal and state officials to the challenges facing local governments in providing for programs to capture, infiltrate and reuse stormwater and urban runoff.

//////////

**Background Information on Resolution No. 1**

**Source:** Los Angeles County Division

**Background:**

In order to meet the goals of both the Federal Clean Water Act and the State's Porter-Cologne Water Quality Control Act, which seek to ensure safe clean water supplies, cities provide critical water conservation, ground water recharge and reuse of stormwater infrastructure, including capture and reuse of stormwater for their citizens, businesses and institutions.

Working with the State's Regional Water Quality Control Boards and the State Water Resources Board through the National Pollution Discharge Elimination System (NPDES) permitting process and Total Maximum Daily Load (TMDL) Programs, California's cities implement programs to capture, infiltrate and treat stormwater and urban runoff with the use of low impact development ordinances, green streets policies and other programs to increase the local ground water supply.

These actions have led to a dramatic decrease in water pollution from wastewater treatment plants and other so-called "point sources" since the adoption of the Clean Water Act in 1972. However, current threats to the State's "non-point sources" of pollution, such as stormwater and urban runoff are far more difficult to solve, even as the demand for clean water increases from a growing population and an economically important agricultural industry.

### **Current Problem Facing California's Cities**

The Little Hoover Commission found in 2009 that more than 30,000 stormwater discharges are subject to permits regulating large and small cities, counties, construction sites and industry. The Commission found that a diverse group of water users – the military, small and large businesses, home builders and local governments and more – face enormous costs as they try and control and limit stormwater pollution. The Commission concluded that the costs of stormwater clean up are enormous and that the costs of stormwater pollution are greater as beach closures impact the state's economy and environmental damage threatens to impair wildlife.

Additionally, new programs and projects to improve water quality are currently being required by the U.S. EPA and the State under the NPDES permits and the TMDL programs. Many local governments find that they lack the basic infrastructure to capture, infiltrate and reuse stormwater and the cities are facing difficult economic challenges while Federal and State financial assistance has been reduced due to the impacts of the recession and slow economic recovery.

Cities have seen their costs with the new NPDES permit requirements triple in size in the past year, with additional costs anticipated in future years. Additionally, many local businesses have grown increasingly concerned about the costs of retrofitting their properties to meet stormwater and runoff requirements required under the NPDES permits and TMDL programs.

In Los Angeles County alone, reports commissioned by the Los Angeles County Flood Control District estimate the costs of achieving region-wide compliance for implementing TMDL programs in the NPDES permits required by the Los Angeles Regional Water Quality Control Board (LARWQCB) will be in the tens of billions of dollars over the next twenty years. Additionally, failure to comply with the LARWQCB's terms could result in significant Clean Water Act fines, state fines and federal penalties anywhere from \$3,000- \$37,500 per day. Violations can also result in third-party litigation. Such costs are not confined to Los Angeles County and are being realized statewide.

Clearly, compliance with the NPDES permit and TMDL programs will be expensive for local governments over a long period of time and cities lack a stable, long-term, dedicated local funding source to address this need. Many cities are faced with the choice of either cutting existing services or finding new sources of revenue to fund the NPDES and TMDL programs.

### **Los Angeles County Division Resolution**

The Division supports strong League education and advocacy at both the State and Federal levels to help cities face the challenges in providing programs to capture, infiltrate and reuse stormwater and urban runoff. While Los Angeles County cities and other regions seek to secure local funding sources to meet the Clean Water Act and the State's water objectives, it will simply not be enough to meet the enormous costs of compliance. The Los Angeles County Division strongly believes that State and Federal cooperation are necessary to fund programs to secure and reuse stormwater in order to improve water supply and reliability throughout the state.

The Division calls for the League to engage in discussions on 2014 State Water Bond to assist cities in funding and implementing the goals of the Clean Water Act and the State's Water objectives. This resolution does not support the 2014 bond issue, since the League and individual cities will need to make this decision at a later time upon review of the final language. However, the Governor and Legislature have reopened discussions for the 2014 water bond and funding of urban runoff and stormwater programs has taken a back seat in past bond issues, such as Proposition 84. In May, Assembly Speaker John Perez appointed a Water Bond Working Group which recently outlined a new set of Priorities and Accountability Measures for developing a water bond that would gain the support of 2/3 of the Legislature and voters. One of the priorities identified by the committee included, "Regional Self Reliance/Integrated Regional Water

Management," posing the question if stormwater capture should be included in any future bonds. The Division believes the opportunity to advocate for funding in the bond is now.

//////////

### League of California Cities Staff Analysis on Resolution No. 1

Staff: Jason Rhine; (916) 658-8264  
Committee: Environmental Quality

#### Summary:

This resolution seeks to call upon the Governor and the Legislature to work with the League of California Cities in providing adequate funding and to prioritize water bonds to assist local governments in water conservation, ground water recharge and reuse of stormwater and urban runoff programs.

#### Background:

In 2009, the State Legislature passed and Governor Arnold Schwarzenegger signed a package of legislation that included four policy bills and an \$11.1 billion water bond (The Clean, and Reliable Drinking Water Supply Act). The water bond included the following major spending proposals:

- \$455 million for drought relief projects, disadvantaged communities, small community wastewater treatment improvements and safe drinking water revolving fund
- \$1.4 billion for "integrated regional water management projects"
- \$2.25 billion for projects that "support delta sustainability options"
- \$3 billion for water storage projects
- \$1.7 billion for ecosystem and watershed protection and restoration projects in 21 watersheds
- \$1 billion for groundwater protection and cleanup
- \$1.25 billion for "water recycling and advanced treatment technology projects"

The \$11.1 billion bond also included nearly \$2 billion in earmarks. Projects slated for funding included:

- \$40 million to educate the public about California's water
- \$100 million for a Lake Tahoe Environmental Improvement Program for watershed restoration, bike trails and public access and recreation projects
- \$75 million for the Sierra Nevada Conservancy, for public access, education and interpretive projects
- \$20 million for the Baldwin Hills Conservancy to be used to buy more land
- \$20 million for the Bolsa Chica Wetlands for interpretive projects for visitors

The water bond was originally scheduled to appear on the 2010 ballot as Proposition 18. However, due to significant criticism over the size of the bond, the amount of earmarked projects, and a lack of public support, the Legislature has voted twice to postpone the ballot vote. The water bond is now slated for the November 4, 2014 ballot.

It is unclear whether or not the water bond will actually appear on the November 2014 ballot. In recent months, pressure has been mounting to postpone the water bond yet again or significantly rewrite the water bond to drastically reduce the overall size of the bond and remove all earmarks. The Legislature has until the summer of 2014 to act.

#### Fiscal Impact:

Unknown. This resolution does not seek a specified appropriation from a water bond.

### **Existing League Policy:**

In 2008, the League formed a new Water Task Force to consider updates and revision to the Water Guidelines the League drafted and adopted 20 years earlier. These new Guidelines were formally approved by the League board of directors in Feb. 2010. Below are the most pertinent policy and guiding principles related to the proposed resolution. To view the entire water policy guidelines, go to [www.cacities.org/waterpolicyguidelines](http://www.cacities.org/waterpolicyguidelines).

### **General Principles**

- The League supports the development of additional groundwater and surface water storage, including proposed surface storage projects now under study if they are determined to be feasible, including but not limited to: environmentally, economically, and geographically relating to point of origin. Appropriate funding sources could include, but are not limited to user fees, bonds and federal funding.
- The League supports state water policy that allows undertaking aggressive water conservation and water use efficiency while preserving, and not diminishing, public and constitutional water rights.

### **Water Conservation**

- The League supports the development of a statewide goal to reduce water use by 20% by 2020 through the implementation of fair and equitable measures consistent with these principles.
- Accomplishing water conservation and water use efficiency goals will require statewide action by all water users, including residential, commercial, industrial and agricultural water users, local and regional planning agencies, state and federal agencies, chambers of commerce, and business, commercial and industrial professional and trade associations.

### **Water Recycling**

- Wherever feasible, water recycling should be practiced in urban, industrial and agricultural sectors. This includes increasing the use of recycled water over 2002 levels by at least one million acre-feet/year (afy) by 2020 and by at least two million afy by 2030.
- Increased recycling, reuse and other refinements in water management practices should be included in all water supply programs.

### **Water Storage**

- The development of additional surface facilities and use of groundwater basins to store surface water that is surplus to that needed to maintain State Water Resource Control Board (SWRCB) Bay-Delta estuary water quality standards should be supported.

### **Groundwater**

- The principle that local entities within groundwater basins (i.e., cities, counties, special districts, and the regional water quality control boards) working cooperatively should be responsible for and involved in developing and implementing basin wide groundwater, basin management plans should be supported. The plans should include, but not be limited to: a) protecting groundwater quality; b) identifying means to correct groundwater overdraft; c) implementing better irrigation techniques; d) increasing water reclamation and reuse; and e) refining water conservation and other management practices.
- Financial assistance from state and federal governments should be made available to requesting local agencies to develop and implement their groundwater management plans.

### **Financial Considerations**

- It is recognized that the development and operation of water supply, water conveyance, flood control and stormwater management, water storage, and wastewater treatment facilities is frequently beyond the capability of local areas to finance;

- The League supports legislation to provide funding for stormwater, water and wastewater programs, including a constitutional amendment which would place stormwater fees in the category of water and wastewater fees, for the purposes of Proposition 218 compliance.

**Support:**

New this year, any resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. Those submitting resolutions were asked to provide written documentation of concurrence. The following letters of concurrence were received: cities of Alhambra; Cerritos; Claremont; Glendora; Lakewood; La Mirada; La Verne; Norwalk; Signal Hill; and Mary Ann Lutz, Mayor, city of Monrovia. A letter of support was also received from the California Contract Cities Association.

**RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE**

2. **RESOLUTION CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSIONS WITH THE LEAGUE AND CALIFORNIA POLICE CHIEFS' ASSOCIATION REPRESENTATIVES TO IDENTIFY AND ENACT STRATEGIES THAT WILL ENSURE THE SUCCESS OF PUBLIC SAFETY REALIGNMENT FROM A LOCAL MUNICIPAL LAW ENFORCEMENT PERSPECTIVE.**

Source: Public Safety Policy Committee

Concurrence of five or more cities/city officials: Cities of Arroyo Grande, Covina; Fontana; Glendora; Monrovia; Ontario; Pismo Beach; and Santa Barbara

Referred to: Public Safety Policy Committee

Recommendation to General Resolutions Committee: Approve

**WHEREAS**, in October 2011 the Governor proposed the realignment of public safety responsibilities from state prisons to local government as a way to address recent court orders in response to litigation related to state prison overcrowding, and to reduce state expenditures; and

**WHEREAS**, the Governor stated that realignment needed to be fully funded with a constitutionally protected source of funds if it were to succeed; and

**WHEREAS**, the Legislature enacted the realignment measures, AB 109 and AB 117, and the Governor signed them into law without full constitutionally protected funding and liability protection for stakeholders; and

**WHEREAS**, California currently has insufficient jail space, probation officers, housing and job placement programs, medical and mental health facilities, lacks a uniform definition of recidivism; and utilizes inappropriate convictions used to determine inmate eligibility for participation in the realignment program; and

**WHEREAS**, since the implementation of realignment there have been numerous issues identified that have not been properly addressed that significantly impact municipal police departments' efforts to successfully implement realignment; and

**WHEREAS**, ultimately many of these probationers who have severe mental illness are released into communities where they continue to commit crimes that impact the safety of community members and drain the resources of probation departments and police departments throughout the state; and

**WHEREAS**, an estimated 30 counties were operating under court-ordered or self-imposed population caps before realignment, and the current lack of bed space in county jails has since led to many convicted probationers being released early after serving a fraction of their time; with inadequate to no subsequent supervision, leaving them free to engage in further criminal offenses in our local cities; and

**WHEREAS**, there is increasing knowledge among the offender population which offenses will and will not result in a sentence to state prison, and many offenders, if held in custody pending trial, that would be sentenced to county jail are ultimately sentenced to time served due to overcrowding in county facilities; and

**WHEREAS**, there are inadequate databases allowing local police departments to share critical offender information among themselves, with county probation departments, and with other county and state law enforcement entities; and

**WHEREAS**, local police departments have not received adequate funding to properly address this new population of offenders who are victimizing California communities; and now therefore let it be

**RESOLVED** by the General Assembly of the League of California Cities, assembled in Sacramento on September 20, 2013, to request the Governor and State Legislature to immediately enter into discussions with League representatives and the California Police Chiefs' Association to address the following issues:

1. The need to fully fund municipal police departments with constitutionally protected funding to appropriately address realignment issues facing front-line law enforcement;
2. Amend appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates (N3) inmates to include their total criminal and mental history instead of only their last criminal conviction;
3. Establish a uniform definition of recidivism with the input of all criminal justice stakeholders throughout the state;
4. Enact legislation that will accommodate the option for city police officers to make ten (10) day flash incarcerations in city jails for probationers who violate the conditions of their probation;
5. Establish oversight procedures to encourage transparency and accountability over the use of realignment funding;
6. Implement the recommendations identified in the California Little Hoover Commission Report #216 dated May 30, 2013;
7. Provide for greater representation of city officials on the local Community Corrections Partnerships. Currently AB 117 provides for only one city official (a police chief) on the seven-member body, six of which are aligned with the county in which the partnership has been established. As a result, the counties dominate the committees and the subsequent distribution of realignment funds.
8. Provide, either administratively or by legislation, an effective statewide data sharing mechanism allowing state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.

//////////

## Background Information on Resolution No. 2

**Source:** Public Safety Policy Committee

### **Background:**

In October 2011 the Governor proposed the realignment of public safety tasks from State Prisons to local government as a way to address certain judicial orders dealing with State prison overcrowding and to reduce State expenditures. This program shifts the prisoner burden from State prisons to local counties and cities.

When the Governor signed into law realignment he stated that realignment needed to be fully funded with constitutionally protected source of funds to succeed. Nonetheless, the law was implemented without full constitutional protected funding for counties and cities; insufficient liability protections to local agencies; jail space; probation officers; housing and job placement programs; medical and mental health facilities; and with an inappropriate definition of N3 (non-serious, non-sexual, non-violent) criminal convictions used to screen inmates for participation in the program.

Two-thirds of California's 58 counties are already under some form of mandated early release. Currently, 20 counties have to comply with maximum population capacity limits enforced by court order, while another 12 counties have self-imposed population caps to avoid lawsuits.

At this time no one knows what the full impact of realignment will ultimately be on crime. We hope that crime will continue to drop, but with the current experience of the 40,000 offenders realigned since October 2011, and an estimated additional 12,000 offenders being shifted from State prison to local jails and community supervision by the end of fiscal year 2013-14, it will be very difficult to realize lower crime rates in the future.

Beginning in October 2011, California State prisons began moving N3 offenders into county jails, the county probation and court systems, and ultimately funneled them into community supervision or alternative sentencing program in cities where they will live, work, and commit crime.

**Note:** There is currently no uniform definition of recidivism throughout the state and no database that can deliver statistical information on the overall impact realignment has had on all cities in California. Because of this problem we have used data from Los Angeles County.

The March 4, 2013 report to the Los Angeles County Criminal Justice Coordination Committee (CCJCC) shows a strong effort and progress in addressing the realignment mandate. However, there is insufficient funding.

The report also states the jail population continues to be heavily influenced by participants housed locally. On September 30, 2012, the inmate count in the Los Angeles County Jail was 15,463; on January 31, 2013, the count was 18,864. The realignment population accounted for 32% of the Jail population; 5,743 offenders sentenced per Penal Code Section 1170 (h) and 408 parole violations.

By the end of January 2013, 13,535 offenders were released on Post Release Community Supervision (PRCS) to Los Angeles County including prisoners with the highest maintenance costs because of medical and drug problems and mental health issues costing counties and local cities millions of dollars in unfunded mandates since the beginning of the program. Prisoners with prior histories of violent crimes are also being released without proper supervision. That is why sections of AB 109 **must be amended to change the criteria used to justify the release of N3 inmates to include an offender's total criminal and mental history instead of only their last criminal conviction.** Using the latter as the key criteria does not provide

an accurate risk assessment of the threat these offenders pose to society if they are realigned to county facilities, or placed on Post Release Community Supervision.

Chief Jerry Powers from the Los Angeles County Probation Department recently stated the release criteria for N3 offenders “has nothing to do with reality.” He said initially the State estimated the population of released PRCS offenders would be 50% High Risk, 25% Medium Risk and 25% Low Risk. The reality is 3% are Very High Risk, 55% are High Risk, 40% are Medium Risk and only 2% are Low Risk offenders. He said the High Risk and serious mentally ill offenders being released “are a very scary population.” One of the special needs offenders takes the resources of 20-30 other offenders.

Assistant Sheriff Terri McDonald who is the county Jail Administrator recently stated the Jail has only 30 beds for mentally ill offenders being released – when in fact she actually needs 300 beds to accommodate the volume of serious mentally ill offenders being released that require beds.

Los Angeles County data shows 7,200 released offenders have had some sort of revocation. This number is expected to increase because of a significant increase in the first four months of year two of realignment that totals 83% of the entire first year of the program; 4,300 warrants were issued for offenders; 6,200 offenders have been rearrested; and 1,400 prosecuted. Data reveals one in 10 offenders will test positive for drugs during the first 72 hours after being released knowing they are required to report to a probation officer during that time. Only one in three offenders will successfully complete probation.

There are more than 500 felony crimes that qualify State prison inmates for release under realignment. They will be spending their time in cities with little, if any, supervision.

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### League of California Cities Staff Analysis on Resolution No. 2

Staff: Tim Cromartie (916) 658-8252

Committee: Public Safety Policy Committee

#### Summary:

This Resolution seeks to outline the deficiencies in the State’s current public safety realignment policy, as implemented in 2011 by AB 109, and to identify policy changes that will assist State, county and municipal law enforcement entities to cope with the expanded universe of offenders that are now being directed to county facilities, resulting in increased related impacts on both local communities and municipal law enforcement.

#### Background:

This resolution was brought to the Public Safety Policy Committee by individual members of that committee who are increasingly concerned about municipal public safety impacts resulting from county jail overcrowding, a problem that has intensified with realignment, resulting in certain categories of offenders doing no jail time or being sentenced to time served. This has created a climate in which some offenses receive little or no jail time, accompanied by a growing body of anecdotal evidence that property crimes have correspondingly increased, with some, such as auto theft, being committed in serial fashion. Increased criminal activity has strained the resources of many local police departments already struggling to more closely coordinate information sharing with county probation offices to effectively monitor offenders on post-community release supervision.

In addition, there is growing concern about the criteria established for determining which offenders are eligible for post-release community supervision (the non-violent, non-serious, non-sex offenders). There is so much concern that a May 2013 report of California’s Little Hoover Commission recommended adjusting

the criteria to examine an offender's total criminal history rather than merely his or her last known offense, as a means of more accurately assessing the risk he or she might pose to the community.

Implementation of the realignment policy is handled in part by the Community Corrections Partnerships established by AB 109, which currently have only one city representative, compared to at least four county-level representatives.

**Fiscal Impact:**

Unknown impact on the State General Fund. This resolution seeks to establish increased and constitutionally protected funding for city police departments (and county sheriff's departments, to the degree they are contracted to provide police services for cities), but does not specify a dollar amount for the revenue stream. At a minimum, it would entail an annual revenue stream of at least the amount provided for cities for front-line law enforcement in the State's 2013-14 Budget, \$27.5 million, indefinitely – although that revenue stream has never been formally identified by the Brown Administration as having any direct connection to realignment.

**Existing League Policy:**

Related to this resolution, existing policy provides:

- The League supports policies establishing restrictions on the early release of state inmates for the purpose of alleviating overcrowding, and limiting parole hearing opportunities for state inmates serving a life sentence, or paroled inmates with a violation.
- The League supports increasing municipal representation on and participation in the Community Corrections Partnerships, which are charged with developing local corrections plans.
- In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, included the promotion of local control for strong cities. The resolution's objectives of locking in ongoing funding for front-line municipal law enforcement, and increasing city participation in the Community Corrections Partnerships, are consistent with promoting local control.

**Support:**

New this year, any resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. Those submitting resolutions were asked to provide written documentation of concurrence. The following cities/city officials have concurred: cities of Arroyo Grande; Covina; Fontana; Glendora; Monrovia; Ontario; Pismo Beach; and Santa Barbara.

**LETTERS OF CONCURRENCE**

Resolution #1

Water Bond Funds

**City of Alhambra**  
Office of the Mayor and City Council

July 1, 2013



Gateway  
to the  
San Gabriel Valley

111  
South First Street  
Alhambra  
California  
91801

626  
570-5010

FAX  
281-2248

Bill Bogaard  
President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: Los Angeles County Division Annual Conference Resolution**

Dear President Bogaard:

The City of Alhambra supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

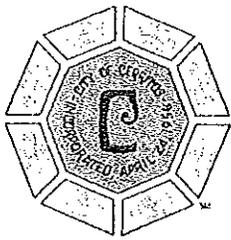
The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The City of Alhambra is anticipating spending \$24,101.96 this year to start the development of the Enhanced Watershed Plan and monitoring plan. Prior to 2016, the City anticipates spending \$1,169,000 for full capture device on our storm drain catch basins. In the future, it is estimated the city may need \$34 million dollars to finance the required infrastructure to meet the new permit guidelines. We also anticipate needing to hire additional staff to monitor and maintain the program. None of these costs have a dedicated funding source.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Mary Chavez, Director of Public Works, at (626) 570-5067 if you have any questions.

Very truly yours,

Steven Placido, DDS  
Mayor

cc: Jennifer Quan, League of California Cities



# CITY OF CERRITOS

CIVIC CENTER • 18125 BLOOMFIELD AVENUE  
P.O. BOX 3130 • CERRITOS, CALIFORNIA 90703-3130  
PHONE: (562) 916-1310 • FAX: (562) 468-1095  
CELL PHONE: (562) 547-1732  
E-mail: [bbarr90703@aol.com](mailto:bbarr90703@aol.com)  
[WWW.CERRITOS.US](http://WWW.CERRITOS.US)



OFFICE OF THE MAYOR  
BRUCE W. BARROWS

July 8, 2013

Bill Bogaard  
President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: Los Angeles County Division Annual Conference Resolution**

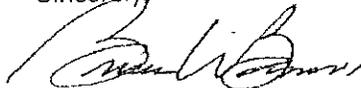
President Bogaard: 

The City of Cerritos supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The City of Cerritos expended \$866,000 in the Fiscal Year 2011-2012 for compliance with required stormwater programs. Future expenditures are expected to be over \$1.5 million annually, as the City will be required to begin construction of costly stormwater capital improvements.

As members of the League our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Art Gallucci, City Manager at (562)916-1301 or [agallucci@cerritos.us](mailto:agallucci@cerritos.us), if you have any questions.

Sincerely,



Bruce W. Barrows  
MAYOR

cc: Ling-Ling Chang, President, Los Angeles County Division c/o  
Robb Korinke, Executive Director, Los Angeles County Division, [robb@lacies.org](mailto:robb@lacies.org)



## CITY OF CLAREMONT

City Hall  
207 Harvard Avenue  
P.O. Box 880  
Claremont, CA 91711-0880  
Fax: (909) 399-5492  
Website: [www.ci.claremont.ca.us](http://www.ci.claremont.ca.us)  
Email: [contact@ci.claremont.ca.us](mailto:contact@ci.claremont.ca.us)

City Council • (909) 399-5444  
*Corey Calaycay*  
*Joseph M. Lyons*  
*Opanyi K. Nasiali*  
*Sam Pedroza*  
*Larry Schroeder*

July 1, 2013

Bill Bogaard  
President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

President Bogaard:

**RE: Los Angeles County Division Proposed Resolution for LCC Approval  
At The 2013 Annual Conference**

The City of Claremont supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond.

As members of the League, our City values the policy development process provided to the General Assembly and appreciates your time on this issue. If you have any questions, please feel free to contact Tony Ramos, City Manager, at (909) 399-5441.

Sincerely,

Opanyi Nasiali  
Mayor

c: Jennifer Quan, League of California Cities



**CITY OF GLENDORA** CITY HALL

(626) 914-8200

116 East Foothill Blvd., Glendora, California 91741  
www.ci.glendora.ca.us

July 15, 2013

Bill Bogaard, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: Los Angeles County Division Annual Conference Resolution**

President Bogaard:

The City of Glendora supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond.

As members of the League our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact me, if you have any questions.

Sincerely,

Joe Santoro, Mayor

cc: Ling-Ling Chang, President, Los Angeles County Division c/o Robb Korinke,  
Executive Director, Los Angeles County Division, robb@lacities.org  
Jennifer Quan, Regional Public Affairs Manager, League of California Cities --  
jquan@cacities.org

PRIDE OF THE FOOTHILLS

Todd Rogers  
Vice Mayor

Jeff Wood  
Council Member

Diane DuBois  
Council Member

Ron Piazza  
Council Member

CITY OF LAKEWOOD

July 2, 2013

CALIFORNIA

Steve Croft  
Mayor

Mr. Bill Bogaard  
President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, California 95814

**RE: Los Angeles County Division Annual Conference Resolution - Support**

Dear President Bogaard:

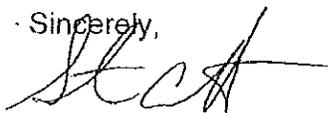
The City of Lakewood supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond.

For Lakewood, the initial cost alone to prepare the Watershed Management Plan (WMP), Coordinated Integrated Management Plan (CIMP), and Reasonable Assurance Modeling for the three watersheds that Lakewood is a part of is estimated to be \$153,167. This cost does not include administration costs, monitoring costs, construction costs, or inspection costs, which are estimated to be in the millions of dollars.

As members of the League our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Paolo Beltran, Senior Management Analyst, at (562) 866-9771, extension 2140, or email at [pbeltran@lakewoodcity.org](mailto:pbeltran@lakewoodcity.org), if you have any questions.

Sincerely,



Steve Croft  
Mayor

cc: Ling-Ling Chang, President, Los Angeles County Division c/o  
Robb Korinke, Executive Director, Los Angeles County Division,  
[robb@iacities.org](mailto:robb@iacities.org)

# Lakewood



**CITY OF LA MIRADA**  
DEDICATED TO SERVICE

13700 La Mirada Boulevard  
La Mirada, California 90638  
P.O. Box 828  
La Mirada, California 90637-0828  
Phone: (562) 943-0131 Fax: (562) 943-1464  
www.cityoflamirada.org

July 15, 2013

**LETTER OF SUPPORT**

Bill Bogaard  
President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**SUBJECT: LOS ANGELES COUNTY DIVISION ANNUAL CONFERENCE RESOLUTION**

Dear President Bogaard:

On behalf of the City of La Mirada, I am writing to express support for the League of California Cities, Los Angeles County Division's effort to submit a resolution for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for local governments working to meet Federal and State objectives to protect water resources and storm water management plans. The resolution also provides direction for the League to educate State leaders and advocates for the inclusion of storm water funding in the State's proposed 2014 Water Bond.

Like many cities, the City of La Mirada does not have the basic infrastructure to capture, filter, and reuse storm water, and Federal and State funding to assist in providing this infrastructure has been reduced in recent years as a result of the economic recession. Compliance with the MS-4 permit and other storm water regulations could cost the City millions, and reduce funding for other vital City services such as infrastructure and public safety. The City could also face steep fines, penalties, and third party lawsuits if it is unable to meet the National Pollutant Discharge Elimination Systems (NPDES) permit requirements. Receiving State funding could help alleviate the financial burden placed on local governments to meet storm water requirements.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Jeff Boynton, Deputy City Manager, at (562) 943-0131 if you have any questions.

Sincerely,

CITY OF LA MIRADA

Steve De Ruse  
Mayor

TER:jb:vdr

cc: Ling-Ling Chang, President, Los Angeles County Division  
Robb Korinke, Executive Director, Los Angeles County Division



# CITY OF LA VERNE CITY HALL

3660 "D" Street, La Verne, California 91750-3599

[www.ci.la-verne.ca.us](http://www.ci.la-verne.ca.us)

July 2, 2013

Bill Bogaard, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: Los Angeles County Division Annual Conference Resolution**

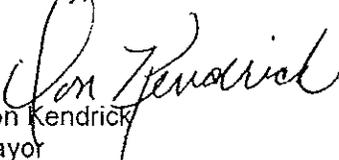
President Bogaard:

The City of La Verne supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. While the City is still in the process of identifying the costs associated with meeting the new requirements of the MS-4 PERMIT, it is expected these measures will far exceed existing local resources.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact our City Manager, Bob Russi at 909-596-8726, if you have any questions.

Sincerely,

  
Don Kendrick  
Mayor

cc: Jennifer Quan, League of California Cities  
JR Ranells, Senior Management Analyst

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SISTER CITIES  
Acamboro, Mexico  
Etchmiadzin, Armenia  
Skopelos, Greece

General Administration 909/596-8726 • Water Customer Service 909/596-8744 • Parks & Community Services 909/596-8700  
Public Works 909/596-8741 • Finance 909/596-8716 • Community Development 909/596-8706 • Building 909/596-8713  
Police Department 909/596-1913 • Fire Department 909/596-5991 • General Fax 909/596-8737

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Mayor  
MARCEL RODARTE  
Vice Mayor  
CHERI KELLEY  
Councilmember  
MICHAEL MENDEZ  
Councilmember  
LEONARD SHRYOCK  
Councilmember  
MICHAEL J. EGAN  
City Manager



12700 NORWALK BLVD., P.O. BOX 1030, NORWALK, CA 90651-1030 \* PHONE: 562/929-5700 \* FACSIMILE: 562/929-5773 \* WWW.NORWALKCA.GOV

July 2, 2013

Bill Bogaard, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: Los Angeles County Division Annual Conference Resolution**

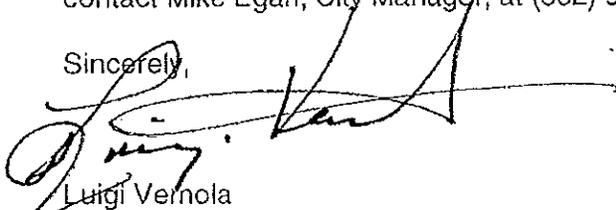
Dear President Bogaard:

The city of Norwalk supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The cost of compliance with the new storm water permit is in the millions of dollars. The Watershed Management Plan alone will cost close to \$1M. Implementation of projects in the near future based on that Watershed Management Plan could potentially cost the City of Norwalk \$5 - \$10 million annually.

As members of the League our City values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Mike Egan, City Manager, at (562) 929-5772 if you have any questions.

Sincerely,



Luigi Vernola  
Mayor

cc: Ling-Ling Chang, President, Los Angeles County Division c/o  
Robb Korinke, Executive Director, Los Angeles County Division, robb@lacities.org



CITY OF SIGNAL HILL

---

2175 Cherry Avenue • Signal Hill, California 90755-3799

June 27, 2013

Bill Bogaard  
President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: Los Angeles County Division Annual Conference Resolution**

President Bogaard:

The city of Signal Hill supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The city of Signal Hill currently budgets for \$755,000 annually for compliance with required stormwater programs, which represents over 4% of the entire General Fund. Future expenditures are expected to be over \$1.5 million annually, as the City will be required to begin construction of costly stormwater capital improvements.

As members of the League our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Ken Farfsing, City Manager at (562) 989-7302 or [kfarfsing@cityofsignal.org](mailto:kfarfsing@cityofsignal.org), if you have any questions.

Sincerely,

Michael J. Noll  
Mayor

CC: Ling-Ling Chang, President, Los Angeles County Division c/o  
Robb Korinke, Executive Director, Los Angeles County Division, [robb@lacity.org](mailto:robb@lacity.org)



Office of the Mayor and the City Council

July 2, 2013

Bill Bogaard  
President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**SUBJECT: Los Angeles County Division Annual Conference Resolution**

Dear President Bogaard:

As Mayor of the City of Monrovia, I support the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The City is anticipating millions of dollars in stormwater permit compliance costs over the next five years – funds the City currently does not have available. Funding assistance is vital in order for the City to meet stormwater permit requirements.

As members of the League, our City values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Heather Maloney, Senior Management Analyst, at (626) 932-5577 or hmaloney@ci.monrovia.ca.us, if you have any questions.

Sincerely,

Mary Ann Lutz,  
Mayor

cc: City Council  
Ling-Ling Chang, President, Los Angeles County Division c/o  
Robb Korinke, Executive Director, Los Angeles County Division, robb@lacities.org  
Laurie K. Lile, City Manager  
Ron Bow, Director of Public Works



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EXECUTIVE DIRECTOR  
SAM OLIVITO

June 20, 2013

Bill Bogaard  
President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: Los Angeles County Division Annual Conference Resolution**

President Bogaard:

The California Contract Cities Association supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. All of the 58 cities we represent can ill afford this increasingly expensive ongoing cost.

As members of the League our association values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact our office at (562) 622-5533 if you have any questions.

Sincerely,

Steve Tye  
CCCA President

CC: Ling-Ling Chang, President, Los Angeles County Division c/o  
Robb Korinke, Executive Director, Los Angeles County Division, robb@lacity.org

**LETTERS OF CONCURRENCE**

Resolution #2

Public Safety Realignment

OFFICE OF THE  
MAYOR



300 East Branch Street  
Arroyo Grande, CA 93420  
Phone: (805) 473-5400  
FAX: (805) 473-0386  
[agcity@arroyogrande.org](mailto:agcity@arroyogrande.org)  
[www.arroyogrande.org](http://www.arroyogrande.org)

July 17, 2013

Bill Bogaard, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: Public Safety Realignment Resolution**

Dear President Bogaard:

On behalf of the City of Arroyo Grande, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact our City Manager, Steve Adams, at (805)473-5404, if you have any questions.

Sincerely,

*Tony Ferrara*

Mayor, City of Arroyo Grande



# CITY OF COVINA

125 East College Street • Covina, California 91723-2199  
www.covinaca.gov

July 17, 2013

Bill Bogaard, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Covina, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Daryl Parrish, City Manager, at (626) 384-5410, if you have any questions.

Sincerely,

Walter Allen III  
Mayor, City of Covina



Mayor Acquanetta Warren



July 17, 2013

Bill Bogaard, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Fontana, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Ken Hunt City Manager, at (909)350-7654, if you have any questions.

Sincerely,

Mayor, City of Fontana

AW/ac



CITY OF GLENDORA CITY HALL

(626) 914-8201

OFFICE OF THE MAYOR

116 East Foothill Blvd., Glendora, California 91741

FAX (626) 914-8221

[www.ci.glendora.ca.us](http://www.ci.glendora.ca.us)

July 19, 2013

Bill Bogaard, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Glendora, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

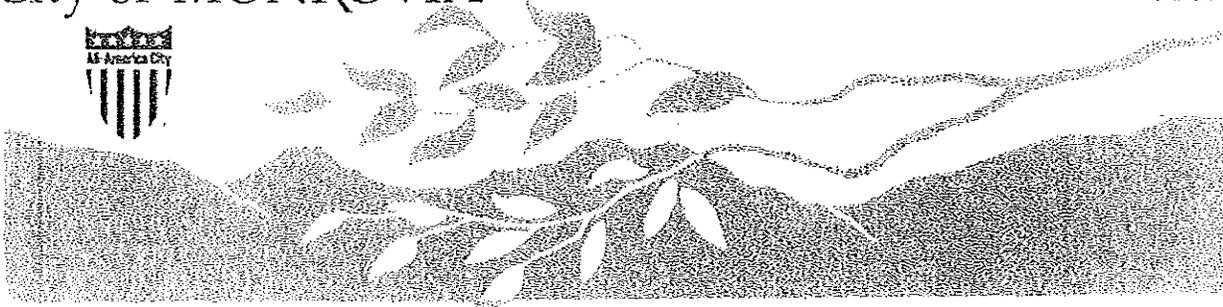
As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Chris Jeffers, City Manager, at [cjeffers@ci.glendora.ca.us](mailto:cjeffers@ci.glendora.ca.us) or (626) 914-8201, if you have any questions.

Sincerely,

City of Glendora

Joe Santoro  
Mayor

PRIDE OF THE FOOTHILLS



Office of the Mayor and the City Council

July 19, 2013

Bill Bogaard, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, California 95814

**RE: PUBLIC SAFETY REALIGNMENT RESOLUTION**

Dear President Bogaard:

As Mayor of the City of Monrovia, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Laurie Lile, City Manager, at (626) 932-5501, if you have any questions.

Sincerely,

Mary Ann Lutz  
Mayor

cc: City Council  
James Hunt, Police Chief

CITY OF



ONTARIO

303 EAST "B" STREET, CIVIC CENTER

ONTARIO

CALIFORNIA 91764-4105

(909) 395-2000  
FAX (909) 395-2070

PAUL S. LEON  
MAYOR

CHRIS HUGHES  
CITY MANAGER

JIM W. BOWMAN  
MAYOR PRO TEM

July 18, 2013

MARY E. WIRTES, MMC  
CITY CLERK

ALAN D. WAPNER  
DEBRA DORST-PORADA  
PAUL VINCENT AVILA  
COUNCIL MEMBERS

JAMES R. MILHISER  
TREASURER

Bill Bogaard, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, California 95814

RE: Public Safety Realignment Resolution

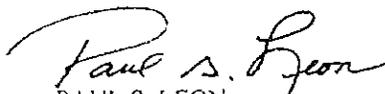
Dear President Bogaard:

On behalf of the City of Ontario, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision; i.e., a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Chris Hughes, City Manager, at (909) 395-2010, if you have any questions.

Sincerely,

  
PAUL S. LEON  
Mayor



**From the Office of the Mayor**  
Shelly Higginbotham  
760 Mattie Road  
Pismo Beach, CA 93449  
(805) 235-6604  
[shigginbotham@pismo beach.org](mailto:shigginbotham@pismo beach.org)

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July 18, 2013

Bill Bogaard, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, California 95814

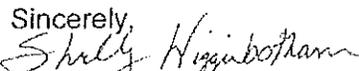
RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Pismo Beach, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact James R. Lewis, City Manager, at (805) 773-7007, if you have any questions.

Sincerely,  
  
Shelly Higginbotham  
Mayor



# City of Santa Barbara

Office of Mayor

HSchneider@SantaBarbaraCA.gov

www.SantaBarbaraCA.gov

July 19, 2013

Helene Schneider  
Mayor

Bill Bogaard, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, California 95814

City Hall  
735 Anacapa Street  
Santa Barbara, CA  
93101-1990

RE: Public Safety Realignment Resolution

Dear President Bogaard:

Mailing Address:  
P.O. Box 1990  
Santa Barbara, CA  
93102-1990

Tel: 805.564.5323  
Fax: 805.564.5475

On behalf of the City of Santa Barbara, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

It is important to our City, that such state-mandated programs remain fully-funded and that the regulations do not impede our law enforcement officers' ability to use their professional discretion in protecting our community.

As a member of the League, our City values the League's leadership and policy direction on this issue.

Sincerely,

Helene Schneider,  
Mayor

cc: Dave Mullinax, League of California Cities



Please consider the environment before printing this letter.



AGENDA NO: D-5

MEETING DATE: 08/27/13

## Staff Report

**TO:** Honorable City Council      **DATE:** August 19, 2013

**FROM:** Andrea K. Lueker, City Manager

**SUBJECT:** Quarterly Status of the Goals set by the City Council in March 2013

### **RECOMMENDATION**

Staff recommends the City Council review this status report.

### **ALTERNATIVE**

Alternatives are not applicable to this status report.

### **FISCAL IMPACT**

Not applicable.

### **BACKGROUND**

The City Council held two Goal Setting Workshops, March 11<sup>th</sup> and March 13<sup>th</sup> which resulted in the selection of the following 10 City Goals, separated as such: 1 Essential City Goal, 6 Major City Goals and 3 Other Important Objectives. The City Council then directed staff to provide Goal Outlines for the 1 Essential City Goal and the 6 Major City Goals. Those outlines were developed and City Council reviewed, discussed and amended those 7 goals during two Special City Council meetings held on March 26<sup>th</sup> and April 9<sup>th</sup>. The City Council adopted the goals on April 23, 2013 and at that time directed staff to return on a quarterly basis to provide an update and status report on achieving the goals as outlined.

### **DISCUSSION**

Attached is a spreadsheet with the goals and associated key tasks. Staff has indicated in *italics* the updates in the "Status" section of the spreadsheet.

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

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

<b>1. Goal 1 - Develop a New Water Reclamation Facility (WRF)</b>			
<b>Key Tasks</b>	<b>Schedule</b>	<b>Measurable Milestones</b>	<b>Status</b>
a. Hire Project Manager for pre-phase of the project	May, 2013	Negotiations, contract signed	<i>Completed</i>
b. Conduct WRF rate study	July, 2013	Rate Analysis completed	<i>Initial report to CC on 3/13 for authorization to continue, next report 9/13</i>
c. Determine Goals/Objs of WRF	Sept, 2013	Agreed upon goals and obj.	<i>1st Community Workshop 8/16/13</i>
d. Issue RFP for Facilities Master Plan	Dec, 2013	Document available	
e. Determine project site	Dec, 2013	Begin acquisition of site	
f. Pursue alternative funding (grants, loans)	Ongoing	Report to City Council	
g. Engage public in all possible phases	Ongoing		
h. Provide quarterly status report	Aug, Nov, Feb, May		<i>8/27/13 CC Agenda</i>
<b>Goal 2 - Improve Streets</b>			
<b>Key Tasks</b>	<b>Schedule</b>	<b>Measurable Milestones</b>	<b>Status</b>
a. Review of the PMP/direction of future work and revise to include day to day maintenance activities.	March, 2013	Amended PMP	<i>PWAB, then CC in Sept/Oct</i>
b. Discuss revenue measures	July, 2013	Review options provided in the 2008 Management Partners Report/others	<i>CC on 5/14/13 - no action taken, bring back yearly for review. Revenue measures agendized for 8/27/13 CC</i>
c. Review paving alternative, short term strategies, (i.e. cape seal)			
d. Continue to maintain and improve streets	Ongoing		<i>Ongoing</i>
e. Complete a Street Summit Report/Meeting	Annually (Jan)		<i>Scheduled for 1/2014</i>
<b>Goal 3 -Update Plans for Current &amp; Future Land Use Needs</b>			
<b>Key Tasks</b>	<b>Schedule</b>	<b>Measurable Milestones</b>	<b>Status</b>
a. Complete the application for grant funding		Completed grant document	<i>Sustainable Communities-pending completion of guidelines, Conservancy Climate Adoption Grant-8/28/13, Coastal Hazard grant application -7/13</i>
b. Discuss adding 20 hours of staffing to begin the update of in-house (long range planning) or contract for project	July, 2013	Adoption of Budget	<i>Funded</i>

c. Search for alternative grants			<i>Ongoing</i>
d. Establish quarterly meeting with the California Coastal Commission to discuss current projects including the GP/LCP update, strategies and review options	Quarterly	April, July, Oct, Jan meeting dates	<i>April and July, 2013 held, Oct 2013 scheduled</i>
e. Updating Circulation Element to include complete streets initiative			
f. Develop work plan for the update of the GP/LCP	July, 2013	Approved by CC	<i>Presented and approved as part of the Coastal Grant in 6/13</i>
<b>Goal 4 - Maintain Core Public Safety Services</b>			
<b>Key Tasks</b>	<b>Schedule</b>	<b>Measurable Milestones</b>	<b>Status</b>
a. Continue to work with lead on facility needs assessment for PD	Fall 2013	Completed agreement/document	<i>Working with contact to arrange a site visit to similar facilities</i>
b. Begin process for a Harbor office needs assessment			
c. Ensure continued funding of SRO	July, 2013	Funding in place	<i>SRO funded 63/37(city/district %) in FY 13-14, as compared to 25/75 in FY12-13. Cops DOJ grant submitted in June 2013 for funding</i>
d. Engage FD/PD Volunteers in CERT	10/1/2013		Conduct initial training and recruitment for CERT membership
e. Continue work on a boat haul-out fac.	10/1/2013	Form ad hoc committee	
f. Investigate the use of Social Media	12/1/2013	Staff report to City Council	<i>Initial discussion with Public Safety Dept. , list serve for Social Media Policies.</i>
g. Continue to support Police Volunteers, Explorer Post, Neighborhood Watch	Ongoing	Stats/ new services (Nat. Night Out)	<i>National Night Out held on 8/6/2013</i>
h. Public Safety Town Hall Meeting(s)	Set Date		
i. Develop Succession Plan and Mentoring Program	Set Date		Completed document/training
<b>Goal 5 - Ensure Fiscal Sustainability</b>			
<b>Key Tasks</b>	<b>Schedule</b>	<b>Measurable Milestones</b>	<b>Status</b>
a. Provide a 5-year outlook	May/June 2013	Completed document	<i>Provided in the FY 13-14 budget document</i>
b. Continue to be proactive in grant research	Ongoing	Report on grant awards	Report as awarded

c. Continue with budget workshops to include more detail as well as a glossary	Spring 2013 & 2014		<i>Spring 2013 completed</i>
h. Provide quarterly status report	Oct/Nov, Jan/Feb, Apr/May and the Annual Audit		<i>The next quarterly status report will be Oct/Nov</i>
e. Evaluate concept of Budget sub-committee		Staff report to CC	<i>Scheduled for 8/27/2013, moved to 9/10/2013</i>

### **Goal 6 - Support Economic Development**

<b>Key Tasks</b>	<b>Schedule</b>	<b>Measurable Milestones</b>	<b>Status</b>
a. Fund Economic Dev. Program/tourism marketing/Visitors Center	May/June 2013	Budget Adoption	<i>Completed</i>
b. Review Quarterly Econ Dev. Status reports	Jan, April, July, Oct	Report provided to CC	<i>April and July 2013 report provided</i>
c. Review Econ. Dev. Annual Report	Dec, 2013	Report provided to CC	
d. Determine future of Parking in Lieu fee		Report provided to CC	<i>Agendized for Oct CC</i>
e. Work with Econ. Dev. to encourage public/private partnerships for improvements to aging commercial inventory		Report provided to CC	<i>Conducted research and analysis on potential changes to the subdivision ordinance to promote economic growth in the downtown area</i>
f. Through collaboration with the Econ. Dev. Provide impact report from athletic special events	Jan, 2014	Annually	
g. Update way finding signage within the City and on Highway 1		Change in signage	<i>Visitors Center signage in town-completed, Visitors Center signage in state park(s) handled by Karin Moss, Highway 1 signage for coastal access - some added by Caltrans. Joint meeting of RPC/PWAB to discuss signage in town scheduled for 8/29/13</i>

### **Goal 7 - Improve City Infrastructure**

<b>Key Tasks</b>	<b>Schedule</b>	<b>Measurable Milestones</b>	<b>Status</b>
a. Continue work on Morro Ck. Bridge	April, 2014	Design, environmental complete	<i>Consultant hired, project on target</i>

b. Work on Sidewalk Gap closures		City Council action	<i>San Jacinto complete</i>
c. Bike Path Gap Closures	TBD		<i>RFP Proposal Awarded, stakeholder meeting scheduled</i>
d. Complete Shasta Street Open Space	July, 2013	Project completed, Adopt a Park Agreement in place	<i>Completed</i>
e. Determine Downtown restroom feasibility	Dec, 2013	Restroom opened	<i>Site leased, RFP in progress for business to locate and operate restroom</i>
f. Continue to work on Boat Haul-out and T-Pier Project/improvements	Ongoing	TBD	<i>T-Pier construction documents near completion, out to bid early Fall 2013</i>
g. Continue to Refine the Let us Know module	Ongoing	Customer input	
h. Investigate/report on development/status of a maintenance plan for City pathways and sidewalk - similar to the PMP	Feb, 2014	Report at CC meeting	
i. Work with non-profit groups to move the Bike Park project forward	Unknown		<i>MOU completed and signed</i>