



CITY OF MORRO BAY CITY COUNCIL AGENDA

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

Regular Meeting – Tuesday, September 10, 2019 Veterans Memorial Hall - 5:30 P.M. 209 Surf St., Morro Bay, CA

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION

CLOSED SESSION REPORT

MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

PRESENTATIONS

- SLOCOG Rideshare Presentation by Catalina Hubbard
- Lighthouse Century Ride Presentation given by Mary Ann Gustafson

PUBLIC COMMENT PERIOD

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

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

- Those desiring to speak are asked to complete a speaker slip, which are located at the entrance, and submit it to the City Clerk. However, speaker slips are not required to provide public comment.
- When recognized by the Mayor, please come forward to the podium to speak. Though not required, it is helpful if you state your name, city of residence and whether you represent a business or group. Unless otherwise established by the Mayor, comments are to be limited to three minutes.
- All remarks should be addressed to Council, as a whole, and not to any individual member thereof.
- The Council respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the City Council to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in City Council meetings is welcome and your courtesy will be appreciated.
- The Council in turn agrees to abide by its best practices of civility and civil discourse according to Resolution No. 07-19.

A. CONSENT AGENDA

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

- A-1 APPROVAL OF MINUTES FOR THE AUGUST 13, 2019, CITY COUNCIL SPECIAL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

- A-2 APPROVAL OF MINUTES FOR THE AUGUST 13, 2019, CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

- A-3 APPROVAL OF MINUTES FOR THE AUGUST 27, 2019, CITY COUNCIL CLOSED SESSION MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

- A-4 DESIGNATION OF VOTING DELEGATE AND ALTERNATE AT LEAGUE OF CALIFORNIA CITIES 2019 ANNUAL CONFERENCE BUSINESS MEETING; AND, AUTHORIZE THE VOTING DELEGATES TO APPROVE PROPOSED RESOLUTIONS AT THE ANNUAL MEETING CALLING ON THE CPUC TO AMEND RULE 20A REGARDING VERY HIGH RISK FIRE HAZARDS AND INCREASE FUNDING FOR RULE 20A PROJECTS, AND CALLING UPON FEDERAL AND STATE GOVERNMENTS TO ADDRESS INTERNATIONAL POLLUTION ALONG CALIFORNIA'S SOUTHERN BORDER IMPACTING THE STATE; (CITY CLERK)

RECOMMENDATION: Staff recommends the City Council:

- 1. Select Mayor Headding, as the voting delegate, and Mayor Pro Tem Davis, as the alternate voting delegate, for the upcoming annual business meeting to be held at the League of California Cities Annual Conference; and**
- 2. Authorize City Clerk to sign the League of California Cities' form affirming the selection of the voting delegate and the alternate voting delegate; and**
- 3. Authorize the selected voting delegate (or selected alternate as needed) to approve the two proposed Resolutions.**

- A-5 ADOPTION OF RESOLUTION NO. 76-19 APPROVING UPDATED RECORDS RETENTION SCHEDULE AND AUTHORIZING SUBSEQUENT MINOR UPDATES WITHOUT FURTHER COUNCIL ACTION; (CITY CLERK)

RECOMMENDATION: Council adopt Resolution No. 76-19 rescinding Resolution No. 25-17, approving the City of Morro Bay Records Retention Schedule, and authorizing subsequent minor updates without further Council action.

- A-6 CONSIDERATION OF REQUEST BY LOCAL BOY SCOUT, CURTIS BRADLEY, FOR A SIGN PERMIT FEE WAIVER FOR A SECOND FREE STANDING SIGN AT ST. TIMOTHY'S CHURCH AT 962 PINEY WAY; (COMMUNITY DEVELOPMENT)

RECOMMENDATION: Planning Commission unanimously recommends waiver of the sign permit fee, for a second free standing sign at St. Timothy's Church at 962 Piney Way, in the amount of \$1,305.

- A-7 APPROVAL OF HARBOR ADVISORY BOARD MEMBER'S REQUEST FOR AN EXCUSED ABSENCE; (CITY CLERK)

RECOMMENDATION: Staff recommends the City Council consider the request submitted by Harbor Advisory Board (HAB) Member, Ron Reisner, to excuse his absence from the October 3, 2019 Regular Harbor Advisory Board meeting.

- B. PUBLIC HEARINGS - NONE

- C. BUSINESS ITEMS

- C-1 APPROVAL OF AMENDMENT TO CONTRACT WITH WATER WORKS ENGINEERS, LLC FOR ENGINEERING DESIGN SERVICES FOR THE WATER RECLAMATION FACILITY (WRF) LIFT STATION AND OFFSITE PIPELINES; (PUBLIC WORKS)

RECOMMENDATION: Staff recommends the City Council authorize the City Manager to execute the Amendment to Contract with Water Works Engineers, LLC (WWE) for Engineering Design Services for the Water Reclamation Facility (WRF) Lift Station and Offsite Pipelines.

- C-2 Receive and File the Addendum to the Certified Approved Final Environmental Impact Report for the WRF Project (FEIR); (PUBLIC WORKS)

RECOMMENDATION: Staff recommends the City Council receive and file the Addendum for the FEIR.

- C-3 2019 AND 2020 CITY GOALS AND ACTION ITEMS STATUS UPDATE AND CONSIDERATION OF SHORT-TERM VACATION RENTAL POLICY DEVELOPMENT PROCESS; (CITY MANAGER)

RECOMMENDATION: Council

1. Receive the status update from the City Manager regarding the 2019 and 2020 City Council Goals and action items;
2. Add, to the tasks of the Council policy review sub-committee, consideration of developing a policy to require removal/delay of a Council approved action item from the City Council Goals prior to adding a new action item; and
3. Provide direction to staff regarding the Short-Term Vacation Rental (STR) policy development and community engagement process.

- C-4 ADOPTION OF ORDINANCE NO. 624 AUTHORIZING AN AMENDMENT TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM CONTRACT TO IMPLEMENT COST SHARING AND ADOPTION OF RESOLUTION NO. 77-19 APPROVING UPDATED PUBLICLY AVAILABLE PAY SCHEDULE REFLECTING 1% SALARY INCREASE FOR LOCAL POLICE MEMBERS IN THE MORRO BAY PEACE OFFICERS ASSOCIATION; (CITY CLERK)

RECOMMENDATION: Council

1. Adopt by title only, with further reading waived, Ordinance No. 624 Authorizing an Amendment to the Contract between the City of Morro Bay and the Board of Administration of the California Public Employees' Retirement System (CalPERS) Implementing Section 20516 (Employees Sharing Additional Cost) to provide additional employee cost sharing of 1% for local police members in the Morro Bay Peace Officers Association (MB POA) for Fiscal Year 2019/20 (FY2019/20) and authorize the Mayor to execute the contract amendment; and,
2. Adopt Resolution No. 77-19 approving an updated publicly available pay schedule reflecting a 1% salary increase for those affected employees as agreed in the Successor Memorandum of Understanding (MOU) with the MB POA for the period July 1, 2018 – June 30, 2020, effective October 19, 2019.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

E. ADJOURNMENT

The next Regular Meeting will be held on **Tuesday, September 24, 2019 at 5:30 p.m.** at the Veteran's Memorial Hall located at 209 Surf Street, Morro Bay, California.

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

MINUTES - MORRO BAY CITY COUNCIL
SPECIAL MEETING – AUGUST 13, 2019
VETERANS MEMORIAL HALL
209 SURF STREET – 3:30 P.M.

AGENDA NO: A-1
MEETING DATE: September 10, 2019

PRESENT:	John Headding Robert Davis Jeff Heller Marlys McPherson	Mayor Council Member Council Member Council Member
ABSENT:	Dawn Addis	Council Member
STAFF:	Scott Collins Dana Swanson Jennifer Callaway Rob Livick Scot Graham Matt Vierra	City Manager City Clerk Finance Director Public Works Director Community Development Director Fire Marshal

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Headding established a quorum and called the meeting to order at 3:30 p.m. with all but Council Member Addis present.

PUBLIC COMMENT FOR ITEMS ON THE AGENDA

Mayor Headding opened public comment; seeing none, the public comment period was closed.

STUDY SESSION:

- I. OPTIONS TO ADDRESS UNFUNDED LIABILITIES; (CITY MANAGER/FINANCE)
<https://youtu.be/gIR8YfbyDw0?t=85>

Finance Director Callaway presented the report and, along with City Manager Collins, responded to Council inquiries.

Mayor Headding re-opened public comment; seeing none, public comment was closed.

The Mayor and Council provided the individual comments focused on the importance of generating more revenue and sharing the information with City employees

- Analyze funding opportunities to pay off Tier 2 and PEPRAs and importance of maintaining local control over payoff options.
- Share information with employee groups in advance of 2020 negotiations. The Council expressed appreciation for Morro Bay Peace Officers Association's willingness to participate in employee cost sharing.
- Consider sales tax or Harbor District Assessment in November 2020.
- Explore all cost control options, including evaluation of functions that could be outsourced or done more efficiently. Consider contracting services, where feasible, to minimize PERS implications.

The Council did not take any formal action on this item.

ADJOURNMENT

The meeting adjourned at 4:42 p.m.

Recorded by:

Dana Swanson
City Clerk

PRESENT:	John Headding	Mayor
	Dawn Addis	Council Member
	Robert Davis	Council Member
	Jeff Heller	Council Member
	Marlys McPherson	Council Member
STAFF:	Scott Collins	City Manager
	Chris Neumeyer	City Attorney
	Dana Swanson	City Clerk
	Jennifer Callaway	Finance Director
	Rob Livick	Public Works Director
	Scot Graham	Community Development Director
	Jody Cox	Police Chief
	Eric Endersby	Harbor Director
	Matt Vierra	Fire Marshal
	Nancy Hubbard	Contract Planner
	Eric Casares	WRF Program Manager (Carollo Engineering)

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Headding called the meeting to order at 5:30 p.m., with all members present.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION – None

CLOSED SESSION REPORT – No Closed Session meeting was held.

MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS

<https://youtu.be/UQ8dCgBydiY?t=95>

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS - None

PRESENTATIONS

- Morro Bay Chamber of Commerce Quarterly Update (postponed to future meeting)

PUBLIC COMMENT

<https://youtu.be/UQ8dCgBydiY?t=934>

SanDee Winn, Karen Kubarek, Lorri Nelson and Travis Ramsum from Morro Bay Massage & Wellness Center, located at 736 Main Street presented the business spot. For more information, visit www.morrobaymassage.com.

Ruth Ann Angus, Yes We Can Peace Builders, requested the City write letters to our representatives and the President in support of those working on gun violence issues.

Erica Crawford, Morro Bay Chamber of Commerce, announced a special limited time offer of reduced price tickets for local residents to attend the Avocado Margarita Festival.

Jamie Irons, Morro Bay, congratulated the City on the approval of the Coastal Commission approval of the WRF project and update of the General Plan/Local Coastal Plan. Regarding Item

C-1, he urged the Council to keep in mind the importance of quality and cost value project while moving the WRF forward as quickly as possible.

Linda Winters, Morro Bay, announced they are pleased to have successfully built a network of communication across the State and stated Morro Bay is fortunate to have a mobile home rent stabilization ordinance.

Kerrigan Mahan, Morro Bay, spoke to Item B-2 stating his concern with five houses as opposed to four houses was specific to parking.

Nancy Bast, Morro Bay, raised questions regarding costs associated with the Morro Bay Public Facilities Corporation.

Chris Rarig, Rarig Construction, urged Council to vote against project labor agreement.

Walter Heath, Morro Bay, spoke in favor of community workforce agreements and apprenticeship programs.

Melanie Williams Mahan, Morro Bay, spoke to Item B-2 expressing concern there wasn't sufficient room for guest parking for the proposed residences.

Mayor Headding closed public comment.

At the Mayor's request, staff responded to issues raised during public comment.

A. CONSENT AGENDA
<https://youtu.be/UQ8dCgBydiY?t=2857>

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

A-1 APPROVAL OF MINUTES FOR THE JUNE 25, 2019, CITY COUNCIL SPECIAL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE JUNE 25, 2019, CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF MINUTES FOR THE JULY 08, 2019, CITY COUNCIL CLOSED SESSION MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-4 CONSIDER APPROVAL OF PUBLIC WORKS ADVISORY BODY BOARD MEMBER'S REQUEST FOR AN EXCUSED ABSENCE; (CITY CLERK)

RECOMMENDATION: City Council consider and approve the request submitted by Public Works Advisory Board (PWAB) Member, Jan Goldman, to excuse her absences from the August 21 and September 18, Regular Public Works Advisory Board meetings

- A-5 GRAND JURY RESPONSE REGARDING AFFORDABLE HOUSING, LAW ENFORCEMENT AND DETENTION FACILITIES AND FIRE RISK MANAGEMENT; (CITY MANAGER)

RECOMMENDATION: Receive and file the City of Morro Bay's response to the County of San Luis Obispo Grand Jury Report regarding affordable housing, law enforcement and detention facilities and fire risk management.

- A-6 APPROVAL OF RESOLUTION NO. 69-19 FOR A NEW COMMERCIAL BUILDING LEASE AGREEMENT WITH THREE STACKS AND A ROCK BREWING COMPANY, LLC, FOR PORTIONS OF THE BUILDING AT LEASE SITE 69-70/69W-70W, LOCATED AT 595 EMBARCADERO ROAD (THE FORMER MORRO BAY AQUARIUM SITE); (HARBOR)

RECOMMENDATION: City Council approve Resolution No. 69-19 for a one-year Commercial Building Lease Agreement, with options to renew for additional terms, with Three Stacks and a Rock Brewing Company, LLC for portions of the building at Lease Site 69-70/69W-70W, formerly occupied by the Morro Bay Aquarium.

- A-7 FISCAL YEAR 2018/2018 PRELIMINARY YEAR-END BUDGET PERFORMANCE AND STATUS REPORT FOR THE TWELVE-MONTH PERIOD ENDING JUNE 30, 2019; (FINANCE DIRECTOR)

RECOMMENDATION: Staff recommends the City Council:

- A. Receive the Fiscal Year 2018/19 Preliminary Year-End Budget Performance and Status Report for the twelve-month period ending June 30, 2019; and**
- B. Adopt Resolution No. 72-19 authorizing staff to proceed with the preliminary year-end budget adjustments.**

Mayor Headding opened public comment for the Consent Agenda.

Erica Crawford, Morro Bay Chamber of Commerce, spoke in support of Item A-6.

The public comment period was closed.

Council Member Heller pulled Item A-7.

MOTION: Council Member McPherson moved approval of Items A-1 through A-6 on the Consent Agenda. The motion was seconded by Council Member Davis and carried 5-0 by roll call vote.

- A-7 FISCAL YEAR 2018/2018 PRELIMINARY YEAR-END BUDGET PERFORMANCE AND STATUS REPORT FOR THE TWELVE-MONTH PERIOD ENDING JUNE 30, 2019; (FINANCE DIRECTOR)

<https://youtu.be/UQ8dCgBydiY?t=2987>

RECOMMENDATION: Staff recommends the City Council:

- A. Receive the Fiscal Year 2018/19 Preliminary Year-End Budget Performance and Status Report for the twelve-month period ending June 30, 2019; and**
- B. Adopt Resolution No. 72-19 authorizing staff to proceed with the preliminary year-end budget adjustments.**

At Council Member Heller's request, staff provided additional information about the economic development fund, community benefit fund, and budget adjustment for Water Reclamation Facility (WRF) litigation costs.

MOTION: Council Member McPherson moved for approval of Item A-7. The motion was seconded by Council Member Davis and carried 5-0 by roll call vote.

B. PUBLIC HEARINGS

- B-1 ADOPTION OF RESOLUTION NO. 70-19 PRE-ZONING THE 27.6 ACRE PORTION OF THE WATER RECLAMATION FACILITY PARCEL APN 073-101-017 AS A PUBLIC FACILITY ZONE DISTRICT AND APPROVAL OF GENERAL PLAN & LOCAL COASTAL PROGRAM TEXT AND MAP AMENDMENTS AND INTRODUCTION OF PRE-ZONING ORDINANCE NO. 623 (CASE NO. MIN#19-009); (COMMUNITY DEVELOPMENT)
<https://youtu.be/UQ8dCgBydiY?t=3226>

Community Development Director Graham provided the report and, along with Public Works Director Livick, responded to Council questions.

Mayor Headding opened the Public Hearing and Public Comment.

Aaron Ochs, Morro Bay, suggested checking with LAFCO before proceeding with construction.

The Public Hearing was closed.

MOTION: Council Member McPherson moved to adopt Resolution No. 70-19, approving pre-zoning of a 27.6-acre portion of parcel APN 073-101-017 as a Public Facility zone district for the Water Reclamation Facility (WRF) to be located at 555 South Bay Blvd and approval of associated General Plan and Local Coastal Program Text and Map Amendments; and introduce for first reading by title only, and waive further reading, Ordinance No. 623, pre-zoning the 27.6 acre Water Reclamation Facility (WRF) portion of that APN. The motion was seconded by Council Member Davis and carried 4-1 by roll call vote with Council Member Heller opposed.

- B-2 ADOPT RESOLUTION NO. 71-19 AMENDING THE COASTAL LAND USE PLAN TO CLARIFY THE TOTAL DENSITY DERIVED FROM THE ALLOWED DENSITY TRANSFER WITHIN THE CLOISTERS SUBDIVISION; (COMMUNITY DEVELOPMENT)
<https://youtu.be/UQ8dCgBydiY?t=4070>

Contract Planner Hubbard provided the report and responded to Council questions.

Mayor Headding opened the Public Hearing and Public Comment.

Dawn Beattie, Morro Bay, expressed concern the proposed action would indirectly affect Lot 124 as developers will be encouraged to build the maximum allowed number of homes.

Steve Stevens, Morro Bay resident speaking on behalf of the Cloisters Design Review Committee, disagreed with the process used to establish allowed density and believed a maximum of four new lots would suffice.

The Public Hearing was closed.

Council Members asked staff to confirm the proposed action was not approving the development of five lots on Lot 124 and that any future develop proposal would be reviewed by the Cloisters Architectural Review Committee, Planning Commission and the City Council.

Council Member Heller was concerned this was not in alignment with Cloisters residents understanding and was not confident less than five units would be built on the property.

MOTION: Council Member Davis moved to adopt Resolution 71-19 approving the proposed text amendments to the Coastal Land Use Plan and direct staff to submit to the California Coastal Commission for certification. The motion was seconded by Council Member McPherson and carried 4-1 by roll call vote with Council Member Heller opposed.

The Council took a brief recess at 7:01 p.m. The meeting reconvened at 7:10 p.m. with all members present.

C. BUSINESS ITEMS

- C-1 CONSIDERATION OF LOCAL HIRE OPTIONS FOR CONSTRUCTION WORK ON COMPONENTS OF THE WATER RECLAMATION FACILITY PROJECT, AND PROVIDE DIRECTION AS DEEMED APPROPRIATE (LOCAL LABOR DISCUSSION/DIRECTION); (CITY MANAGER)
<https://youtu.be/UQ8dCgBydiY?t=5456>

City Manager Collins provided the report and responded to Council questions.

Council Member Addis disclosed ex parte communications with union member representatives as well as those on the business side.

Council Member Davis stated he and Council Member Addis had met with Water Reclamation Facility team, as well as local union and building trade representatives. David Baldwin also attended his office hours and they spoke for about an hour.

Council Member McPherson stated she received emails from a variety of people and had telephone conversations with Corey Black, David Baldwin, and Julie Zafiratos.

Council Member Heller disclosed communications with contractors and others in the industry.

Mayor Headding disclosed conversations with David Baldwin, Mr. Black and Mr. Rohrer regarding the issue, as well as numerous emails and other contacts.

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

Gary Silverman, Project Manager for Filanc/Black & Veatch, design/build for the main WRF project, stated they preferred not to enter into project labor agreements but will look to hire a union workforce using as many local people as possible.

Amber Aviles, on behalf of Associated General Contractors of America (AGC), urged the Council to vote against project labor agreements but, if passed, offered to meet with staff and the Council to assist with crafting terms for the agreement.

Aaron Ochs, Morro Bay, was concerned about the lack of data about the success of project labor and community workforce agreements and suggested sending it back to the sub-committee to elaborate on what it takes to be “local.”

Fred Potthast, Cayucos resident and managing principal of Earth Systems Pacific, urged the Council to not include professional inspection, geotechnical inspection, and special testing services, etc. as part of the agreement.

Heidi Harmon, Mayor of San Luis Obispo, shared information on how San Luis Obispo came to a decision on a similar project to enter into a project labor agreement (PLA).

Joe Fitzer spoke regarding the importance of community workforce agreements for local hire.

Pat Holloway, Morro Bay, asked the Council to approve local hire, stating contractors have the opportunity to use apprentice and classifications to their benefit and reduce project costs.

Richard Griffith, Coordinator for Southern California Cement Mason Apprenticeship Programs, spoke regarding the need for more local jobs in Morro Bay and San Luis Obispo.

Joe Gibson, Los Osos, spoke in support of project labor and community workforce agreements.

Larry Murray, former President of Plumbers and Pipe Fitters Local 403 in San Luis Obispo, stated he retired 3 years ago but spent much of his 40 years working away from home. He suggested local hire agreements can help the local economy and people support their families.

Julie Zafiratos, Recording Secretary for the San Luis Obispo Democratic Party, commended the Council for their work in putting this project together and supported youth apprentice programs and union workers.

David Baldwin, San Luis Obispo County resident, shared his strong support for local hire and stated community workforce agreements aren't limited to union contractors so no one would be excluded or prevented from bidding on the project.

Berkeley Blake, San Luis Obispo, shared his appreciation for the opportunity he received through the apprenticeship program.

Sean Perry, Membership Development Coordinator for IBEW Local 639, urged the Council to move forward with a local hire agreement.

Homer Alexander, Morro Bay, expressed concern a community workforce agreement would create unnecessary costs that would take away funding from other projects outlined in OneWater work plan.

Lee Cushman, Cushman Contracting, opposed project labor agreements and stated project costs would increase if one were implemented.

Skip Sorich, Morro Bay, spoke in opposition to project labor agreements.

Steve Rarig, president of Rarig Construction, suggested a project labor or community workforce agreement would discriminate against non-union contractors as they would not be able to bid on the project.

Charles Varni, Oceano, was fully supportive of a community workforce agreement to guarantee locals will be hired on the project; alternatively, he was supportive of option 2 provided in the staff report, which allowed more flexibility.

Jake Schmidt, Morro Bay, opposed community workforce agreements and urged the City to not set a precedent for local governments to protect labor unions at taxpayers' cost.

Jennifer Pitcher, Associated Builders and Contractors, expressed opposition to proposed project labor or community workforce agreements as they are discriminatory and do not lead to local hiring.

Cordelia Perry, Executive Director SLO County Building Exchange, asked the Council to vote no on the proposed project labor/community workforce agreement.

Heather Gray, President of Democrats of San Luis Obispo, spoke in favor of beginning negotiations for community workforce agreements.

Eric Christen, Coalition for Fair Employment in Construction, opposed project labor agreements and suggested the Council not move forward until there was a better understanding of what that type of agreement entails.

Torrey Byles, Morro Bay, suggested developing RFP criteria to help quantify by zip code or county where they're hiring and how much each contractor spends locally.

John Madonna explained it would not be fair to his employees to bid on a project labor agreement project as the benefits they currently receive would go to the union melting pot.

Erica Crawford, Morro Bay Chamber of Commerce, noted the Chamber Board had not taken position; however, staff has researched project labor/community workforce agreements and without a draft agreement, there is nothing to comment on at this time.

David Crye stated if the City moved forward with a project labor agreement, his company would not bid on the project.

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

Mayor Headding asked for motion to extend the meeting past 9:30.

MOTION: Council Member McPherson moved to extend the meeting to a time not certain. The motion was seconded by Council Member Addis and carried 5-0 by roll call vote.

The Council took a brief recess at 9:23 p.m. The meeting reconvened at 9:33 p.m. with all members present.

<https://youtu.be/UQ8dCgBydiY?t=13373>

A majority of the Council noted the primary concern was to keep WRF costs as low as possible and get the best value for the rate payers. There was also agreement local hiring was a worthy goal; however, there was some uncertainty community workforce agreements would accomplish that. There was consensus to move forward with a fair

bidding process that encourages the largest number of bidders and build language into the pre-qualifications and/or agreement that would encourage local hiring and use of apprentice programs.

MOTION: Council Member McPherson moved to direct staff to add a local hire preference in the bid pre-qualifications and/or contract on the pipeline conveyance, lift station and injection well components of the WRF project. The motion was seconded by Council Member Heller for discussion.

The Council sought legal advice as to whether this could be a requirement or simply a preference. City Attorney Neumeyer suggested amending the motion to include a local hire preference to the extent allowed by law.

AMENDED MOTION: Council Member McPherson amended the motion to include local hire preference "to the fullest extent of the law." The amended motion was seconded by Council Member Heller and carried 5-0 by roll call vote.

C-2 RECEIVE, REVIEW, AND PROVIDE DIRECTION ON THE WRF QUARTERLY UPDATE REPORT; (PUBLIC WORKS)
<https://youtu.be/UQ8dCgBydiY?t=15694>

Water Reclamation Facility Program Manager Casares provided the report and responded to Council inquires.

MOTION: Council Member McPherson moved the Council accept CFAC's recommendation and have them review the financial reports on a quarterly basis, but that the Council continue to receive monthly reports on the consent calendar on the months in between the quarterly reports. The motion was seconded by Mayor Heading and carried 5-0.

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

Torrey Byles, Morro Bay, expressed confidence the Council and staff are doing an excellent job monitoring the WRF project.

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

C-3 ADOPTION OF RESOLUTION NO. 73-19 DECLARING THE CITY'S INTENTION TO APPROVE CALPERS CONTRACT AMENDMENT AND INTRODUCTION AND FIRST READING OF ORDINANCE NO. 624 AUTHORIZING AN AMENDMENT TO THE CALPERS CONTRACT TO IMPLEMENT AN ADDITIONAL 1% COST SHARING FOR LOCAL POLICE MEMBERS IN THE MORRO BAY PEACE OFFICERS ASSOCIATION; (CITY CLERK/HUMAN RESOURCES MANAGER)
<https://youtu.be/UQ8dCgBydiY?t=18192>

City Clerk Swanson provided the report and responded to Council inquires.

The public comment period for Item C-3 was opened; seeing none, public comment was closed.

MOTION: Council Member Davis moved to adopt Resolution No. 73-19 giving notice of the City's intention to approve an amendment to the contract between the City and the Board of Administration of the California Public Employees' Retirement System and Introduce for first reading by title only, with further reading waived, Ordinance No. 624 Authorizing an

8

Amendment to the Contract between the City of Morro Bay and the Board of Administration of the California Public Employees' Retirement System (CalPERS) Implementing Section 20516 (Employees Sharing Additional Cost) to provide additional employee cost sharing of 1% for local police members in the Morro Bay Peace Officers Association (MB POA) for Fiscal Year 2019/20 (FY2019/20). The motion was seconded by Mayor Heading and carried 5-0 by roll call vote.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

<https://youtu.be/UQ8dCgBydiY?t=18377>

Council Member Davis requested consideration to extend the Utility Discount Program to eligible mobile home park tenants and apartment complex tenants who do not have a utility account. The Council supported this item.

Council Member Addis requested the Council the City weigh in with letters to our elected officials on military assault type weapons and also consider what kind of policies cities can put in place to minimize mass shootings through gun control or restrictions. Mr. Neumeyer suggested his office could put together a report on policies the Council might choose to consider. A majority of the Council supported this item.

Council Member Heller requested a report outlining the cost alternative to install conveyance piping on Quintana and Main Streets at night. Based on the estimated staff time of 16-20 hours to prepare the analysis, the Council was not supportive of this item.

Council Member Heller asked the Council to consider discussion of trash at the Rock, cleanliness of Embarcadero street area, RV/boat parking code enforcement issues. Staff agreed to bring back and item in September/October regarding cleanliness issues. There was no support to discuss RV and boat parking issues at this time.

E. ADJOURNMENT

The meeting adjourned at 11:25 p.m.

Recorded by:

Dana Swanson
City Clerk

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MINUTES - MORRO BAY CITY COUNCIL
SPECIAL CLOSED SESSION MEETING –
AUGUST 27, 2019 – 4:00 P.M.
CITY HALL CONFERENCE ROOM.

AGENDA NO: A-3
MEETING DATE: September 10, 2019

PRESENT: John Headding Mayor
Dawn Addis Council Member
Robert Davis Council Member
Jeff Heller Council Member
Marlys McPherson Council Member

STAFF: Scott Collins City Manager
Chris Neumeyer City Attorney
Eric Endersby Harbor Director

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Headding called the meeting to order at 4:00 p.m. with all members present.

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

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

Todd Baston provided an update on the Gray's Inn & Gallery project and proposed a 5-year interim lease for the Kayak Horizon's lease site in order to maintain an active kayak rental business in that location as they pursue future redevelopment.

The public comment period was closed.

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

CS-1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Paragraph (1) of subdivision (d) of Section 54956.9

Name of Case: CONNECTED MORRO BAY BLVD., LLC V. CITY OF MORRO BAY; CASE NO. 19CV-0479, San Luis Obispo Superior Court

CS-2 GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

Property: Lease Sites 62/62W (Kayak Horizons, 551 Embarcadero) & 63-64/63W-64W (Gray's Inn & Gallery, 561 Embarcadero)

Property Negotiators: Todd & Tamara Baston

Agency Negotiators: Scott Collins, City Manager; Eric Endersby, Harbor Director; Chris Neumeyer, City Attorney; and Joseph Pannone, Special Legal Counsel

Negotiation: Price and Terms of Payment

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

ADJOURNMENT - The meeting adjourned at 4:40 p.m.

Recorded by:

Dana Swanson
City Clerk

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AGENDA NO: A-4
MEETING DATE: September 10, 2019

Staff Report

TO: Honorable Mayor and City Council DATE: July 27, 2019

FROM: Dana Swanson, City Clerk

SUBJECT: **Designation of Voting Delegate and Alternate at League of California Cities 2019 Annual Conference Business Meeting; and, Authorize the Voting Delegates to Approve Proposed Resolutions at the Annual Meeting Calling on the CPUC to Amend Rule 20A Regarding Very High Risk Fire Hazards and Increase Funding for Rule 20A Projects, and Calling Upon Federal and State Governments to Address International Pollution Along California’s Southern Border Impacting the State**

RECOMMENDATION

Staff recommends the City Council:

1. Select Mayor Headding, as the voting delegate, and Mayor Pro Tem Davis, as the alternate voting delegate, for the upcoming annual business meeting to be held at the League of California Cities Annual Conference; and
2. Authorize City Clerk to sign the League of California Cities’ form affirming the selection of the voting delegate and the alternate voting delegate (page 4 of Attachment 1); and
3. Authorize the selected voting delegate (or selected alternate as needed) to approve the two proposed Resolutions provided as Attachment 2.

ALTERNATIVES

1. The Council may choose to disapprove one or both of the proposed Resolutions.
2. The Council may choose not to select any delegates; however, the City would not have voting rights at the annual business meeting.

BACKGROUND

In order to conduct the annual League of California Cities’ business meeting, held in conjunction with the League of California Cities Annual Conference, every represented city must have its city council designate a voting representative who will be registered at the conference and present at the annual business meeting (the General Assembly). Each member city may also appoint up to two alternates, one of whom may vote in the event the designated voting delegate is unable to serve in that capacity. A voting card will be issued to the designated city official at the conference.

Conference attendance provides an exceptional opportunity for elected officials to hear from leading experts, expand their knowledge regarding municipal government, and view innovative resources that could benefit the delivery of services, enhance resources, and strengthen the City.

DISCUSSION

The League of California Cities 2019 Annual Conference is scheduled for October 16-18, 2019, in

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

Long Beach, California. The Opening General Session is tentatively scheduled at 1:30 p.m. on Wednesday, October 16, with education sessions Wednesday afternoon through noon Friday. The League's Annual Business Meeting and General Assembly will take place at 12:30 p.m. Friday, October 18. The delegates in attendance at the General Assembly will be asked to vote on resolutions submitted from members and developed for the Assembly's consideration. If adopted, then the resolutions are used to set League policy or to provide direction for the League's work efforts in the coming year. This year two resolutions are being offered for membership consideration. The resolutions are detailed in Attachment 2 and listed below according to title, source, and Committee assignment.

In order to vote at the League of California Cities 2019 Annual Conference Business Meeting, the City Council must select a voting delegate. In the event the designated voting delegate is unable to serve in this capacity, the City Council may appoint up to two alternate voting delegates. The voting delegate must be registered to attend the conference; however, they may register for Friday only. Currently, Mayor Headding and Mayor Pro Tem Davis are registered to attend the League of California Cities Annual Conference.

Resolution No. 1

RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS

Source: City of Ranchos Palos Verdes

Referred to: Environmental Quality Policy Committee; Transportation, Communications, and Public Works Policy Committee

Summary: This Resolution, in response to intensifying fire seasons and hazards associated with exposed energized utility lines, proposes that the League of California Cities (League) call upon the California Public Utilities Commission (CPUC) to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities' funding allocations for Rule 20A projects.

Resolution No. 2:

RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN

Source: San Diego County Division

Referred to: Environmental Quality Policy Committee.

Summary: This Resolution states that the League of California Cities should call upon the State and Federal governments to restore and ensure proper funding for the U.S. – Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico's Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

CONCLUSION

Staff recommends the City Council select Mayor Headding, as the voting delegate, and Mayor Pro Tem Davis, as the alternate voting delegate, for the upcoming annual business meeting to be held

at the League of California Cities Annual Conference and authorize the voting delegates to approve the proposed resolutions.

ATTACHMENTS

1. Informational materials from the League of California Cities regarding designation of voting delegate and alternate(s).
2. 2019 Annual Conference Resolutions

JUN 13 2019

Administration

Council Action Advised by August 30, 2019

June 10, 2019

TO: Mayors, City Managers and City Clerks**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – October 16 - 18, Long Beach**

The League's 2019 Annual Conference is scheduled for October 16 – 18 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for 12:30 p.m. on Friday, October 18, at the Long Beach Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, October 4. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Sacramento Convention Center, will be open at the following times: Wednesday, October 16, 8:00 a.m. – 6:00 p.m.; Thursday, October 17, 7:00 a.m. – 4:00 p.m.; and Friday, October 18, 7:30 a.m.–11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city’s voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League’s office by Friday, October 4. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

2019 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, October 4, 2019. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____

Email _____

Mayor or City Clerk _____
(circle one) (signature)

Date _____ Phone _____

Please complete and return by Friday, October 4, 2019

League of California Cities
ATTN: Darla Yacub
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: dyacub@cacities.org
(916) 658-8254



*Annual Conference
Resolutions Packet*

2019 Annual Conference Resolutions



Long Beach, California

October 16 – 18, 2019

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 at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet at the Annual Conference to consider and take action on the resolutions referred to them. The committees are: Environmental Quality and Transportation, Communication & Public Works. The committees will meet from 9:00 – 11:00 a.m. on Wednesday, October 16, at the Hyatt Regency Long Beach. The sponsors of the resolutions have been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, October 17, at the Hyatt Regency Long Beach, to consider the reports of the policy committees regarding the 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 12:30 p.m. on Friday, October 18, at the Long Beach Convention Center.

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 (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 17. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Carly Shelby cshelby@cacities.org 916-658-8279 or Nick Romo nromo@cacities.org 916-658-8232 at the League office.

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 seven 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 principles 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, October 16, 9:00 – 11:00 a.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

The following committees will be meeting:

1. Environmental Quality 10:00 - 11:00 a.m.
2. Transportation, Communication & Public Works 9:00 - 10:00 a.m.

General Resolutions Committee

Thursday, October 17, 1:00 p.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

Annual Business Meeting and General Assembly Luncheon

Friday, October 18, 12:30 p.m.

Long Beach Convention Center

300 East Ocean Boulevard, Long Beach

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	Amendment to Rule 20A			
2	International Transboundary Pollution Flows			

TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE

		1	2	3
1	Amendment to Rule 20A			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee’s page on the League website: www.cacities.org. The entire Resolutions Packet is posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS (Continued)

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

KEY TO REVIEWING BODIES

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

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 | 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 |

ACTION FOOTNOTES

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

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Guidelines for the Annual Conference Resolutions Process.](#)

League of California Cities Resolution Process

REGULAR RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Approve	Approve	Consent Calendar ¹
Approve	Disapprove or Refer	Regular Calendar ²
Disapprove or Refer	Approve	Regular Calendar
Disapprove or Refer	Disapprove or Refer	Does not proceed to General Assembly

PETITION RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Not Heard in Policy Committee	Approve	Consent Calendar
Not Heard in Policy Committee	Disapprove or Refer	Regular Calendar
Not Heard in Policy Committee	Disqualified per Bylaws Art. VI	Does not proceed to General Assembly

Resolutions

- Submitted 60 days prior to conference *Bylaws Article VI, Sec. 4(a)*
- Signatures of at least 5 supporting cities or city officials submitted with the proposed resolution *Bylaws Article VI, Sec. 2*
- Assigned to policy committee(s) by League president *Bylaws Article VI, Sec. 4(b)(i)*
- Heard in policy committee(s) and report recommendation, if any, to GRC *Bylaws Article VI, Sec. 4(b)(ii)*
- Heard in GRC
 - Approved by policy committee(s) and GRC, goes on to General Assembly on consent calendar *2006 General Assembly Resolution Sec. 2(C)*
 - If amended/approved by all policy committee(s) to which it has been referred and disapproved by GRC, then goes on to General Assembly on the regular calendar. If not all policy committees to which it has been referred recommend amendment or approval, and the GRC disapproves or refers the resolution, the resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(A),(C); 1998 General Assembly Resolution, 1st Resolved Clause*
 - If disapproved by all policy committees to which it has been referred and disapproved by the GRC, resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(C)*
- Heard in General Assembly

¹ The consent calendar should only be used for resolutions where there is unanimity between the policy committees and the GRC that a resolution should be approved by the General Assembly, and therefore, it can be concluded that there will be less desire to debate the resolution on the floor.

² The regular calendar is for resolutions for which there is a difference in recommendations between the policy committees and the GRC.

Petitioned Resolutions

- Submitted by voting delegate *Bylaws Article VI, Sec. 5 (a)*
- Must be signed by voting delegates representing 10% of the member cities *Bylaws Article VI, Sec. 5 (c)*
- Signatures confirmed by League staff
- Submitted to the League president for confirmation 24 hours before the beginning of the General Assembly. *Bylaws Article VI, Sec. 5 (d)*
- Petition to be reviewed by Parliamentarian for required signatures of voting delegates and for form and substance *Bylaws Article VI, Sec. 5(e)*
- Parliamentarian's report is presented to chair of GRC
- Will be heard at GRC for action (GRC cannot amend but may recommend by a majority vote to the GA technical or clarifying amendments) *2006 General Assembly Resolution sec. 6(A), (B)*
- GRC may disqualify if:
 - Non-germane to city issues
 - Identical or substantially similar in substance to a resolution already under consideration *Bylaws Article VI, Sec. 5(e), (f)*
- Heard in General Assembly
 - General Assembly will consider the resolution following the other resolutions³ *Bylaws Article VI, Sec. 5(g)*
 - Substantive amendments that change the intent of the petitioned resolution may only be adopted by the GA *2006 General Assembly Resolution sec. 6(C)*

Voting Procedure in the General Assembly

Consent Calendar: Resolution approved by Policy Committee(s) and GRC. Petitioned resolution approved by GRC)

- GRC Chair will be asked to give the report from the GRC and will ask for adoption of the GRC's recommendations
- Ask delegates if there is a desire to call out a resolution for discussion
- A voting delegate may make a motion to remove a resolution from the consent calendar for discussion
- If a motion is made to pull a resolution, the General Assembly votes on whether to pull the resolution from the consent calendar.
- If a majority of the General Assembly votes to pull the resolution, set "called out" reso(s) aside. If the motion fails, the resolution remains on the consent calendar.
- If reso(s) not called out, or after 'called out' reso is set aside, then ask for vote on remaining resos left on consent
- Move on to debate on reso(s) called out
- After debate, a vote is taken
- Voting delegates vote on resolutions by raising their voting cards.⁴

³ Petitioned Resolutions on the Consent Calendar will be placed after all General Resolutions on the Consent Calendar. Petitioned Resolutions on the Regular Calendar will be placed after all General Resolutions on the Regular Calendar.

⁴ Amendments to League bylaws require 2/3 vote

Regular Calendar: Regular resolutions approved by Policy Committee(s)⁵, and GRC recommends disapproval or referral; Regular resolutions disapproved or referred by Policy Committee(s)⁶ and GRC approves; Petitioned resolutions disapproved or referred by the GRC.

- Open the floor to determine if a voting delegate wishes to debate a resolution on the regular calendar.
- If no voting delegate requests a debate on the resolution, a vote to ratify the recommendation of the GRC on the resolution is taken.
- Upon a motion by a voting delegate to debate a resolution, a debate shall be held if approved by a majority vote of the General Assembly. If a majority of the General Assembly to debate the resolution is not achieved, then a vote shall be taken on whether to ratify the GRC's recommendation. If a majority of the General Assembly approves of the motion to debate the resolution, debate will occur. After debate on the resolution, a vote is taken based upon the substitute motion that was made, if any, or on the question of ratifying the GRC's recommendation.
- Voting delegates vote by raising their voting cards.

⁵ Applies in the instance where the GRC recommendation of disapproval or refer is counter to the recommendations of the policy committees.

⁶ Applies in the instance where the GRC recommendation to approve is counter to the recommendations of the policy committees.

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS

Source: City of Rancho Palos Verdes

Concurrence of five or more cities/city officials

Cities: City of Hidden Hills, City of La Cañada Flintridge, City of Laguna Beach, City of Lakeport, City of Malibu, City of Moorpark, City of Nevada City, City of Palos Verdes Estates, City of Rolling Hills Estates, City of Rolling Hills, City of Ventura

Referred to: Environmental Quality Policy Committee; Transportation, Communications, and Public Works Policy Committee

WHEREAS, the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

WHEREAS, conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

WHEREAS, the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

WHEREAS, the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

WHEREAS, California is experiencing fire seasons of worsening severity; and

WHEREAS, undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

WHEREAS, brush fires are not restricted to starting near streets with high volumes of public traffic; and

WHEREAS, expanding Rule 20A criteria to include Very High Fire Hazard Severity Zones would facilitate undergrounding projects that would help prevent fires; and

WHEREAS, expanding Rule 20A criteria as described above and increasing funding allocations for Rule 20A projects would lead to more undergrounding in Very High Fire Hazard Severity Zones; and now therefore let it be,

RESOLVED that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility and to increase funding allocations for Rule 20A projects.

Background Information on Resolution No. 1

Source: City of Rancho Palos Verdes

Background:

Rancho Palos Verdes is the most populated California city to have 90 percent or more of residents living in a Cal Fire-designated Very High Fire Hazard Severity Zone. Over the years, the Palos Verdes Peninsula has seen numerous brush fires that were determined to be caused by electrical utility equipment.

Across the state, some of the most destructive and deadly wildfires were sparked by power equipment. But when it comes to undergrounding overhead utilities, fire safety is not taken into account when considering using ratepayer funds to pay for these projects under California's Electric Tariff Rule 20 program. The program was largely intended to address visual blight when it was implemented in 1967. Under Rule 20A, utilities must allocate ratepayer funds to undergrounding conversion projects chosen by local governments that have a public benefit and meet one or more of the following criteria:

- Eliminate an unusually heavy concentration of overhead lines;
- Involve a street or road with a high volume of public traffic;
- Benefit a civic or public recreation area or area of unusual scenic interest; and,
- Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines.

As we know, brush fires are not restricted to erupting in these limited areas. California's fire season has worsened in severity in recent years, claiming dozens of lives and destroying tens of thousands of structures in 2018 alone.

Excluding fire safety from Rule 20A eligibility criteria puts the task of undergrounding power lines in Very High Fire Hazard Severity Zones squarely on property owners who are proactive, willing and able to foot the bill.

The proposed resolution calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the proposed resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

If adopted, utilities will be incentivized to prioritize undergrounding projects that could potentially save millions of dollars and many lives.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Rony Berdugo, Legislative Representative, Derek Dolfie, Legislative Representative, Caroline Cirrincione, Legislative Policy Analyst
Committees: Environmental Quality; Transportation, Communications, and Public Works

Summary:

This Resolution, in response to intensifying fire seasons and hazards associated with exposed energized utility lines, proposes that the League of California Cities (League) call upon the California Public Utilities Commission (CPUC) to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities' funding allocations for Rule 20A projects.

Background

California Wildfires and Utilities

Over the last several years, the increasing severity and frequency of California's wildfires have prompted state and local governments to seek urgent prevention and mitigation actions. Record breaking wildfires in Northern and Southern California in both 2017 and 2018 have caused destruction and loss of life. This severe fire trend has local officials seeking solutions to combat what is now a year-round fire season exacerbated by years of drought, intense weather patterns, untamed vegetation and global warming.

These conditions create a dangerous catalyst for wildfires caused by utilities as extreme wind and weather events make downed power lines more of a risk. In response to recent catastrophic wildfires, Governor Newsom established a Strike Force tasked with developing a "comprehensive roadmap" to address issues related to wildfires, climate change, and utilities. [The Strike Force report](#) acknowledges that measures to harden the electrical grid are critical to wildfire risk management. A key utility hardening strategy: undergrounding lines in extreme high-fire areas.

Governor Newsom's Wildfire Strike Force program report concludes, "It's not a question of "if" wildfire will strike, but "when."

Very High Fire Hazard Severity Zones

This Resolution seeks to expand the undergrounding of overhead utility lines in VHFHSZ. California [Government Code Section 51178](#) requires the Director of the California Department of Forestry and Fire Protection (CalFIRE) to identify areas in the state as VHFHSZ based on the potential fire hazard in those areas. VHFHSZ are determined based on fuel loading, slope, fire weather, and other relevant factors. These zones are in both local responsibility areas and state responsibility areas. Maps of the statewide and county by county VHFHSZ can be found [here](#).¹

¹ <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

More than 25 million acres of California wildlands are classified under very high or extreme fire threat. Approximately 25 percent of the state's population, 11 million people, live in those high-risk areas. Additionally, over 350,000 Californians live in cities that are nearly encompassed within Cal Fire's maps of VHFHSZ. Similar to the proponents of this Resolution, City of Rancho Palos Verdes, over 75 communities have 90 percent or more of residents living in a VHFHSZ.

CPUC Rule 20 Program

The CPUC's Rule 20 program lays out the guidelines and procedures for converting overhead electric and telecommunication facilities to underground electric facilities. Rule 20 funding and criteria is provided at four levels. Levels A, B, and C, reflect progressively diminishing ratepayer funding for undergrounding projects. Recently added Rule 20D is a relatively new program that is specific to San Diego Gas and Electric (SDG&E), which was created in response to the destructive 2007 wildfires. Each of these levels will be discussed below:

Rule 20A

The first California overhead conversion program, Rule 20A, was created in 1967 under then Governor Ronald Reagan. The program was created to provide a consistent and structured means of undergrounding utility lines throughout the state with costs covered broadly by utility ratepayers.

Each year, Investor Owned Utilities (IOUs) propose their Rule 20A allocation amounts to the CPUC during annual general rate case proceedings. In this process, IOUs propose revised utility customer rates based on expected service costs, new energy procurement and projects for the following year, including Rule 20 allocations. The CPUC then reviews, amends, and approves IOU rates. Currently, the cumulative budgeted amount for Rule 20A for Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) totals around \$95.7 million.

The funding set aside by IOUs for Rule 20A is allocated to local governments through a credit system, with each credit holding a value to be used solely for the costs of an undergrounding project. The credit system was created so that local governments and IOUs can complete undergrounding projects without municipal financing. Through Rule 20A, municipalities that have developed and received city council approval for an undergrounding plan receive annual credits from the IOU in their service area. At the last count by the CPUC, over 500 local governments (cities and counties) participate in the credit system.

While these credits have no inherent monetary value, they can be traded in or banked for the conversion of overhead lines. Municipalities can choose to accumulate their credits until their credit balance is sufficient to cover these conversion projects, or choose to borrow future undergrounding allocations for a period of up to five years. Once the cumulative balance of credits is sufficient to cover the cost of a conversion project, the municipality and the utility can move forward with the undergrounding. All of the planning, design, and construction is performed by the participating utility. Upon the completion of an undergrounding project, the utility is compensated through the local government's Rule 20A credits.

At the outset of the program, the amount of allocated credits were determined by a formula which factored in the number of utility meters within a municipality in comparison to the utilities' service territory. However, in recent years the formula has changed. Credit allocations for IOUs, except for PG&E, are now determined based on the allocation a city or county received in 1990 and is then adjusted for the following factors:

- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of overhead meters in any city or unincorporated area to the total system overhead meters; and
- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of meters (which includes older homes that have overhead services, and newer homes with completely underground services) in any city or the unincorporated area to the total system meters.

As noted, PG&E has a different funding formula for their Rule 20A credit allocations as they are not tied to the 1990 base allocation. Prior to 2011, PG&E was allocating approximately five to six percent of its revenue to the Rule 20A program. The CPUC decided in 2011 that PG&E's Rule 20A allocations should be reduced by almost half in an effort to decrease the growing accumulation of credits amongst local governments. Since 2011, PG&E's annual allocations for Rule 20A have been around \$41.3 million annually, which is between two and three percent of their total revenue.

Criteria for Rule 20A Projects

For an undergrounding project to qualify for the Rule 20A program, there are several criteria that need to be met. The project must have a public benefit and:

1. Eliminate an unusually heavy concentration of overhead lines
2. Involve a street or road with a high volume of public traffic
3. Benefit a civic or public recreation area or area of unusual scenic interest,
4. Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines

Notably, fire safety is excluded from the list of criteria that favors aesthetic and other public safety projects.

Rule 20A Credit System Imbalance Threatens Program Effectiveness

Allocations are made by utilities each year for Rule 20A credits. These current budget allocations total \$95.7 million a year. Currently, the cumulative balance of credits throughout the state totals over \$1 billion dollars. The Rule 20A cumulative balances aggregated by region can be found [here](#).²

² Program Review, California Overhead Conversion Program, Rule 20A for Years 2011-2015, "The Billion Dollar Risk," California Public Utilities Commission.
[https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_\(2014_forward\)\(1\)/PPD_Rule_20-A.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_(2014_forward)(1)/PPD_Rule_20-A.pdf)

Note: The existing credit allocation formulas do not consider a municipality's need or plans for overhead conversion projects, resulting in large credit balances in some jurisdictions.

Cities and counties are, however, able to trade or sell unallocated Rule 20A credits if they will not be used to fund local undergrounding projects. There have been several cases where one agency has sold their unused credits, often for less than the full dollar value of the credits themselves to another agency.

Rule 20B

Rule 20B projects are those that do not fit the Rule 20A criteria, but do, however, involve both sides of the street for at least 600 feet. These projects are typically done in conjunction with larger developments and are mostly paid for by the developer or applicant. Additionally, the applicant is responsible for the installation.

Rule 20C

Rule 20C projects are usually small projects that involve property owners. The majority of the cost is usually borne by the applicants. Rule 20C applies when the project does not qualify for either Rule 20A or Rule 20B.

Rule 20D--Wildfire Mitigation Undergrounding Program

Rule 20D was approved by the CPUC in January of 2014 and only applies to SDG&E. The Rule 20D program was established largely in response to the destructive wildfires that occurred in San Diego in 2007 as a wildfire mitigation undergrounding program. According to SDG&E, the objective of the Rule 20D undergrounding is exclusively for fire hardening as opposed to aesthetics. The program is limited in scope and is restricted to communities in SDG&E's Fire Threat Zone (now referred to as the [High Fire Threat District or HFTD](#)). As of this time, the program has yet to yield any projects and no projects are currently planned.

For an undergrounding project to qualify for the Rule 20D program, a minimum of three of the following criteria must be met. The project must be near, within, or impactful to:

- Critical electric infrastructure
- Remaining useful life of electric infrastructure
- Exposure to vegetation or tree contact
- Density and proximity of fuel
- Critical surrounding non-electric assets (including structures and sensitive environmental areas)
- Service to public agencies
- Accessibility for firefighters

Similar to Rule 20A, SDG&E must allocate funding each year through their general rate case proceedings to Rule 20D to be approved by the CPUC. This funding is separate from the allocations SDG&E makes for Rule 20A. However, the process of distributing this funding to localities is different. The amount of funding allocated to each city and county for Rule 20D is based on the ratio of the number of miles of overhead lines in SDG&E Fire Threat Zones in a city or county to the total miles of SDG&E overhead lines in the entire SDG&E fire zone. The

Rule 20D program is administered by the utility consistent with the existing reporting, engineering, accounting, and management practices for Rule 20A.

The Committee may want to consider whether Rule 20D should instead be expanded, adapted, or further utilized to support funding for overhead conversions within VHFHSZ throughout the state.

Fiscal Impact:

The costs to the State associated with this Resolution will be related to the staff and programmatic costs to the CPUC to take the necessary measures to consider and adopt changes to Rule 20A to include projects in VHFHSZ to the list of criteria for eligibility.

This Resolution calls for an unspecified increase in funding for Rule 20A projects, inferring that portions of increased funds will go towards newly eligible high fire hazard zones. While the Resolution does not request a specific amount be allocated, it can be assumed that these increased costs will be supported by utility ratepayers. According to the CPUC, the annual allocations towards Rule 20A are \$95.7 million.

The CPUC currently reports a cumulative credit surplus valued at roughly \$1 billion that in various regions, given the approval of expanded eligibility called for by this Resolution, could be used to supplement and reduce the level of new dollars needed to make a significant impact in VHFHSZ. The CPUC follows that overhead conversion projects range from \$93,000 per mile for rural construction to \$5 million per mile for urban construction.

The Resolution states that “California is experiencing fire seasons of worsening severity” which is supported by not only the tremendous loss of property and life from recent wildfires, but also in the rising costs associated with clean up, recovery, and other economic losses with high estimates in the hundreds of billions of dollars.

The Committee may wish to consider the costs associated with undergrounding utility lines in relation to the costs associated with past wildfires and wildfires to come.

Comments:

CPUC Currently Exploring Revisions to Rule 20

In May 2017, the CPUC issued an Order Instituting Rulemaking to Consider Revisions to Electric Rule 20 and Related Matters. The CPUC will primarily focus on revisions to Rule 20A but may make conforming changes to other parts of Rule 20. The League is a party in these proceedings will provide comments.

Beyond Rule 20A: Additional Options for Funding Undergrounding Projects

There are various ways in which cities can generate funding for undergrounding projects that fall outside of the scope of Rule 20A. At the local level, cities can choose to forgo the Rule 20A process and opt to use their own General Fund money for undergrounding. Other options are also discussed below:

Rule 20D Expansion

The City of Berkeley in a 2018 study titled [“Conceptual Study for Undergrounding Utility Wires in Berkeley.”](#) found that the city could possibly qualify for Rule 20D funding if they actively pursued this opportunity in partnership with PG&E and the CPUC.

One of the study’s recommendations is to advocate for release of 20D funds (now earmarked exclusively for SDG&E) to be used for more aggressive fire hardening techniques for above-ground utility poles and equipment, for undergrounding power lines, and for more aggressive utility pole and vegetation management practices in the Very High Hazard Fire Zone within Berkeley’s city limits.

As an alternative to changing the criteria for Rule 20A, the Committee may wish to consider whether there is the opportunity to advocate for the expansion of Rule 20D funding more broadly, expanding its reach to all IOU territories.

Franchise Surcharge Fees

Aside from Rule 20 allocations, cities can generate funding for undergrounding through franchise fee surcharges. For example, SDG&E currently operates under a 50-year City franchise that was granted in 1970. Under the franchises approved by the San Diego City Council in December 1970, SDG&E agreed to pay a franchise fee to the City equivalent to 3% of its gross receipts from the sales of both natural gas and electricity for 30 years.

These fees were renegotiated in 2000 and in 2001 an agreement was between the City of San Diego, SDG&E, and the CPUC to extend the existing franchise fee to include revenues collected from surcharges. SDG&E requested an increase of 3.88% to its existing electric franchise fee surcharge. The bulk, 3.53% of this increase is to be used for underground conversion of overhead electric wires.

Based on SDG&E's revenue projections, the increase would result in an additional surcharge revenue amount of approximately \$36.5 million per year. SDG&E estimates that this would create a monthly increase of approximately \$3.00 to a typical residential customer's electric bill. These surcharge revenues would pay for additional undergrounding projects including those that do not meet the Rule 20A criteria. The City of Santa Barbara has also adopted a similar franchise surcharge fee.

Having this funding source allows the City of San Diego to underground significantly more miles of above ground utility lines than other municipalities. However, the surcharge is currently being challenged in court, as it is argued that the City had SDG&E impose a tax without a ballot measure.

Utility Bankruptcy and Undergrounding Funding

In considering this Resolution, it is important to understand that Rule 20A allocations have been more substantial in the past. As mentioned earlier, prior to 2011, PG&E was allocating approximately 5% to 6% of its revenue to the Rule 20A program. Therefore, it is not unreasonable to encourage an increase in Rule 20A allocations as history shows that utilities had the capacity to do so in the past.

However, in a time where IOUs such as PG&E are facing bankruptcy as the result of utility caused wildfires, there is the possibility that expanding rule 20A funding will generate more costs for the ratepayers.

Questions to Consider:

- 1) Is Rule 20A or Rule 20D the more appropriate program to advocate for such an expansion?
- 2) Are there any wildfire risks outside of VHFHSZ that could be mitigated by undergrounding projects?

Existing League Policy:

Public Safety:

The League supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions. (pg. 43)

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities' authority and discretion to provide all emergency services to their communities. (pg. 43)

Transportation, Communication, and Public Works:

Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding. (pg. 54)

The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs. (pg. 51)

The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding. (pg. 52)

Environmental Quality

The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city's general fund. (pg. 9)

Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises. (pg. 9)

The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community. (pg. 10)

2019 Strategic Goals

Improve Disaster Preparedness, Recovery and Climate Resiliency.

- Provide resources to cities and expand partnerships to better prepare for and recover from wildfires, seismic events, erosion, mudslides and other disasters.
- Improve community preparedness and resiliency to respond to climate-related, natural and man-made disasters.

Support:

The following letters of concurrence were received:

- The City of Hidden Hills
- The City of La Cañada Flintridge
- The City of Laguna Beach
- The City of Lakeport
- The City of Malibu
- The City of Moorpark
- The City of Nevada City
- The City of Palos Verdes Estates
- The City of Rolling Hills Estates
- The City of Rolling Hills
- The City of Ventura

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Rule 20A



City of Hidden Hills

6165 Spring Valley Road * Hidden Hills, California 91302
(818) 888-9281 * Fax (818) 719-0083

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

Dear President Arbuckle:

The City of Hidden Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Larry G. Weber
Mayor



City Council
Leonard Pieroni, Mayor
Gregory C. Brown, Mayor Pro Tem
Jonathan C. Curtis
Michael T. Davitt
Terry M. Walker

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of La Cañada Flintridge supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of La Cañada Flintridge is one of the few Southern California cities in which 100% of the community within a Very High Fire Hazard Severity Zone. The City, in 1987, committed 100% of its 20A allocation for forty-five years from this year for a major downtown undergrounding project. Therefore, the only way our City can directly benefit from this Resolution is if there is an additional annual increased allocation for this purpose. Due to the extreme threat the City experienced at the time of the Station Fire, the City is keenly aware of the damage a fire may potentially cause, whether from utility issues or from natural causes. The City strongly supports any effort, including this Resolution, to reduce fire danger for the City's residents.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly with the City of La Cañada Flintridge in support.

Sincerely,

A handwritten signature in black ink, appearing to read "Leonard Pieroni", is written over a horizontal line.

Leonard Pieroni
Mayor



July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Laguna Beach supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. Ten to the Top 20 most destructive fires in California were caused by electrical sources. The California's Rule 20A program, which allows local governments to pay for undergrounding of utilities costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it. We also believe that this program should redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. The City of Laguna Beach recommends that the resolution also be amended to call on the CPUC to redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

Nearly 90% of the City of Laguna Beach land area is designated under State Law and local ordinance as Very High Fire Hazard Severity Zone. While the City has used Rule 20A and 20B funding in the past to underground more than half of its overhead utilities, sufficient funding is not available to underground the remaining parts of the City.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

July 25, 2019
Page 2

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,



Bob Whalen
Mayor

CITY OF LAKEPORT

*Over 125 years of community
pride, progress and service*



August 7, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Lakeport supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Tim Barnes
Mayor
City of Lakeport



City of Malibu

Jefferson Wagner, Mayor

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: City of Rancho Palos Verdes Proposed Resolution to Amend California Public Utilities Commission Rule 20A – SUPPORT

Dear Ms. Arbuckle:

At its Regular meeting on August 12, 2019, the Malibu City Council unanimously voted to support the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state, but California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, as well as willing and able to foot the bill. The City of Malibu agrees with Rancho Palos Verdes that Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. As a recent series of news stories on wildfire preparedness in California pointed out, there are more than 75 communities across the state with populations over 1,000, including Rancho Palos Verdes and Malibu, where at least 90 percent of residents live in a Cal Fire-designated Very High Fire Hazard Severity Zone.

It is well-known that electric utility equipment is a common fire source, and has sparked some of the most destructive blazes in our state's history. Moving power lines underground is, therefore, a critical tool in preventing them. Currently, Rule 20A primarily addresses visual blight, but with fire seasons worsening, it is key that fire safety also be considered when local governments pursue Rule 20A projects, and that annual funding allocations for the program be expanded.

It is worth noting that the State does have a program, Rule 20D, that factors in fire safety for funding undergrounding projects. However, this is limited to San Diego Gas & Electric Company projects in certain areas only. This needs to be expanded to include projects in all projects within designated Very High Fire Hazard Severity Zones.

Rancho PV League Resolution
Amend Rule 20A
August 15, 2019
Page 2 of 2

The proposed resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, the City of Malibu strongly concurs that the resolution should go before the General Assembly.

Sincerely,



Jefferson Wagner
Mayor

Cc: Honorable Members of the Malibu City Council
Reva Feldman, City Manager
Megan Barnes, City of Rancho Palos Verdes, mbarnes@rpvca.gov



CITY OF MOORPARK

799 Moorpark Avenue, Moorpark, California 93021
Main City Phone Number (805) 517-6200 | Fax (805) 532-2205 | moorpark@moorparkca.gov

July 24, 2019

SUBMITTED ELECTRONICALLY

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: SUPPORT FOR RANCHO PALOS VERDES RESOLUTION RE: POWER LINE UNDERGROUNDING

Dear President Arbuckle:

The City of Moorpark supports the City of Rancho Palos Verdes effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

All cities in Ventura County, including Moorpark, have wildfire prevention fresh in our memories following the highly destructive 2017-2018 Thomas Fire, which was caused by above-ground power lines. The 2018 Woolsey Fire similarly affected Ventura County, and lawsuits have been filed alleging it was also caused by above-ground power lines. Each of these fires caused billions of dollars in damages and highlight the importance of undergrounding power lines.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,



Janice Parvin
Mayor

cc: City Council
City Manager



Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Nevada City supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of Nevada City would also like to add that the local agency be given the power to use private firms to do design, inspect and construct Rule 20A projects in local jurisdiction rather than be required to use the designated local utility. In addition, the City of Nevada City wants the CPUC to allow local jurisdictions to transfer excess funds between agencies to better serve projects in high fire hazard severity zones.

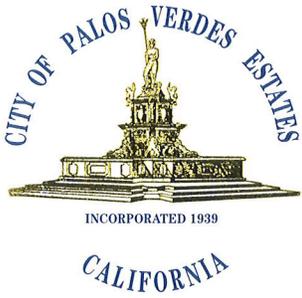
The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in black ink that reads "Reinette Senum". The signature is written in a cursive, flowing style.

Reinette Senum
Mayor
City of Nevada City



CITY OF
Palos Verdes Estates

July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's current Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Mayor Kenneth J. Kao
City of Palos Verdes Estates

cc: PVE City Council
PVE Interim City Manager Petru
RPV City Manager Willmore



**City of
Rolling Hills Estates**

Judith Mitchell
Mayor

Velveth Schmitz
Mayor Pro Tem

Britt Huff
Council Member

Frank V. Zerunyan
Council Member

Steven Zuckerman
Council Member

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Rolling Hills Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

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The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,


Judith Mitchell
Mayor



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear Board of Directors:

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

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The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Leah Mirsch
Mayor

July 29, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Ventura supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex D. McIntyre".

Alex D. McIntyre
City Manager

2. A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN

Source: San Diego County Division

Concurrence of five or more cities/city officials

Cities: Calexico; Coronado; Imperial Beach; San Diego

Individual City Officials: City of Brawley: Mayor Pro Tem Norma Kastner-Jauregui; Council Members Sam Couchman, Luke Hamby, and George Nava. City of Escondido: Deputy Mayor Consuelo Martinez. City of La Mesa: Council Member Bill Baber. City of Santee: Mayor John Minto, City of Vista: Mayor Judy Ritter and Council Member Amanda Young Rigby

Referred to: Environmental Quality Policy Committee

WHEREAS, international transboundary rivers that carry water across the border from Mexico into Southern California are a major source of sewage, trash, chemicals, heavy metals and toxins; and

WHEREAS, transboundary flows threaten the health of residents in the United States and Mexico, harm important estuarine land and water of international significance, force closure of beaches, damage farmland, adversely impact the South San Diego County and Imperial County economy; compromise border security, and directly affect U.S. military readiness; and

WHEREAS, a significant amount of untreated sewage, sediment, hazardous chemicals and trash have been entering southern California through both the Tijuana River Watershed (75 percent of which is within Mexico) and New River flowing into southern California's coastal waterways and residential and agricultural communities in Imperial County eventually draining into the Salton Sea since the 1930s; and

WHEREAS, in February 2017, an estimated 143 million gallons of raw sewage flowed into the Tijuana River and ran downstream into the Pacific Ocean and similar cross border flows have caused beach closures at Border Field State Park that include 211 days in 2015; 162 days in 2016; 168 days in 2017; 101 days in 2018; and 187 days to date for 2019 as well as closure of a number of other beaches along the Pacific coastline each of those years; and

WHEREAS, approximately 132 million gallons of raw sewage has discharged into the New River flowing into California through communities in Imperial County, with 122 million gallons of it discharged in a 6-day period in early 2017; and

WHEREAS, the presence of pollution on state and federal public lands is creating unsafe conditions for visitors; these lands are taxpayer supported and intended to be managed for recreation, resource conservation and the enjoyment by the public, and

WHEREAS, the current insufficient and degrading infrastructure in the border zone poses a significant risk to the public health and safety of residents and the environment on both

sides of the border, and places the economic stress on cities that are struggling to mitigate the negative impacts of pollution; and

WHEREAS, the 1944 treaty between the United States and Mexico regarding *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* allocates flows on trans-border rivers between Mexico and the United States, and provides that the nations, through their respective sections of the International Boundary Water Commission shall give control of sanitation in cross border flows the highest priority; and

WHEREAS, in 1993, the United States and Mexico entered into the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a North American Development Bank* which created the North American Development Bank (NADB) to certify and fund environmental infrastructure projects in border-area communities; and

WHEREAS, public concerns in response to widespread threats to public health and safety, damage to fish and wildlife resources and degradation to California's environment resulting from transboundary river flow pollution in the southernmost regions of the state requires urgent action by the Federal and State governments, and

WHEREAS, Congress authorized funding under the U.S. Environmental Protection Agency's (EPA) Safe Drinking Water Act and established the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water Infrastructure Program (BWIP) in 1996 to provide grants for high-priority water, wastewater, and storm-water infrastructure projects within 100 kilometers of the southern border; and

WHEREAS, the EPA administers the STAG and BWIP programs, and coordinates with the North American Development Bank (NADB) to allocate BWIP grant funds to projects in the border zone; and

WHEREAS, since its inception, the BWIP program has provided funding for projects in California, Arizona, New Mexico and Texas that would not have been constructed without the grant program; and

WHEREAS, the BWIP program was initially funded at \$100 million per year, but, over the last 20 years, has been continuously reduced to its current level of \$10 million; and

WHEREAS, in its FY 2020 Budget Request, the Administration proposed to eliminate the BWIP program; and

WHEREAS, officials from EPA Region 9, covering California, have identified a multitude of BWIP-eligible projects along the southern border totaling over \$300 million; and

WHEREAS, without federal partnership through the BWIP program and state support to address pollution, cities that are impacted by transboundary sewage and toxic waste flows are

left with limited resources to address a critical pollution and public health issue and limited legal remedies to address the problem; and

WHEREAS, the National Association of Counties, (NACo) at their Annual Conference on July 15, 2019 and the U.S. Conference of Mayors at their Annual Conference on in July 1, 2019 both enacted resolutions calling on the federal and state governments to work together to fund and address this environmental crisis; and

WHEREAS, local governments and the public support the State's primary objectives in complying with environmental laws including the Clean Water Act, Porter-Cologne Water Quality Control Act, and Endangered Species Act and are supported by substantial public investments at all levels of government to maintain a healthy and sustainable environment for future residents of California, and

WHEREAS, League of California Cities policy has long supported efforts to ensure water quality and oppose contamination of water resources; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding to the U.S- Mexico Border Water Infrastructure Program (BWIP) and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

Background Information on Resolution No. 2

Source: San Diego County Division

Background:

Along California's southern border with Mexico, the New River in Imperial County and the Tijuana River in San Diego County are a major sources of raw sewage, trash, chemicals, heavy metals, and toxins that pollute local communities. Sewage contaminated flows in the Tijuana River have resulted in significant impacts to beach recreation that includes the closure of Border Field State Beach for more than 800 days over the last 5-years. Similarly, contaminated flows in the New River presents comparable hazards, impacts farm land, and contributes to the ongoing crisis in the Salton Sea. These transboundary flows threaten the health of residents in California and Mexico, harms the ecosystem, force closures at beaches, damage farm land, makes people sick, and adversely affects the economy of border communities. The root cause of this cross border pollution is from insufficient or failing water and wastewater infrastructure in the border zone and inadequate federal action to address the problem through existing border programs.

The severity of cross border pollution has continued to increase, due in part to the rapid growth of urban centers since the passage of the North American Free Trade Agreement (NAFTA). While economic growth has contributed to greater employment, the environmental infrastructure of the region has not kept pace, which is why Congress authorized the Border Water Infrastructure Program (BWIP) in 1996. The U.S. Environmental Protection Agency (EPA) administers the BWIP and coordinates with the North American Development Bank (NADB) to provide financing and technical support for projects on both sides of the U.S./Mexico border. Unfortunately, the current BWIP funding at \$10 million per year is only a fraction of the initial program budget that shares funding with the entire 2,000 mile Mexican border with California, Arizona, New Mexico and Texas. EPA officials from Region 9 have identified an immediate need for BWIP projects totaling over \$300 million just for California. Without federal partnerships through the BWIP and state support to address cross border pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with limited resources to address a critical pollution and public health issue.

The International Boundary and Water Commission (IBWC) is another important federal stakeholder that, under the Treaty of 1944 with Mexico, must address border sanitation problems. While IBWC currently captures and treats some of the pollution generated in Mexico, it also redirects cross border flows without treatment directly into California.

Improving environmental and public health conditions for communities along the border is essential for maintaining strong border economy with Mexico. The IBWC, EPA, and NADB are the important federal partners with existing bi-national programs that are able to immediately implement solutions on cross border pollution. California is in a unique position to take the lead and work with local and federal partners to implement real solutions that will addresses the long standing and escalating water quality crisis along the border.

For those reasons, the cities of Imperial Beach and Coronado requested the San Diego County Division to propose a resolution at the 2019 League Annual Conference calling upon the federal

and state governments to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California, San Diego and Imperial Counties and the Pacific Ocean.

On August 12, 2019 at the regularly scheduled meeting of the San Diego County Division, the membership unanimously endorsed submittal of the resolution, with close to 75% membership present and voting.

The Imperial County Division does not have a schedule meeting until after the deadline to submit proposed resolutions. However, the City of Calexico, which is most directly impacted by initial pollution flow of the New River from Mexicali, sent a letter in concurrence of this resolution as well as numerous city official from cities within Imperial County and the Imperial County Board of Supervisors. The League Imperial County Division will place a vote to support this resolution on the agenda of their September 26, 2019 meeting.

League of California Cities Staff Analysis on Resolution No. 2

Staff: Derek Dolfie, Legislative Representative
Carly Shelby, Legislative and Policy Development Assistant
Committees: Environmental Quality

Summary:

This Resolution states that the League of California Cities should call upon the State and Federal governments to restore and ensure proper funding for the U.S. – Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico’s Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

Background:

The League of California Cities’ San Diego County Division is sponsoring this resolution to address their concerns over the contaminated flows from the Tijuana River into California that have resulted in the degradation of water quality and water recreational areas in Southern California.

The Tijuana River flows north through highly urbanized areas in Mexico before it enters the Tijuana River Estuary and eventually the Pacific Ocean via waterways in San Diego County in California. Urban growth in Tijuana has contributed to a rise in rates of upstream flows from water treatment facilities in Mexico. These treatment facilities have raised the amount of untreated sewage and waste in the Tijuana River due to faulty infrastructure and improper maintenance. The federal government refers to the river as an “impaired water body” because of the presence of pollutants in excess, which pose significant health risks to residents and visitors in communities on both sides of the border.

Federal Efforts to Address Pollution Crisis

To remedy the Tijuana River’s low water quality, the United States and Mexico entered into a Treaty in 1944 entitled: *Utilization of Waters of the Colorado River and Tijuana Rivers and of the Rio Grande – the International Boundary and Water Commission (IBWC)*. The IBWC was designed to consist of a United States section and a Mexico section. Both sections were tasked with negotiating and implementing resolutions to address water pollution in the area, which includes overseeing the development of water treatment and diversion infrastructure.

After the formation of the IBWC, the U.S. and Mexico entered into a treaty in 1993 entitled: *Agreement Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank*. This agreement established the North American Development Bank (NADB), which certifies and funds infrastructure projects located within 100 kilometers (62 miles) of the border line. The NADB supports federal programs like the Border Water Infrastructure Program (BWIP), which was initially funded at \$100 million, annually.

The degradation of existing water treatment infrastructure along the border coincides with the federal government’s defunding of the BWIP, which has steadily decreased from \$100 million in 1996 to \$10 million today. The Federal FY 2020 Budget proposes eliminating BWIP funding

altogether. EPA's regions 6 and 9 (includes U.S. states that border Mexico) have identified a number of eligible projects that address public health and environmental conditions along the border totaling \$340 million.

The NADB has funded the development of water infrastructure in both the U.S. and Mexico. Water diversion and treatment infrastructure along the U.S – Mexico border includes, but is not limited to, the following facilities:

- *The South Bay International Wastewater Treatment Plant (SBIWTP)*. This facility was constructed by the U.S. in 1990 and is located on the California side of the border and is operated under the jurisdiction of the IBWC. The SBIWTP serves as a diversion and treatment sewage plant to address the flow of untreated sewage from Mexico into the United States.
- *Pump Station CILA*. CILA was constructed by Mexico in 1991 and is located along the border in Mexico. This facility serves as the SBIWTP's Mexican counterpart.

Both the SBIWTP and CILA facilities have had a multitude of overflows containing untreated sewage and toxic waste that spills into the Tijuana River. The cause of overflows can be attributed to flows exceeding the maximum capacity that the infrastructure can accommodate (this is exacerbated during wet and rainy seasons) and failure to properly operate and maintain the facilities. Much of the existing infrastructure has not had updates or repairs for decades, causing overflows to become more frequent and severe. The most notable overflow occurred in February 2017, wherein 143 million gallons of polluting waste discharged into the Tijuana River; affecting the Tijuana Estuary, the Pacific Ocean, and Southern California's waterways.

State Actions

In response to the February 2017 overflow, the San Diego Water Board's Executive Officer sent a letter to the U.S. and Mexican IBWC Commissioners which included recommendations on how to improve existing infrastructure and communications methods between both nations.

In September of 2018, California Attorney General Xavier Becerra submitted a lawsuit against IBWC for Violating the Clean Water Act by allowing flows containing sewage and toxic waste to flow into California's waterways, posing a public health and ecological crisis. The cities of Imperial Beach, San Diego, Chula Vista, the Port of San Diego, and the San Diego Regional Water Quality Board have also filed suit against the IBWC. The suit is awaiting its first settlement conference on October 19, 2019. If parties are unable to reach a settlement, the case will go to trial.

Fiscal Impact:

California's economy is currently the sixth largest in the world, with tourism spending topping \$140.6 billion in 2018. In the past five years, San Diego's Border Field State Park has been closed for over 800 days because of pollution from the Tijuana River. A decline in the State's beach quality and reputation could carry macroeconomic effects that could ripple outside of the San Diego County region and affect coastal communities throughout California.

Existing League Policy

The League of California Cities has extensive language on water in its Summary of Existing Policy and Guiding Principles. Fundamentally, the League recognizes that beneficial water quality is essential to the health and welfare of California and all of its citizens. Additionally, the League advocates for local, state and federal governments to work cooperatively to ensure that water quality is maintained.

The following policy relates to the issue of water quality:

- Surface and groundwater should be protected from contamination.
- Requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses should be supported.
- When addressing contamination in a water body, water boards should place priority emphasis on clean-up strategies targeting sources of pollution, rather than in stream or end-of-pipe treatment.
- Water development projects must be economically, environmentally and scientifically sound.
- The viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.
- Protection, maintenance, and restoration of fish and wildlife habitat and resources.

Click here to view the [Summary of Existing Policy and Guiding Principles 2018](#).

Comments:

1. Water quality issues are prevalent across California and have been a constant priority of the State's legislature and residents. In 2014, California's voters approved Proposition 1, which authorized \$7.5 billion in general obligation bonds to fund water quality improvement projects. In 2019, the Legislature reached an agreement to allocate \$130 million from the State's Greenhouse Gas Reduction Fund (GGRF) to address failing water infrastructure and bad water qualities for over one million of California's residents in rural communities. Water quality is not an issue unique to the County of San Diego and communities along the border.
2. Tijuana River cross-border pollution has caught national attention. Members of Congress have proposed recent funding solutions to address the pollution crisis, including:
 - In February of 2019, California Congressional Representatives Vargas, Peters, and Davis helped secure \$15 million for the EPA to use as part of its BWIP.
 - *H.R. 3895 (Vargas, Peters, 2019), The North American Development Bank Pollution Solution Act*. This bill seeks to support pollution mitigation efforts along the border by increasing the NADB's capital by \$1.5 billion.
 - *H.R. 4039 (Levin, 2019), The Border Water Infrastructure Improvement Act*. This bill proposes increasing funding to the BWIP from the existing \$10 million to \$150 million as a continuous appropriation until 2025.Additionally, the National Association of Counties (NACo) and the U.S. Conference of Mayors enacted resolutions in support of increased funding for U.S. – Mexico border water infrastructure to address the environmental crisis in 2019.

3. The border pollution problem has sparked action from local, state, and federal actors. Should this resolution be adopted, League membership should be aware that future action will be adapted by what is explicitly stated in the resolution's language. In current form, the resolution's resolve clause cites the BWIP as the only program that should receive reinstated and proper funding. League staff recommends the language be modified to state:

“NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding *for environmental infrastructure on the U.S. – Mexico Border, including to the U.S.–Mexico Border Water Infrastructure Program (BWIP), and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California’s southern border impacting the state.”*

Modifying the language would ensure enough flexibility for the League to support funding mechanisms outside of the prescribed federally-operated BWIP.

4. It remains unclear if there is an appetite in Washington to fund border-related infrastructure projects that address environmental quality. Given the high probability of another overflow containing waste and sewage from the existing infrastructure operated by the IBWC, League membership should consider the outcome if no resolution is reached to address the issue.

Support:

The following letters of concurrence were received:

Cities:

The City of Calexico

The City of Coronado

The City of Imperial Beach

The City of San Diego

In their individual capacity:

Amanda Young Rigby, City of Vista Council Member

Bill Baber, City of La Mesa Council Member

Consuelo Martinez, City of Escondido Deputy Mayor

George A. Nava, City of Brawley Council Member

John Minto, City of Santee Mayor

Judy Ritter, City of Vista Mayor

Luke Hamby, City of Brawley Council Member

Norma Kastner-Jauregui, City of Brawley Mayor Pro-Tempore

Sam Couchman, City of Brawley Council Member

LETTERS OF CONCURRENCE

Resolution No. 2

International Transboundary
Pollution Flows



CITY OF CALEXICO

608 Heber Ave.
Calexico, CA 92231-2840
Tel: 760.768.2110
Fax: 760.768.2103
www.calexico.ca.gov

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The city of Calexico strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Viva Calexico!

If you have any questions or require additional information, please do not hesitate to contact me at 760/768-2110.

Sincerely,

CITY OF CALEXICO

A handwritten signature in cursive script that reads "David Dale".

David Dale
City Manager

Cc: Honorable Mayor Bill Hodge

Viva Calexico!



CITY OF CORONADO

1825 STRAND WAY
CORONADO, CA 92118

OFFICE OF THE CITY MANAGER
(619) 522-7335
FAX (619) 522-7846

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts of International Transboundary River Pollution Flows Resolution

This letter is written on behalf of and with the support of the Coronado City Council. The City of Coronado wholeheartedly supports the resolution adopted by the San Diego County and Imperial County Division of the California League of Cities.

The San Diego County Division's resolution calls upon the federal and state governments to restore and ensure proper funding of the U.S.-Mexico Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

The City has been working closely with the Environmental Protection Agency and other federal partners on the matter since early 2018. City leaders are committed to finding long-term, sustainable solutions to this problem. Through its advocacy and education efforts, the City of Coronado has raised national awareness of the problem among legislators, political appointees and career staff at federal agencies. These efforts have been successful. However, the City along with our coalition partners, look forward to more action to swiftly resolve this issue.

Local government and the public support the state's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, Coronado 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,



Blair King
Coronado City Manager

cc: Coronado Mayor and City Council
Bill Baber, President, San Diego County Division
c/o Catherine Hill, Regional Public Affairs Manager, San Diego County Division chill@cacities.org



City of Imperial Beach, California

OFFICE OF THE CITY MANAGER

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St. Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach appreciates and supports the San Diego County Division's effort to submit a resolution for consideration by the full membership of the League of California Cities.

The Division's resolution calls on Federal and State government to address the impacts of transboundary pollution flows into the Southwestern regions of California. The pollution in these areas is an environmental disaster that threatens the health and general welfare of residents near the Mexican border in Imperial and San Diego Counties.

I encourage all voting delegates and elected officials in attendance at the 2019 Annual League of California Cities Conference in Long Beach to support this important resolution as it addresses the critical need for the federal and state government to recommit to work bi-nationally to address the serious contamination issues and to develop and implement long-term solutions.

I am available for any questions or additional information related to this letter of support.

Sincerely,

Andy Hall
City Manger

Cc: Honorable Mayor Serge Dedina
Honorable Mayor Pro Tem Robert Patton
Honorable Councilmember Paloma Aguirre
Honorable Councilmember Ed Spriggs
Honorable Councilmember Mark West



City of Imperial Beach, California

OFFICE OF THE MAYOR

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. If you have any questions or require additional information, please do not hesitate to contact me at 619-423-8303.

Sincerely,

Serge Dedina
Mayor



THE CITY OF SAN DIEGO

KEVIN L. FAULCONER

Mayor

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The City of San Diego supports the San Diego County Division in their effort to submit a resolution to the General Assembly at the League of California Cities' 2019 Annual Conference in Long Beach.

To suppress the flow of pollution between the Mexico and Southern California's water channels, the Division requests for the Federal and State governments to give proper funding to the Border Water Infrastructure Program (BWIP).

The City of San Diego and its citizens have expressed their concerns about untreated sewage, polluted sediment and trash flowing from Mexico, into California, causing health, environmental and safety concerns. The State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. With the Division's resolution, the great need for federal and state governments to reconsider working together, will help in developing a long-term solution to address serious water quality and contamination issues.

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 contact me at (619)453-9946 if you have any questions.

Sincerely,

Denice Garcia
Director of International Affairs

Cc: Honorable Mayor Kevin L. Faulconer





AMANDA YOUNG RIGBY

CITY COUNCILWOMAN

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Re: Border Sewage Issues

Dear President Arbuckle;

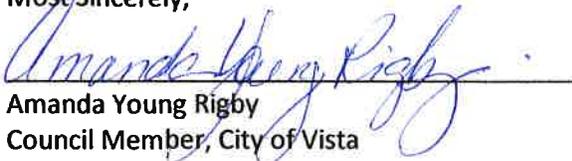
As a Council Member in the City of Vista, and solely in my individual capacity as such, I write in **support** of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the constant sewage pollution issues at the international border with Mexico.

This Resolution requests that the federal and state governments recognize the paramount importance of this issue and address the devastating impacts that this constant contamination has on the southernmost regions of California and the Pacific coastline by requesting the necessary funding to develop and implement effective and long term solutions to the raw sewage contamination coming into San Diego and Imperial Counties from Mexico.

Although I have lived in Vista for 27 years now, I grew up in Imperial Beach and know well the severe health and environmental impact that this situation has had on our border communities for the **decades**.

As a member of the League, I value the League's ability to effectively advocate on behalf of not only our cities but in effect, our citizens, and this is an important issue for our entire state. Should you have any questions or comments, please contact me at the number below. Thank you for your consideration.

Most Sincerely,


Amanda Young Rigby
Council Member, City of Vista

cc: Vista City Council
Vista City Manager
Vista City Attorney
City of Imperial Beach
City of Coronado
City of Calexico
City of San Diego



August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flows Resolution

President Arbuckle:

As a Council Member for the City of La Mesa and in my individual capacity, not on behalf of the full La Mesa City Council as a body or the City, I am writing you in support of the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

As San Diego County Division President and a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at 619-667-1106, should you have any questions.

Sincerely,

BILL BABER
COUNCIL MEMBER CITY OF LA MESA
PRESIDENT, LEAGUE SAN DIEGO COUNTY DIVISION

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the city of Escondido, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at cmartinez@escondido.org if you have any questions.

Sincerely,



Consuelo Martinez
Deputy Mayor

cc: Honorable Mayor and City Council Members
Jeffrey R. Epp, City Manager



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

George A. Nava
City Council Member
City of Brawley

MAYOR
John W. Minto



CITY OF SANTEE

CITY COUNCIL
Ronn Hall
Stephen Houlahan
Laura Koval
Rob McNelis

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Santee, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (JMinto@cityofsanteeca.gov) if you have any questions.

Sincerely,

JOHN W. MINTO
Mayor
City of Santee



JUDY RITTER

MAYOR

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Vista, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at jritter@cityofvista.com if you have any questions.

Sincerely,

Judy Ritter
Mayor
City of Vista



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Luke Hamby
City Council Member
City of Brawley



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Norma Kastner-Jauregui
Mayor Pro-Tempore
City of Brawley



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Sam Couchman
City Council Member
City of Brawley



AGENDA NO: A-5

MEETING DATE: September 10, 2019

Staff Report

TO: Honorable Mayor and City Council **DATE:** September 3, 2019
FROM: Dana Swanson, City Clerk/Human Resources Manager
SUBJECT: Adoption of Resolution No. 76-19 Approving Updated Records Retention Schedule and Authorizing Subsequent Minor Updates Without Further Council Action

RECOMMENDATION

Council adopt Resolution No. 76-19 rescinding Resolution No. 25-17, approving the City of Morro Bay Records Retention Schedule, and authorizing subsequent minor updates without further Council action.

ALTERNATIVES

No alternatives are being recommended at this time.

FISCAL IMPACT

The City Clerk's office budget included \$500 for legal review and update of the City's Records Retention Schedules. Over time, the effective implementation of the proposed Records Retention Schedules will result in significant savings both in labor and document storage expenses.

BACKGROUND/DISCUSSION

In 2017, Morro Bay selected Gladwell Governmental Services, Inc., an expert in local government records, to upgrade its records management program. An upgrade in the existing program, along with ongoing efforts to develop and implement employee training programs, are necessary to ensure the policies are understood and strictly adhered to. Over time, improved records management policies and training will reduce current and future records storage costs, eliminate duplication of effort, increase efficiency and take advantage of current technology and changes in law.

The upgrade of the current records management systems are driven by many factors, including:

- Very limited space in City facilities
 - Many Departments reported they are out of space to store their records.
- Many departments are filing and storing copies of the same records
- Morro Bay produces and manages many permanent records
- Escalating records storage expenses
- Technology advancements
- Changes in law

The purpose of the program is to apply efficient and economical methods to the creation, utilization, maintenance, retention, preservation and disposal of all records managed by the City.

Prepared By: DS

Dept Review:

City Manager Review:

City Attorney Review: CFN

The retention periods are in compliance with all laws and are standard business practice for California cities.

The updated retention schedules were written interactively with opportunities for input from representatives from all departments. The proposed revisions to the policy are illustrated in blue and redline text. They provide clear, specific records descriptions and retention periods, and apply current law and technology to the management of Morro Bay's records. By identifying which department is responsible for maintaining the original record, and by establishing clear retention periods for different categories of records, it is anticipated Morro Bay will realize savings in labor costs, storage costs, free filing cabinet and office space, and realize operational efficiencies.

It is standard business practice for California cities to authorize the routine destruction of records that have exceeded their adopted retention period, upon the request of the Department Head and with the consent in writing of the City Clerk and City Attorney, which is provided in Section 2 of the resolution.

It is also standard business practice for California cities to authorize updates to the schedule without further action of the City Council; however, we have presented a more conservative approach: authorizing only minor updates without further Council action. Section 3 states, "Minor updates include changes in Department or Division names, improvements in descriptions, changes in comments, deleting records series that are no longer applicable, and/or what is scanned. Changes in the Total Retention and/or adding new records series must be presented to the City Council of the City of Morro Bay prior to taking affect."

CONCLUSION

The adoption of Resolution No. 76-19 is an important step in the continued effort to improve the City's records management practices. New employee and annual training are necessary to ensure the policies are understood and strictly adhered to by City staff.

ATTACHMENT

1. Resolution No. 76-19 with proposed Records Retention Schedule

RESOLUTION NO. 76-19

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
ADOPTING A RECORDS RETENTION SCHEDULE, AUTHORIZING DESTRUCTION OF
CERTAIN CITY RECORDS, AND RESCINDING PREVIOUS
RESOLUTION NO. 25-17**

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

WHEREAS, the maintenance of numerous and excessive records is expensive, slows document retrieval, and is not necessary after a certain period of time for the effective and efficient operation of the government of the City of Morro Bay; and

WHEREAS, Section 34090 of the Government Code of the State of California provides a procedure whereby any City record which has served its purpose and is no longer required by law to be retained may be destroyed; and

WHEREAS, the State of California has adopted guidelines for retention periods for various government records; and

WHEREAS, the City Council adopted Resolution No. 25-17 adopting a records retention schedule on May 23, 2017; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORRO BAY DOES HEREBY RESOLVE:

Section 1. Resolution No. 25-17 is hereby rescinded.

Section 2. The records of the City of Morro Bay, as set forth in the Records Retention Schedule, Exhibit A, attached hereto and incorporated herein by this reference, are hereby authorized to be destroyed as provided by Section 34090 *et seq.* of the Government Code of the State of California and in accordance with the provisions of said Records Retention Schedule upon the request of the Department Head and with the written consent of the City Clerk and City Attorney, without further action by the City Council.

Section 3. With the written consent of the City Clerk, City Manager, and City Attorney, minor updates, as defined below, are hereby authorized to be made to the Records Retention Schedule without further action of the City Council. Minor updates include changes in Department or Division names, improvements in descriptions, correction of non-substantive errors, changes in comments, deletion of records series that are no longer applicable, and changes in what is scanned. Such changes shall be reflected in a revised Records Retention Schedule (the original attached as Exhibit A).

Section 4. The term "records" as used herein shall include all papers, maps, exhibits, magnetic or paper tapes, photographic films and prints, punched cards, and other documents produced, received, owned or used by an agency, regardless of physical form or characteristics. as defined by the California Secretary of State Local Government Records Management Guidelines (February, 2006).

Section 5. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 6. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held this 10th day of September 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JOHN HEADDING, Mayor

ATTEST:

DANA SWANSON, City Clerk

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AGENDA NO: A-6

MEETING DATE: September 10, 2019

Staff Report

TO: Honorable Mayor and City Council **DATE:** September 3, 2019

FROM: Scot Graham, Community Development Director
Willow Urquidi, Assistant Planner

SUBJECT: Consideration of Request by Local Boy Scout, Curtis Bradley, for a Sign Permit Fee Waiver for a Second Free Standing Sign at St. Timothy's Church at 962 Piney Way

RECOMMENDATION

Planning Commission unanimously recommends waiver of the sign permit fee, for a second free standing sign at St. Timothy's Church at 962 Piney Way, in the amount of \$1,305.

ALTERNATIVES

- A. Approve fee waiver in an amount agreed upon by a majority of Council that is less than the total cost of the permit.
- B. Deny fee waiver request.

FISCAL IMPACT

The cost of a sign exception permit is \$1,305 and includes \$979 for the Sign Exception Conditional Use Permit (CUP) cost and \$326 for noticing.

BACKGROUND/DISCUSSION

Curtis Bradley is a local Boy Scout in Troop 214 for the Morro Bay/Los Osos area and presented his community service project before the Planning Commission (PC) on May 21, 2019, requesting a second monument sign for St. Timothy's Church, as part of his Eagle Scout project. Curtis was responsible for application submission and project design. The sign application required Planning Commission approval because the City's sign ordinance allows only a single monument style sign. The existing monument sign faced Kennedy Way, and the proposed monument sign is now located adjacent to the Piney Way entrance. The second sign provides directional clarity for those entering the church parking lot on Piney Way. The Planning Commission found that the second monument sign met the criteria to qualify for an exception permit, and upon request of the Applicant, recommended that the Council consider a fee waiver for the sign application, as Curtis' family was responsible for the cost of the permit and due to the unique circumstances of the project (May 21, 2019 PC Meeting Minutes provided as Attachment A, refer to B-2 Case No. SEP 19-001 on pages 3-4).

A picture of the recently installed sign is provided below:

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



Note: The City's draft sign ordinance does not require a sign exception for a second standalone sign and, once adopted, the permit fee for a project of this nature would be \$217.00.

CONCLUSION

The Planning Commission reviewed and approved the project and as part of their motion unanimously recommended City Council waive the permit fees for the sign exception permit.

ATTACHMENT

1. Planning Commission Minutes

A-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.

A-3 Approval of minutes from the Planning Commission meeting of April 16, 2019.
Staff Recommendation: Approve minutes as submitted.

MOTION: Commissioner Barron moved to approve A-1 and A-3 on the Consent Calendar. Commissioner Stewart seconded, and the motion passes 5-0.

A-2 Approval of Resolution 08-19 reflecting Planning Commissions May 7, 2019 decision to uphold an appeal of MIN19-001 for the project at 3300 Panorama
Staff Recommendation: Approve Resolution 08-19
<https://youtu.be/sNj1M8Q1VPw?t=11m51s>

Chairperson Luhr opened the Public Comment.
<https://youtu.be/sNj1M8Q1VPw?t=11m59s>

Cynthia Hawley, Morro Bay, stated there were serious flaws with the Resolution and it contains false information. Hawley recommends staff to re-write what was in the motion.

Truesdale stated the resolution needs to reflect the actual words of the motion and wants to make sure this does not happen again in any current or future applications or applicants wanting a permit.

Chairperson Luhr closed the Public Comment.
<https://youtu.be/sNj1M8Q1VPw?t=17m9s>

The Commissioners presented their questions to staff.

MOTION: Commissioner Barron moved to approve PC Resolution 08-19, reflecting Planning Commission decision to uphold an appeal of MIN19-001 for the project at 3300 Panorama. Commissioner Ingraffia seconded.

The Commissioners discuss the motion.

Commissioner Barron amended the motion to add “including removal of asbestos materials”. Commissioner Ingraffia seconded and the motion passed 5-0.

B. PUBLIC HEARINGS

Public testimony given for Public Hearing items will adhere to the rules noted above under the Public Comment Period. In addition, speak about the proposal and not about individuals, focusing testimony on the important parts of the proposal; not repeating points made by others.

B-1 Case No.: CUP19-03, CDP 19-006
Site Location: 495 Atascadero Road, Morro Bay, CA
Proposal: Request for Coastal Development Permit and Conditional Use Permit for after-the-fact approval for a 2-story maintenance building that was constructed under the State of California Department of Housing and Community Development building permit authority in 2014. The project

required City of Morro Bay approval of a Conditional Use Permit and Coastal Development Permit prior to building permit issuance. The building is a 24 ft. by 33 ft. pre-engineered metal building with a height of approximately 22.5 feet located along the easterly property line. The property is in the C-1/C-2/SP zoning district and is not within the appeals jurisdiction of the California Coastal Commission.

CEQA Determination: Categorically Exempt, Section 15303, Class 3e.

Staff Recommendation: Conditionally approve.

Staff Contact: Nancy Hubbard, Contract Planner, (805) 772-6211

<https://youtu.be/sNj1M8Q1VPw?t=42m26s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

Hubbard presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/sNj1M8Q1VPw?t=1h8m20s>

Ruben Morales, RPM Consulting, stated he helped the applicant acquire the permits for the building. Morales also noted he formerly worked for the State of California Housing and Community Development (HCD) for 35 years. Morales stated he followed the requirements requested from the applicant and noted he was told he didn't need anything from the City.

The Commissioners presented their questions to the applicant.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/sNj1M8Q1VPw?t=1h25m3s>

Discussion and comments from the Commissioners and staff.

MOTION: Commissioner Stewart moved to approve PC Resolution 10-19 approving Conditional Use Permit CUP19-03 and Coastal Development Permit CDP19-006 approving the maintenance building at 495 Atascadero Road with the exclusion of Public Works conditions number two (2) and number three (3). Vice-chairperson Lucas seconded, and motion passes 4-1 with Commissioner Barron voting no.

<https://youtu.be/sNj1M8Q1VPw?t=1h38m47s>

B-2 Case No.: SEP19-001

Site Location: 962 Piney Way, Morro Bay, CA

Proposal: Sign Exception Permit approval request to allow two freestanding monument signs where one monument sign is the maximum per MBMC section 17.68.110. The proposed signs are for St. Timothy's Church at 962 Piney Way, which sits on a 100,218 sq. ft. lot that has two different street frontages, with one monument sign proposed at each entrance. The property is zoned R-2 (Duplex Residential) and is located outside the Coastal Commission Appeals Jurisdiction.

CEQA Determination: Categorically Exempt, Section 15311, Class 11(a).

Staff Recommendation: Conditionally approve.

Staff Contact: Willow Urquidi, Assistant Planner, (805) 772-6270

<https://youtu.be/sNj1M8Q1VPw?t=1h40m9s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

Urquidi presented the staff report.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/sNj1M8Q1VPw?t=1h46m22s>

Curtis Bradley, Troop 214 Morro Bay/Los Osos stated he was here on behalf of St. Timothy's Roman Catholic Church. Bradley presented his report for the sign exemption permit.

Reverend Edward Holterhoff thanked the Commission and spoke about the benefits of having the new sign on Piney Way. Holterhoff also asked if the Commission if they could help reduce the cost of the permit.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/sNj1M8Q1VPw?t=1h54m57s>

The Commissioners presented their questions to the applicant and staff.

MOTION: Commissioner Barron moved to grant the sign exception permit SEP19-001, the sign exemption permit approval request to allow two freestanding monument signs where one monument sign is the maximum. Barron recommends forwarding a favorable recommendation for granting a fee waiver to the City Council and adopt PC Resolution 11-19. Vice Chairperson Lucas seconded, and the motion passes 5-0.

<https://youtu.be/sNj1M8Q1VPw?t=2h2m52s>

C. NEW BUSINESS

<https://youtu.be/sNj1M8Q1VPw?t=2h4m43s>

Chairperson Luhr asked staff if there was a way they could adopt an ordinance to fine people who build without a permit. Luhr wanted to know if there could be a discussion on a later date.

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

Commissioner Barron would like to agendize a discussion on Title 24.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENT - NONE

G. ADJOURNMENT

The meeting adjourned at 8:12 p.m. to the next special scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on June 4, 2019 at 6:00 p.m.

Gerald Luhr, Chairperson

ATTEST:

Scot Graham, Secretary

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AGENDA NO: A-7

MEETING DATE: September 10, 2019

Staff Report

TO: Honorable Mayor and City Council

DATE: September 4, 2019

FROM: Heather Goodwin, Deputy City Clerk
Dana Swanson, City Clerk

SUBJECT: Approval of Harbor Advisory Board Member's Request for an Excused Absence

RECOMMENDATION

Staff recommends the City Council consider the request submitted by Harbor Advisory Board (HAB) Member, Ron Reisner, to excuse his absence from the October 3, 2019 Regular Harbor Advisory Board meeting.

ALTERNATIVES

The Council may choose not to excuse Mr. Reisner's absence.

BACKGROUND/DISCUSSION

In November 2016, the Council adopted Resolution No. 74-16 amending the By-Laws for all standing advisory bodies to establish a policy regarding absences. That policy, which is included in the current Advisory Bodies Handbook and By-Laws, states:

"Absence from three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any 12-month period, without the formal consent of the City Council, shall constitute the resignation of such absent member and the position will be declared vacant. Requests for extended excused absences of three consecutive regular meetings or twenty-five (25) percent of the regular meetings must be submitted to the City Council in writing prior to the extended absence to allow sufficient time for review and approval at a regular Council meeting."

Staff received a request from Harbor Advisory Board Member, Ron Reisner, for Council consideration to excuse his absence from the October 3, 2019 regular meeting. Mr. Reisner's attached letter details his reason for the absence which staff accepts as reasonable and warrant Council consideration. Mr. Reisner has one excused and one unexcused absence in the previous 12-month period. Mr. Reisner represents marine-oriented businesses and is requesting this absence be excused so he can present seminars at the International Boatbuilders Exposition in Tampa, Florida.

CONCLUSION

Staff recommends the Council approve Mr. Reisner request for an excused absence from the October 3, 2019 Regular Harbor Advisory Board meeting.

ATTACHMENTS

1. Request for Excused Absence submitted by Mr. Reisner
2. Link to [Advisory Bodies Handbook and By-Laws](#)

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

SEP 02 2019

Dana Swanson

From: Ron Reisner
Sent: Monday, September 02, 2019 2:12 PM
To: Dana Swanson
Cc: Eric Endersby; Mark R. Blackford
Subject: Reisner Excused Absence from October HAB meeting

Administration

Dana, please distribute as you feel appropriate. Thanks, Ron

I will be attending the International Boatbuilders Exposition in Tampa, Florida the first week in October, participating in the event's seminar series as a presenter.

I request an excused absence from the October 3, 2019 HAB meeting.

Thank you,

Ron Reisner



AGENDA NO: C-1

MEETING DATE: September 10, 2019

Staff Report

TO: Honorable Mayor & City Council **DATE:** September 3, 2019

FROM: Rob Livick, PE/PLS – Public Works Director/City Engineer
Eric Casares, PE – Water Reclamation Facility (WRF) Program Manager

SUBJECT: Approval of Amendment to Contract with Water Works Engineers, LLC for Engineering Design Services for the Water Reclamation Facility (WRF) Lift Station and Offsite Pipelines

RECOMMENDATION

Staff recommends the City Council authorize the City Manager to execute the Amendment to Contract with Water Works Engineers, LLC (WWE) for Engineering Design Services for the Water Reclamation Facility (WRF) Lift Station and Offsite Pipelines.

FISCAL IMPACT

The total cost for the WWE Amendment No. 1 is \$691,822. If the amendment is approved, then the total not to exceed amount for the Water Works Engineers agreement will increase from \$1,353,574 to \$2,045,396 for design work on the Conveyance Facilities. The total revised amount is within the planned contingency for the Conveyance Facilities component of the WRF Project included in the \$126 Million baseline budget. Acceptance of Amendment No. 1 would not result in an increase in the WRF Project baseline budget for the following reasons:

- Approximately \$500,000 was budgeted anticipating the changes described above, because many of the changes were identified in late 2018 and included in the revised budget estimates developed and presented to City Council at the end of Quarter 3 Fiscal Year (FY) 18/19 and Quarter 4 FY18/19.
- The latest budget presented for Quarter 4 FY18/19 included \$150,000 for additional potholing.
- Constructing a new pilot groundwater test well was anticipated to be completed as part of the ongoing hydrogeological investigation, and the City is working with Vistra and PG&E to use the existing Morro Bay Mutual Water Company Well #3 for this test.

The City approved \$33,647,976 in expenditures for the WRF Project in FY 19/20; the amendment to the WWE Agreement will not result in an increase in the WRF Project baseline or fiscal year budgets.

BACKGROUND/DISCUSSION

The City and WWE entered into an agreement as of November 15, 2017, for consulting services related to the WRF Lift Station and Offsite Pipelines (i.e., Conveyance Facilities). The original scope of work included design of the following:

- A single lift station with a capacity of 0.5 to 7 million gallons per day (MGD) and a back-up electric generator.
- Approximately 14,500 linear feet (LF) of raw wastewater force main.
- Approximately 14,500 LF of parallel, treated effluent pipeline.

Prepared By: rl/ec

Dept Review: RL

City Manager Approval: _____

City Attorney Review: JWP

- One trenchless crossing of State Highway 1.

The original scope of work included a lift station site evaluation, pipeline routing analysis, development of design criteria, and conceptual design of the recommended lift station and pipelines. An internal working draft of the Conceptual Design Report (CDR) that documents the results of the evaluation and analysis was submitted in November 2018. The lift station and alignment alternatives developed as part of the CDR were presented to WRFCAC on December 17, 2018.

Following the December 2018 WRFCAC meeting, City staff and the Program Manager made a similar presentation to City Council on January 22, 2019. At that meeting, the City Council agreed with staff's recommendation of the West Alignment and Full-Time Pump Station B (PS-B). At City Council's request, the recommendation was brought back at the February 13, 2019, City Council meeting for formal approval of staff's recommendation. The Final Draft CDR was submitted in May 2019, and received by City Council at the June 11, 2019, meeting.

The recommendation from City staff that was approved by City Council was to move forward with the West Alignment and the inclusion of a second pump station that would be used at all times located on City property at Main Street and Highway 1 (i.e., the Full-Time PS-B alternative described in the CDR). The approved project adds the following facilities to the design scope of work, which will require additional effort:

- A second lift station with backup electrical generator.
- Approximately 14,700 LF of additional raw wastewater force main, constructed parallel to the wastewater force main included in the original scope of work.
- Approximately 12,200 LF of indirect potable reuse pipeline, constructed parallel to the parallel raw wastewater force mains (This scope element is removed from the planned future design work for the injection system).
- Approximately 15,200 LF of fiber optic/communications conduit, constructed parallel to the parallel raw wastewater force mains.
- Approximately 1,900 LF of raw wastewater force main from the City's existing Lift Station 2 and connecting to the proposed parallel raw wastewater force mains.
- An additional trenchless crossing of Willow Camp Creek on the bike path near the Vistra and PG&E properties to eliminate the need for an Army Corps of Engineers permit; that could delay the project for up to a year.
- Approximately 3,000 LF of replacement potable water main between La Loma Street and South Bay Boulevard on South Quintana Road (identified as a capital project in OneWater Morro Bay).

In addition to design of the above facilities, WWE will require additional effort for the following:

- Coordination with Caltrans on the additional encroachment permit required to move the pipelines alignments from Lila Keiser Park and into the on ramp from Atascadero Road to Highway 1.
- Acquisition of additional easements along the bike path and adjacent to the roundabout, including additional coordination, surveying, and preparation of legal descriptions.
- Geotechnical borings and investigation activities associated with the additional force main from Lift Station 2 to the proposed parallel wastewater force mains.
- Coordination and delays associated with gaining access to the Vistra property and the property adjacent to the roundabout.
- Supporting the subsurface and aquifer testing work associated with the hydrogeological

investigation.

- Additional buried utility investigation and potholing associated with the pipelines to reduce the potential for construction delays and cost increases that have been added to the scope through the request of the City's program management team.

CONCLUSION

To keep the WRF Project moving toward a successful and timely completion, Staff is recommending the City Council authorize the City Manager to sign Amendment No. 1 to the WWE agreement.

ATTACHMENTS

1. Amendment No. 1 to the agreement with WWE for Engineering Design Services for the Water Reclamation Facility (WRF) Lift Station and Offsite Pipelines.
2. Staff Presentation

CITY OF MORRO BAY

AMENDMENT NO. 1 TO THE AGREEMENT
FOR CONSULTANT SERVICES
BETWEEN THE CITY OF MORRO BAY
AND WATER WORKS ENGINEERS, LLC

This Amendment No. 1 is entered by and between the City of Morro Bay, a municipal corporation ("City") and Water Works Engineers, LLC, an Arizona limited liability company ("Consultant").

RECITALS

WHEREAS, City and Consultant entered into an agreement as of November 15, 2017, for consulting services related to the Water Reclamation Facility (the "Project") Lift Station and Offsite Pipelines, which was approved by the City Council for a not to exceed amount of \$1,353,574 and additional services not to exceed amount of \$135,357.00 (the "Agreement").

WHEREAS, the Parties now agree to amend the Agreement to provide for additional design effort for the Project, which work requires an expansion of the tasks to be provided by Consultant pursuant to the Agreement;

WHEREAS, Consultant has specific knowledge and experience to provide technical oversight needed to accomplish necessary tasks required to meet the City Council's goals for the Project, and

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

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

1. The additional services to be provided by Consultant, pursuant to the Agreement, as hereby amended, shall include Tasks 1, 3, 4, 6, and 7 of the Scope, as set forth in Exhibit A, attached hereto and incorporated herein by this reference (the "Additional Work"). The Additional Work shall be satisfactorily commenced immediately after August 27, 2019, and completed no later than June 30, 2022.

2. The compensation for the Additional Work shall not exceed \$691,822.00 and be paid in accordance with the amounts and hourly rates set forth in Exhibit B, attached hereto and incorporated herein by this reference, and the process established by the Agreement on a time and materials basis. With the amount added for the Additional Work, the total compensation paid pursuant to the Agreement shall not exceed \$2,045,396.00.

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

4. The effective date of this Amendment No. 1 shall be deemed to be August 27, 2019.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 1 to be executed by their duly authorized representatives as of the day first written above.

CITY OF MORRO BAY

CONSULTANT

By: _____
Rob Livick, PE/PLS
Public Works Director

By: 
MICHAEL J. FISHER, PE
PRINCIPAL/MANAGING MEMBER

Attest:

WATER WORKS ENGINEERS, LLC

Dana Swanson, City Clerk

Approved As To Form:

Chris Neumeyer, City Attorney

Exhibit A

SCOPE

CONSULTANT shall provide additional services in the following tasks as further described herein:

Task	Title
1	Project Management
3	Easement Acquisition Support
4	Survey, Geotechnical Investigation, and Potholing
6	Construction Documents and Specifications
7	Permitting Support

Task 1: Project Management

ENGINEER will extend project management and quality control engineering services as described in the original agreement for an additional 10-month extension of the project schedule. The following summarizes the original agreement and current Amendment 1 schedule.

Task	Title	Original Agreement		Amend 1	
		Start	End	Start	End
1	Project Management	11/4/17	12/2/21	11/4/17	4/22/22
2	Site Alternatives Evaluation	11/15/17	3/22/18	11/15/17	9/27/18
3	Easement Acquisition Support	11/16/17	6/19/19	11/16/17	4/3/20
4	Survey, Geotechnical Investigation, & Potholing	11/16/17	9/5/18	11/16/17	12/11/19
5	Concept Design Report	3/22/18	8/30/18	4/17/18	8/30/19
6	Construction Documents and Specifications	6/28/18	6/6/19	12/18/18	4/22/20
7	Permitting Support	12/21/17	6/26/19	11/16/17	3/13/20
8	Engineering and Services during Construction	10/11/19	12/2/21	5/6/20	4/22/22

In addition, ENGINEER will add the following services under this task:

1. Project Communication and Control
 - H. Participate in weekly project status calls with WRF Program Manager. These are assumed to continue through completion of Final Design, ending 4/22/20.

Task 3: Easement Acquisition Support

ENGINEER will provide additional property rights procurement support for the preferred project improvements. For the CLIENT to complete the proposed sewer project permanent easement (PE), temporary construction easement (TCE), and access rights (right of entry, ROE) must be acquired from several separate parcels. Water Works and our survey Subconsultant, Praxis, will assist with additional easement and property rights research; preparation of schematics, maps and descriptions necessary for the City's acquisition agent to complete notice, appraisal, negotiation and easement procurement. In addition to engineering services related to research and development of Easement Acquisition Assessment related to this amendment, the following additional deliverables are included:

1. Preliminary Title Report(s)

Praxis Consolidated International, Inc. will obtain preliminary title reports for the following parcels.

 - i. 065-182-010 (Atascadero Rd – PSA Site Alternative)
 - ii. 066-332-001 (Atascadero Rd – PSA Site Alternative)
 - iii. 066-332-002 (Atascadero Rd – PSA Site Alternative)
 - iv. 066-461-002 (Embarcadero – Pipe Alignment Alternative)
 - v. 066-084-037 (Pacific – Pipe Alignment Alternative)

Task 3 Deliverables:

- ✓ PTRs (scanned electronic copies)

- ✓ Plat and Legal Description (PDF electronic copies of Draft, 1 hard copy of FINAL signed and wet stamped and PDF electronic copy)

Task 4: Survey, Geotechnical Investigation, and Potholing

WWE teaming partners will provide additional field studies in support of preferred alternative.

1. Topographical Survey and Base Mapping for Design – Praxis, will extend topographic mapping, utilizing aerial mapping augmented by ground survey and research, to include “Caltrans” preferred alignment, east and west IPR, LS-2 FM realignment, and Quintana water line replacement. The pipeline reach will include a strip approximately between edges of existing right of way (from property boundary, fence or other inaccessible or immovable feature to similar limit on alternate side) along the proposed route, as well as extension onto private properties where permanent easement procurement is anticipated.
 - A. Aerial Mapping
ENGINEER team will extend processing of aerial mapping to encompass preferred alternative.
 - B. Ground Survey
ENGINEER team will design and execute a control network survey that will serve as the basis of mapping surveys and future construction layout and as-built surveys. ENGINEER team will base mapping on CCS83 Zone 5 grid (NAD83, CSRS Epoch 2017.50) by ties to the CSRN, and NAVD88 by ties to available local benchmarks. In addition, the ENGINEER’s team will aid with integration of WRF and Offsite Pipelines project survey as follows:
 - i. The project horizontal datum will be CCS83 Zone 5, CSRS Epoch 2017.50 (NAD83(2011) 2017.50) based on ties to Continuous GPS stations P523, P525, P067, and USLO.
 - ii. The project vertical datum will be assumed (nominally NAVD88) based on ties to benchmark J693. We found that the published NAVD88 elevation of J693 is about 0.35 feet different than the measured NAVD88 elevation using our survey data. The decision is to intentionally hold the published elevation of J693 to avoid the need to adjust contours and elevations on the WRF site topo.
 - iii. ENGINEER team will locate and survey two points shown on the WRF site topo for the purpose of determining a translation and rotation to be used by the project team to “move” the WRF topo horizontally onto the project horizontal datum.
 - iv. ENGINEER team will provide several (Qty 4) project control stations in the City that are outside of the project area (to avoid disturbance) that will be available to other future surveyors.
 - v. ENGINEER team work approach includes setting additional survey control points (Qty 4) along the entire route, and the position and elevation of all of these control points will be provided as part of deliverables.
 - vi. ENGINEER team will provide a brief survey report to document our work, along with surveyors notes and control listing suitable for insertion into CD’s
 - C. Existing Utility Research and Subsurface Utility Engineering
ENGINEER team will add subsurface utilities researched and identified as part of additional ground survey (paragraph 4.1.B above) and additional pot-holing results (paragraph 4.3 below) to design survey.
 - D. Right of Way Mapping
ENGINEER team will add properties researched as part of this Amendment to Right of Way mapping.
 - E. Biological & Cultural Resource Mapping
ENGINEER will delete Biological and Cultural Mapping from our scope of work.
2. Geotechnical Investigation – Yeh and Associates, Inc will extend their program of data review, field exploration, laboratory testing and engineering analysis and prepare a Preliminary Geotechnical Report and a Geotechnical Report for the design of the preferred alternative. Yeh is providing on-going geotechnical services for the project. The project Preliminary Geotechnical Report was submitted on April 23, 2018. Since that time, certain design components have evolved, as enumerated herein. These components were not part of the original scoping for the project and were addressed in the Preliminary

Geotechnical Report, and thus, necessitate additional geotechnical analysis. A summary of the key changes that impact geotechnical analyses are as follows:

- A portion of the pipeline was shifted away from crossing Lila Keiser Park due to the likely presence of cultural resources that are mapped on that property. The current alignment will encroach into the Caltrans Right-of-Way (ROW) along the southbound on-ramp to Highway 1 from Atascadero Road. Based on previous experience with utility easements within Caltrans ROW, the agency will likely require specific geotechnical assessment near the location of the proposed longitudinal trench that will be excavated along the edge of the traveled way as a part of the utility encroachment permit for the project. Yeh will need to perform subsurface exploration within the Caltrans ROW and procure an encroachment permit to do so.
- The East IPR pipeline is proposed to traverse under Highway 1 and along Highway 41 until it turns to head south and connects to a proposed injection well near the Silver City Mobile Home Park adjacent to Little Morro Creek. This aspect of the project will necessitate additional exploration and an encroachment permit to work within the Caltrans ROW.
- An existing water line will be replaced on Quintana Road between La Loma Avenue and South Bay Boulevard. Other utilities including storm drains, communication lines, and sewer lines will also be relocated.
- The existing sewer force main connection from Lift Station No. 2 on the Embarcadero to the new pipelines will be relocated through property owned by Vistra (Dynegy). Subsurface exploration in this area will necessitate access to this route on private property. We anticipate access will require additional communication and input to the team that will aid in attaining an access agreement to the exploration sites on Yeh's behalf.
- Monitoring well and well maintenance services for GSI Water in support of groundwater injection well feasibility and hydrogeological study.

The following summarizes additional services to complete geotechnical analyses in support of the preferred project alternative.

A. Revised Phase 2 – Design Geotechnical Services

- i. Field exploration for Phase 2 will involve logging borings along the proposed West Alignment per the 30 percent design plans by Water Works Engineers. Borings will be drilled to depths ranging from 20 to 60 feet below the ground surface. Three of these borings will be completed as monitoring wells and monitored using data acquisition devices over a period of 6 months. Yeh will obtain monitoring well permits from San Luis Obispo County Environmental Health for borings deeper than 25 feet. Traffic control will consist of two-way flagging for a lane closure on Quintana Road, a temporary detour at the roundabout at the east leg onto Quintana Road, and signage with traffic cones where necessary. Yeh will procure an encroachment permit from the City of Morro Bay for the work within the City ROW and an encroachment permit from Caltrans for work within their ROW
- ii. The following table provides a description of the exploration locations proposed for Phase 2 and the revised alignment. Where appropriate, we have clarified if separate mobilization and permit lead times are needed to account for coordination with Caltrans, the City and property owners.

Boring No.	Depth	Traffic Control	Comments:
19P-01	60	Cones	At Pump Station A.
19P-02	20	Cones - Signs	Atascadero Road in Shoulder
19P-03	30	<i>Shoulder Closure pending Caltrans Enc. Permit</i>	<i>CT ROW - Separate Mob Caltrans Encroachment Permit</i>
19P-04	60	Cones - Signs	At pipe bridge. Need to back into site with rig along bike path
19P-05	30	Cones-signs	Need to back into site with rig along bike path
19P-06	50	Cones-signs	At Pump Station B. Completed as monitoring well (40 ft. screen, 10 ft. solid)
19P-07	20	Two-way flagging	Quintana road
19P-08	20	Two-way flagging	Quintana road
19P-09	50	Cones-sings	<i>Separate Mob. Access permit needed for drilling in U-Haul location at crossing. Completed as monitoring Well (40 ft. Screen, 10 ft. Solid)</i>

Boring No.	Depth	Traffic Control	Comments:
19P-10	35	Lane Closure/detour at roundabout	In roadway, need closure of roundabout leg.
19P-11	50	Cones-signs	On shoulder of Las Tunas Avenue. Completed as monitoring well (40 ft. screen, 10 ft. solid)
19P-12	20	Cones-signs	In field north of South Bay Boulevard
19P-13	20	Cones-signs	Access permit needed for drilling on Dynegy property
19P-14	20	Cones-signs	Access permit needed for drilling on Dynegy property
19P-15	20	<i>Cones-signs</i>	<i>Separate Mob. Caltrans Enc. Permit</i>
19P-16	20	<i>Cones-signs</i>	<i>Separate Mob. Caltrans Enc. Permit</i>

- iii. As noted in table, some of the borings will require lead time (19P-03, 19P-15, and 19P-16) for procurement of encroachment permitting from Caltrans. Other borings (19P-09, 19P-13 and 19P-14) will require access agreements with private property owners that will need to be obtained and provided prior to access. We have included costs assuming separate mobilization for the borings within Caltrans Right of Way and on private properties so that work on the remainder of the project can be initiated while a Caltrans Encroachment Permit and access agreements with property owners are obtained. Some specific considerations for the required coordination at those locations are provided below.
- a. Highway 1 (19P-03) & IPR Line East Alignment (19P-15 and 19P-16). One 30-foot deep boring is planned within the Caltrans ROW where the proposed pipelines will traverse along the traveled edge of the southbound on-ramp to Highway 41 from Atascadero Road. Two 20-foot deep borings are proposed within the Caltrans ROW along the propose route of the IPR. Yeh will procure a Caltrans Encroachment Permit for this work and traffic control would include a shoulder closure. We anticipate Caltrans can permit borings at both areas under a single encroachment permit. We understand that the area where borings are planned for the IPR line are within an area that could have cultural resources and that if required, cultural resource monitoring of our drilling activities will be provided by others. We have assumed

that mobilization for these three borings will be separate from the other portion of work due to the lead time for a Caltrans Encroachment Permit (which is approximately 6 to 8 weeks with the District Permit Engineer).

- b. Lift Station No. 2 Reconnection (19P-13 and 19P-14). Two 20-foot deep borings are planned within the property owned by Vistra (Dynergy) where an easement will be acquired for the re-routed pipeline. We have assumed that access agreements will be provided by others to Yeh for the two borings planned within this property. The additional time to perform the subsurface investigation, laboratory testing, and reporting is included.
 - c. U-haul Lot (19P-09). One 50-foot deep boring is planned at the west end of the proposed crossing under the roundabout at Morro Bay Boulevard and Quintana Road. The preferred location of the boring is within the parking lot of the existing U-haul yard. We understand that access to this location will require an access agreement with the land owner at this parcel as well as coordination to provide access to the boring location with a truck mounted drill rig and support vehicle.
 - d. Separate mobilizations for work within the Caltrans ROW, Vistra (Dynergy) and U-Haul properties are assumed.
 - iv. Yeh shall provide monitoring well and well maintenance services for GSI Water in support of groundwater injection well feasibility and hydrogeological study, including:
 - a. Drilling and installation of a monitoring well on Errol Street to be performed by S/G Drilling of Lompoc, California.
 - b. Servicing of the well and pump on Errol Street to be performed by Fisher Pump Service of Santa Maria, California.
 - c. Project coordination and management of the Yeh's subcontractors.
 - d. Drilling and installation of a piezometer on Vistra parcel to be performed by S/G Drilling Company of Lompoc, California.
 - e. Oversight and coordination of services to be performed
 - f. ENGINEER and Yeh understands that GSI will be directing the work and that invoicing will be handled through Yeh and Associates. GSI will be responsible for directly coordinating of the subcontractors for this phase of the project.
 - g. The additional fees associated with subcontracting of the monitoring well and well maintenance services will be provided on a time and materials basis according to fee schedule rates at the time of work. ENGINEER and Yeh will not exceed the estimated contract amount without prior authorization of the CLIENT.
3. Potholing – Based on the preferred alignment and existing underground utility research, ENGINEER identified qty 164 locations in City of Morro Bay Right of Way (RPOW) and qty. 10 locations in Caltrans ROW where utility potholing could mitigate utility conflict risk on the project. These locations represent existing utility alignments that, based on field survey and existing utility research, are in close proximity to the preferred offsite pipelines alignment and more precise utility location data could provide sufficient location data to avoid or mitigate conflict. ENGINEER will prepare a map of the proposed locations with each location prioritized based on the following clearance criteria:
- Preferred 4-pipe offsite pipelines 15' wide construction corridor between existing utilities.
 - Distance from gas and/or fiber lines
 - Depth of gravity lines that cross the preferred 4-pipe corridor
 - Pressurized main lines that cross the preferred 4-pipe corridor
 - Pressurized/communication lines that parallel the preferred 4-pipe corridor
 - Gravity lines that parallel the preferred 4-pipe corridor
 - Communications lines that parallel the preferred 4-pipe corridor
- A. ENGINEER will facilitate a meeting with CLIENT to review the locations and prioritization and develop a mutually agreed upon top 100 locations where expenditure of funds to locate utility is consistent with Client's desire to mitigate utility conflict risk on this project.

- B. Water Works utility potholing subconsultant, MGE Underground, will complete vacuum excavation to confirm underground utility location and depth using the prioritization list as the basis for work. Every pothole will be photographed and documented prior to restoration and submitted as part of a close out package. Restoration will include consolidated slurry backfill and the roadway will be paved back to the limits of the pothole with HMA. For budgeting purposes, the following is included
- i. 14 days of vacuum excavation in City of Morro Bay Right of Way where typical production is 4-8 pothole locations per day (qty 96 pot holes total anticipated), including encroachment permit, USA, traffic control plans, traffic control, documentation and surface restoration.
 - ii. One (1) days of vacuum excavation in Caltrans Right of Way where typical production is 3-5 pothole locations per day (qty 4 pot holes total anticipated), including encroachment permit, traffic control plans, USA, traffic control, documentation and surface restoration.
 - iii. Two (2) 8-hr days of Ground Penetrating Radar (GPR) utility locating in City of Morro Bay Right of Way (assume 8-hrs of typical business hours and 8-hours of nighttime work), including encroachment permit, traffic control plans, traffic control, documentation and surface restoration.
 - iv. The potholing services described in the original agreement scope of work are superseded by the services described herein. It is understood that the total fee included for MGE under this Amendment is only additional funds required to provide the services described above. Potholing fee included in the original contract shall be used in addition to that included in the Amendment to provide the Potholing services described herein.
 - v. Unforeseen Conditions including groundwater, rock, hardpan, unmarked and/or unknown utilities, flooding, hazardous materials, unsuitable onsite materials can impact production pothole production rate. ENGINEER will make available to MGE geotechnical project data to characterize soil conditions prior to commencement of work. Any increase in job cost, directly or indirectly, that is due to the unforeseen conditions shall be considered out of scope and ENGINEER/MGE reserves the right to modify total quantity of potholes completed per day and total provided under this scope as a result of these demonstrated conditions.

Task 4 Deliverables:

- ✓ Survey (AutoCAD electronic files incorporated into and delivered with FINAL Design)
- ✓ Geotechnical Report(s) (PDF electronic copies of Draft, 1 hard copy of FINAL signed and wet stamped and PDF electronic copy)
- ✓ Utility Locating Report(s), Field Data Sheets for Potholes and GPR Data Processing Report (PDF electronic copies of Draft and Final)

Task 6: Construction Documents and Specifications

WWE will prepare contract document (improvement plans, technical specifications and cost estimates) for the following additional improvements not included in the original scope of work:

- One 0.5 to 5.8 MGD WW Pump Station (PSA) and one 0.5 to 8.0 MGD WW Pump Station (PSB), rectangular wet well with self-cleaning enhancements, and separate electrical controls building with Radio SCADA communications
- ~12,200-lineal feet of indirect potable reuse pipeline from WRF property line to west IPR injection well location (assumed to be Vistra property)
- ~15,200-lineal feet of fiberoptic / communications conduit from WRF property line to ocean outfall connection structure (assumed to be on Atascadero Rd just west of the existing City WWTP)
- ~1,900-lineal feet of raw wastewater forcemain from LS2 to PSA to B WW FM (assumed to be across existing and new easement on Vistra property)
- Realignment of misc. potable water pressure pipeline(s) to support construction of preferred alignment
- Trenchless crossing of bike path creek

- ~3,000-lineal feet of potable water line from La Loma Street to South Bay Blvd on Quintana Road (assumed to be generally as described in project number PWFF-1nof One Water Morro Bay Potable Water Master Plan)

ENGINEER will complete final design in accordance with the detailed Task 6 scope of work provided in the original agreement. Design will be delivered in three submittals: 60%, 90% and 100% (Final Bid Documents) in accordance with the scope details in the original agreement. The Final Draft Concept Design Report will serve as the foundation for detailed design. Submittal of the 60% and 90% review documents, inclusive of original and amendment improvements, will occur at Project Review Workshops with the project team. The submittal will be presented to City staff to familiarize the group with the information submitted and the design thought process behind the work. Following the Project Review Workshop, City staff will have a 2-week review period to provide any additional comments which were not brought forward in the Project Review Workshop.

ENGINEER will revise and update Technical Specifications provided with the original scope of work as deemed necessary to include required details related to the additional improvements. The following is a summary of additional plan sheet(s) anticipated for the additional improvements.

Civil / Yard Piping (Add Qty. 20-27)

OVERALL PLAN (add 1 for 2nd LS)
DEMOLITION PLAN (add 1 for 2nd LS)
PUMP STATION SITE PLAN (add 1 for 2nd LS)
PUMP STATION SECTIONS (add 1-2 for 2nd LS)
PLAN AND PROFILE (add 8-10 for additional scale granularity to accommodate 4-pipes on single PnP and add 5-8 for water line on separate PnPs)
BORE AND JACK DETAIL (add 1-2 for Creek Crossing)
YARD PIPING (add 1 for 2nd LS)
EMERGENCY STORAGE DETAIL (add 1 for 2nd LS)

Structural / Mechanical (Add Qty. 11-15)

LIFT STATION RENDERING (add 1 for 2nd LS)
LIFT STATION TOP PLAN- STRUCTURAL (add 1 for 2nd LS)
LIFT STATION LOWER PLAN AND SECTION-STRUCTURAL (add 1 for 2nd LS)
LIFT STATION SECTIONS - STRUCTURAL (add 3-5 for 2nd LS)
LIFT STATION TOP PLAN- MECHANICAL (add 1 for 2nd LS)
LIFT STATION LOWER PLAN AND SECTION-MECHANICAL (add 1 for 2nd LS)
LIFT STATION SECTIONS - MECHANICAL (add 3-5 for 2nd LS)

Standard Details (Add Qty 2-3 sheets)

Water Works standard details can be provided within the Plans or Technical Specifications as directed by City. It has been our experience that City Building Department Reviewers prefer that the standard details are included within the Plans, so we have made that assumption for this scope of services. (add 3-4 for water line and fiber conduit)

Task 6 Deliverables shall include:

- ✓ 60% Design Submittal (PDF)
- ✓ 90% Design Submittal (PDF)
- ✓ 100% Design Submittal (PDF)
- ✓ Bid Documents (PDF and source files)
- ✓ Final cost opinion

Electrical/Instrumentation (Add Qty. 15)

PROCESS AND INSTRUMENTATION DIAGRAM (add 1 for 2nd LS)
FLOOR AND ROOF PLAN (add 1 for 2nd LS)
SECTION – ELECTRICAL (add 1 for 2nd LS)
ELEVATIONS – ELECTRICAL (add 1 for 2nd LS)
MASTER / MAIN ONE-LINE AND ELEVATION (add 1 for 2nd LS)
ATS AND DISTRIBUTION ONE-LINE AND ELEVATION ELEMENTARY DIAGRAMS (add 1 for 2nd LS)
CONTROL PANEL ELEVATION AND BACKPANEL LAYOUT (add 1 for 2nd LS)
POWER DISTRIBUTION AND COMMUNICATION BLOCK DIAGRAMS (add 1 for 2nd LS)
CONTROL PANEL ELEVATION AND BACKPANEL LAYOUT (add 1 for 2nd LS)
BACK-UP CONTROLS AND PLC WIRING DIAGRAMS (add 1 for 2nd LS)
ELECTRICAL ROOM, DRY WELL/ WET WELL POWER AND CONTROL PLAN (add 1 for 2nd LS)
DRY WELL/WET WELL LIGHTING AND RECEPTACLE PLAN (add 1 for 2nd LS)
BUILDING LIGHTING AND RECEPTACLE PLAN, TOP DECK ELECTRICAL PLAN (add 1 for 2nd LS)
AREA ELECTRICAL PLAN (add 1 for 2nd LS)
CONDUIT SCHEDULE (add 1 for 2nd LS)

Task 7: Permitting Support

Under the original scope of work, ENGINEER continues to provide support for select permitting efforts related to the WRF Lift Station and Offsite Pipeline Project. Work is completed on an as-needed / on-call basis as directed by the City or the WRF Program Manager (as approved by the City) and billed against a Task 7 allowance. ENGINEER will provide technical information, exhibits and other requested items as part of the Permitting Support allowance budget. At the time of this amendment, approximately \$16,500 of Permitting Allowance remains.

ENGINEER will provide additional permitting support services that have been identified through preliminary design phase research and coordination with agencies and City departments to identify permits that will be required for construction of the project. Those identified that are best completed prior to construction will be completed by our design team. Those requiring information specific to the selected Contractor will be placed within the contract documents as the responsibility of the Contractor and/or a combination of the design team and Contractor. The specifications will call for all necessary information to obtain the permit be provided within the submittal. ENGINEER will complete the following additional services under the Permitting Support Task:

1. ENGINEER complete encroachment permit applications for three locations where preferred alignment enters Caltrans Right of Way.
2. ENGINEER will develop and include in bid documents a Storm Water Pollution Prevention Plan (SWPPP) and assist the City with submittal of Notice of Intent (NOI) to comply with State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity and inclusion of project WDID# in bid documents for use by Contractor to further develop and implement permit requirements based on Contractor selected means and methods.
 - A. The site water pollution control requirements will be defined and utilized to develop a draft Storm Water Pollution Plan (SWPPP), which will be included in the Contract Documents. Final SWPPP implementation and maintenance of site conditions consistent with SWPPP requirements will be placed on the Contractor as part of the Contract Documents.
3. ENGINEER will develop materials, present and facilitate discussion with California Department of Drinking Water (DDW) requesting variance to potable water pipeline separation requirements; and,
4. ENGINEER will assist with Air Pollution Control District Authority to Construct and Permit to Operate (for onsite generators)
 - A. ENGINEER will obtain required equipment data from Contractor to confirm compliance with specifications and upon favorable review, ENGINEER will complete the Generator Authority to Construct and Permit to Operate application package and submit to Air Pollution Control District for approval.

Exhibit B

PROPOSED COMPENSATION

Water Works Engineers proposes to complete the additional services described herein on a Time and Expense basis not to exceed \$691,822 without written consent from CLIENT and invoiced in accordance with our Hourly Billing Rates table below, bringing the total approved project budget to \$2,045,396.

The Original, Amendment 1 and Revised Total Budget for each task will be as follows:

Task	Title	Original	Amend 1	Revised Total
1	Project Management	\$64,090	\$38,195	\$102,285
2	Site Alternatives Evaluation	\$106,236	\$-	\$106,236
3	Easement Acquisition Support	\$34,090	\$22,588	\$56,678
4	Survey, Geotechnical Investigation, and Potholing	\$254,423	\$274,523	\$528,946
5	Concept Design Report	\$159,806	\$-	\$159,806
6	Construction Documents and Specifications	\$506,749	\$320,965	\$827,714
7	Permitting Support	\$45,500	\$35,551	\$81,051
8	Engineering and Services during Construction	\$182,680	\$-	\$182,680
Total		\$1,353,574	\$691,822	\$2,045,396

*A detailed fee basis work plan is provided on the following page for reference.

Classification	Title	Hourly Rate
AA	Administrative	\$96
E1	Staff Engineer	\$119
E2	Associate Engineer	\$146
E3	Project / Structural Engineer	\$165
E4	Senior Project Engineer / Manager	\$191
E5	Principal Engineer	\$221
I1	Field Inspector	\$129
I2	Senior Inspector	\$144
I3	Supervising Inspector	\$160
T1	CADD Tech 1	\$81
T2	CADD Tech 2	\$109
T3	CADD Tech 3	\$133

Notes:

1. A markup of 10% will be applied to all project related Direct Costs and Expenses.
2. An additional premium of 25% will be added to the above rates for Expert Witness and Testimony Services.
3. Rate effective through December 31, 2017. A 3% increase will be added for any services performed in each year thereafter.



City Council
September 10, 2019
Item C-1
Review of Amendment to Contract
with Water Works Engineers, LLC
(WWE)

Recommendations

- Authorize the City Manager to execute the Amendment to Contract with Water Works Engineers, LLC (WWE) for Engineering Design Services for the Water Reclamation Facility (WRF) Lift Station and Offsite Pipelines.

Why is an amendment needed?

- Delays in the project schedule
 - WWE Internal Project management (\$38,195 or 5.5 percent of total amendment)
- Addition of out of scope work

Major additional out of scope work items

- Second lift station
- Redundant forcemain
- Trenchless crossing of Willow Camp Creek
- Quintana water line
- Purified water line to injection wells
- Communication conduit
- New forcemain from LS2
- Additional potholing

Amendment breakdown

Component	Justification	Cost
Second Lift Station	Operational Cost Savings	\$29,000
Redundant Forcemain	Maintenance Flexibility and Operational Costs Savings	\$16,000
Purified Water Line	Eliminated from Future Design Contract	\$225,000
Communications Conduit	Connect to City WAN and SCADA	\$46,000
Forcemain from LS2	Reduction in Operational Costs	\$31,000
Trenchless Crossing of Willow Camp Creek	Avoidance of impacts to wetlands (Waters of the U.S.)	\$47,000
New Quintana Water Line	Fire flow requirements for new WRF	\$94,000
Additional Permitting Support	Addressing NEPA issues for WIFIA and SRF Funding	\$38,000
Vistra Coordination	Procure Site Access	\$14,000
Hydrogeological Support	Support for GSI Groundwater Injection Analysis	\$46,000
Additional Potholing	Reduction in construction claims/change orders during construction	\$106,000
Total		\$692,000

Budget impacts

- Amendment value is in line with the estimates used in the re-baselined FY 19/20 budget
 - WWE Amendment - \$500,000
 - Additional potholing - \$150,000
 - Pilot well construction - \$150,000

Recommendations

- Authorize the City Manager to execute the Amendment to Contract with Water Works Engineers, LLC (WWE) for Engineering Design Services for the Water Reclamation Facility (WRF) Lift Station and Offsite Pipelines.



Questions





AGENDA NO: C-2

MEETING DATE: September 10, 2019

Staff Report

TO: Honorable Mayor & City Council **DATE:** September 5, 2019

FROM: Rob Livick, PE/PLS – Public Works Director/City Engineer
Eric Casares, PE – Water Reclamation Facility (WRF) Program Manager

SUBJECT: Receive and File the Addendum to the Certified Approved Final Environmental Impact Report for the WRF Project (FEIR)

RECOMMENDATION

Staff recommends the City Council receive and file the Addendum for the FEIR.

FISCAL IMPACT

All the elements addressed in the FEIR Addendum have been incorporated into the re-baselined project budget.

BACKGROUND/DISCUSSION

In August 2018, the City certified the FEIR. Following certification of the FEIR, minor modifications to the WRF Project were identified to avoid impacts to sensitive resources, improve reliability, or reduce the financial impacts to the City’s ratepayers. Those modifications include:

- Modifications to the northern portion of the Conveyance Facilities pipeline alignment including realignment of the pipelines around Lila Keiser Park to avoid known, sensitive cultural resource sites, realignment of the indirect potable reuse (IPR) pipeline west of Highway 1, and realignment of the IPR pipeline to the east injection area along Highway 41; and
- Modifications to the southern portion of the Conveyance Facilities pipeline alignment including realignment of the pipelines from the WRF in South Bay Boulevard to avoid a trenchless crossing of Highway 1 and reduce the costs for the Project; and
- Addition of a second lift station (PS-B) near the corner of Main Street and Highway 1 to reduce Project costs, minimize the size of the facilities located in the area of coastal hazards, and improve the operation of the collection system; and
- Addition of construction laydown areas for storage of materials and equipment; and
- Modifications to the existing ocean outfall including removal of accumulated sediment during the nearly 40 years of operation and modifications to the diffusers to prevent sediment build-up in the future.

In accordance with the California Environmental Quality Act (CEQA), the City executed an amendment with Environmental Science Associates (ESA) to evaluate the impacts of those changes to the WRF Project. To support the additional environmental analysis, the City executed an additional amendment with ESA to develop a historical architectural resources assessment and a supplementary biological assessment prepared by Kevin Merk Associates (as a subconsultant to Carollo). Depending on the nature of the impacts, either an addendum to the previous approved EIR, a subsequent EIR, or supplemental EIR for the Project would be required.

Prepared By: rl/ec

Dept Review: RL

City Manager Approval: _____

City Attorney Review: JWP

Under CEQA, the City must prepare an addendum to the FEIR if some changes or additions to the WRF Project are necessary to the FEIR, but none of the conditions calling for preparation of a subsequent or supplemental environmental report have occurred. Once the FEIR has been certified, a subsequent environmental report is only required when the City determines one of the following conditions has been met:

- Substantial changes are proposed in the WRF project, or substantial changes occur with respect to the circumstances under which the WRF project is undertaken, which require major revisions of the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified as complete, shows any of the following:
 - The WRF Project will have one or more significant effects not discussed in the previous EIR;
 - Significant effects previously examined will be substantially more severe than shown in the FEIR;
 - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - Mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If one or more of the conditions described above for a subsequent environmental report exist, but only minor additions or changes would be necessary to make the FEIR adequately apply to the WRF project in the changed situation, then the City Council may prepare a supplement to the FEIR, rather than a subsequent environmental report.

The subject addendum includes an environmental analysis for the following ten environmental categories:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils and Seismicity
- Greenhouse Gas and Energy
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise and Vibration
- Traffic and Transportation

Based on that environmental analysis, it was determined the proposed modifications would result in minor changes but would not exceed thresholds identified in the FEIR. The analysis provided in the FEIR for all the other environmental topics would not change due to the proposed modifications. Those topics include land use, environmental justice, public services, and utilities. The proposed modifications would not conflict with zoning or disproportionately affect the health or environment of a minority or low-income populations. Further, the minor alignment changes would not alter the analysis or conclusions in the FEIR for public service or utilities.

As a result of those findings, the City, acting as the lead agency, has determined the proposed modifications would not change the impact conclusions of the FEIR. The proposed modifications would still meet the same project objectives determined in the Final EIR. No new potentially significant impacts would occur, and the proposed modifications would not increase the severity of previously identified impacts analyzed in the FEIR. The proposed modifications to the previously approved WRF Project do not meet any of the conditions that would require the preparation of a subsequent or supplemental environmental report or negative declaration set forth in the CEQA Guidelines.

Therefore, an addendum is the appropriate environmental documentation for the proposed modifications and fully complies with CEQA.

Per CEQA, an addendum does not need to be circulated for public review, but rather can be attached to the FEIR. However, in June 2018, the WRF Project was placed on the fundable list in the FY 19/20 Clean Water State Revolving Fund (CWSRF) Intended Use Plan. The City is, therefore, pursuing low-interest loans and grants from the State Water Resources Control Board (State Board). Per discussions with State Board staff, they require that any environmental analysis for a project being funded by CWSRF, even an addendum, must be circulated for public review for two weeks with the State Clearinghouse and locally with the County of San Luis Obispo Clerk. On August 14, 2019, the FEIR Addendum was received by the County Clerk and State Clearinghouse. The FEIR Addendum was also placed on the WRF website on August 28, 2019.

CONCLUSION

Based on Council's previous direction to place matters related to the FEIR on the Council agenda, even if no Council action is required, the subject Addendum is provided for Council receipt and filing. The items addressed in the FEIR Addendum are already part of the record and have been reviewed by the City Council as part of the agenda materials for the previous approval of the changes to the Conveyance Facilities, i.e. thirty-percent plan submittals, and related matters. Furthermore, all these items addressed in the FEIR Addendum were included in the project description for the recently approved Coastal Development Permit.

ATTACHMENTS

1. Link: [Addendum to FEIR](#)
2. Staff Presentation

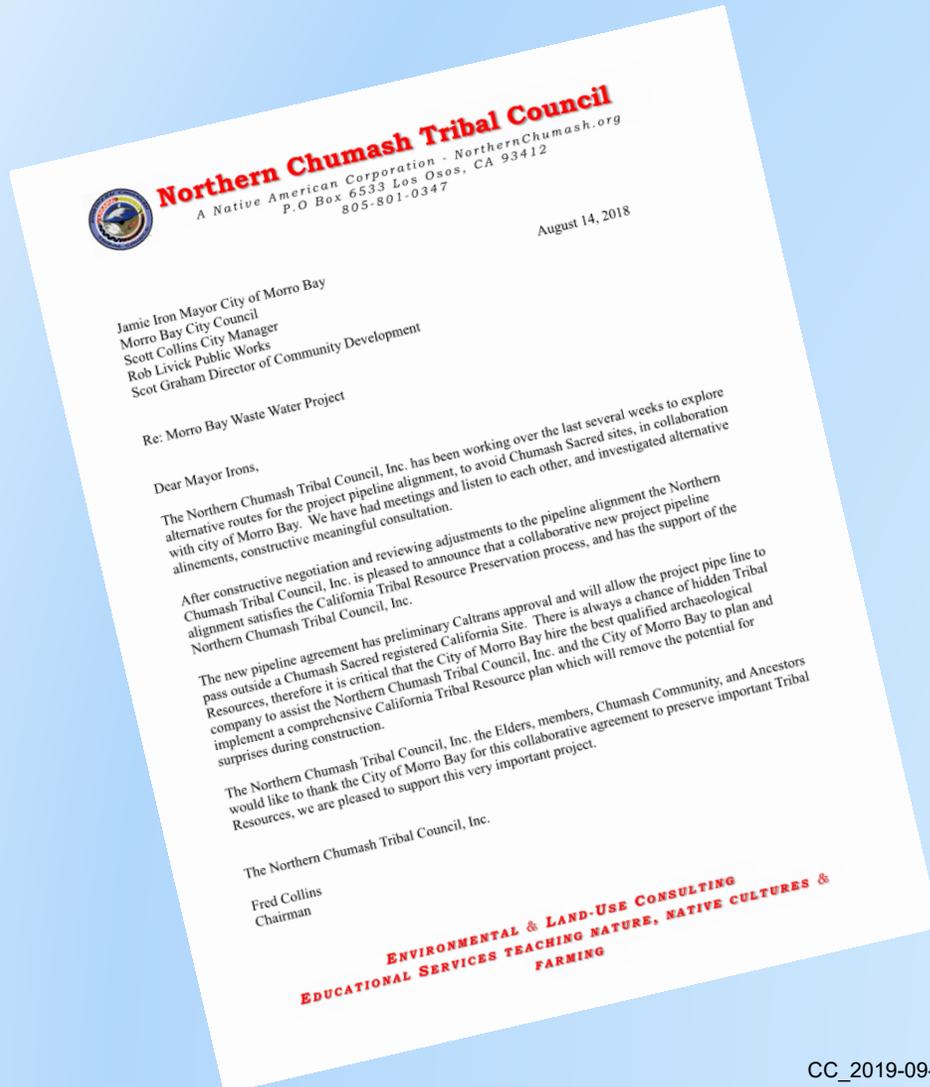


City Council
September 10, 2019
Item C-2
Receive and File the Addendum to the
Certified Approved Final
Environmental Impact Report for the
WRF Project (FEIR)

Recommendations

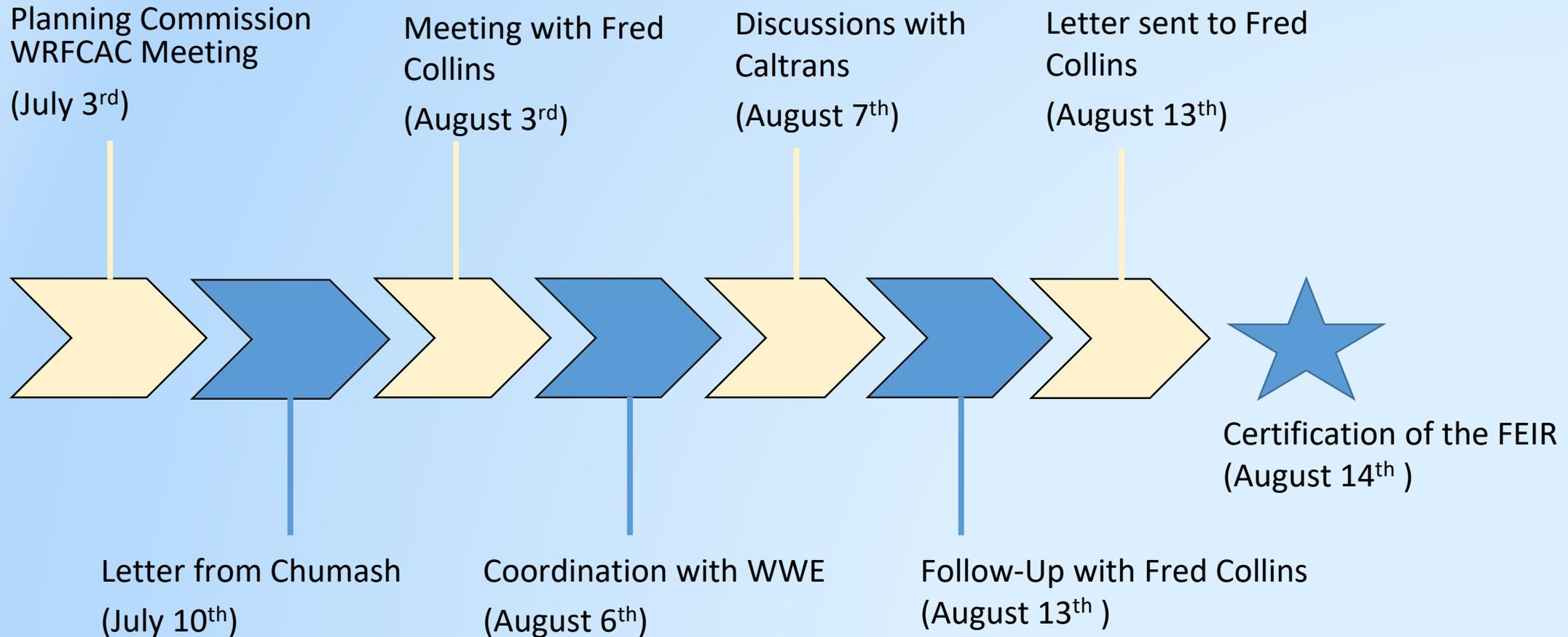
- Receive and file the Addendum for the FEIR

Why additional environmental analysis?



- Letter received voicing concerns over pipeline alignment in Lila Keiser Park

Why additional environmental analysis?



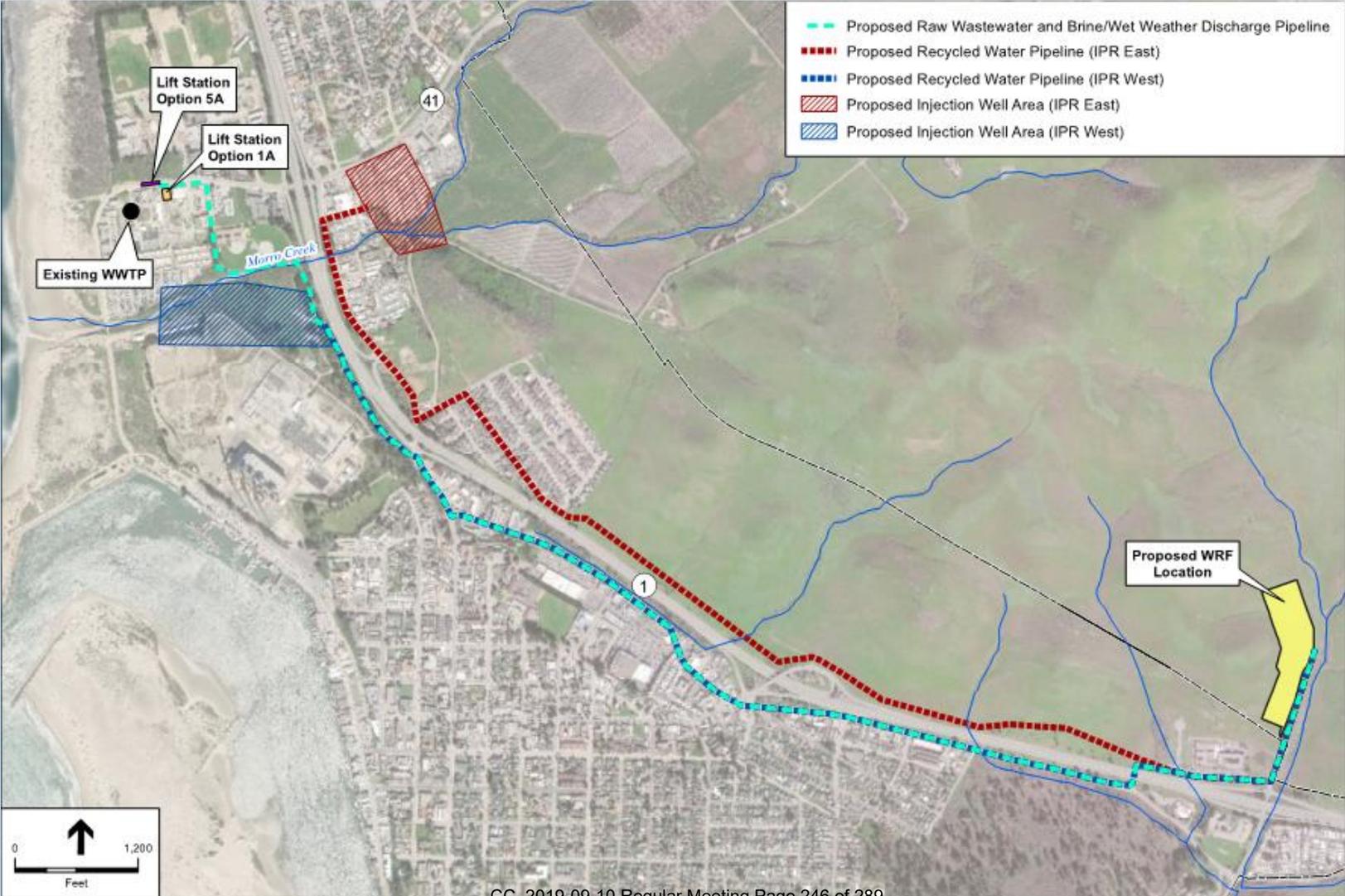
Why changes to the Project?

- Protect cultural resources
- Improve operation of the City's wastewater system
- Reduce costs
- Allow flexibility during construction

What changes have been made?

- North pipeline alignment changes near Lila Keiser Park
- Southern pipeline alignment changes near the WRF site
- Addition of a second lift station
- Addition of multiple construction laydown areas
- Modifications to the jointly-owned outfall

FEIR project description



Current project



Why were these changes made?

Component	Justification
Northern pipeline alignment changes	<ul style="list-style-type: none"> • Protect cultural resources • Construction flexibility • Cost savings
Southern pipeline alignment changes	<ul style="list-style-type: none"> • Cost savings
Second lift station	<ul style="list-style-type: none"> • Cost savings • Improved operations
Multiple construction laydown areas	<ul style="list-style-type: none"> • Construction flexibility
Outfall rehabilitation	<ul style="list-style-type: none"> • Improved operations

Environmental analysis components

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils and Seismicity
- Greenhouse Gas and Energy
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise and Vibration
- Traffic and Transportation

Additional environmental analysis

Subsequent EIR

Must be circulated for public review

*Substantial changes
New substantial information*



Supplement EIR

Must be circulated for public review

*Substantial changes
New substantial information
...but only minor modifications*



Addendum

Not circulated

Findings

As discussed above in this Addendum, the proposed modifications would not change the impact conclusions of the Final EIR. The proposed modifications would still meet the same project objectives determined in the Final EIR. As analyzed above, no new potentially significant impacts would occur, and the proposed modifications would not increase the severity of previously identified impacts analyzed in the Final EIR. The proposed modifications to the previously approved project do not meet any of the conditions that would require the preparation of a subsequent EIR or negative declaration set forth in Section 15162 of the *CEQA Guidelines* or any of the conditions set forth in Section 15163 of the *CEQA Guidelines*.

Why was the addendum circulated?

- Requirement for projects that could receive SRF funding
 - Minimum 2 weeks
 - State Clearinghouse
 - County clerk





Questions



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AGENDA NO: C-3

MEETING DATE: September 10, 2019

Staff Report

TO: Honorable Mayor and City Council **DATE:** September 5, 2019
FROM: Scott Collins, City Manager
SUBJECT: 2019 and 2020 City Goals and Action Items Status Update and Consideration of Short-Term Vacation Rental Policy Development Process

RECOMMENDATION

It is recommended that City Council:

- 1) Receive the status update from the City Manager regarding the 2019 and 2020 City Council Goals and action items;
- 2) Add, to the tasks of the Council policy review sub-committee, consideration of developing a policy to require removal/delay of a Council approved action item from the City Council Goals prior to adding a new action item; and
- 3) Provide direction to staff regarding the Short-Term Vacation Rental (STR) policy development and community engagement process.

ALTERNATIVES

None.

FISCAL IMPACT

There will likely be a fiscal impact related to moving forward with a STR policy development and outreach process at this time. However, those costs are dependent upon the direction provided by City Council and could range from \$15,000 to \$25,000 in facilitation and policy development related services. The precise costs would be brought back to City Council as part of the FY 2019/20 Mid-Year Budget process for appropriation.

BACKGROUND

The City goals and related action items for 2019 and 2020 were formally approved by City Council in May 2019. The City's four major goals are as follows:

- 1) Achieve Economic and Fiscal Sustainability
- 2) Improve Infrastructure and Public Spaces
- 3) Complete Updates to the City's Significant Land Use Plans and Address Affordable Housing Issues
- 4) Improve Communication and Engagement with the Community

Each of the goals has several corresponding action items which, if implemented, would help bring the Council goals into reality. In establishing the 2019 and 2020 Goals, City Council was particularly interested in establishing an achievable work plan and stated the Council Members' desire to receive regular updates as to the status of the action items. The attached spreadsheet serves as a template to review progress toward each of the Council goals and action items. For

Prepared By: SC

City Manager Review: SC

City Attorney Review: CFN

each action item, there are columns for proposed return dates to Council for further consideration/action and status updates. Council approved a total of 26 action items for 2019 and 2020. City Council Members also expressed support for a commitment to not adding new goals/action items after the goals have been adopted, without first removing or delaying an already approved goal/action item (though no formal policy was adopted at the time the goals/action items were approved).

City staff committed to providing quarterly updates to City Council regarding progress on the goals and action items. This report serves as the first update to Council on the 2019 – 2020 goals.

Update on 2019 and 2020 Goals and Action Items

The City has made progress on several action items. The attached spreadsheet demonstrates completed action items (highlighted in green), items with significant progress completed (yellow highlighted items), and other items that may have some work completed and will be addressed either in the latter part of the calendar year or into 2020 (no highlight).

The following 2019 and 2020 action items have been completed:

- *“Bring forward a comprehensive set of revenue enhancement options for City Council consideration.”* City Council reviewed a set of options and directed staff in August 2019 to move forward with opinion research and outreach to the community on a potential revenue enhancement measure.
- *“In support of achieving economic development goals and limiting City costs in that pursuit, contract with an outside agency to fulfill economic development Ombudsmen duties on behalf of the City.”* City Council approved a contract with the Chamber of Commerce to provide these services to the City in FY2019/20 through the annual budget process.
- *“Review opportunity to include vacation rentals and recreational vehicle parks into Tourism Business Improvement District (TBID).”* City Council reviewed options in August 2019 and directed staff to move forward with bringing vacation rentals into the TBID by early 2020.

Significant progress has been made on the following 2019 and 2020 action items:

- *“Complete and implement the fee study and cost allocation plan.”* This item is coming back to City Council in September/October 2019 for review and consideration of adoption.
- *“Establish Waterfront Lease site policies and implementation plan.”* This item will be coming back to City Council toward the end of 2019.
- *“Complete a detailed review of the CalPERS pension liability, other post-employment benefits and health liability and determine specific actions to minimize financial impact to the City.”* City Council provided direction for a refined analysis on PERS liability paydown for certain tiers. That will come back to City Council by the end of 2019.
- *“WRF Implementation, which includes completing design of the facility, pipeline conveyance and injection system, permitting the project, securing financing for entire project and beginning construction.”* City Council will review the Final Environmental Impact Report addendum in September and consider purchase agreements for the facility property in September/October 2019. The WIFIA loan agreement will go to the municipal corporation for review in October 2019. Anticipated construction in October.
- *“Include local labor on major City capital improvement projects (CIP), with the WRF being the initial project.”* City Council directed staff to include local hire provisions into the

conveyance and injection wells systems construction contracts. Staff will bring back pertinent documents for Council review prior to seeking bids in 2020.

- *“Complete the General Plan/Local Coastal Plan rewrite.”* Staff is working closely with the Coastal Commission staff to complete their review of the GP/LCP. Staff will bring this back to the Planning Commission and then Council as soon as that review is complete. Anticipate that will occur prior to the end of 2019.
- *“Complete the zoning code update.”* Staff is working closely with the Coastal Commission staff to complete their review of the GP/LCP. Staff will bring this back to the Planning Commission and then Council as soon as that review is complete. Depending upon Coastal review, it may come back Anticipate that will occur prior to the end of 2019.
- *“Revise the partnership policy, and related policies, in conjunction with the fee study update.”* This will be brought back to City Council alongside the fee study discussion in September/October 2019.
- *“Work with San Luis Obispo County and cities therein on a regional partnership and solutions to housing issues.”* City staff will present updates on housing related issues to City Council in October 2019.

And many other action items have had some work completed. The following is quick snapshot of those items.

- Market Street Plaza redevelopment.
- Continued work with federal agencies and elected representatives on offshore wind development.
- Continued work with the Central Coast Aquarium and Cal Poly in locating new aquarium in Morro Bay.
- Consideration of adult use cannabis retailing in Morro Bay.
- Review and make improvements to the development review permit process.
- Outreach on opportunity sites in Morro Bay.
- Assist in development of a business incubator/co-working space in Morro Bay.
- Parking management plan.
- Pursue grants for Boatyard feasibility study.
- Bring hi-speed internet to Morro Bay.
- Implementation of capital improvement projects, in particular the OneWater projects approved for funding in FY2019/20.
- Coordination with non-profits and community groups.
- Pursue grant funding for an emergency warming shelter in Morro Bay.
- Revise the short-term vacation rental policy.

Short-Term Vacation Rental Policy Development

At its August 27, 2019, Council meeting, City Council requested a report on progress toward reviewing and revising the short-term vacation rental (STR) regulations. There have been many recent requests for information from community members on that issue. Council further requested for staff to provide a timeline and identify necessary resources required to accomplish that revision on an accelerated timetable given community concern about the perceived proliferation of the number of vacation rentals and impacts to neighborhoods and questions from existing vacation rental owners and those interested in operating them in the future. Below follows a summary on the actions taken since 2016 on STRs and plans to move it forward in the overall priorities for the

City.

The City adopted Urgency Ordinances 604 and 605 in the summer of 2016 putting in place a 24-month moratorium on the issuance of vacation rental licenses in excess of 250. The moratorium was put in place to allow staff the time to draft an updated Short Term Rental (STR) ordinance as part of the ongoing General Plan/Local Coastal Program update. In spring of 2018 it became clear that the City would not have the GP/LCP update completed within the 24-month moratorium and the City Council adopted Ordinance 613 permanently implementing the 250 cap on STR licenses in the City's residential zones.

The General Plan Advisory Committee and Planning Commission continued to work on the GP/LCP update including an updated STR policy, the most recent version of which is dated May 15, 2018. The May 15, 2018, STR draft ordinance reflects changes/updates from previous Planning Commission (PC) input. Significant changes added by the PC include: differentiation between hosted and non-hosted STR's, requirement for a 250-foot buffer between non-hosted STR's, limitation of tenancies to two per month and limitation on number of tenants to two persons per bedroom for non-hosted STR's. That round of PC changes to the STR ordinance generated a significant amount of public input, both in support of more stringent regulations and from those that desired a more flexible approach to the ordinance.

During that timeframe the City Council also formed an STR outreach subcommittee, comprised of then Council Members McPherson and Heading to conduct outreach on STR policy. The subcommittee sponsored a STR forum facilitated by then Council Member Heading at the Community Center, on June 21, 2018. Subsequent to the June 21, 2018, Forum, the STR subcommittee met on August 16, 2018 and reviewed the input provided at the STR forum, resulting in a draft list of suggested modifications to the STR ordinance. Work on the STR was sidelined in order to focus City and Coastal Commission staff resources on completing the General Plan/Local Coastal Program. The plan was to pick up the STR discussion following completion of the GP/LCP. Unfortunately, the Coastal review process has taken much longer than originally anticipated.

In the intervening months between when the Council STR subcommittee last met and today, several jurisdictions in the County have updated STR ordinances, including the County and the cities of Pismo Beach, Grover Beach and Paso Robles. The STR ordinance for Pismo Beach was recently adopted and has gone through the Coastal Commission certification process and, as part of that process, was identified by the Coastal Commission as a good model to follow. Pismo Beach's ordinance does not include caps or buffer distances between STR's, which raises questions related to our ability to receive certification for an ordinance that contains these limitations.

Moving forward it is recommended the City reengage with the public to review the current draft, review insights gained by the STR subcommittee on outreach efforts to this point, and potentially form a STR blue ribbon community committee to assist in updating the draft ordinance. Staff has limited capacity to take on this effort, given the ongoing GP/LCP/Zoning Code update work and other major items. Therefore, it is recommended the City engage the services of Lisa Wise Consulting (LWC) to facilitate public outreach, coordinate efforts of the blue ribbon committee (if a committee is preferred by Council) and to help draft an updated STR ordinance. LWC, through Martha Miller, is currently a subconsultant on the Zoning Code update and, therefore, is quite familiar with where the City's efforts stand with regard to STR's. Depending upon the services required of LWC, the costs could range from \$15,000 to \$25,000. The City's current contract with

LCW would be amended to add the additional services at a not-to-exceed compensation. The City Manager has budget authority to approve that amendment if so directed. Staff anticipates the work could conclude within 3-4 months (preferably prior to year's end). Any ordinance revisions would first need to go to Planning Commission for review and then on to City Council.

Council Policy on Adding Action Items in the Middle of a Goal Cycle

The above discussion is illustrative of the challenge faced by the City in managing several important priorities simultaneously. Community Development Planning staff and others are challenged with addressing numerous action items over the next two years. That will require developing realistic timelines on those Council approved items, and organizational discipline in terms of not adding more items. Thus, moving forward, staff recommends a policy be instituted that would require any added goal or action item have a corresponding reduction of an already approved Council goal and related action item(s). That will allow staff and Council to properly balance approved works plans with changing dynamics in the community that may necessitate a change in the work plan. The Council sub-committee reviewing City Council and Advisory Body policies could be charged with reviewing that proposed policy.

ATTACHMENT

1. 2019 - 2020 City Council Goals and Objectives Spreadsheet
2. Staff Presentation

City Council Goals and Action Items for 2019 and 2020

These are the City Council Goals and priority action items for 2019 and 2020, constituting the main work plan for the City.

Goal #1: Achieve Financial Sustainability and Economic Sustainability					
Item #	Action Items	Departments Involved	Lead Department	Anticipated Council Date/Completion	Current Status
1)	Complete and implement the fee study and cost allocation plan.	All	Finance	City Council to consider the fee study and community input in Sept/October 2019.	Council reviewed initial draft in July 2019. Staff is conducting outreach to impacted user groups.
2)	Review option to revise cannabis ordinance to allow for adult-use (recreational) cannabis retailing in Morro Bay.	City Manager, Police, Fire and Finance	Planning, City Attorney	City Council to review after initial cannabis retailers are in operation (likely sometime in Fall/Winter 2019).	No work done on this to date. Need to first complete permitting process for medical cannabis retailers prior to initiating policy development.
3)	Redevelop the Market Street Plaza lot for visitor serving accommodations, with significant community benefit to include public improvements to the Centennial Plaza.	City Attorney, Finance	Planning, City Manager	City Council will review proposals and select a potential partner for the project sometime in the Fall of 2019.	Concepts have been developed by three interested firms. Review process underway.
4)	Review and make improvements, where feasible, to the permit process.	City Manager, Public Works, Fire, Harbor	Chamber, Planning	City Council to receive updates on progress, and may consider policy changes depending upon recommendations that come forward.	No work done on this to date. Next step is to convene working group to review current efforts and issues.
5)	Bring forward a comprehensive set of revenue enhancement options for City Council consideration.	All	City Manager, Finance	Will return to City Council following completion of opinion research, likely in Winter 2019.	City Council directed staff to pursue community opinion research in August, and established a Council sub-committee
6)	Conduct outreach on the current opportunity sites within Morro Bay, including, but not limited to the decommissioned power plant.	Planning, City Manager, Harbor, Tourism	Chamber	Staff will provide updates to City Council.	On-going effort by the City and Chamber.
7)	In support of achieving economic development goals and limiting City costs in that pursuit, contract with an outside agency to fulfill economic development Ombudsmen duties on behalf of the City.	Planning, Tourism, Harbor	City Manager	City Council to receive quarterly updates from the Chamber.	City Council approved contract with Chamber to provide this service to the City.
8)	Continue to pursue locating a new aquarium in the water front area, in partnership with Cal Poly and Central Coast Aquarium.	City Manager, Planning, Tourism	Harbor	Council to review progress on a quarterly basis through March 2020.	Staff and City Council sub-committee holding on-going meetings with Central Coast Aquarium.
9)	Establish Waterfront Lease site policies and implementation plan.	Harbor, Planning, City Manager, Finance	Harbor	Item will come to City Council in Winter 2019.	Ad hoc committee work on lease management policy updates continues. Group is developing draft policies.
10)	Continue to pursue offshore windfarm development, with a short-term focus on ensuring the Federal Government approves a windfarm lease site near Morro Bay.	City Manager, Planning, City Attorney	Harbor	Staff will provide updates to City Council.	City Council approved Community Benefits Agreement with Castle Wind in 2018. Staff and Council sub-committee working with State and Federal representatives.
11)	Review opportunity to include vacation rentals and recreational vehicle parks into Tourism Business Improvement District (TBID).	City Manager	Tourism	City Council to review related resolutions/ordinances in September/October 2019.	Following community outreach and TBID Board review, City Council directed staff to move forward with including Vacation Rentals into the the TBID by early 2020.
12)	Facilitate coordination and development of a business incubator/co-working space in Morro Bay.	City Manager, Planning	Ombudsmen	Staff will provide updates to City Council.	Chamber and staff will begin work by 2020 on helping to identify options for business incubation/co-worker space.

City Council Goals and Action Items for 2019 and 2020

13)	Complete a detailed review of the CalPERS pension liability, other post employment benefits and health liability and determine specific actions to minimize financial impact to the City.	Finance	City Manager	Staff will bring back options to City Council in late 2019.	Council reviewed detailed report in August 2019 and directed staff to bring back refined analysis for liability paydown options.
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Goal #2: Improve Public Infrastructure

Item #	Action Items	Departments Involved	Lead Department	Anticipated Council date/Completion	Current Status
1)	WRF Implementation, which includes completing design of the facility, pipeline conveyance and injection system, permitting the project, securing financing for entire project and beginning construction.	Public Works, Planning, City Attorney	WRF Program Manager, City Manager	Next steps for Council: review EIR Addendum, loan agreement, property purchase agreement, issuance of notice to proceed on construction (September/October 2019).	Coastal Development Permit approved by Coastal Comm in July 2019, 60% design on WRF Facility complete, nearing completion of pipeline conveyance 60% design, secured recommendation for State Revolving Fund low-interest loan and grant, working through process to purchase property for WRF facility and complete loan agreement with EPA for the WIFIA Loan and the State Water Board for the SRF Loan/Grant.
2)	Include local labor on major City capital improvement projects (CIP), with the WRF being the initial project.	City Attorney, Public Works, Finance	WRF Program Manager, City Manager	City Council will review bidding documents in 2020.	City Council directed staff to include local hire provisions in contracts for conveyance and injection well system components of the WRF project.
3)	Complete and bring to Council a Parking Management Plan to address parking issues in the downtown and water front areas.	City Manager, Finance, Harbor	Planning, Public Works	City Council to review options and provide initial direction in 2020.	Some analysis complete on paid parking and general options developed.
4)	Harbor Advisory Board to pursue grants for an RFP for marine services facility (boatyard) feasibility study and bring forward information to City Council for next steps.	City Manager	Harbor	City Council to review options sometime in 2020.	Staff reviewing options for feasibility study (no responses to RFP in 2018), and looking at funding opportunities.
5)	Pursue a public-private partnership to increase business and residential access to hi-speed internet in Morro Bay.	All	City Manager	City Council to review options in late 2019/early 2020.	Staff reviewing options.
6)	Implement approved Capital Improvement Projects, including OneWater Projects.	Public Works, City Manager	Harbor	City Council to receive update by late 2019.	Staff is developing plans to complete pre-design and environmental work on 2 waste water and 1 water capital project.

Goal #3: Improve Communication and Community Engagment

Item #	Action Items	Departments Involved	Lead Department	Anticipated Council date/Completion	Current Status
1)	Work to develop stronger coordination, and processes, with community groups in support of advancing mutually beneficial initiatives and goals.	All	City Manager	Staff to provide updates to City Council. If policy changes are warranted, staff will bring those forward to Council.	Will be an on-going effort. Next step includes outreach to volunteer groups in Morro Bay.
2)	Revise the partnership policy, and related policies, in conjunction with the fee study update.	Finance	City Manager, Recreation, Tourism	Fee study and draft policies to be presented to Council in September/October 2019.	Council reviewed Fee study draft compelte and directed staff to engage with stakeholders. Research on best practices is on-going. Next steps include bringing the fee study to Council and conducting outreach to stakeholder groups.

City Council Goals and Action Items for 2019 and 2020

Goal #4: Complete Updates to the City Major Land Use Plans and Address Affordable Housing Issues					
Item #	Action Items	Departments Involved	Lead Department	Anticipated Council date/Completion	Current Status
1)	Complete the General Plan/Local Coastal Plan rewrite.	City Manager	Planning	Staff likely to bring draft plans to Planning Commission and Council for formal consideration in late 2019 (contigent upon Coastal staff completion of review).	Coastal Commission staff is reviewing an administrative draft of the document.
2)	Complete the Zoning Code update.	City Manager, Pubilc Works	Planning	Staff will likely bring proposed zoning code update to Planning Commission and City Council in early 2020 (contigent upcon Coastal staff completion of review).	Coastal Commission staff is reviewing an administrative draft of the document.
3)	Revise the vacation rental policy.	City Manager, Finance, Public Works, City Attorney	Planning	Council to receive update and review options to move this item up in priorities in September 2019.	On hold until GP, LCP and Zoning Code updates complete. Engaging with vacation rental policy compliance firms, and plan to initiate that in Summer 2019.
4)	Work with San Luis Obispo County and cities therein on a regional partnership and solutions to housing issues.	Planning, Public Works, Finance	City Manager	Staff will provide update to City Council in October 2019.	Staff coordinating with County of SLO staff on housing and infrastructure date. Staff also will initiate update to Housing Element, which provides opportunity to coordinate regionally.
5)	Pursue grant funding to develop an emergency warming shelter in Morro Bay.	Public Works, Recreation, Finance	City Manager	Staff will provide updates to City Council on future funding opportunities.	City did not receive State funding (HEAP Grant). Coordinating with County on future funding opportunities.

City Goals Update and Vacation Rental Policy Development Process

Scott Collins
City Manager

September 10, 2019

AGENDA

- **Update on City Goals and Action Items**
- **Update on Short-term Vacation Rental Policy revision**
- **Policy for adding new Action Items to the City Goals**

Council Goals

- **Achieve Economic and Fiscal Sustainability**
- **Improve Infrastructure and Public Spaces**
- **Complete Update of Significant City Land Use Plans and Address Affordable Housing Issues**
- **Improve Communication and Community Engagement**

Goals Process

- **Goals and action items approved in May 2019, for remainder of 2019 and all of 2020**
 - **Fiscal and Economic Sustainability Council's top priority**
- **26 action items**
- **Staff committed to providing quarterly updates on progress to Council**

Completed Action Items

Action Item	Council Action
Revenue Enhancement Option Review	Approved opinion research and community engagement process
Ombudsmen service contract with Chamber	Approved in June 2019
Consideration of VR in TBID	Direction to add VRs into TBID by early 2020

Action Items with Significant Progress

Action Item	Council Action
Fee Study	Council review in Sept./Oct.
Waterfront Lease Mgmt Policy Review	Council review in late 2019.
Review of CalPERS and other liabilities	Council review analysis in late 2019.
Complete General Plan/Local Coastal Plan and Zoning Code Update	Council to review GP/LCP in late 2019/early 2020. Zoning Code to follow.
WRF Implementation	FEIR Addendum, purchase agreement, loan agreement, begin construction by Oct. 2019.
Partnership Policy review	Brought forward with the fee study in Sept./Oct. 2019.
Local Labor consideration for WRF	Council to review in 2020.
SLO County Regional effort on affordable housing	Council to review in Oct. 2019.

Action Items Requiring More Time

Action Item	Council Action	Status
Market St. Plaza Redevelopment	To Council by late 2019.	Reviewing interested firms
Offshore Windfarm Development	Staff will provide updates to Council.	City Council approved Community Benefits Agreement with Castle Wind in 2018.
Permit process review and improvements	City Council to receive updates on progress.	No work done on this to date.
Implement "OneWater" CIP Projects	Council to receive update by late 2019.	Some progress on developing plans for pre-design & environmental projects.
Parking Mgmt Plan	Council to review Parking in Fall/Winter 2018	Some progress complete on Wayfinding and parking.
Morro Bay Aquarium	Council to review in Spring 2020	Continued on-going meetings with Central Coast Aquarium
Consider Adult Use Cannabis Retailing	Council consider after permits issued for medical cannabis	No work done on this to date.
Hi-speed internet	Council to review in late 2019/early 2020.	Staff reviewing options.
Short-term vacation rental policy revision	Council to review in Fall 2019	On hold until GP, LCP & Zoning codes updates are complete & engaging with vacation rental policy firms.
Outreach on opportunity sites in Morro Bay	Staff will provide updates to Council.	On-going effort by the City and Chamber.
Grant opportunities for Winter Shelter	Staff will provide updates to Council.	City did not receive State funding. Coordinating with County on future funding.
Co-working space in Morro Bay	Staff will provide updates to Council.	Work to begin 2020.
Grant for Boatyard feasibility study	Council to review in 2020.	Staff reviewing options on feasibility study, no response to RFP in 2018.
Coordination with non-profits and comm groups	Staff provide updates to Council.	On-going effort. Next steps include outreach to volunteer groups.

Short-Term Vacation Rental Policy Development

- **Update on previous efforts to revise the Short-Term Vacation Rental Policy**
- **Current situation**
- **Option to move forward with policy development and community outreach – use of third party to facilitate engagement and drafting ordinance**
- **Potential for blue ribbon commission**
- **3-4 month process to develop recommendations**
- **Review by Planning Commission and approval by City Council (late 2019/early 2020)**

Adding New Action Items

- **Recommend that City Council ad-hoc committee reviewing the City Council and Advisory Body policies consider a policy for adding new action items mid-Goal cycle.**

Recommendations

- **Receive the update**
- **Provide direction as appropriate for Short-term Vacation Rental Policy outreach and development process**
- **Policy consideration by the Council sub-committee regarding adding new Action Items.**



AGENDA NO: C-4

MEETING DATE: September 10, 2019

Staff Report

TO: Honorable Mayor and City Council DATE: August 29, 2019

FROM: Dana Swanson, City Clerk / Human Resources Manager

SUBJECT: Adoption of Ordinance No. 624 Authorizing an Amendment to the California Public Employees' Retirement System Contract to Implement Cost Sharing and Adoption of Resolution No. 77-19 Approving Updated Publicly Available Pay Schedule Reflecting 1% Salary Increase for Local Police Members in the Morro Bay Peace Officers Association

RECOMMENDATION

Council

1. Adopt by title only, with further reading waived, Ordinance No. 624 Authorizing an Amendment to the Contract between the City of Morro Bay and the Board of Administration of the California Public Employees' Retirement System (CalPERS) Implementing Section 20516 (Employees Sharing Additional Cost) to provide additional employee cost sharing of 1% for local police members in the Morro Bay Peace Officers Association (MB POA) for Fiscal Year 2019/20 (FY2019/20) and authorize the Mayor to execute the contract amendment; and,
2. Adopt Resolution No. 77-19 approving an updated publicly available pay schedule reflecting a 1% salary increase for those affected employees as agreed in the Successor Memorandum of Understanding (MOU) with the MB POA for the period July 1, 2018 – June 30, 2020, effective October 19, 2019.

ALTERNATIVES

No alternatives are being recommended.

FISCAL IMPACT

The estimated fiscal impact for a full fiscal year is \$7,000 for benefits that are calculated on total salary.

BACKGROUND/SUMMARY

At its August 13, 2019 Meeting, the Council adopted Resolution No. 73-19 giving notice of the City's intention to approve an amendment to the contract between the City and the Board of Administration of the California Public Employees' Retirement System (CalPERS), and introduced for first reading, Ordinance No. 624, Authorizing an Amendment to the Contract between the City of Morro Bay and the Board of Administration of the California Public Employees' Retirement System (CalPERS) Implementing Section 20516 (Employees Sharing Additional Cost) to provide additional employee cost sharing of 1% for local police members in the Morro Bay Peace Officers Association (MB POA) for Fiscal Year 2019/20. The staff report for Item C-3 and additional reference information from that meeting can be found here:

<http://morrobayca.gov/ArchiveCenter/ViewFile/Item/5095>.

Prepared By: DS

Dept Review: ____

City Manager Review: SC

City Attorney Review: CFN

The cost sharing arrangement for FY 2019/20 has already been agreed upon by the City and the MB POA through the MOU approved by the City Council on September 11, 2018 and further clarified through a Side Letter Agreement with MB POA for Fiscal Year 2019/20 (both documents were provided as attachments to the August 13 staff report and are available at the link above). In order to proceed with amending the City's contract with CalPERS for cost sharing, CalPERS requires adoption of an ordinance amending the City's contract with CalPERS. This contract amendment would ultimately bring the CalPERS contract in alignment with the current adopted MOU, implementing the following additional cost sharing as specified in the MB POA MOU 2018-2020.

"Effective the first full payroll period in FY 2019/20 after City Council approval of a CalPERS Contract Amendment pursuant to Government Code section 20516, cost sharing shall take place as follows for classic members (Tier 1 & Tier 2) and PEPRAs members (Tier 3), respectively:

- a. CalPERS classic Unit members (Tier 1 & Tier 2) shall pay 9% as employee contribution, plus an additional 2% as employee cost sharing, for a total employee contribution of 11%.
- b. CalPERS PEPRAs Unit members (Tier 3: also referred to as CalPERS "new members") shall pay one half of total normal cost as an employee contribution, which CalPERS considers to be 13%, plus an additional 1% as employee cost sharing, for a total employee contribution of 14%."

Under the terms of the MB POA MOU 2018-2020, in exchange for the additional 1% cost sharing for Fiscal Year 2019-20 taking effect (and certain economic threshold conditions being met), the City agreed to provide a 1% salary increase for MBPOA employees effective the first full pay period after approval of amendment to the CalPERS contract. Accordingly, in order to provide an accurate pay schedule and comply with CalPERS requirements, the City Council must approve an updated publicly available pay schedule to reflect the 1% increase for MBPOA employees. The City's current publicly available pay schedule was adopted on June 11, 2019 by the Council's adoption of Resolution No. 47-19.

CONCLUSION

Staff recommends the Council adopt by title only, with further reading waived, Ordinance No. 624 Authorizing an Amendment to the contract between the City and the Board of Administration of the California Public Employees' Retirement System (CalPERS) to provide employees sharing additional cost of 1% and adopt Resolution No. 77-19 approving updated publicly available pay schedule reflecting a 1% salary increase for affected members of the MB POA effective October 19, 2019.

ATTACHMENTS

1. Ordinance No. 624
2. Resolution No. 77-19

ORDINANCE NO. 624

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE
CITY OF MORRO BAY AND THE BOARD OF ADMINISTRATION OF THE
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
IMPLEMENTING SECTION 20516 (EMPLOYEES SHARING ADDITIONAL COST) FOR
LOCAL POLICE MEMBERS IN THE MORRO BAY PEACE OFFICERS ASSOCIATION**

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

**THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA DOES HEREBY
FIND AND ORDAIN AS FOLLOWS:**

SECTION 1. CONTRACT AMENDMENT. That an amendment to the contract between the City Council of the City of Morro Bay and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

SECTION 2. EXECUTION. The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency, with the effective date of the amendment being October 19, 2019.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and take effect 30 days after the date of its adoption, and prior to the expiration of 10 days from the passage thereof shall be published at least once in the New Times SLO, a newspaper of general circulation, published and circulated in San Luis Obispo County and thenceforth and thereafter the same shall be in full force and effect.

SECTION 4. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

INTRODUCED at a regular meeting of the City Council held on the 13th day of August 2019, by motion of Council Member Davis and seconded by Mayor Headding.

PASSED AND ADOPTED on the 10th day of September 2019.

JOHN HEADDING, Mayor

ATTEST:

DANA SWANSON, City Clerk

APPROVED AS TO FORM:

CHRIS F. NEUMEYER, City Attorney

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

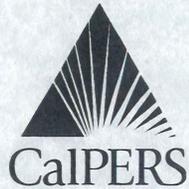
I, Dana Swanson, CITY CLERK OF THE CITY OF MORRO BAY, DO HEREBY CERTIFY that the foregoing Ordinance Number 624 was duly adopted by the City Council of the City of Morro Bay at a regular meeting of said Council on the 10th day of September, 2019, and that it was so adopted by the following vote:

AYES:
NOES:
ABSENT:

City Clerk, Dana Swanson

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

DANA SWANSON, City Clerk



California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Morro Bay

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective 7/1/1965, and witnessed June 1, 1965, and as amended effective August 15, 1981, November 19, 1983, January 7, 1989, June 24, 1989, June 22, 1991, June 10, 1994, June 9, 1998, October 17, 1998, April 13, 2000, June 22, 2002, September 13, 2002, June 21, 2003, September 27, 2003, July 1, 2006, June 2, 2007, May 31, 2008, March 19, 11, September 17, 2011, December 10, 2011, and June 15, 2019 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 19 are hereby stricken from said contract as executed effective June 15, 2019, and hereby replaced by the following paragraphs numbered 1 through 19 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members entering membership in the miscellaneous classification on or prior December 10, 2011, age 60 for classic local miscellaneous members entering membership in the miscellaneous classification after December 10, 2011, age 62 for new local miscellaneous members, age 50 for classic local fire members entering membership in the fire classification on or prior to March 19, 2011, and for those classic local police members entering membership in the police classification on or prior to September 17, 2011; age 55 for classic local fire members entering membership for the first time in the fire classification after March 19, 2011 and for those classic local police members entering membership for the first time in police classification after September 17, 2011 and age 57 for new local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after July 1, 1965 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **ELECTED OFFICIALS;**
 - b. **APPOINTIVE COMMISSIONS ; AND**
 - c. **PERSONS COMPENSATED ON AN HOURLY BASIS.**

6. This contract shall be a continuation of the benefits of the contract of the Morro Bay Fire District, hereinafter referred to as "Former Agency", pursuant to Section 20508 of the Government Code, Former Agency having ceased to exist and succeeded by Public Agency on July 1, 1965. Public Agency, by this contract, assumes the accumulated contributions and assets derived therefrom and liability for prior and current service under Former Agency's contract with respect to the Former Agency's employees. Legislation repealed Section 20508, Statutes of 1949, effective January 1, 1988.

7. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member in employment before and not on or after September 27, 2003 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).

8. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member in employment on or after September 27, 2003 and not entering membership for the first time in the miscellaneous classification after December 10, 2011 shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).

9. The percentage of final compensation to be provided for each year of credited current service as a classic local miscellaneous member entering membership for the first time in the miscellaneous classification after December 10, 2011 shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).

10. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local fire member entering membership in the fire classification on or prior to March 19, 2011 and for those classic local police members entering membership in the police classification on or prior to September 17, 2011 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
12. The percentage of final compensation to be provided for each year of credited current service as a classic local fire member entering membership for the first time in the fire classification after March 19, 2011 and for those classic local police members entering membership for the first time in the police classification after September 17, 2011 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
13. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
14. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 20965 (Credit for Unused Sick Leave).
 - b. Section 20042 (One-Year Final Compensation) for classic local fire members entering membership on or prior to March 19, 2011; those classic local police members entering membership on or prior to September 17, 2011 and for those classic local miscellaneous members entering membership on or prior to December 10, 2011.
 - c. Section 21024 (Military Service Credit as Public Service) for local miscellaneous members and local police members only.
 - d. Section 21574 (Fourth Level of 1959 Survivor Benefits).
 - e. Section 20423 ("Local Safety Member" shall include Harbor or Port Police Officers as described in Government Code Section 20423).
 - f. Section 21027 (Military Service Credit for Retired Persons) for local police members only.

- g. Section 20475 (Different Level of Benefits). Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local fire members entering membership for the first time with this agency in the fire classification after March 19, 2011.

Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local police members entering membership for the first time with this agency in the police classification after September 17, 2011.

Section 21353 (2% @ 60 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local miscellaneous members entering membership for the first time with this agency in the miscellaneous classification after December 10, 2011.

- h. Section 20516 (Employees Sharing Additional Cost):

From and after June 15, 2019 and until the effective date of this amendment to contract, 1% for local police members in the Morro Bay Peace Officers' Association.

From and after the effective date of this amendment to contract, 2% for local police members in the Morro Bay Peace Officers' Association.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

- 15. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on August 15, 1981. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
- 16. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

17. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local safety members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
18. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

19. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF MORRO BAY

BY _____
ARNITA PAIGE, CHIEF
PENSION CONTRACTS AND PREFUNDING
PROGRAMS DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

AMENDMENT CalPERS ID #7048295140

PERS-CON-702A

RESOLUTION NO. 77-19

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
APPROVING UPDATED FISCAL YEAR 2019-20 SALARY SCHEDULE; AND
RESCINDING RESOLUTION NO. 47-19**

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

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

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

WHEREAS, Council adopted Resolution No. 47-19 on June 11, 2019 to approve the Fiscal Year 2019-20 Salary Schedule; and

WHEREAS, the Council, through its adoption of Ordinance No. 624, authorized an Amendment to the CalPERS Retirement System Contract (CalPERS Contract) to implement an additional employee cost sharing of 1% the fiscal year 2019-20 for the local police members in the Morro Bay Peace Officers (MBPOA) as agreed in the 2018-2020 Memorandum of Understanding between the MBPOA and the City July 1, 2018 – June 30, 2020 (MBPOA MOU 2018-20); and

WHEREAS, under the terms of the MBPOA 2018-2020, in exchange for 1% cost sharing for fiscal year 2019-2020, the City agreed to provide a 1% salary increase for those affected employees effective the first full pay period after approval of amendment to the CalPERS Contract;

and

WHEREAS, the City now desires to update its publicly available pay schedule, attached hereto as Exhibit A, to reflect the 1% salary increase to be provided to MBPOA employees, effective October 19, 2019, contingent upon the amendment to the City's CalPERS Contract taking effect; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay as follows:

1. Resolution No. 47-19 is hereby rescinded; and
2. The Combined Salary Schedules, attached hereto as Exhibit A, are hereby approved and adopted. The Combined Salary Schedules attached hereto shall be effective October 19, 2019; and
3. The effectiveness of this resolution shall be contingent upon the following: i) Ordinance No. 624 taking effect prior to October 19, 2019 and ii) the amendment to the City's CalPERS Contract taking effect prior to October 19, 2019. In the event that Ordinance No. 624 does not take effect prior to October 19, 2019, or the amendment to the City's CalPERS Contract does take effect prior to October 19, 2019, then this resolution shall be null and void and of no further force and effect.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 10th day of September 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JOHN HEADDING, Mayor

ATTEST:

DANA SWANSON, City Clerk

**CITY OF MORRO BAY
COMBINED SALARY SCHEDULE
FISCAL YEAR 2019-20**

TITLE	GROUP	STEP 1 Annual	STEP 2 Annual	STEP 3 Annual	STEP 4 Annual	STEP 5 Annual	STEP 6 Annual
ACCOUNT CLERK IN-TRAINING	S	32,460	34,084	35,788	37,577	39,456	
ACCOUNT CLERK I	S	39,243	41,206	43,266	45,429	47,701	
CONSOLIDATED MAINTENANCE WRK I	S	39,243	41,206	43,266	45,429	47,701	
OFFICE ASST. III	S	39,243	41,206	43,266	45,429	47,701	
OFFICE ASST. IV	S	42,428	44,550	46,777	49,116	51,572	
ACCOUNT CLERK II	S	44,079	46,283	48,598	51,027	53,579	
CONSOLIDATED MAINTENANCE WRK II	S	44,079	46,283	48,598	51,027	53,579	
PERMIT TECHNICIAN	S	45,143	47,400	49,770	52,258	54,871	
ACCOUNT CLERK III	S	47,210	49,570	52,049	54,651	57,384	
CONSOLIDATED MAINTENANCE WRK III	S	47,210	49,570	52,049	54,651	57,384	
ADMINISTRATIVE TECHNICIAN	S	48,044	50,446	52,969	55,617	58,398	
PERMIT TECHNICIAN - CERTIFIED	S	48,044	50,446	52,969	55,617	58,398	
SUPPORT SERVICES TECHNICIAN	S	48,044	50,446	52,969	55,617	58,398	
PROPERTY EVIDENCE CLERK	S	48,044	50,446	52,969	55,617	58,398	
MECHANIC	S	49,581	52,060	54,663	57,396	60,266	
RECREATION COORDINATOR	S	49,581	52,060	54,663	57,396	60,266	
HUMAN RESOURCES ANALYST I	C	54,690	57,425	60,296	63,311	66,477	
SUPPORT SERVICES COORDINATOR	C	54,690	57,425	60,296	63,311	66,477	
HARBOR PATROL OFFICER	S	54,777	57,516	60,392	63,412	66,582	
ENGINEERING TECHNICIAN III	S	56,158	58,966	61,914	65,010	68,260	
RECREATION SUPERVISOR	S	56,158	58,966	61,914	65,010	68,260	
UTILITY OPERATOR	S	56,245	59,057	62,010	65,110	68,366	
ASSISTANT PLANNER	S	56,508	59,334	62,300	65,415	68,686	
BUILDING INSPECTOR	S	58,765	61,704	64,789	68,028	71,430	
EXECUTIVE ASSISTANT/DEPUTY CLERK	C	58,765	61,704	64,789	68,028	71,430	
FIREFIGHTER	F	59,065	62,018	65,119	68,375	71,794	

UTILITY OPERATOR MC (MULTIPLE CERT)	S	60,182	63,191	66,351	69,668	73,152	
SENIOR ACCOUNTING TECHNICIAN	C	61,087	64,142	67,349	70,716	74,252	
POLICE SUPPORT SERVICES MANAGER	M	61,087	64,142	67,349	70,716	74,252	
HARBOR BUSINESS COORD	S	61,169	64,228	67,439	70,811	74,351	
POLICE OFFICER	P	65,152	68,410	71,830	75,422	79,193	83,152
HARBOR PATROL SUPERVISOR	S	64,523	67,749	71,136	74,693	78,428	
FIRE ENGINEER	F	64,573	67,802	71,192	74,752	78,489	
ENGINEERING TECHNICIAN IV	S	65,765	69,053	72,506	76,131	79,938	
ASSISTANT ENGINEER	S	65,765	69,053	72,506	76,131	79,938	
ASSOCIATE PLANNER	S	65,765	69,053	72,506	76,131	79,938	
BUILDING INSPECTOR/PLANS EXAMINER	S	65,765	69,053	72,506	76,131	79,938	
CONSOLIDATED MAINT FIELD SUPV	S	65,765	69,053	72,506	76,131	79,938	
HUMAN RESOURCES ANALYST II	C	65,765	69,053	72,506	76,131	79,938	
LEAD UTILITY OPERATOR	S	67,080	70,434	73,955	77,653	81,536	
MANAGEMENT ANALYST	M	67,153	70,510	74,036	77,738	81,624	
POLICE DETECTIVE	P	68,410	71,831	75,422	79,194	83,153	87,311
POLICE SCHOOL RESOURCE OFFICER	P	68,410	71,831	75,422	79,194	83,153	87,311
POLICE SENIOR OFFICER	P	68,410	71,831	75,422	79,194	83,153	87,311
POLICE CORPORAL	P	69,045	72,497	76,122	79,928	83,924	88,120
FIRE CAPTAIN	F	74,227	77,939	81,836	85,927	90,224	
ASSOCIATE CIVIL ENGINEER	S	75,629	79,411	83,381	87,550	91,928	
WASTEWATER SYSTEMS SUPV	S	75,629	79,411	83,381	87,550	91,928	
BUDGET/ACCOUNTING MANAGER	M	78,532	82,458	86,581	90,910	95,456	
CONSOLIDATED MAINTENANCE SUPT	M	78,532	82,458	86,581	90,910	95,456	
ENVIRONMENTAL PROGRAMS MANAGER	M	78,532	82,458	86,581	90,910	95,456	
INFORMATION SERVICES TECHNICIAN	M	78,532	82,458	86,581	90,910	95,456	
RECREATION SERVICES MANAGER	M	78,532	82,458	86,581	90,910	95,456	
SENIOR PLANNER	M	78,532	82,458	86,581	90,910	95,456	
TOURISM MANAGER	M	78,532	82,458	86,581	90,910	95,456	
POLICE SERGEANT	P	81,251	85,314	89,580	94,059	98,762	103,700
PLANNING MANAGER	M	86,387	90,706	95,241	100,003	105,003	
SENIOR CIVIL ENGINEER	M	86,387	90,706	95,241	100,003	105,003	
FIRE MARSHAL	F	88,114	92,520	97,146	102,003	107,103	

CITY CLERK/HR MANAGER	M	100,603	105,633	110,914	116,460	122,283	
COMMUNITY DEVELOPMENT MANAGER	M	101,808	106,898	112,243	117,856	123,748	
UTILITY DIVISION MANAGER	M	101,808	106,898	112,243	117,856	123,748	
POLICE COMMANDER	M	114,300	120,015	126,015	132,316	138,932	
DEPUTY CITY MANAGER	E	124,785	131,025	137,576	144,455	151,677	
COMMUNITY DEVELOPMENT DIRECTOR	E	124,785	131,025	137,576	144,455	151,677	
FINANCE DIRECTOR	E	124,785	131,025	137,576	144,455	151,677	
PUBLIC WORKS DIRECTOR	E	129,439	135,911	142,706	149,842	157,334	
HARBOR DIRECTOR	E	131,853	138,446	145,368	152,636	160,268	sworn
FIRE CHIEF	E	131,853	138,446	145,368	152,636	160,268	sworn
POLICE CHIEF	E	131,853	138,446	145,368	152,636	160,268	sworn
CITY MANAGER	E	174,465	178,826	183,297	187,879	192,576	

Updated 8/29/19, Effective 10/19/19