

# City of Morro Bay

## City Council Agenda

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### *Mission Statement*

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

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**REGULAR MEETING – JUNE 14, 2010**

**CLOSED SESSION – JUNE 14, 2010  
CITY HALL CONFERENCE ROOM - 5:00 P.M.  
595 HARBOR ST., MORRO BAY, CA**

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

- Property: 945 Embarcadero; Lease Site 96/96W  
Negotiating Parties: Stan Van Beurden and City of Morro Bay  
Negotiations: Lease Terms and Conditions

**CS-2 GOVERNMENT CODE SECTION 54957; PERSONNEL ISSUES.** Discussions regarding Personnel Issues related to the reorganization of the City Harbor Department.

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

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

**PUBLIC SESSION – JUNE 14, 2010  
VETERANS MEMORIAL HALL - 6:00 P.M.  
209 SURF ST., MORRO BAY, CA**

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

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

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

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

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

A. CONSENT CALENDAR

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

A-1 APPROVAL OF MINUTES OF THE MAY 24, 2010 CITY COUNCIL MEETING; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 RESOLUTION NO. 29-10 CERTIFYING THE PETITIONS FOR THE CITIZEN'S INITIATIVE AND SUBMITTING TO THE VOTERS A BALLOT MEASURE AT THE GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 2, 2010; (ADMINISTRATION)

**RECOMMENDATION: Adopt Resolution No. 29-10.**

A-3 CONSIDERATION OF APPROVAL FOR A SUBLEASE ON A PORTION OF LEASE SITE 105.1W, LOCATED ADJACENT TO 1001 FRONT STREET, BETWEEN MICHAEL AND ORIETTA DEGARIMORE, AND ALAN AND WENDY RACKOV, DOING BUSINESS AS LOST ISLE ADVENTURES; (HARBOR)

**RECOMMENDATION: Adopt Resolution No. 30-10.**

A-4 ADOPTION OF REVISED JOB DESCRIPTIONS AS THEY RELATE TO THE CONSOLIDATION OF THE MAINTENANCE DIVISIONS INTO THE RECREATION & PARKS DEPARTMENT; (ADMINISTRATION)

**RECOMMENDATION: Approve the amended job descriptions.**

A-5 ACCEPTANCE OF RESIGNATIONS FROM PUBLIC WORKS ADVISORY BOARD MEMBERS; (ADMINISTRATION)

**RECOMMENDATION: Accept resignations.**

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 FISCAL YEAR 2010/2011 TROLLEY OPERATIONS; (PUBLIC SERVICES)

**RECOMMENDATION: Approve the allocation of revenue generated from the sale of the 1999 trolley to the fiscal year 2010/11 trolley budget.**

B-2 DISCUSSION AND ADOPTION OF THE 2010/11 FISCAL YEAR OPERATING BUDGETS; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Adopt Resolution No. 28-10 accepting the budget as presented and/or with any amendments made at the meeting.**

B-3 APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A CONCEPT PLAN FOR THE PROJECT LOCATED AT 571 EMBARCADERO; (PUBLIC SERVICES)

**RECOMMENDATION: Uphold the appeal and repeal the Planning Commission's favorable recommendation for approval of the Concept Plan pursuant to Section 17.40.030, Planned Development, (PD) overlay zone, with modification.**

C. UNFINISHED BUSINESS

C-1 CONSIDERATION OF OFFERS TO PURCHASE 1985 TROLLEY; (PUBLIC SERVICES)

**RECOMMENDATION: Review the offers made to purchase the 1985 trolley and select which offer to accept.**

C-2 DISCUSSION AND DIRECTION ON PLACING A MEASURE ON THE NOVEMBER 2010 GENERAL ELECTION BALLOT APPROVING AN INCREASE IN THE CITY'S TRANSIENT OCCUPANCY TAX; (CITY ATTORNEY)

**RECOMMENDATION: Discuss and direct staff accordingly.**

D. NEW BUSINESS

D-1 ANNUAL REVIEW OF THE VISITORS CENTER CONTRACT; (ADMINISTRATION)

**RECOMMENDATION: Review the Annual Contract for the Visitors Center and provide further direction on renewal of the contract.**

D-2 RECOMMENDATION TO CONTINUE THE WORK OF THE DOWNTOWN ENHANCEMENT SUBCOMMITTEE AS A PRIORITY PROJECT AND ACCEPT THE PROPOSED TIMELINE PROVIDED BY THE SUBCOMMITTEE; (CITY COUNCIL)

**RECOMMENDATION: Identify the Downtown Enhancement Project as a priority of the Planning Commission, continue the work of the Subcommittee, direct staff to provide the necessary project support and accept the proposed timeline and preliminary implementation actions.**

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

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

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

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

MINUTES - MORRO BAY CITY COUNCIL  
CLOSED SESSION – MAY 24, 2010  
CITY HALL CONFERENCE ROOM - 5:00 P.M.

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

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

STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney

CLOSED SESSION

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

Mayor Peters read the Closed Session Statement.

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

- Property: Chorro Valley Property.  
Negotiating Parties: Chorro Valley Property Owners and City of Morro Bay.  
Negotiations: Water rights.
- Property Lease Site 75-77/75W-77W; 699 Embarcadero  
Negotiating Parties: Morro Bay Marina, Inc. and City of Morro Bay  
Negotiations: Lease Terms and Conditions

The meeting adjourned to Closed Session at 5:00 p.m. and returned to regular session at 5:45 p.m.

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

The meeting adjourned at 5:45 p.m.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 24, 2010  
VETERANS MEMORIAL HALL - 6:00 P.M.

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

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Bridgett Kessler	City Clerk
	Rick Algert	Harbor Director
	Janeen Burlingame	Management Analyst
	Rob Livick	Acting Public Services Director
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	Dylan Wade	Utilities/Capital Projects Manager
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &  
PRESENTATIONS

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

PUBLIC COMMENT

Jeff Eckles, President of Morro Bay 4<sup>th</sup>, Inc., stated they have met their minimum funding goal for the 4<sup>th</sup> of July festivities, and recognized those who assisted in their funding success.

Peter Candela expressed the importance of maintaining the high level of marketing that the Visitors Center has established, as well as maintaining its location in the heart of the tourism area. He also requested the City maintain the trolley service for the upcoming tourist season.

Susan Heinemann stated due to research, she has concern with the MWH Company with whom the City and Cayucos Sanitary District has contracted to design the upgrade to the City's Wastewater Treatment Plant. She requested the City Council re-open the contract to see if there is a better long-lasting alternative without baggage.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 24, 2010

Barry Brannon requested the City Council re-examine the reconstruction of the Wastewater Treatment Plant. He said the Perc Water Treatment System is proposed to cost much less and the City should consider this proposal.

Bill Martony addressed Item D-1 (Consideration on Sending Letter to Congresswoman Lois Capps Opposing Farm Fish Legislation) stating Morro Bay was one of the largest oyster producers at one time. He requested Council support sending a letter to Congresswoman Capps opposing the farm fish legislation. Mr. Martony also addressed the Wastewater Treatment Plant requesting Council look at alternatives.

John Shoals, PG&E representative, addressed Item A-7 (Resolution Authorizing Participation in the San Luis Obispo County Energy Watch Program) acknowledging the City's participation in the County Energy Watch Program and reviewed the program for information. He said the environmental benefits of this program are of positive value for the community.

Garry Johnson announced Election Day is approaching and promoted Nancy Johnson who is running for City Council.

John Barta addressed Item A-3 (Status Report on Water Usage for April 2010) noting the City will be receiving 40% of water deliveries for the remainder of the year. He acknowledged Rick Algert for his service to the City. Mr. Barta referred to a mailing from the Democratic Voters of the Central Coast, which is fraudulent.

Mayor Peters closed the hearing for public comment.

Mayor Peters called for a break at 6:53 p.m.; the meeting resumed at 7:00 p.m.

A. CONSENT CALENDAR

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

A-1 APPROVAL OF MINUTES OF THE MAY 10, 2010 CITY COUNCIL MEETING; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 ADOPTION OF ORDINANCE NO. 558 AMENDING CHAPTER 2.24 OF THE MORRO BAY MUNICIPAL CODE REGARDING THE DUTIES OF THE RECREATION AND PARKS DEPARTMENT; (RECREATION & PARKS)

**RECOMMENDATION: Adopt Ordinance. No. 558.**

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 24, 2010

A-3 STATUS REPORT ON WATER USAGE FOR APRIL 2010; (PUBLIC SERVICES)

**RECOMMENDATION: Review and file status report.**

A-4 RESOLUTION ESTABLISHING A PROCEDURE FOR REQUESTING MEASURE Q FUNDING DURING THE ANNUAL BUDGET PROCESS; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Adopt Resolution No. 26-10.**

A-5 RESOLUTION ESTABLISHING THE PARAMETERS FOR USE OF THE GENERAL FUND (ACCUMULATION) RESERVE; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Adopt Resolution No. 27-10.**

A-6 APPROVE COMPENSATION RATES FOR SIX MONTH CONTRACT EXTENSION WITH MV TRANSPORTATION; (PUBLIC SERVICES)

**RECOMMENDATION: Approve the proposed compensation rates for the six month contract extension of the current Morro Bay Dial-a-Ride and Trolley Operations and Management Agreement with MV Transportation.**

A-7 RESOLUTION AUTHORIZING PARTICIPATION IN THE SAN LUIS OBISPO COUNTY ENERGY WATCH PROGRAM; (RECREATION & PARKS)

**RECOMMENDATION: Adopt Resolution No. 25-10.**

A-8 PROCLAMATION DECLARING JUNE 7&8, 2010 AS "SPECIAL OLYMPICS - LAW ENFORCEMENT TORCH RUN DAYS"; (ADMINISTRATION)

**RECOMMENDATION: Adopt Proclamation.**

Mayor Peters pulled Items A-3 and A-4 from the Consent Calendar; Councilmember Smukler pulled Item A-5 and Councilmember Winholtz pulled Item A-6.

MOTION: Councilmember Grantham moved the City Council approve the Consent Calendar with the exception of Items A-3, A-4, A-5 and A-6. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 24, 2010

A-3 STATUS REPORT ON WATER USAGE FOR APRIL 2010; (PUBLIC SERVICES)

Mayor Peters requested staff's review of the status report on the City's water usage and Wastewater Treatment Plant project.

Utilities/Capital Projects Manager Dylan Wade reviewed the Wastewater Treatment Plant project and Water Usage Report for information.

This was a status report and no action was taken on this item.

A-4 RESOLUTION ESTABLISHING A PROCEDURE FOR REQUESTING MEASURE Q FUNDING DURING THE ANNUAL BUDGET PROCESS; (ADMINISTRATIVE SERVICES)

Mayor Peters requested clarification from staff regarding a letter received informing Council of a discrepancy in the Resolution regarding Measure Q funding.

City Manager Andrea Lueker stated in reviewing the original Resolution No. 33-06 adopted on July 10, 2006, the ballot language did not contain "youth and park programs"; she said that language will be removed in order to be consistent with the ballot language adopted in 2006.

Councilmember Winholtz requested the full ballot language be added to this Resolution.

MOTION: Councilmember Winholtz moved the City Council approve Item A-4 of the Consent Calendar as amended. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

A-5 RESOLUTION ESTABLISHING THE PARAMETERS FOR USE OF THE GENERAL FUND (ACCUMULATION) RESERVE; (ADMINISTRATIVE SERVICES)

Councilmember Smukler stated Council should address how to utilize funds in a more appropriate way and give more direction on where to focus emergency funds.

Councilmember Winholtz stated she would like the excess delineated in the budget so it will be clearly marked.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 24, 2010

MOTION: Councilmember Smukler moved the City Council approve Item A-5 of the Consent Calendar with a line item in the budget detailing the difference between the 27.5% emergency reserve and the excess as a separate number. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

A-6 APPROVE COMPENSATION RATES FOR SIX MONTH CONTRACT EXTENSION WITH MV TRANSPORTATION; (PUBLIC SERVICES)

Councilmember Winholtz reviewed a proposed transit plan, and requested Council postpone this contract until the Administrative Services Director returns in order to review the figures.

MOTION: Mayor Peters moved the City Council approve Item A-6 of the Consent Calendar. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

B. PUBLIC HEARINGS, REPORTS & APPEARANCES – None.

C. UNFINISHED BUSINESS – None.

D. NEW BUSINESS

D-1 CONSIDERATION ON SENDING LETTER TO CONGRESSWOMAN LOIS CAPPS OPPOSING FARM FISH LEGISLATION; (COUNCIL)

Councilmember Winholtz stated Representative Capps is writing legislation to regulate ocean farm fishing. Some people believe this will open the door for such industry. The Open Ocean Aquaculture (OOA) industry has been trying to get OOA into our federal waters since the 80's. Most recently there were bills introduced in 2005 and 2007, both of which were voted down. Then last year, the Gulf of Mexico Fishery Management Council created a plan to allow OOA in federal waters off of the Gulf and NOAA approved the plan. However, NOAA and the management council only have the ability to manage fishing in federal water. That means that these organizations are trying to say that placing large pens in the ocean and cramping fishing into them is fishing. We think that this is untrue and are suing NOAA in coalition with other organizations. We think that NOAA's decision to approve the gulf plan even though we think it is illegal, might be scaring some people into moving forward with federal legislation that would allow OOA in our oceans under the guise that if a massive legislative bill isn't introduced, then there will be a fragmented approach to allowing OOA in federal waters. We think that this is untrue and that we should oppose this bill. OOA is going to hurt fishermen and the environment.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 24, 2010

Councilmember Winholtz recommended the City Council consider sending a letter to Congresswoman Capps in opposition of farm fish legislation.

MOTION: Councilmember Winholtz moved the City Council approve sending a letter to Congresswoman Capps in opposition of farm fish legislation as amended by Council. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Winholtz requested an update on the committee being formed on Fire.

Councilmember Smukler requested to agendaize the next budget discussion at the June 14<sup>th</sup> City Council meeting as a public hearing; Council concurred.

Councilmember Smukler requested to agendaize a review of the Tourism Business Improvement District Advisory Board Members' designations; Council concurred.

Councilmember Borchard requested an inventory of city vehicles prior to their discussion on the budget.

F. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Recorded by:

Bridgett Kessling  
City Clerk



AGENDA NO: A-2

Meeting Date: 6/14/10 Action: \_\_\_\_\_

## Staff Report

**TO:** Honorable Mayor and City Council **Date:** June 7, 2010  
**FROM:** Bridgett Kessler, City Clerk  
**SUBJECT:** Resolution No. 29-10 Certifying the Petitions for the Citizen's Initiative and Submitting to the Voters a Ballot Measure at the General Municipal Election on November 2, 2010

### **RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. 29-10 certifying the petitions for the citizen's initiative amending the Morro Bay Municipal Code to prohibit Medical Marijuana Dispensaries and to prohibit the City from issuing any permits, variances, licenses and entitlements for Medical Marijuana Dispensaries; and requesting the initiative be placed on the ballot of the November 2, 2010 General Municipal Election.

**MOTION: I move that the City Council adopt Resolution No. 29-10 certifying the petitions for the citizen's initiative amending the Morro Bay Municipal Code to prohibit Medical Marijuana Dispensaries and to prohibit the City from issuing any permits, variances, licenses and entitlements for Medical Marijuana Dispensaries; and requesting the initiative be placed on the ballot of the November 2, 2010 General Municipal Election.**

### **BACKGROUND:**

On March 29, 2010, a Notice of Intent to Circulate a Petition for the purpose of enacting an ordinance to prohibit Medical Marijuana Dispensaries in all zoning districts within the City of Morro Bay was submitted to the City. The proponents advised of their intent to qualify the initiative for the General Municipal Election ballot on November 2, 2010. On May 3, 2010, a petition for the proposed amendment containing 833 signatures was duly submitted to the City Clerk's Office.

A copy of the proposed Ballot Title and Summary, as prepared by the City Attorney, are attached as Exhibit "A". Upon submittal of the petition, the City Clerk is required to verify the signatures submitted therein. In order to qualify for placement on the ballot, the petition is required to be signed by not less than 10% of the voters of the City, according to the last report of registration by the county elections official to the Secretary of State (Election Code Section 2187), effective at the time, the Notice of Intent was published. The City Clerk's Office has verified that the petition contains the minimum number of valid signatures required to place the proposed initiative on the ballot for a public vote.

Prepared By: **B. Kessler**  
City Manager Review: \_\_\_\_\_  
City Attorney Review: \_\_\_\_\_

By adopting Resolution 29-10, the City Council will accept a qualified petition for a proposed ballot measure and placement of the ballot measure on the November 2, 2010 ballot.

## **California Elections Code - Arguments Concerning City Measures**

### **9280. City Attorney to Prepare Impartial Analysis.**

Whenever any city measure qualifies for a place on the ballot, the governing body may direct the city elections official to transmit a copy of the measure to the city attorney, unless the organization or salaries of the office of the city attorney are affected. The city attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. If the measure affects the organization or salaries of the office of the city attorney, the governing board may direct the city elections official to prepare the impartial analysis. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

### **9282. Written Arguments.**

- a) For measures placed on the ballot by petition, the persons filing an initiative petition pursuant to this article may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance.
- b) For measures placed on the ballot by the legislative body, the legislative body, or any member or members of the legislative body authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any city measure.
- c) No argument shall exceed 300 words in length.
- d) The city elections official shall include the following statement on the front cover, or if none, on the heading of the first page, of the printed arguments:
- e) "Arguments in support or opposition of the proposed laws are the opinions of the authors."
- f) The city elections official shall enclose a printed copy of both arguments with each sample ballot; provided that only those arguments filed pursuant to this section shall be printed and enclosed with the sample ballot. The printed arguments are "official matter" within the meaning of Section 13303.
- g) Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor Of Measure \_\_\_\_" or "Argument Against Measure \_\_\_\_," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the elections official, the word "Proposition" may be substituted for the word "Measure" in these titles.

### **9283. Argument not accepted without names.**

A ballot argument may not be accepted under this article unless accompanied by the printed name and signature or printed names and signatures of the author or authors submitting it, or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers who is the author of the argument.

No more than five signatures shall appear with any argument submitted under this article. In case any argument is signed by more than five authors, the signatures of the first five shall be printed.

**9285. Rebuttal Arguments.**

(a) (1) When an elections official receives an argument relating to a city measure that will be printed in the ballot pamphlet, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

(2) The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

(3) No rebuttal argument may exceed 250 words.

(4) A rebuttal argument relating to a city measure shall be filed with the elections official no later than 10 days after the final filing date for primary arguments.

(5) A rebuttal argument relating to a city measure may not be signed by more than five persons and shall be printed in the same manner as a direct argument and shall immediately follow the direct argument which it seeks to rebut.

Resolution 29-10 authorizes the placement of the ballot measure to the voters of the City of Morro Bay, as follows:

Shall an ordinance be adopted to prohibit Medical Marijuana Storefronts in the City of Morro Bay?

Attached as Exhibit "A" to the resolution is the text of the proposed measure with its respective ballot title and summary, as prepared by the City Attorney.

**CONCLUSION**

It is respectfully requested that the City Council adopt Resolution No. 29-10 certifying the petitions and submitting to the voters a ballot measure at the General Municipal Election on November 2, 2010.

**RESOLUTION NO. 29-10**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY,  
CALIFORNIA SUBMITTING TO THE VOTERS A BALLOT MEASURE  
PROHIBITING MEDICAL MARIJUANA DISPENSARIES AT THE GENERAL  
MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010;  
AUTHORIZING CITY COUNCIL MEMBERS TO FILE WRITTEN ARGUMENTS FOR  
OR AGAINST THE MEASURE; AND DIRECTING THE CITY ATTORNEY TO  
PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE**

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

**WHEREAS**, one initiative petition was presented to the City Clerk on May 3, 2010 to amend the Morro Bay Municipal Code to prohibit medical marijuana dispensaries in Morro Bay; and

**WHEREAS**, said initiative petition has been examined by the City Clerk and certified as being sufficient in accordance with Section 9211 of the Elections Code, qualifying the initiative petitions to be submitted to the voters of the City of Morro Bay at the General Municipal Election to be held on Tuesday, November 2, 2010; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Morro Bay, California, as follows:

1. The City Council, pursuant to its authority in accordance with the Elections Code, does hereby determine there shall be and is hereby ordered submitted to the qualified electors of said City at said General Municipal Election the following questions:

Shall an ordinance be adopted to prohibit Medical Marijuana Storefronts in the City of Morro Bay?	<b>YES</b>	
	<b>NO</b>	

2. The City Clerk is hereby directed to forward a copy of this ballot measure to the County Clerk for inclusion in the ballot for the November 2, 2010 General Municipal Election.
3. The initiative measure shall pass only if a majority of the votes cast by voters voting on the measures are “yes” votes and shall, if passed, take precedence over any other conflicting measure receiving less votes in this election.
4. The City Council hereby directs the City Attorney to prepare an impartial written analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

5. The City Council authorizes its members to file written arguments for or against the measure described above and which is contained in Exhibit “1” to this resolution, which exhibit is incorporated by reference. All written arguments filed by any person in favor or against the measure shall be accompanied by the names and signatures of the persons submitting the arguments as required by applicable law and any names, signatures and arguments may be filed until the time and date fixed by the City Clerk, after which no change may be submitted to the City Clerk unless permitted by law.
  
6. The City Clerk shall cause the text of the measure, which is contained in Exhibit “1”, together with the City Attorney’s impartial analysis, and any arguments for or against the measure, to be mailed to all qualified voters with the ballot. In addition to other notices and publications required by law, the City Clerk, not less than forty (40) days and not more than sixty (60) days before the General Municipal Election, shall cause the text of the measure to be published once in the official newspaper. The City Clerk is authorized to give such notices and to fix such times and dates as are required by law or which are appropriate to properly conduct the election.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 14<sup>th</sup> day of June 2010 on the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
JANICE PETERS, Mayor

ATTEST:

\_\_\_\_\_  
BRIDGETT KESSLING, City Clerk

EXHIBIT "A"

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

THE CITY ATTORNEY HAS PREPARED THE FOLLOWING TITLE  
AND SUMMARY OF THE CHIEF PURPOSE AND POINTS OF  
THE PROPOSED MEASURE:

**BALLOT TITLE AND SUMMARY**

**AN INITIATIVE MEASURE AMENDING THE MUNICIPAL CODE  
TO PROHIBIT MEDICAL MARIJUANA DISPENSARIES IN MORRO BAY**

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This Initiative Measure would amend the Morro Bay Municipal Code to prohibit Medical Marijuana Dispensaries and to prohibit the City from issuing any permits, variances, licenses and entitlements for Medical Marijuana Dispensaries. A Medical Marijuana Dispensary is defined as any facility in a single fixed location that sells, transmits, gives, or otherwise provides medical marijuana.

There currently exists a conflict between Federal law, which prohibits the manufacturing, distribution, dispensing, or possession of marijuana, and the exemption created by the State of California Proposition 215 and SB 420 allowing the use of marijuana for medicinal purposes. Neither Proposition 215 nor SB 420 specifically authorizes Medical Marijuana Dispensaries.

The Municipal Code for the City of Morro Bay currently does not address or regulate in any manner the existence or location of Medical Marijuana Dispensaries within the City of Morro Bay.

## **EXHIBIT 1**

### **Ban on Medical Marijuana Dispensaries in Morro Bay**

Medical Marijuana dispensaries are prohibited in all zoning districts within the City of Morro Bay. No use permit, variance, business license or other applicable entitlement or approval will be accepted, approved or issued by the City of Morro Bay for the establishment or operation of a medical marijuana dispensary.

A medical marijuana dispensary is defined as any facility in a single fixed location where a primary caregiver makes available, sells, transmits, gives, or otherwise provides medical marijuana or cannabis for medical purposes to two or more qualified patients or persons with an identification card in accordance with Health and Safety Code section 11362.5

A medical marijuana dispensary shall not include the following uses as long as the location of such uses area is otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a health care facility for persons with chronic life-threatening illness, licensed pursuant to Chapter 301 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 32 of Division 2 of the Health and Safety Code; a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code; as long as any such use complies strictly with applicable California and federal law.



AGENDA NO:     A-3    

MEETING DATE:     6/14/2010    

## Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** June 14, 2010

**FROM:** Harbor Director

**SUBJECT:** Consideration of approval for a sublease on a portion of Lease Site 105.1W, located adjacent to 1001 Front Street, between Michael and Orietta DeGarimore, and Alan and Wendy Rackov, doing business as Lost Isle Adventures

**RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution #30-10 approving sublease of a portion of Lease Site 105.1W, located adjacent to 1001 Front Street, between Michael and Orietta DeGarimore, and Alan and Wendy Rackov, doing business as Lost Isle Adventures.

**MOTION:** I move that the City Council adopt Resolution #30-10 approving sublease of a portion of Lease Site 105.1W, located adjacent to 1001 Front Street, between Michael and Orietta DeGarimore, and Alan and Wendy Rackov, doing business as Lost Isle Adventures.

**FISCAL IMPACT:**

No direct Fiscal Impact

**DISCUSSION:**

On April 12, 2010 the City Council approved a sublease agreement between Virg's Fish'n Inc. and Alan and Wendy Rackov for a portion of Lease Site 113W, doing business as Lost Isle Adventures. Since that time the Rackovs have decided to relocate their business and have reached an agreement with Michael, Orietta DeGarimore and Giovanni DeGarimore to sublease a portion of the docks at Lease Site 105.1W. Michael and Orietta DeGarimore are the lessees of the dock area at Lease Site 105.1W. The lease site and the associated businesses on the site are operated and managed by their son, Giovanni DeGarimore. Michael and Orietta DeGarimore have requested approval of a sublease with Alan and Wendy Rackov, doing business as Lost Isle Adventures. Mr. Rackov plans to operate tours of the Morro Bay Estuary to educate the public on wildlife and estuary habitats. The required application forms, administrative fees and sublease documents have been provided to the City. Mr. Rackov has also provided a brief

Prepared By: \_\_\_\_\_

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

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

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

statement of his background and proposal.

The tenants are in the process of upgrading and repairing the dock facilities on the site and plan to install a new gangway within the next year. To accommodate access to Lost Isle Adventure during this time, the Consent to Sublease provides temporary access to the dock area from the City owned gangway just south of the site. This access is temporary in nature and terminates effective June 1, 2011.

Most of the City's newer leases allow for administrative approval of subleases. However, the lease agreement for Lease Site 105.1W requires City Council approval of any sublease on the site. The lease agreement states that approval of assignment/sublease shall not be unreasonably withheld.

**CONCLUSION:**

The lease agreement for Lease Site 105.1W requires City Council approval of any assignment or sublease of the premises. The master tenant is in compliance with the terms of the lease agreement, and the tenant and proposed sublessee have completed the required paperwork and paid the sublease application fee. Staff recommends approval of the sublease for a portion of Lease Site 105.1W between Michael and Orietta DeGarimore, and Alan and Wendy Rackov, doing business as Lost Isle Adventures.

**RESOLUTION NO. 30-10**

**APPROVAL OF A SUBLEASE AGREEMENT FOR A PORTION OF  
LEASE SITE 105.1W (LOCATED ADJACENT TO 1001 FRONT STREET)  
BETWEEN MICHAEL AND ORIETTA DeGARIMORE AND  
ALAN AND WENDY RACKOV,  
DOING BUSINESS AS LOST ISLE ADVENTURES**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA**

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

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

**WHEREAS**, Michael and Orietta DeGarimore have requested City Council approval of a sublease agreement for a portion of Lease Site 105.1W with Alan and Wendy Rackov, doing business as Lost Isle Adventures; and.

**WHEREAS**, the lessees have completed the application form, paid the sublease application fee and provided background information on the proposed sublessee. The Consent to Sublease agreement has been executed by Michael and Orietta DeGarimore and Alan and Wendy Rackov, and a copy of the sublease agreement has been provided to the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Morro Bay that sublease of a portion of a sublease agreement for a portion of Lease Site 105.1W between Michael and Orietta DeGarimore, and Alan and Wendy Rackov, doing business as Lost Isle Adventures, is hereby approved, and that the Mayor is hereby authorized to execute the Consent to Sublease document.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting held thereof on the 14<sup>th</sup> day of June 2010, by the following vote:

AYES:

NOES:

ABSENT:

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Janice Peters, Mayor

ATTEST:

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Bridgett Kessling, City Clerk



**AGENDA NO: A-4**

**MEETING DATE: June 14, 2010**

## Staff Report

**TO: Honorable Mayor and City Council      DATE: June 7, 2010**

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

**SUBJECT: Adoption of Revised Job Descriptions as They Relate to the Consolidation of the Maintenance Divisions into the Recreation and Parks Department**

### **RECOMMENDATION**

Staff recommends the City Council approve the amended job descriptions.

### **FISCAL IMPACT**

None.

### **BACKGROUND**

City staff has been working on a consolidation of the maintenance efforts in the City. As the final part of the consolidation effort, staff met and conferred with the appropriate Employee Union Representatives and agreed upon the amended job descriptions.

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

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

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

## CITY OF MORRO BAY

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### RECREATION AND PARKS MAINTENANCE SUPERINTENDENT

#### DEFINITION

Under administrative direction of the Recreation and Parks Director responsible to plan, assign and supervise the work of operations and maintenance personnel engaged in a variety of maintenance and repair activities of streets, parks, facility maintenance, fleet and related public works, to include planning and directing, renovation, and new construction; and to do related work as required. for City facilities and parkland, to include planning and directing, renovation and new construction; custodial, repair, maintenance, and operations.

#### ESSENTIAL DUTIES & RESPONSIBILITIES

1. 1. Aids in project management for renovation or new construction of City facilities, streets, storm drains, parkland, docks, piers and parkland.
2. Plans and assigns the work of City maintenance personnel engaged in maintaining City facilities, structures, streets, storm drains, parkland, and fleet.
3. Assists in estimating and ordering materials needed for projects.
4. Inspection of City facilities, structures, streets, storm drains, parkland, and fleet for needed maintenance and repairs.
2. Develops and implements programs to maximize the utilization of facility and parkland assets.
3. Develops and schedules maintenance standards and techniques for all public facilities, streets, storm drains, parkland, and fleet. and parks.
4. Oversees custodial operations and park maintenance efforts for the City.
- 5.4. Prepares and participates in public relations and information programs.
- 6.5. Manages costs within allocated resources to maintain City facilities, structures, streets, storm drains, parkland, and fleet. parkland, equipment, and inventories.
7. Inspects and directs repairs on buildings, play structures, and equipment.
- 8.6. Prepares reports, budgets, and schedules for assigned areas of responsibility.
- 9.7. Selects, trains, supervises and evaluates full- and part-time staff.
- 10.8. Aids in ensuring compliance with appropriate regulatory agencies regarding City facilities, structures, streets, storm drains, fleet and parkland management and operations.
11. Aids in coordination of planning and managing installations, additions, moves, and changes to City owned facilities and parkland.
9. Ensures proper application of fertilizers, herbicides, and pesticides to include required reporting to the State Department of Agriculture.
10. Acts as the City's Safety Committee Chairperson, holds City-wide safety meetings; updates safety policies; ensures compliance with safety standards.
- 12.11. May be required to be on-call in event of emergency on weekends or in the

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## RECREATION & PARKS MAINTENANCE SUPERINTENDENT

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13.12. Perform related duties as required.

### **QUALIFICATIONS**

#### Knowledge of:

City Facilities, structures, streets, storm drains, parkland, and fleet and parkland management and operational systems; methods and techniques for industrial engineering, or construction management, or public works; project management; computer systems; budget development and implementation; principles of personnel supervision and training; formal and informal presentations; American Disability Act; California Uniform Building Code; CA/OSHA; California Code of Regulations, and Title 8. ; principles of plumbing, electrical and carpentry.

#### Ability to:

Plan, assign, schedule, and coordinate the work of subordinates in all areas of City facilities, structures, streets, storm drains, parkland, and fleet and parkland management; keep necessary records and develop appropriate reports; understand, communicate, and follow oral and written instructions; establish and implement goals, objectives, procedures, and priorities; delegate and complete assigned duties; assist in development and implementation of department budget; establish and maintain effective relationships with public agencies, community groups and other employees; use personal computers and software; understand government codes and regulations; supervise, train, and evaluate subordinates; identify City facilities, structures, streets, storm drains, parkland, and fleet and parkland needs and develop cost efficient plans to meet those identified needs; review changes in regulations and identify potential impacts to City owned facilities, structures, streets, storm drains, parkland, docks, piers, and fleet and parks.

#### Education and Experience:

Equivalent to graduation from an accredited four year college or university with major work in construction management, public administration, natural resource management, or related field; five years responsible experience relating to public works, facility, and/or parkland management; or any equivalent combination of education and experience.

Possession or the ability to obtain within a year of employment, appropriate certification to apply pesticides and herbicides as required by the State Department of Agriculture.

Valid and appropriate California driver's license; Class B preferred.

## RECREATION & PARKS MAINTENANCE SUPERINTENDENT

Experience and/or certification in LEED is preferred.

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

### **TOOLS & EQUIPMENT USED**

Personal computer, including word processing software; calculator; copy and fax machine; telephone; mobile and/or portable radio. ; power, hand tools, and equipment for carpentry, electrical, plumbing, and construction work such as saws, drills, sanders, and hammers; automobile, pickup truck, lawn and landscaping equipment including tractors, mowers, airifier, chainsaw, edgers, weed trimmers, electric motors, pumps, sprinklers, irrigation systems, miscellaneous hand tools and power tools for turf maintenance. Ability to learn and/or use motorized vehicle, lawn and landscaping equipment including tractors, mowers, airifier, chain saw, edgers, weed trimmers, electric motors, pumps, sprinklers, irrigation systems; miscellaneous hand and power tools for turf maintenance, carpentry, painting, plumbing, electrical, and cement finishing work; dump truck, utility truck, street sweeper, street roller, manlift, tamper, plate compactor, saws, pumps, aeroil propane kettle, compressors, sanders, generators, common hand and power tools, shovels, wrenches, detection devices, ditch witch; floor buffers, steam cleaners, washers, power and hand tools and equipment for carpentry and general construction work such as saws, drills, sanders and hammers.

### **PHYSICAL DEMANDS**

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

While performing the duties of this job, the employee must possess strength, stamina and mobility to perform heavy physical work, use varied hand and power tools, drive a motor vehicle and heavy construction equipment and lift and move materials. The employee is regularly required to walk, sit, climb, balance, stoop, kneel or crouch; to frequently use hands to finger, handle, feel and operate objects, tools, or controls as well as reach with hands and arms. The employee is required to read printed materials as well as have hearing and speech to communicate both in person and over the telephone or radio.

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

## RECREATION & PARKS MAINTENANCE SUPERINTENDENT

The employee must frequently lift and/or move up to 50 pounds, and occasionally lift weights up to 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

### **WORK ENVIRONMENT**

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

While performing the duties of this job, the employee frequently works near moving mechanical parts in outside weather conditions. The employee is frequently exposed to wet and/or humid conditions, fumes, toxic or caustic chemicals.

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

The noise level in the work environment is usually quiet while in the office, or moderately noisy when in the field.

### **SELECTION GUIDELINES**

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

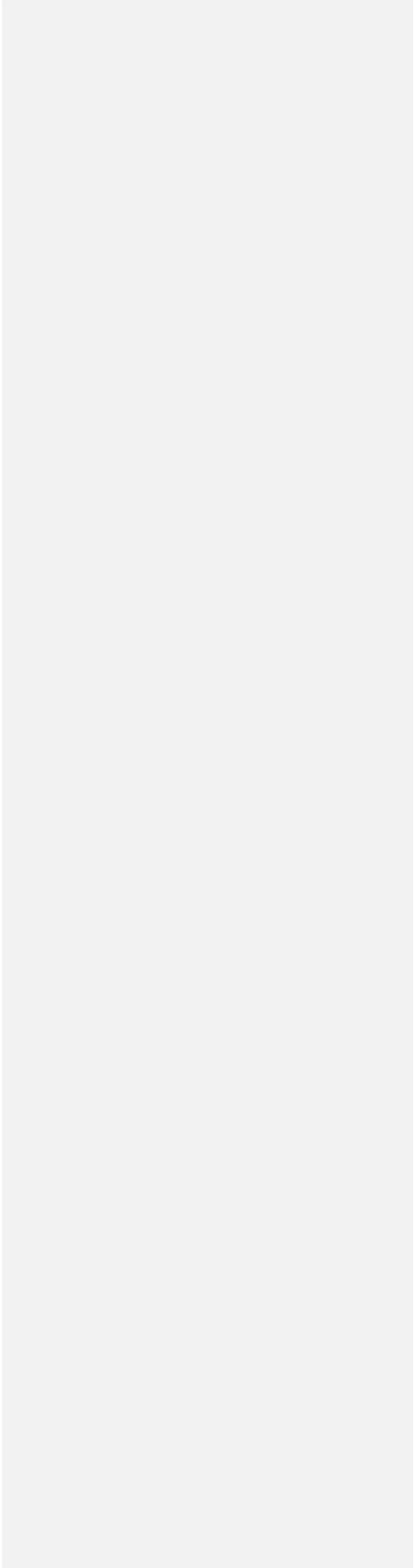
The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

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

Approved by the Morro Bay City Council on August 25, 2008  
Approved by the Morro Bay City Council on June, 14, 2010.

**RECREATION & PARKS MAINTENANCE SUPERINTENDENT**

a.jobdescriptions.r&p maintenance supervisor



## CITY OF MORRO BAY

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### **MAINTENANCE WORKER II - STREETS**

#### **DEFINITION**

This is the journey level class in the maintenance class series. Under general supervision to perform a variety of semi-skilled and skilled tasks in the construction, repair, installation, and maintenance of streets, parks, and facility maintenance public works and to do related work as required.

#### **DISTINGUISHING CHARACTERISTICS**

This is the journey level class in the Maintenance Worker series where incumbents perform a variety of semi-skilled and skilled tasks as a member of a public works crew. An incumbent operates power driven equipment regularly but not as a major assignment. Positions allocated to this class are assigned more difficult work involving independent responsibility and may assist in the training of less experienced personnel.

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

##### **PARKS AND STREETS**

1. Removes and replaces road material, such as asphalt.
2. Uses premix asphalt to repair streets and gutters. following water and sewer line repair.
3. Measures, lays out, and paints crosswalks, curbs, stop and center lines.
4. Operates paint striping machine to paint solid or broken center lines
5. As qualified and assigned, Operates loader, mower, tractor, motor grader, skip and drag or backhoe to excavate or backfill trenches, prepare streets for paving or to remove dirt and debris.
6. Patrols for drainage problems and cleans clogged storm drain basins.
7. Cleans and performs routine maintenance on maintains equipment, mowers and vehicles used in the course of work.
8. Operates a mechanical street sweeper.
9. Adjusts brooms, guards, and other auxiliary equipment for effective sweeper operation.
10. Checks tires, batteries, radiator, and engine on equipment regularly, performing routine maintenance.
8. Plants and transplants, removes, fertilizes, cultivates, waters, and sprays flowers; and prunes, trims and sprays shrubs and trees.
9. Mows, trims, waters and fertilizes lawns and other grass areas.
10. Repairs and maintains irrigation systems.
11. Applies herbicides and pesticides
12. May be required to be on-call in event of emergency on weekends or in the

## MAINTENANCE WORKER II

- evening.
13. May provide direction to supervised volunteers and alternative work crews such as CMC, CCC and community service workers.
  141. Performs related duties as required.

### **FACILITY MAINTENANCE**

1. General services and maintenance of city owned facilities to include custodial work, routine repairs, painting, carpets, floors, electrical, and plumbing.
2. Picks up trash, sweeps walks, entrances and adjacent facility grounds.
3. Moves furniture, does meeting setups (chairs, tables, sound systems).
4. May supervise community service workers.
5. Performs maintenance on custodial equipment including buffers, vacuum cleaners, etc.
6. Stocks cleaning supplies.
7. May be required to be on-call in event of emergency on weekends or in the evening.
8. May provide direction to supervised volunteers and alternative work crews such as CMC, CCC and community service workers.
8. Performs related duties as required.

### **QUALIFICATIONS**

#### **Knowledge of:**

Construction and maintenance material, procedures, and equipment with particular reference to street operations; methods, tools, techniques and supplies used in construction work; safe work practices.

General maintenance and repair materials, procedures, and equipment with particular reference to street, parks and facility operations to include irrigation systems, grounds maintenance, and use of pesticides and herbicides; methods and materials used in general maintenance, repair and construction of buildings and appurtenant structures to include carpentry, plumbing, mechanical, cement, electrical and painting trades; and methods and materials used in maintenance and repair of streets, sidewalk, curbs and gutters; occupational hazards and safety precautions, use, operation, and maintenance of heavy and light power driven equipment; and all associated safe work practices.

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## MAINTENANCE WORKER II - STREETS

### Ability to:

Perform semi skilled or skilled work on streets, parks and facility maintenance and repair assignments; operate a variety of heavy and light power driven equipment, including motor graders, loaders, sweepers, dozers, backhoes, skip and drag, dump trucks, tractors and mowers as required; analyze maintenance problems and complete minor and major repairs; use a variety of shop and portable power and hand tools and equipment; perform heavy manual labor; provide training to less experienced maintenance employees; read and write at the level required for successful job performance; understand and carry out oral and written direction; and maintain cooperative working relationships with other City employees and the public.

Perform semi-skilled or skilled maintenance tasks in the construction, maintenance and repair of public works; operate trucks and moderately heavy power driven equipment when assigned; perform heavy manual labor; read and write at the level required for successful job performance. Use hand and small power tools; work without close supervision; understand, communicate, and follow oral and written instructions; establish and maintain effective work relationships with employees and public; take turn at 24-hour standby duty.

### Education and Experience:

High school diploma or equivalent.

One Two years of experience performing duties comparable to that of a maintenance worker in a municipal street streets, parks or facility maintenance departmentdivision.

Possession of Class 2 or above California Driver's License and required endorsementsPossession of valid and appropriate California Driver's License; must attain Class B Driver's license within 2 years of hire.

### **TOOLS & EQUIPMENT USED**

Motorized vehicles and equipment, including dump truck, pickup truck, utility truck, street sweeper, street roller, manlift, tamper, plate compactor, saws, pumps, aeroil propane kettle, compressors, sanders, generators, common hand and power tools, shovels, wrenches, detection devices, mobile radio, telephone, ditch witch.

## MAINTENANCE WORKER II - STREETS

Motorized vehicle, lawn and landscaping equipment including tractors, mowers, airifier, chain saw, edgers, weed trimmers, electric motors, pumps, sprinklers, irrigation systems; miscellaneous hand and power tools for turf maintenance, carpentry, painting, plumbing, electrical, and cement finishing work; dump truck, utility truck, street sweeper, street roller, manlift, tamper, plate compactor, saws, pumps, aeroil propane kettle, compressors, sanders, generators, common hand and power tools, shovels, wrenches, detection devices, ditch witch; floor buffers, steam cleaners, washers, power and hand tools and equipment for carpentry and general construction work such as saws, drills, sanders and hammers, mobile radio, and telephone.

### **PHYSICAL DEMANDS**

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

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

While performing the duties of this job, the employee must possess strength, stamina and mobility to perform heavy physical work, use varied hand and power tools, drive a motor vehicle and heavy construction equipment and lift and move materials. The employee is regularly required to walk, sit, climb, balance, stoop, kneel or crouch; to frequently use hands to finger, handle, feel and operate objects, tools, or controls as well as reach with hands and arms. The employee is required to read printed materials as well as have hearing and speech to communicate both in person and over the telephone or radio.

The employee must frequently lift and/or move up to 2550 pounds and occasionally lift and/or move up to 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

### **WORK ENVIRONMENT**

The work environment characteristics described here are representative of those an employee

## MAINTENANCE WORKER II - STREETS

encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

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

The noise level in the work environment is usually loud.

### **SELECTION GUIDELINES**

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

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

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

Approved by the Morro Bay City Council on May 28, 1996.  
Approved by the Morro Bay City Council on June 14, 2010.

h/jdmwiist

## CITY OF MORRO BAY

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### MAINTENANCE WORKER III - STREETS

#### DEFINITION

This is the intermediate –journey level class in the maintenance class series. Under general supervision to perform a wide variety of skilled and semi-skilled work in the construction, maintenance, and repair of streets, parks, facility maintenance and related public works; and to do related work as required.

#### ESSENTIAL DUTIES & RESPONSIBILITIES

##### PARKS & STREETS

1. 1. Assists a crew in patching and resurfacing streets and alleys.
2. Breaks up pavement, prepares surfaces for paving, and rakes and spreads asphalt.
3. Assists in a variety of other maintenance activities, including but not limited to cleaning drains and ditches, maintaining and installing traffic signs, traffic painting, discing and spraying application of herbicides to vacant land, and preparing grades for construction of sidewalks, curbs, and gutters.
4. Operates trucks, light and heavy construction equipment including motor graders, street sweeper, and backhoes, and mowers as, as required.
5. Operates a variety of hand and power tools including jackhammers, air compressors, building machines, cutters, welders, grinding machines, and boring and tapping machines.
6. Plants, fertilizes, cultivates, and sprays flowers, shrubs and trees.
7. Mows, trims, and fertilizes lawns and other grass areas.
8. Prunes and sprays trees and performs some tree maintenance work.
9. Keeps tools and equipment in a clean and safe working condition.
106. As necessary, performs unskilled and manual tasks on assigned maintenance projects.
11. May provide direction or supervise volunteers and work crews such as CMC, CCC and community service workers.
12. May be required to be on-call in event of emergency on weekends or in the evening.
137. Performs related duties as required.

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##### FACILITY MAINTENANCE

1. Performs general carpentry work in the alteration, repair, and maintenance of City owned buildings facilities and properties.

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### MAINTENANCE WORKER III

2. Prepares and paints interior and exterior walls, ceilings and trim work.
3. Performs routine preventative maintenance on mechanical equipment including electrical systems, hvac systems, swamp coolers, and forced air heaters.
4. Installs and makes routine repairs to building electrical systems.
5. Makes emergency repairs and adjustments to plumbing equipment and apparatus.
6. Repairs and/or replaces doors, windows, locks, and associated casing.
7. Performs roofing and drywall work as necessary.
8. Performs routine custodial duties when needed.
9. May be required to be on-call in event of emergency on weekends or in the evening.
10. Operates and maintains a variety of tools and power equipment.
11. May provide direction or supervise volunteers and work crews such as CMC, CCC and community service workers.
12. Performs related duties as required.

### QUALIFICATIONS

#### Knowledge of:

General maintenance and repair materials, procedures, and equipment with particular reference to street, parks and facility operations to include irrigation systems, grounds maintenance, and use of pesticides and herbicides; methods and materials used in maintenance, repair and construction of buildings and appurtenant structures to include carpentry, plumbing, mechanical, cement, electrical and painting trades; and methods and materials used in maintenance and repair of streets, sidewalk, curbs and gutters; occupational hazards and safety precautions, ; use, operation, and maintenance of heavy and light power driven equipment; safe work practices and all associated safe work practices.

#### Ability to:

Perform the more skilled streets, parks and facility public works maintenance and repair assignments; operate a variety of heavy and light power driven equipment, including graders, loaders, sweepers, and dozers, backhoes, dump trucks, tractors and mowers as required; assign crews in the performance of general maintenance and repair work; analyze maintenance problems and complete minor and major repairs; use a variety of shop and portable power and hand tools and equipment; perform heavy manual labor; provide training to less experienced maintenance employees; supervise staff in the absence of immediate supervisor; read and write at the level required for successful job performance; read and interpret work plans and blueprints; understand and carry out oral and written direction; and maintain cooperative working relationships with other City employees and the public; be on-call for 24 hours.

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## MAINTENANCE WORKER III - STREETS

### Education and Experience:

High school diploma or its equivalent.

Two Three years of increasingly responsible experience in street, parks or facility maintenance and construction work, including at least three one years of experience performing duties comparable to that of a Maintenance Worker II in the City of Morro Bay.

Qualified Irrigation Auditor certificate or ability to obtain within 24 months of hire.

Possession of Class B2 or above California Driver's License with required endorsements.

### TOOLS & EQUIPMENT USED

Motorized vehicles and equipment, including dump truck, pickup truck, utility truck, street sweeper, street roller, manlift, tamper, plate compactor, saws, pumps, aeroil propane kettle, compressors, sanders, generators, common hand and power tools, shovels, wrenches, detection devices, mobile radio, telephone, ditch witch.

Motorized vehicle, lawn and landscaping equipment including tractors, mowers, airifier, chain saw, edgers, weed trimmers, electric motors, pumps, sprinklers, irrigation systems; miscellaneous hand and power tools for turf maintenance, carpentry, painting, plumbing, electrical, and cement finishing work; dump truck, utility truck, street sweeper, motor grader, backhoe, skip and drag, street roller, manlift, tamper, plate compactor, saws, pumps, aeroil propane kettle, compressors, sanders, generators, common hand and power tools, shovels, wrenches, detection devices, ditch witch; floor buffers, steam cleaners, washers, power and hand tools and equipment for carpentry and general construction work such as saws, drills, sanders and hammers, mobile radio, and telephone.

### PHYSICAL DEMANDS

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

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, feel or operate objects, tools, or controls and reach with hands and arms. The employee

### MAINTENANCE WORKER III - STREETS

frequently is required to stand and talk or hear. The employee is occasionally required to walk, sit, climb or balance; stoop, kneel, crouch, or crawl; and smell.

While performing the duties of this job, the employee must possess strength, stamina and mobility to perform heavy physical work, use varied hand and power tools, drive a motor vehicle and heavy construction equipment and lift and move materials. The employee is regularly required to walk, sit, climb, balance, stoop, kneel or crouch; to frequently use hands to finger, handle, feel and operate objects, tools, or controls as well as reach with hands and arms. The employee is required to read printed materials as well as have hearing and speech to communicate both in person and over the telephone or radio.

The employee must frequently lift and/or move up to 2550 pounds and occasionally lift and/or move up to 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

## MAINTENANCE WORKER III - STREETS

### **WORK ENVIRONMENT**

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

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

The noise level in the work environment is usually loud.

### **SELECTION GUIDELINES**

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

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

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

Approved by the Morro Bay City Council on May 28, 1996.  
Approved by the Morro Bay City Council on June 14, 2010.

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## CITY OF MORRO BAY

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### MAINTENANCE LEAD WORKER - PARKS

#### DEFINITION

This is the advanced-journey/lead level class in the maintenance class series. Under general supervision to lead and participate in the work of maintenance personnel engaged in a variety of streets, parks and facility maintenance as well as other public works maintenance and repair activities; to operate heavy power driven equipment; and to do related work as required.

#### ESSENTIAL DUTIES & RESPONSIBILITIES

##### PARKS & STREETS

1. Receives work orders and schedules for streets and parks related activities.
2. Leads and assists a crew of assigned personnel engaged in the maintenance and upkeep of City Parks to include cultivating, watering, and trimming hedges, lawns, trees, and shrubs.
3. Leads and participates in the work of the parks crew engaged in the maintenance and upkeep of City parks.
3. Leads and assists a crew of assigned personnel engaged in cleaning, repairing and patching City streets; and, repairing and constructing sidewalks and curbs.
4. Insures proper applications of fertilizers, herbicides, and pesticides as well as makes required report to State Department of Agriculture on pesticide/herbicide application. (maybe something here re: toxic chemicals??)
35. Reviews all work projects in progress and upon completion.
46. Inspects various facilities for needed maintenance and repair.
57. Answers questions and takes action on complaints and requests pertaining to the work of the department/division.
68. Enforces safety regulations.
7. Makes required report to State Department of Agriculture on pesticide/herbicide application.
98. Keeps records and makes reports.
10. Supervises purchase of all related materials and equipment.
119. Assist in parks division's budget development.
12. Coordinates activities with other City departments and divisions
13. Assists in the selection, training, supervising, evaluating and discipline of part and full-time staff.
1410. Supervises volunteers and community service workers. work crews such as CMC, CCC and community service workers.
1511. Operates heavy equipment.
16. May be required to be on-call in event of emergency on weekends or in the

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## MAINTENANCE LEAD WORKER - PARKS

evening.

1712. Performs related duties as required.

### FACILITY MAINTENANCE

1. Receives and schedules work orders for city-wide facility maintenance related activities.
2. Leads and participates in the work of the facilities crew engaged in repair and maintenance of city facilities to include electrical systems, HVAC, plumbing systems, roof, painting, custodial services, and contract work.
3. Reviews work projects in progress and upon completion.
4. Inspects various facilities for needed maintenance and repair.
5. Answers questions and takes action on complaints and requests pertaining to the work of the division.
6. Enforces safety regulations.
7. Supervises purchase of all related materials and equipment.
8. Assist in facility maintenance budget development.
9. Coordinates activities with other City departments and divisions
10. Assists in the selection, training, supervising, evaluating and discipline of part and full-time staff.
11. Supervises volunteers and work crews such as CMC, CCC and community service workers.
12. May be required to be on-call in event of emergency on weekends or in the evening.
13. Performs related duties as required.

### QUALIFICATIONS

#### Knowledge of:

Methods, tools, materials, equipment, and supplies used in streets, parks and facility maintenance; the operation and maintenance requirements of trucks and other moderately heavy power driven equipment; applicable codes and regulations; principles of supervision and training; safe work practices safety equipment and practices related to the work, including the handling of hazardous chemicals; ; .

#### Ability to:

Perform a wide variety of streets, parks and facility maintenance work; trouble-shoot

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## MAINTENANCE LEAD WORKER - PARKS

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maintenance and repair projects; perform highly skilled maintenance and repair assignments; operate a variety of power driven equipment; read plans, specifications, blueprints and drawings; assign and supervise the work of a streets, parks and facility crews; provide training to less experienced employees; understand and carry out oral and written directions; read and write at the level required for successful job performance; establish and maintain cooperative working relationships with other City employees and the public..

### Education and Experience:

#### ALL:

High school diploma or its equivalent.

Possession of or the ability to obtain within 24 months, a D64 non-specialized contractor license (backflow prevention assembly tester certification).

Possession of or the ability to obtain within 30 months, California Electrical Certification per SB 1362.

High school diploma or its equivalent.

Possession of Class B or above California Driver's License with required endorsements.

#### PARKS & STREETS:

Two Four years of experience performing duties comparable to that of a Maintenance Worker II in the City of Morro Bay or one year of experience performing duties comparable to that of a Maintenance Work III in the City of Morro Bay, in the Streets or Parks Divisions.

Possession of appropriate certification to apply pesticides and herbicides as required by State Department of Agriculture.

#### FACILITY MAINTENANCE:

Four years of increasingly responsible experience in the building trades; or four years of experience performing duties comparable to that of a Maintenance Worker III in the City of Morro Bay.

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

### **TOOLS & EQUIPMENT USED**

Pickup truckMotorized vehicle;, lawn and landscaping equipment including tractors, mowers,

## MAINTENANCE LEAD WORKER - PARKS

airifier, chain saw, edgers, weed trimmers, electric motors, pumps, sprinklers, irrigation systems; miscellaneous hand and power tools for turf maintenance, carpentry, painting, plumbing, electrical, and cement finishing work;. dump truck, utility truck, street sweeper, street roller, manlift, tamper, plate compactor, saws, pumps, aeroil propane kettle, compressors, sanders, generators, common hand and power tools, shovels, wrenches, detection devices, ditch witch; floor buffers, steam cleaners, washers, power and hand tools and equipment for carpentry and general construction work such as saws, drills, sanders and hammers, mobile radio, and telephone.

### **PHYSICAL DEMANDS**

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

While performing the duties of this job, the employee must possess strength, stamina and mobility to perform heavy physical work, use varied hand and power tools, drive a motor vehicle and heavy construction equipment and lift and move materials. The employee is regularly required to walk, sit, climb, balance, stoop, kneel or crouch; to frequently use hands to finger, handle, feel and operate objects, tools, or controls as well as reach with hands and arms. The employee is required to read printed materials as well as have hearing and speech to communicate both in person and over the telephone or radio. The employee frequently is required to stand; walk and use hands to finger, handle, feel or operate objects, tools, or controls. The employee is occasionally required to sit; climb or balance; stoop, kneel, crouch, or crawl; and talk or hear.

The employee must frequently lift and/or move up to 50 50 pounds and occasionally lift and/or move up to 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

### **WORK ENVIRONMENT**

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

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

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## MAINTENANCE LEAD WORKER - PARKS

caustic chemicals, and vibration. The employee is occasionally exposed to risk of electrical shock.

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

The noise level in the work environment is usually loud.

### **SELECTION GUIDELINES**

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

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

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

Approved by the Morro Bay City Council on May 28, 1996.

Approved by the Morro Bay City Council on June 14, 2010.

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## **CITY OF MORRO BAY**

### **MECHANIC**

#### **DEFINITION**

Under general supervision, to makes mechanical repairs to automotive, light and heavy truck, emergency service vehicles, public transportation vehicles, including hybrid and electric vehicles diesel and other power driven equipment; and to do related work as required.

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

1. Accurately inspects, diagnoses, and locates mechanical difficulties on City automobiles, trucks, and a variety of maintenance and construction equipment.
2. Estimates job costs and keeps record of time and materials used on work performed.
3. Advises supervisor of reason for delays, problems and progress of work projects.
4. Recommends the purchase and storage of parts and equipment.
5. Determines extent of necessary repairs.
6. Overhauls, repairs, and adjusts engines, transmissions, differentials, and clutches.
7. Tunes up engines, replacing ignition parts and cleaning and adjusting carburetors.
8. Replaces or repairs faulty parts including wheel bearings, clutches, oil seals, shock absorbers, exhaust systems, steering mechanisms, and related parts and equipment.
9. Prepares and replaces such components as generators, alternators, water pumps, distributors, relays, lights and switches.
10. Repairs and installs hydraulic cylinders, pumps, motors, valves, lines, and hoses on hydraulic operated equipment.
11. Repairs and adjusts gasoline and diesel generators, portable water pumps, gasoline and diesel powered air compressors, adapts or fabricates mechanical equipment.
12. Fuel system record keeping and permitting.
13. Hazardous Waste manifesting and recordkeeping.
14. Completes and maintains records to include work, supply, damage, personnel, maintenance and material records.
15. Inspects and outfits newly purchased equipment to be put in service.
16. Assist coworkers in with maintenance, repairs and other work related projects as requested.needed.
17. Keep work area and equipment in a clean and safe manner.
18. Assist other City employees as required needed during times of emergency situations.
19. Performs related duties as required.

## MECHANIC

### **QUALIFICATIONS**

#### Knowledge of:

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of automotive and related power- driven equipment; the operation and care of internal combustion engines, and of parts and replacements; the use of mechanic shop tools and equipment.

#### Ability to:

Inspect automotive, diesel and related power- driven equipment to locate difficulties or problems, and estimate the cost and time of repairs; perform minor and major mechanical work on City- owned mechanical equipment; use a variety of tools and equipment with skill; maintain a variety of shop and repair records; read and write at the level required for successful job performance; understand and carry out oral and written instructions; maintain a level of knowledge in order to stay current with changes taking place in the automotive and equipment fields; maintain cooperative working relationships with other cCity personnel employees and the public.

#### Education and Experience:

Equivalent to graduation from high school

One Three years of journey level working experience in the maintenance and repair of automotive, diesel and other power- driven equipment.

Possession of or ability to obtain the ASE certification for Automobile/Light Truck, and/or the ASE certification for Medium/Heavy Truck, and/or the ASE certification for Advanced Engine Performance Specialist, and/or the ASE certification for Transit Bus.

Possession of Class B or above California Commercial Drivers License and required endorsements.

### **TOOLS & EQUIPMENT USED**

Motorized vehicles for mechanical testing purposes, power and hand tools, and equipment for vehicle and mechanical system work; mechanic's tools including jacks, hydraulic lifts, air tools, and other tools required for minor repairs and routine maintenance of motorized vehicles;

## MECHANIC

electronic vehicle diagnostic equipment; personal computer, calculator, telephone; mobile or portable radio.

### **PHYSICAL DEMANDS**

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

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

The employee is occasionally required to walk, sit, talk or and hear. The employee must frequently lift and/or move up to 2550 pounds, and occasionally lift weights up to 100 pounds. Specific vision abilities required by this job include close vision, color vision, and the ability to adjust focus.

### **WORK ENVIRONMENT**

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

While performing the duties of this job, the employee frequently works near moving mechanical parts or in outside weather conditions. The employee is occasionally exposed to wet and/or humid conditions, fumes, toxic or caustic chemicals.

The noise level in the work environment is moderately noisy.

### **SELECTION GUIDELINES**

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

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

The job description does not constitute an employment agreement between the employer and

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MECHANIC

employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approved by the Morro Bay City Council on July 26, 1999 .

Approved by the Morro Bay City Council on ????, June 14, 2010.



AGENDA NO: A-5

MEETING DATE: 6/14/10

# Staff Report

**TO:** Mayor and City Council

**DATE:** June 8, 2010

**FROM:** Bridgett Kessler, City Clerk

**SUBJECT:** Acceptance of Resignation from Public Works Advisory Board Members

**RECOMMENDATION:**

Receive and accept the letter of resignation from Susan Shaw who served on the City's Public Works Advisory Board; and, the email received from John Zweemer who also served on the Public Works Advisory Board.

**DISCUSSION:**

The City received a letter of resignation from Susan Shaw on May 19, 2010. Ms. Shaw served on the Public Works Advisory Board and her term would have expired on January 31, 2013. The City received an email on June 10, 2010 at 8:00 a.m. from John Zweemer stating he was vacating his seat on the Public Works Advisory Board immediately; his term on the Board would have expired on January 31, 2012.

Prepared By: **B. Kessler**

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

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



AGENDA NO: B-1

MEETING DATE: June 14, 2010

## Staff Report

**TO:** Honorable Mayor and Council                      **DATE:** June 7, 2010  
**FROM:** Janeen Burlingame, Management Analyst  
**SUBJECT:** FY 2010/2011 Trolley Operations

### **RECOMMENDATION**

Staff recommends the City Council approve the allocation of revenue from the sale of the 1999 trolley to the FY 2010/2011 trolley budget that would be used to offset some or all of the Parking In Lieu funds currently budgeted depending on the final amount generated from the sale of the vehicle. In addition, staff recommends the City Council review trolley ridership data and provide direction to staff as necessary.

**MOTION** I move that the City Council approve the allocation of revenue generated from the sale of the 1999 trolley to the FY 2010/2011 trolley budget.

### **FISCAL IMPACT**

It is unknown at this time what would be the amount of revenue generated from the sale of the 1999 trolley. A trolley of this type and condition has been advertised for sale with Trolley Brokers, Inc. for \$50,000; however, other factors such as the economy, supply of trolleys of this type and demand of interested parties may affect the actual sale price. The intent is that the revenue generated would be allocated to the FY 2010/2011 trolley budget to replace all or a portion of the \$26,559 Parking In Lieu funds that are currently budgeted for trolley operations.

### **DISCUSSION**

The City received an American Reinvestment and Recovery Act (ARRA) grant to fund 100% of the purchase of a new trolley to replace the 1999 trolley that is currently in operation. The replacement trolley is scheduled to be delivered in June 2010 and the 1999 trolley would be taken out of service and sold.

At the March 22 City Council meeting, the Council authorized using funds from the 1999 trolley sale to offset the \$24,000 funding loss to transit from a second cut to Local Transportation Funds that the was to occur in the 2009/2010 fiscal year so that dial-a-ride service could continue through the end of the fiscal year without service interruption.

Subsequent to this meeting, the Governor signed into law legislation referred to as the “gas-tax swap” that recovered State Transit Assistance (STA) funds that had been cut by 50% in FY 2008/2009 and eliminated in FY 2009/2010. The San Luis Obispo Council of Governments Board

Prepared By: J. Burlingame

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

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

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

will approve at their June 9 meeting, the allocation of STA for the next fiscal year as well as an allocation of STA for FY 2009/2010 to back fill the March 2010 transit funding loss noted above. Since the 1999 trolley was purchased with State and Federal transit grant funds, revenue generated from the sale of the disposition of the vehicle is to be put back into the transit budget. As such, the revenue generated from the sale of the 1999 trolley can now be re-allocated to the FY 2010/2011 trolley budget as noted in the Fiscal Impact.

During the City Council's budget workshop on May 19, the Council directed staff to return with ridership information for review and discussion.

**Exhibit A - Trolley Ridership by Day**

2009 Ridership by Day	Sat	Sun	Mon	Fri	Total
<b>Total Riders</b>	9,290	5,483	3,257	3,521	21,551
<b>Average Riders/Day</b>	465	274	192	235	304
<b>Riders/Vehicle Service Hrs</b>	19	13	10	10	14

2008 Ridership by Day	Sat	Sun	Mon	Fri	Total
<b>Total Riders</b>	10,907	6,082	3,836	5,131	25,956
<b>Average Riders/Day</b>	545	304	256	367	371
<b>Riders/Vehicle Service Hrs</b>	18	14	14	13	15

2007 Ridership by Day	Sat	Sun	Mon	Fri	July 4th	Total
<b>Total Riders</b>	6,411	3,514	2,006	2,704	622	15,257
<b>Average Riders/Day</b>	321	176	134	193	622	218
<b>Riders/Vehicle Service Hrs</b>	16	13	11	11	27	13

**Exhibit B - Trolley 2009 Season - Ridership per Hour Analysis All Routes**

	11-12	12-1	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9	Ridership
<b>2009 Ridership</b>	3,014	2,882	3,204	3,151	3,254	2,780	2,030	938	126	172	21,551
<b>Hourly Riders</b>	42	41	45	44	46	39	36	27	126	172	

	11-12	12-1	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9	Ridership
<b>2008 Ridership</b>	3,234	3,466	3,737	3,690	3,745	3,203	2,407	1,206	865	403	25,956
<b>Hourly Riders</b>	46	50	53	53	54	46	43	35	25	19	

	11-12	12-1	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9	Ridership
<b>2007 Ridership</b>	1,969	2,185	2,257	2,330	2,187	1,663	1,234	747	491	194	15,257
<b>Hourly Riders</b>	28	31	32	33	31	24	22	21	14	9	

<b>FRIDAY</b>	<b>11-12</b>	<b>12-1</b>	<b>1-2</b>	<b>2-3</b>	<b>3-4</b>	<b>4-5</b>	<b>5-6</b>	<b>6-7</b>	<b>Fri. Total</b>
<b>2009 Ridership</b>	448	380	595	465	558	444	379	252	3,521
<b>Hourly Riders</b>	30	25	40	31	37	30	25	17	

<b>2008 Ridership</b>	<b>11-12</b>	<b>12-1</b>	<b>1-2</b>	<b>2-3</b>	<b>3-4</b>	<b>4-5</b>	<b>5-6</b>	<b>6-7</b>	<b>7-8</b>	<b>8-9</b>	<b>Fri. Total</b>
<b>2008 Ridership</b>	627	557	701	696	657	611	485	373	280	144	5,131
<b>Hourly Riders</b>	45	40	50	50	47	44	35	27	20	144	

<b>2007 Ridership</b>	<b>11-12</b>	<b>12-1</b>	<b>1-2</b>	<b>2-3</b>	<b>3-4</b>	<b>4-5</b>	<b>5-6</b>	<b>6-7</b>	<b>7-8</b>	<b>Fri. Total</b>
<b>2007 Ridership</b>	336	367	359	363	363	339	259	228	90	2,704
<b>Hourly Riders</b>	24	26	26	26	26	24	19	16	6	

<b>SATURDAY</b>	<b>11-12</b>	<b>12-1</b>	<b>1-2</b>	<b>2-3</b>	<b>3-4</b>	<b>4-5</b>	<b>5-6</b>	<b>6-7</b>	<b>7-8</b>	<b>8-9</b>	<b>Sat. Total</b>
<b>2009 Ridership</b>	1,161	1,157	1,198	1,312	1,316	1,167	995	686	126	172	9,290
<b>Hourly Riders</b>	58	58	60	66	66	58	50	34	126	172	

<b>2008 Ridership</b>	<b>11-12</b>	<b>12-1</b>	<b>1-2</b>	<b>2-3</b>	<b>3-4</b>	<b>4-5</b>	<b>5-6</b>	<b>6-7</b>	<b>7-8</b>	<b>8-9</b>	<b>Sat Total</b>
<b>2008 Ridership</b>	1,195	1,294	1,390	1,404	1,438	1,214	1,295	833	585	259	10,907
<b>Hourly Riders</b>	60	65	70	70	72	61	65	42	29	13	

<b>2007 Ridership</b>	<b>11-12</b>	<b>12-1</b>	<b>1-2</b>	<b>2-3</b>	<b>3-4</b>	<b>4-5</b>	<b>5-6</b>	<b>6-7</b>	<b>7-8</b>	<b>8-9</b>	<b>Sat Total</b>
<b>2007 Ridership</b>	745	861	793	878	927	664	634	478	325	106	6,411
<b>Hourly Riders</b>	37	43	40	44	46	33	32	24	16	5	

<b>SUNDAY</b>	<b>11-12</b>	<b>12-1</b>	<b>1-2</b>	<b>2-3</b>	<b>3-4</b>	<b>4-5</b>	<b>5-6</b>	<b>Sun. Total</b>
<b>2009 Ridership</b>	807	790	848	886	793	761	598	5,483
<b>Hourly Riders</b>	40	40	42	44	40	38	30	

<b>2008 Ridership</b>	<b>11-12</b>	<b>12-1</b>	<b>1-2</b>	<b>2-3</b>	<b>3-4</b>	<b>4-5</b>	<b>5-6</b>	<b>Sun. Total</b>
<b>2008 Ridership</b>	877	923	1,036	929	956	769	592	6,082
<b>Hourly Riders</b>	44	46	52	46	48	38	30	

<b>2007 Ridership</b>	<b>11-12</b>	<b>12-1</b>	<b>1-2</b>	<b>2-3</b>	<b>3-4</b>	<b>4-5</b>	<b>5-6</b>	<b>Sun. Total</b>
<b>2007 Ridership</b>	477	583	668	565	529	418	274	3,514
<b>Hourly Riders</b>	24	29	33	28	26	21	14	

<b>MONDAY</b>	<b>11-12</b>	<b>12-1</b>	<b>1-2</b>	<b>2-3</b>	<b>3-4</b>	<b>4-5</b>	<b>5-6</b>	<b>Mon. Total</b>
<b>2009 Ridership</b>	598	555	563	488	587	408	58	3,257
<b>Hourly Riders</b>	37	35	35	31	37	26	29	

<b>2008 Ridership</b>	<b>11-12</b>	<b>12-1</b>	<b>1-2</b>	<b>2-3</b>	<b>3-4</b>	<b>4-5</b>	<b>5-6</b>	<b>Mon. Total</b>
<b>2008 Ridership</b>	535	692	610	661	694	609	35	3,836
<b>Hourly Riders</b>	36	46	41	44	46	41	18	

<b>2007 Ridership</b>	<b>11-12</b>	<b>12-1</b>	<b>1-2</b>	<b>2-3</b>	<b>3-4</b>	<b>4-5</b>	<b>5-6</b>	<b>Mon. Total</b>
<b>2007 Ridership</b>	359	325	387	423	323	168	21	2,006
<b>Hourly Riders</b>	24	22	26	28	22	11	11	

**Exhibit D - Hourly Ridership by Route**

2009	11-12	12-1	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9	Total Riders
<b>Waterfront</b>	897	1046	1111	1182	1091	906	730	442	40	48	7,493
Hourly Riders	13	15	16	17	15	13	13	13	20	48	
<b>Downtown</b>	994	761	962	860	959	912	575	204	32	89	6,348
Riders/VSH	14	11	14	12	14	13	10	6	16	89	
<b>North</b>	1123	1075	1131	1109	1204	962	725	292	54	35	7,710
Hourly Riders	16	15	16	16	17	14	13	8	27	35	
2008	11-12	12-1	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9	Total Riders
<b>Waterfront</b>	1147	1486	1485	1600	1573	1342	967	537	317	83	10,537
Hourly Riders	16	21	21	23	22	19	17	16	9	4	
<b>Downtown</b>	1029	908	1010	893	963	956	711	302	211	177	7,160
Hourly Riders	15	13	14	13	14	14	13	9	6	8	
<b>North</b>	1058	1072	1242	1197	1209	905	729	367	337	143	8,259
Hourly Riders	15	15	18	17	17	13	13	11	10	7	
2007	11-12	12-1	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9	Total Riders
<b>Route 1</b>	834	1052	1104	1212	1085	764	572	420	218	68	7,329
Hourly Riders	12	15	16	17	16	11	10	12	6	3	
<b>Route 2</b>	1135	1133	1153	1118	1102	899	662	327	273	126	7,928
Hourly Riders	16	16	16	16	16	13	12	9	8	6	

Route 1 served Waterfront and Downtown area, but did not go to Morro Bay State Park

Route 2 served North Morro Bay area, connection at City Park/Centennial Stairway, and Morro Bay State Park

Staff has developed a budget for FY 2010/2011 that does not require general funds for operations. As such, staff does not recommend making changes to trolley service for the next fiscal year. However, staff acknowledges that use of Parking In Lieu funds over the long term may not be sustainable as this revenue source is finite and not being replenished at the same rate it might be used. Given this, during the next fiscal year staff will pursue developing alternative funding sources, some of which were touched on during the budget workshop involving the merchants associate and hoteliers. Staff will bring back to Council at the end of the calendar year a status of the 2010 trolley season and alternative funding source options.

**CONCLUSION**

Staff recommends the City Council approve the allocation of revenue from the sale of the 1999 trolley to the FY 2010/2011 trolley budget that would be used to offset some or all of the Parking In Lieu funds currently budgeted depending on the final amount generated from the sale of the vehicle. In addition, staff recommends the City Council review trolley ridership data and provide direction to staff as necessary.



AGENDA NO: B-2

MEETING DATE: June 14, 2010

# Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** June 1, 2010  
**FROM:** Andrea K. Lueker, City Manager  
**SUBJECT:** Discussion and Adoption of the 2010/11 Fiscal Year Operating Budgets

## **RECOMMENDATION**

Staff recommends the City Council review the staff report regarding the Fiscal Year 2010/11 Budget, provide any further direction and adopt Resolution No. 28-10, accepting the budget as the spending plan for the upcoming year.

**MOTION: I move the City Council adopt Resolution No. 28-10, accepting the budget as presented and with any amendments made at this meeting.**

## **FISCAL IMPACT**

The Fiscal Year 2010/11 Budget is balanced in all funds without the use of any General Fund Emergency Reserve.

## **BACKGROUND**

Staff prepared and presented a proposed Fiscal Year 2010/11 budget document to the City Council on Wednesday, May 12, 2010, in anticipation of an initial Budget Workshop held on May 19, 2010. The City Council went through the budget document thoroughly, and provided numerous comments, as well as asked a number of questions and requested further clarification on several items. Based on that initial Budget Workshop, staff has prepared this staff report with further clarification.

## **DISCUSSION**

Below staff provides a list of follow-up items from the May 19, 2010 Budget Workshop.

1. **Make a change in the language in the City Council Policies and Procedures Manual for the City Council Health Insurance to the "least expensive HMO or PPO"**

The following language is included in Resolution No. 28-10 to amend Section 2.2 of the Council Policies and Procedures:

Prepared By: A. Lueker	Dept Review: _____
City Manager Review: _____	
City Attorney Review: _____	

*The Mayor and Council Members are required to participate in P.A.R.S. retirement. The City shall pay a contribution to P.A.R.S. equal to 1% of salary. The City shall pay in full the cost of the Mayor and Council Members' participation in the lowest cost HMO or PPO medical plan (self-only) dental, vision and life insurance. Any unexpended amount in medical will be distributed to the Mayor and Council Members.*

2. **Remove the Fundraiser Follies Page**

This page has been removed in the budget.

3. **Remove the Aid to Agencies page**

This page has been removed in the budget.

4. **Add an item to the Agenda Planning Guide “Creation/Funding of a Facility Repair Fund”**

This has been added to the Agenda Planning Guide with a tentative date of July 2010.

5. **Add an item to the Agenda Planning Guide “Review of the TOT in relation to refunding the Visitors Center and Community Promotion to 2009/2010 FY Levels”**

This has been added to the Agenda Planning Guide with a tentative date of January 2011.

6. **Review the potential of changing the TBID percentage from 2 to 3%, and inclusion of Vacation Rentals**

If the City were interested in reversing the assessment from a 2%, which began on June 1, 2010, to a 3%, the following procedure, pursuant to Ordinance No. 546 (attached) which established the Morro Bay Tourism Business Improvement District, would apply:

**3.60.120 Modification or disestablishment.**

The City of Morro Bay, by ordinance, may modify the provisions of this chapter and may disestablish the district or parts of the district, after adopting a resolution of intention to such effect. Such resolution shall describe the proposed change or changes, or indicate that it is proposed to disestablish the district, and shall state the time and place of a hearing to be held by the Morro Bay City Council to consider the proposed action. If the operators of hotels which pay fifty percent (50%) or more of the assessments in the district file a petition with the City Clerk of the City of Morro Bay requesting the Morro Bay City Council to adopt a resolution of intention to modify or disestablish the district, the Morro Bay City Council shall adopt such resolution and act upon it as required by law. Signatures on such petition shall be those of a duly authorized representative of the operators of hotels in the district. In the event the resolution proposes to modify any of the provisions of this chapter, including changes in the existing assessments or in the existing boundaries of the district, such proceedings shall terminate if protest is made by the operators of hotels which pay fifty percent (50%) or more of the assessments in the district, or in the district as it is proposed to be enlarged.

In addition, the City Council, during their May 19, 2010 Budget Workshop also discussed the potential of inclusion of vacation rentals within the TBID assessment. The same procedure, as described above in Section 3.60.120, would be followed for that amendment with the additional requirement of noticing the vacation rentals. The inclusion of the vacation rentals in Morro Bay would certainly be beneficial to the TBID funding; however, the mechanics of organizing the rentals for inclusion is an important aspect that would require some study.

7. **Funding request from the San Luis Obispo County Visitor and Conference Center to the TBID Board in June**

This item has been agendaized for the June 17, 2010 TBID Meeting.

8. **Funding of Visitors Center**

The City Council discussed the continuation of General Fund funding for the Visitors Center with a potential of a portion of the funding for the operation of the Visitor Center being provided by the TBID funds. This discussion will also relate to two other items on this agenda entitled “Discussion and Direction on Placing a Measure on the November 2010 General Election Ballot Approving an Increase in the City’s Transient Occupancy Tax” and “Annual Review of the Visitor Center Contract”.

9. **Include a note in the budget document (City Attorney page) about the allocation of time.**

This note is included on page 16 of the budget.

10. **Further discussion on Fun Ride...designation of a parking location on City property**

This will be an internal discussion with staff and Fun Ride as the program progresses.

11. **Exhibit the Enterprise funds in a similar manner as the General Fund Departments including line items for personnel, supplies and services.**

This has been done with the Water, Sewer and Harbor funds on pages 67, 69 and 71 respectively.

12. **Include a note on the Transit page on how the trolley is funded and how DAR is funded.**

This is explained on page 65.

13. **Send a request to Community Promotions for signage at the trolley stops.**

Staff is requesting further information from the City Council regarding this comment.

14. **Bring back a report regarding trolley season and trolley use.**

This item is on the 6/14/2010 budget as a separate discussion item.

15. **Determine funding and filming priorities for AGP**

Staff met with AGP staff on Tuesday, June 2, 2010 and discussed a number of possible broadcast scenarios. At this time the City has \$30,000 of General Fund and \$12,000-\$14,000 of PEG Access funds (Channel Maintenance) for a total of \$42,000-\$44,000 available for use. Other potential funding sources include the Harbor Fund for Harbor Advisory Board Meetings, Tourism Business Improvement Funds for the TBID meetings and Wastewater Treatment Plant funding for the JPA meetings. AGP has provided a breakdown of the funding amounts which will enable the City

Council to "pick and chose" their service. The following 2 scenarios are provided for your review and comment, other scenarios are possible.

**Scenario 1**

**Cost of Contact**

\$67,000 Existing Service - All Meetings (City Council Planning Commission, Harbor Advisory Board, Public Works Advisory Board, Community Promotions, Recreation Parks Commission, Joint Use Authority Meetings (WWTP with Cayucos Sanitary District and City Council).

**Available Funds**

\$14, 000 PEG Access Funds  
\$ 5,000 Harbor Funds for Harbor Advisory Board  
\$ 6,000 TBID Funds for TBID Meeting  
\$ 6,000 WWTP Funds for JPA Meeting  
\$36,000 Remaining General Fund Contribution Needed

**Scenario 2**

**Cost of Contact**

\$54,000 All meetings with the exception of Public Works Advisory Board and Recreation and Parks Commission (while these meetings are extremely important, these two Commissions/Board do not make budgetary recommendations on the magnitude of the other boards.

**Available Funds**

\$14, 000 PEG Access Funds  
\$ 5,000 Harbor Funds for Harbor Advisory Board  
\$ 6,000 TBID Funds for TBID Meeting  
\$ 6,000 WWTP Funds for JPA Meeting  
\$23,000 Remaining General Fund Contribution

Several other aspects were discussed including the cost of a "single camera" which would actually increase the cost according to AGP, as after the filming was done, a technician would need to go back through and add the captions and titles. In addition, the single camera technique is very difficult to watch, and probably would not provide a satisfying service to the viewing public.

Lastly, once the broadcast scope is complete, staff will again meet with AGP to finalize a contract, outlining the financial terms.

**CONCLUSION**

The above items were generated from the initial budget workshop held on May 19, 2010. Staff has provided additional information for City Council's consideration. Once the above items have been addressed, staff recommends the City Council adopt Resolution No. 28-10.

**RESOLUTION NO. 28-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY,  
CALIFORNIA  
ADOPTING THE OPERATING BUDGETS AND MAKING APPROPRIATIONS FOR  
THE FISCAL YEAR 2010-11 FOR THE CITY OF MORRO BAY**

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

**WHEREAS**, the City of Morro Bay is required to appropriate and expend public funds to conduct the day-to-day business activities of the City; and

**WHEREAS**, the Morro Bay City Council finds and determines that the appropriations are necessary for continued efficiency, economy and effectiveness of the City government operations; and

**WHEREAS**, Section 37208 of the California Government Code provides that payments or demands conforming to an approved budget adopted by ordinance or resolution do not require audit by the City Council prior to payment; and

**WHEREAS**, the City Council recognizes that Capital Improvement Projects authorized and approved in prior fiscal years may not be completed by June 30, 2010; and

**WHEREAS**, the continuing efforts of staff to operate the business of the City within an approved budget and to create savings wherever feasible are acknowledged by the City Council.

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

1. The Fiscal Year 2010-11 Operating Budgets are adopted as presented herewith and in subsequent attached amendments (if any), and any further amendments made at this meeting;
2. Staff is directed to prepare and publish a final budget document;
3. The City Manager is authorized to transfer appropriations within the adopted budget so long as the appropriations changes do not have a significant policy impact, and total appropriations are not exceeded;
4. City Council approval is required to transfer appropriations between funds, capital projects, or capital outlay items;

5. The City Council authorizes and directs the transfer of balances for capital projects approved in prior fiscal years, but not completed by June 30, 2010, to the Capital Improvement Project Fund(s) for the 2010-11 fiscal year;
6. The City Council directs that the hiring freeze for positions in the City workforce continue for those positions funded within the General Fund, with the exception of safety personnel, and the City Council reserves the right to review any vacancies on a case-by-case basis as to its official policy; and
7. The City Council agrees that the following language will amend Section 2.2 of the Council Policies and Procedures:

The Mayor and Council Member are required to participate in P.A.R.S. retirement. The City shall pay a contribution to P.A.R.S. equal to 1% of salary. The City shall pay, in full, the cost of the Mayor's and Council Members' participation in the lowest cost HMO or PPO medical plan (self only), dental vision, and life insurance. Any unexpended amount in medical will be distributed to the Mayor and Council Members.

**PASSED AND ADOPTED**, by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 14<sup>th</sup> day of June 2010, by the following vote:

AYES:  
NOES:  
ABSENT:

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Janice Peters, Mayor

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Bridgett Kessler, City Clerk



AGENDA NO: B-3

MEETING DATE: 6/14/10

## Staff Report

**TO:** Honorable Mayor and City Council **DATE:** June 14, 2010  
**FROM:** Sierra Davis, Planning Intern  
**SUBJECT:** Appeal of the Planning Commission's Approval of a Concept Plan for the project located at 571 Embarcadero (UP0-260)

### **RECOMMENDATION:**

**Staff recommends the City Council uphold the appeal and repeal the Planning Commission's favorable recommendation for approval of the Concept Plan pursuant to section 17.40.030, Planned development, (PD) overlay zone, with the following modification:**

**Approve the plans as a precise plan pursuant to 17.40.030,**

**MOTION: I move that the City Council uphold the appeal and repeal the Planning Commission's request for Concept and Precise plan approval with the following modification:**

**Adopt the Draft Mitigated Negative Declaration (MND) in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et Seq.), and adopt the findings included as Exhibit "A", including findings required by the California Environmental Quality Act (CEQA); and**

**Approve the project as a Precise Plan pursuant to 17.40.030., finding that the proposal is consistent with the original Conditional Use Permit (Concept Plan) subject to the Conditions included as Exhibit "B".**

### **FISCAL IMPACT:**

The proposed project is a result of Council's request for major renovations as a condition to renew the City lease for sites 65 and 66 and water lease sites 65w and 66w. The proposed project will be at the applicant's expense. The site is a commercial site on the Embarcadero and contributes to the City's tax base. Delays in renewing the lease or implementing the changes due to delays in the entitlement process may result in negative impacts to the businesses located at 571 Embarcadero and ultimately the City's tax base.

Prepared By: \_\_\_\_\_ Dept Review: \_\_\_\_\_  
City Manager Review: \_\_\_\_\_  
City Attorney Review: \_\_\_\_\_

**SUMMARY:**

The project was appealed by the project agent at the request of the applicant because the Planning Commission approved the project as a concept plan and requested the project be reviewed pursuant to section 17.40.030, Planned development, (PD) overlay zone in the Morro Bay Municipal Code. The project was proposed as a precise plan as the proposal is consistent with the original CUP and represents minor changes to bring the site into consistency with the Waterfront Master Plan.

Initially the applicant proposed minor changes to the building in order to negotiate a new long term lease with the City. The Council requested more substantial renovations be pursued in order to comply with minimum City standards. The renovations requested are as follows:

1. Provide a new bayside lateral access way. The bayside improvements will also include reconfiguring the gangway to the docks, planter boxes, new pilings, staircase and more.
2. Offer that the ADA accessible restroom be open to the public.
3. Remodel the entry way and construct an eight-foot-wide sidewalk along the Embarcadero.
4. Building modifications that will include lighting, signage, paint and other items that new to be replaced or repaired.

**BACKGROUND:**

The applicant applied for a Conditional Use Permit purposing the renovations, listed above, in spring of 2009. Staff reviewed the project and the proposal was presented to Planning Commission as a precise plan on May 17, 2010 before a publically noticed hearing. The staff report recommended that the commission adopt the Mitigated Negative Declaration and approve the Conditional Use Permit #UP0-260, as a precise plan.

The proposed project that staff reviewed and presented to the Planning Commission consisted of remodeling an existing commercial building to increase the footprint of the existing bayside patio by approximately 40 square feet. Expanding the deck will accommodate for the new 80 square feet of lateral access way required by the renewal process of the lease agreement and the Waterfront Master Plan. The existing patio will be reconstructed and will be used for the restaurant and general public use. The applicant also proposes widening the existing sidewalk adjacent to Embarcadero Road to eight feet in order to meet the standards for minimum sidewalk width as defined in the Waterfront Master Plan.

At the May 17<sup>th</sup> meeting the Planning Commission discussed the project and brought up some aspects of the project that they deemed incomplete due to lack of detailed information. The Morro Bay Municipal Code requires that all the general information required for the concept plan be submitted for a precise plan but the plans should be developed to a higher level of detail. It was this precise level of detail that the Planning Commission felt was lacking.

**DISCUSSION:**

The proposed project is a result of negotiations between the applicant and the City of Morro Bay

for lease sites 65 and 66 and water lease sites 65w and 66w. The building on the lease site, The Salt Building is considered to be of newer construction and does not require the building to be demolished. The land owner, the City, required capital improvements that would bring the site up to current City standards (Waterfront Master Plan Requirements) and allow the applicant to negotiate a new long term lease. The proposed project would be an amendment to a previously approved Coastal Development Permit and could be approved as a Precise Plan if a finding could be made that the precise plan was in substantial conformance with the original conceptual plan. Since the proposed changes to the original site plan and building were found to be minor and the the applicant attempting to be compliant with City Council's direction, it was determined that the finding could be made. The project was reviewed pursuant to the California Coastal Act, General Plan and Local Coastal Plan, and Morro Bay Municipal Code.

As defined in the California Coastal Act the project does not qualify as a "new" project. Section 30212.b.3, New development projects, in chapter 3 of the California Coastal Act does not consider "improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure". This definition was used to determine the course of action taken by the applicant and the Public Services Department staff. Staff deemed the project to be minor because the required renovations would not substantially change the structure or materials therefore the applicant could forego the concept plan approval and apply for precise plan approval. The applicant stated that the proposed materials and colors would be consistent with what is currently on site to maintain the character of the building.

The applicant agreed to the terms of the agreement and pursued the proposed project by applying for a Conditional Use Permit for precise plan approval. The applicant submitted precise plans to the department to review and the project was deemed complete and was scheduled for the May 17, 2010 Planning Commission meeting

The Planning Commission reviewed the project pursuant to the information provided in the staff report dated May 17, 2010 and the plans dated May 5, 2010. The Commission deemed the project a concept plan due to the lack of detailed information required when submitting for a precise plan and did not feel confident in approving the plans as precise plans.

The Planning Commission discussed the project and would have liked more information on the proposed elevations for the front of the building and the materials that will be used for the new construction and replacement of various items. The project description included materials proposed for the replacement of the deck, the bayside lateral access way and the new sidewalk. The replacement decking will be made of Gatordeck or like material, and a sample was brought to the meeting. The bayside lateral access way and the sidewalk in front of the building will be constructed out of cement. Once the project is approved, the project would move into the engineering phase, specific details would be refined through this process. The applicant discussed the requirement of providing some details requested to be flushed out during the entitlement process results in additional upfront costs to the applicant as the engineering would need to be

done prior to receiving entitlements rather than after the approval. The applicant also pointed out that some details would require additional input from the Coastal Commission such as the type of frosted glass to be installed on the wind screen. In order to avoid having some materials approved by the Planning Commission then later rejected by the CCC, certain details were left subject to the approval by the CCC and were not presented to the Planning Commission.

The original plans did not depict a bench, timber post for the sign, or the trash enclosure as encroaching into the proposed sidewalk. The Planning Commissioners toured the site and the question was raised about the encroachment of the three items into the sidewalk area. The Commissioners felt that this is a prominent building on the Embarcadero and would like to preserve building as it is today. The Commissioners discussed the impact of the relocation of the items in the right of way and the required ADA improvements. The applicant proposed moving the items and then later stated that an encroachment permit would be applied for the three items. An encroachment permit would be a viable option because the encroachment would be minimal and would still allow for the required 48" (4 foot) public sidewalk. Engineering staff has reviewed the site and is of the opinion that the widening of the sidewalk can be accomplished with minimal impact to the existing site. The encroachments into the sidewalk at a point similar to a street light or fire hydrant and the width would never be less than 4 feet.

The last issue that the Planning Commission discussed about the proposed project was the design and orientation of lateral access way. The lateral access way was proposed adjacent to the existing building because of the connection to the lateral access way that was proposed to the north of the site. The Smith Held project which was approved earlier this year proposed a public lateral access way over the revetment and the proposed lateral access way would connect to the Salt Building site creating a continuous flow of pedestrian traffic. One Commissioner suggested an alternative configuration of the patio by moving the lateral access way the outside of the patio area, and relocation the dining and public seating area adjacent to the building. The alternative was suggested after discussing the use of the patio as public and private space. The applicant has proposed tables on the patio for use by the restaurant in the building and for public use.

The Planning Commission requested the plans be reviewed and approved as conceptual plans in order to receive more information when the precise plans are proposed. The applicant agreed to this request because the applicant needs concept plan approval prior to beginning negotiations with the City. Staff recommended that Planning Commission rewrite the 2<sup>nd</sup> motion in the Staff Report to read, "Forward a favorable recommendation on concept plan, Conditional Use Permit #UPO-260 for purposes of a concept plan subject to the conditions included as exhibit B and the site plans dated May 5, 2010".

The applicant has appealed this decision and requested the plans be approved as precise plans in order to shorten the time frame for approval. The applicant is on a short deadline with the City in order to start negotiations to renew a long term lease. If possible the project would like to run concurrently with the Smith Held project in order to use the same staging areas and piling driving activities. If approved as precise plans it would allow the applicant to move forward with building permit process and complete the project.

**CONCLUSION:**

The Planning Commission's decision to require the plans be reviewed pursuant to Concept and Precise Plan Review was to allow the applicant more time to engineer the front elevation and bayside lateral access way. The Planning Commission would like to see complete plans with elevations and proposed materials. The applicant has stated that it is a burden to require full engineered plans during the entitlement phase. Additionally the applicant states that the proposal is very minor so requiring photo simulations or other costly items adds unnecessary costs to the project. The applicant has stated that the renovations are at the request of the City in order to negotiate a new long term lease and the proposed project will not substantially change the structure or materials of the current building.

As approved the applicant will have to seek approval through the Planning Commission, City Council and Coastal Commission for the concept plan, then to Planning Commission for precise plan approval. The applicant has appealed the Planning Commission's favorable recommendation to City Council in order to gain precise plan approval and move on to the building permit process. The current approval will limit the applicant's ability to negotiate a new lease with the City and may impact the Embarcadero Commercial area.

**ATTACHMENTS:**

Attachment 1: May 17, 2010 Planning Commission Staff Report Packet

Attachment 2: Applicant/Appellant Letter – Cathy Novak

Attachment 3: Plans

## **Exhibit A**

### **FINDINGS**

#### **California Environmental Quality Act (CEQA)**

- A. The project qualifies for a CEQA Mitigated Negative Declaration was posted on March 5, 2010. The applicant has agreed to implement the mitigation measures proposed in the Negative Declaration. Thus there are no significant impacts with the implementation of those mitigation measures.

#### **Special Use Permit Findings**

- B. That the project is an allowable use in its zoning district and is also in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay based on the analysis and discussion in the attached staff memorandum; and
- C. The establishment, maintenance, or operation of the use applied for will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the project will be consistent with all applicable zoning and plan requirements as indicated in the attached staff memorandum; and
- D. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City since the project, as conditioned, will be constructed and developed consistent with all applicable City regulations, as indicated in the attached staff memorandum.
- E. The plans dated May 5, 2010 are in substantial conformance with the original conceptual plans for the original project.

## EXHIBIT B

### CONDITIONS OF APPROVAL

#### STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated May 17, 2010 for the project depicted on the attached plans labeled "Attachment 3", dated September 17, 2008, on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:
  - a) Site development, including all buildings and other features, shall be located and designed substantially as shown on the aforementioned exhibit, unless otherwise specified herein.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Director of Public Services, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Director of Public Services. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director of Public Services and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Acceptance of Conditions: Prior to obtaining a building permit the applicant shall file with the Director of Public Services written acceptance of the conditions stated herein.

## **PLANNING CONDITIONS**

1. State and County Compliance: Prior to the issuance of a building permit applicant shall demonstrate compliance with all State and County regulations and provide documentation to the Public Services Department.
2. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. on weekdays and eight a.m. to 7 p.m. on weekends, unless an exception is granted by the Director of Public Services pursuant to the terms of this regulation.
3. Dust Control: Prior to issuance of a grading permit, a method of control to prevent dust, construction debris, and wind blown earth problems shall be submitted to and approved by the Building Official to ensure conformance with the performance standards included in MBMC Section 17.52.070.

## **ENVIRONMENTAL CONDITIONS**

### **AIR QUALITY**

The project is subject to standard construction practices, including dust control measures required by the Municipal Code and the Air Pollution Control District to address short-term air quality impacts related to construction.

1. The project construction has the potential to exceed APCD thresholds for the emission of ROG, NOx, and Diesel Particulate Matter. The following are standard mitigation measures required by the APCD to reduce potential APCD thresholds to less than significant levels:
  - a. Maintain all construction equipment in proper tune according to manufacturer's specifications.
  - b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).

- c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-road Regulations.
  - d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation.
  - e. Construction or trucking companies with fleets that do not have engines in their fleets that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance.
  - f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit.
  - g. Diesel idling within 1,000 feet of sensitive receptors is not permitted.
  - h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
  - i. Electrify equipment when feasible.
  - j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
  - k. Use alternatively fueled construction equipment on-site where feasible.
2. The project construction has the potential to exceed APCD thresholds for fugitive dust. The following standard mitigation measures are required by the APCD to reduce potential APCD thresholds to less than significant levels:
- a. Reduce the amount of the disturbed area.
  - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible.
  - c. All dirt stockpile areas shall be sprayed daily or as needed to contain dust.
  - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
  - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.
  - f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
  - g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between the top of load and trailer) in accordance with CVC Section 23114.
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.
- l. All of these fugitive dust mitigation measures shall be shown on grading and building plans.
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork, or demolition.

## BIOLOGICAL RESOURCES

The following mitigation measures are required to reduce eelgrass and marine wildlife impacts to a level of insignificance.

1. Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts and all construction shall occur within the project footprint.
2. To avoid impacts, all work that disturbs the ocean floor (i.e. installation of pilings) shall be overseen and monitored by the project biologist (Tenera Environmental or equivalent professional biologist approved by the Director of Public Services). The biologist shall be under contract prior to issuance of a building permit. Prior to the final building inspection the biologist shall submit a monitoring report to the Director of Public Services.
3. A pre- and post-construction eelgrass survey shall be performed and submitted to the Director of Public Services and if necessary, an eelgrass restoration plan, prior to issuance of final pending approval, shall be prepared in accordance with the Southern California eelgrass Mitigation Policy.
4. Prior to the issuance of a building permit, an approved “otter watcher” shall be under contract or otherwise committed to being on the job site at all times during which the pile driver is in operation. The contract or other written agreement between the applicant and the “otter watcher” shall specifically encourage or empower the “otter watcher” to stop work immediately in the event that a sea otter is detected in the project area. The contract, agreement, work scope or similar document shall further specify that no work shall be resumed until after the marine mammal has left the area. With this mitigation, the project would not have a significant impact of animals, or require a state or federal take permit. The results shall be reported to the Director of Public Services.
5. A Marine Wildlife Contingency Plan should be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities the approval plan

shall be submitted to the planning department. This plan should describe specific methods that will be used to reduce pile-driving noise and describe on-site marine wildlife monitoring and reporting requirements. Power to the pile driver should be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced. If an impact hammer is used the installation of a “pad” between the pile and the pile drive hammer should be investigated and, if feasible, used to reduce impact hammer noise.

#### HAZARDS/HAZARDOUS MATERIALS

1. A licensed contractor with hazardous materials experience shall evaluate the wood to determine whether the wood is treated or untreated pursuant to the Department of Toxic Substances definition of “treated wood” as defined in the impact discussion.

Anyone working with treated wood, and anyone removing old treated wood, needs to take precautions to minimize exposure to themselves, children, pets, or wildlife, including:

2. Avoid contact with skin. Wear gloves and long sleeved shirts when working with treated wood. Wash exposed areas thoroughly with mild soap and water after working with treated wood.
3. Wear a dust mask when machining any wood to reduce the inhalation of wood dusts. Avoid frequent or prolonged inhalation of sawdust from treated wood. Machining operations should be performed outdoors whenever possible to avoid indoor accumulations of airborne sawdust.
4. Wear appropriate eye protection to reduce the potential for eye injury from wood particles and flying debris during machining.
5. If preservative or sawdust accumulates on clothes, launder before reuse. Wash work clothes separately from other household clothing.
6. Promptly clean up and remove all sawdust and scraps and dispose of appropriately.
7. Only use treated wood that’s visibly clean and free from surface residue for patios, decks, or walkways.
8. Do not use treated wood where it may come in direct or indirect contact with public drinking water, except for uses involving incidental contact such as docks and bridges.
9. Do not use treated wood for mulch.
10. Do not burn treated wood. Preserved wood should not be burned in open fires, stoves, or fireplaces.

#### HYDROLOGY/WATER QUALITY

1. The proposed project shall be incorporated into the City of Morro Bay’s existing tsunami warning and evacuation system. Local authorities should be able to evacuate people safely from the proposed project site in the event of a tsunami.

#### NOISE

1. Project construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Friday and all large construction equipment will be equipped with “critical” grade noise mufflers. Engines will be tuned to insure lowest possible

noise levels. Back up “beepers” will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 75 dBA. Construction timing shall be noted on the grading and construction plans.

2. Power generating and other noise generating machinery used for construction shall be partially or completely surrounded by temporary acoustical shelters if within 300 feet of a sensitive receptor.

## **FIRE CONDITIONS**

1. Demolition: All buildings associated with this project and undergoing construction, alteration or demolition, shall be in accordance with CFC Article 87.
2. Premises Identification. Approved address numbers and unit numbers, shall be placed on all new buildings in such a position as to be plainly visible and legible from the street fronting the property. Numbers shall clearly contrast with their background and be a minimum of 5” with a ½” stroke. (CFC 505.1)
3. Knox Key Box: Provide a flush-mounted Knox-Box, no higher than 7 feet, and appropriate keys for emergency Fire Department access. Application for the box must be obtained from the Fire Prevention Office and installed prior to occupancy release. (CFC 506)
4. Equipment Access: Fire Department access to equipment, rooms or areas containing controls for air-conditioning systems, automatic fire-extinguishing systems or detection, suppression or control elements, shall be identified for Emergency Fire Department use. (CFC 510)
5. Means of egress shall be in accordance with 2007 California Building Code, Chapter 10.
6. Fire Sprinklers: We highly recommend installation of an automatic fire sprinkler system to better provide for the fire and life safety of the occupants and structures, in accordance with NFPA Chapter 13. Morro Bay Municipal Code 14.60.200
7. Fire Alarm. We highly recommend installation of a fire alarm and detection system for this project, in accordance with 2007 California Fire Code, Section 907.2.8 and NFPA 72.
8. Marine Docks and Structures: All Marine floating docks and gangway construction shall be in accordance with Morro Bay Municipal Code, Chapter 14.52 and 2007 California Fire Code (Section 905), a Class III Standpipe system may be required for the proposed floating dock.
9. Trash Enclosures: Trash enclosures must comply with 2007 California Fire Code, Chapter 3. Dumpsters shall not be stored in buildings or placed within 5 feet of combustible walls,

openings or combustible eave lines, unless protected by automatic fire sprinkler system and one-hour wall construction.

10. Awnings: All exterior awnings connected or adjacent to the building shall be made from either fabric which has been flame resistant treated with an approved process and listed by the State Fire Marshal for exterior use.
11. Fire Extinguishers. Portable wall-mounted fire extinguishers (2A 10BC) shall be provided for both B and M occupancies, in accordance with 2007 California Fire Code, Section 906 and California Code of Regulation, Title 19, Section 575.1
12. UL 300 Upgrade. The 2007 California Fire Code, Section 904.11, requires that all existing dry and wet-chemical extinguishing systems comply with UL 300 no later than the second required servicing of the fire extinguishing system following the effective date of the regulation. The last date for existing systems to be retrofitted in order to be in compliance is December 31, 2008. (California State Fire Marshall Bulletin 12/20/2008)  
**Please provide documentation of the required UL 300 upgrade for the commercial cooking system located at DiStasio's Ristorante.**

13. Extinguishing system service. Automatic fire-extinguishing systems shall be serviced at least every 6 months and after activation of the system. Inspection shall be by qualified individuals, and a certification of inspection shall be forwarded to the fire code official upon completion. (CFC 904.11.6.5)  
**Our records indicated the last service date was April 1, 2009, performed by Whittle Fire Protection, and the next required service to be completed by October 1, 2009. We have not received documentation of this service and there is no record of services for the entire year of 2008. Immediate compliance with California Fire Code is required; please provide evidence of system service and certification to Morro Bay Fire Department, for compliance.**

## **PUBLIC WORKS CONDITIONS**

1. Frontage Improvements: The entire frontage shall meet City standards B-5 (8 feet wide). All of the existing sidewalks in the City's right-of-way shall be replaced with standard grey concrete. An encroachment permit is required for the installation of the sidewalk replacement. Encroachment permits can be obtained from the City of Morro Bay Public Services Department.



AGENDA NO: C-1

MEETING DATE: June 14, 2010

# Staff Report

**TO:** Honorable Mayor and Council                      **DATE:** June 8, 2010  
**FROM:** Janeen Burlingame, Management Analyst  
**SUBJECT:** Consideration of Offers to Purchase 1985 Trolley

**RECOMMENDATION:**

Staff recommends the City Council review the offers made to purchase the 1985 trolley and select which offer to accept.

**MOTION:** I move the City Council (insert accept offer to purchase 1985 trolley from either Point San Luis Lighthouse Keepers, Incorporated, Dan Reddell or Reggie Drew from Santa Barbara Trolley Co.).

**FISCAL IMPACT:**

The fiscal impact will vary depending upon which offer is accepted. The upfront cash offers range from \$12,000 to \$15,000. In addition, there are other non monetary benefits offered to the City in two of the offers (see offers from Point San Luis Lighthouse Keepers, Incorporated and Dan Reddell).

**DISCUSSION:**

In January and February 2010, two separate Invitation for Bid processes were conducted seeking bids to purchase the 1985 trolley. Information regarding the bid was listed in the Tribune newspaper and also on the California Association of Coordinated Transportation listserve. Local individuals who had expressed an interest in the trolley were also sent bid specifications and the appraisal for both bid processes. Neither bid process resulted in submission of a bid for the vehicle.

Subsequent to the February bid process, the vehicle was placed on eBay Motors with no bids submitted. In addition, per the Council's desire to try and keep the trolley locally, the vehicle was also listed on Craigslist. The appraisal of the vehicle listed a resale value of \$25,000 and a liquidation value of \$15,000.

Three offers have been made to purchase the 1985 trolley:

- Point San Luis Lighthouse Keepers, Inc. - \$15,000 plus additional offer for use for Caroling Cop Car and elementary school trip in June (see Exhibit A for full details of offer)
- Dan Reddell - \$12,500 plus offer to "let the city use it whenever they want;" no other details listed
- Reggie Drew, Santa Barbara Trolley Co. - \$12,000

**CONCLUSION:**

Staff recommends the City Council review the three offers to purchase the 1985 trolley and select which offer to accept.

Prepared By: J. Burlingame

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

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

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

# EXHIBIT A



June 6, 2010

Janeen Burlingame  
City of Morro Bay  
Public Services Department  
955 Shasta Avenue  
Morro Bay, CA 93442

Re: **Revision of** Offer to purchase used 1985 Molly Trolley by the Non-Profit Point San Luis Lighthouse Keepers, Incorporated

Dear Ms. Burlingame:

**This revises the offer made May 17, 2010.** The Point San Luis Lighthouse Keepers, Incorporated, is a Non-Profit Corporation that has organized volunteers and partnered with the Port San Luis Harbor District to restore and operate the Point San Luis Lighthouse and Lightstation as a public historic and recreational park.

The Keeper's volunteers have contributed over 65,000 hours of labor to this project, and have helped the Port San Luis Harbor District obtain grants for rebuilding the old wagon road to the Lightstation as well as to restore and rebuild the structures on the Point as they were in 1890. The Headkeeper's Quarters and Fog Signal Building are being completed now, and structure such as the steps to Coast Guard Beach, the historic barn, chicken coops, and water treatment tower will be completed next year.

Because the Lightstation is difficult to access, the Lighthouse Keepers instituted a self-supporting Van Tour program in September of 2009 for the Public. Keeper's Vans bring guests to the Lightstation, and educational docents guide guests through the buildings and the history of the shipping, whaling, and fishing that served this County. Otters, Sea Lions, Pelicans, and Whales frequent the Point. Van Tours are provided to the public by reservation only and the fare is *currently* \$20.00 per person. The Lighthouse Keepers *currently* maintain 4 vans for these tours. This information will be important in assessing the actual significant long term value being offered by the Lighthouse Keepers to the City of Morro Bay and particularly to its younger residents.

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Point San Luis Lighthouse Keepers, Inc.

805-540-5771

P.O. Box 13556, San Luis Obispo, CA 93406

[www.santluislighthouse.org](http://www.santluislighthouse.org)

Pres. Stew Jenkins, Vice Pres. Dennis Johansen, Treasurer Patrick Bradley

Page 1

The Board of Directors of the Point San Luis Lighthouse Keepers, Inc., (herein the Keepers) have met and approved the making of an offer to purchase the 1985 Molly Trolley owned by the City of Morro Bay, which is described as follows:

- Make/Model: Chevrolet P30
- Seating Capacity: 26
- Mileage: 238,551
- Engine: Gasoline (new engine installed in November 2003)
- New Engine Mileage: 8,100
- Number of Cylinders: 8
- Type of Exhaust: Single
- Trolley Bell: manual pull bell
- Farebox: oak box
- Aluminum skin (new skin below windows installed in fall 2003 and whole exterior was repainted)
- Oak seats and interior (oak refurbished in fall 2003; included repainting black frames)
- Brass railings and stanchions (replaced in fall 2003)
- Roof: May 2005 repaired roof; removed interior wood ceiling panels, replaced with marine grade vinyl backed by marine grade plywood, leak proofed roof and replaced missing roof trim
- Front End: Lower control arms/coil springs replaced May 2004; air bags and front shocks installed May 2004; leaf springs replaced fall 2003
- VIN: 1BGKP37W4F3325018
- No wheelchair lift or ramp
- Transmission Type: Automatic
- Engine Size: 454l
- Gross Vehicle Weight Rating: 14,840
- PA system
- Interior advertising rails

I understand that the Trolley also has a specially designed mechanism for closing up the side door during storage or extended parking. This offer includes purchase of that additional item in the purchase price.

**Terms of Offer:**

The Lighthouse Keepers offer to purchase the above described vehicle, delivered fully fueled in good running condition at the City of Morro Bay Corporation Yard, located at 170 Atascadero Road, Morro Bay, within 7 days of the payment by check by the Lighthouse Keepers. Transfer of Title to the Lighthouse Keepers must occur upon tender of the check.

**The value to the City: 10 years of free school tours is \$13,800; 10 years of December trolley leaseback is \$12,000; Cash \$15,000.**

**Total Benefit for Morro Bay \$40,800.**

The purchase price offered includes the following:

1. **\$15,000.00**, paid by check; and
2. For a period that will terminate on the earlier of January 2020 or the sale or junking of the trolley by the Lighthouse Keepers, the City of Morro Bay shall have the right to lease back this particular Trolley during the first two full weeks of December in

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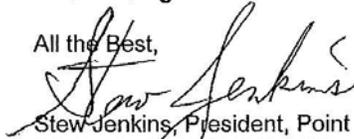
each year for \$1.00; provided that the City of Morro Bay provides vehicle liability insurance of \$5,000,000.00 covering the PSLHHK, Inc., and its Officers and Board; and 3. For a period commencing June 2011 and terminating on the earlier of June 30, 2020 or the sale or junking of the trolley by the Lighthouse Keepers, the Lighthouse Keepers will provide **at no charge** a Van & Trolley Tour of the Point San Luis Lightstation for such 4<sup>th</sup> or 5<sup>th</sup> grade students from the Del Mar Elementary School in Morro Bay chosen by the Mayor of Morro Bay (or the Mayor's designee) on a Wednesday or Thursday (to be designated at least 90 days in advance) in the first or second week of June each year; provided that the following Pre-Conditions are met by Morro Bay:

- a. the City of Morro Bay must provide liability insurance of \$5,000,000.00 covering the Lighthouse Keepers and its Officers and Board, the Port San Luis Harbor District, and the drivers for the event; and
- b. the City of Morro Bay or Del Mar School must provide box lunches, water, and snacks for the students and supervisors (which may be purchased through the Lighthouse Keepers); and
- c. appropriate supervisors will be provided by the Del Mar Elementary School or the City consisting of at least one supervising adult provided for every 10 children; and
- d. the number of students shall not exceed the capacity of the said Trolley **and other operational Vans or Trolleys** then owned by the Lighthouse Keepers (**currently 69 seats, more may be added later**).

**Thank you for your assistance in this matter. This offer significantly exceeds the \$25,000 appraised retail value of the Trolley, and directly benefits the children of Morro Bay. We hope that the arrangement will build a long lasting relationship between the Point San Luis Lighthouse Keepers and City of Morro Bay.**

**Please present this revision to the City Council for their June 14<sup>th</sup> Meeting. I will be attending in case there are any questions.**

All the Best,



Stew Jenkins, President, Point San Luis Lighthouse Keepers, Inc.  
A California Non-Profit Corporation  
Law Office of Stew Jenkins  
1336 Morro Street  
San Luis Obispo, CA 93401  
(phone) 805-541-5763  
(fax) 805-547-1608  
(cell) 805-441-0695  
(e-address) [info@stewjenkins.com](mailto:info@stewjenkins.com)  
C: Board Members

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Pres. Stew Jenkins, Vice Pres. Dennis Johansen, Treasurer Patrick Bradley

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AGENDA NO: C-2

MEETING DATE: 6/14/10

## Staff Report

**TO:** Honorable Mayor and City Council                      **DATE:** June 3, 2010  
**FROM:** Rob Schultz, City Attorney  
**SUBJECT:** Discussion and Direction Regarding Placing a Measure on the November 2010 General Election Ballot Approving an Increase of the City's Transient Occupancy Tax (TOT)

### **RECOMMENDATION:**

Staff requests direction from Council regarding placing a measure on the November 2, 2010 ballot increasing the Transient Occupancy Tax (TOT) from 10% to 11%. The deadline for submittal of such a measure to the County is July 21, 2010.

### **FISCAL IMPACT:**

If the Council decides to move forward with a Transient Occupancy Tax (TOT) ordinance and the voters pass the measure, the City could expect to receive an additional \$185,000 in TOT revenue per year.

### **SUMMARY:**

At the January 25, 2010 meeting, Mayor Peters moved the City Council direct staff to return to Council for reconsideration the placing of a measure on the November 2010 General Election Ballot approving a 1% increase of the City's Transient Occupancy Tax. The motion was seconded by Councilmember Winholtz and carried with Councilmember Borchard and Councilmember Smukler voting no. (3-2).

### **DISCUSSION:**

Transient Occupancy Tax (TOT) at a rate of 10% per rental is currently collected by all entities renting lodging for 30 days or less. Those taxes are remitted monthly to the City, and that revenue stream accounts for approximately 18% of the General Fund's revenues before transfers in. TOT is the City's second largest revenue source. (Property tax is the largest.)

In order to increase TOT, the City must hold an election at the same time that an election is held

Prepared By: \_\_\_\_\_                      Dept Review: \_\_\_\_\_  
City Manager Review: \_\_\_\_\_  
City Attorney Review: \_\_\_\_\_

where members of the City Council will be elected. In addition, pursuant to State law, any increase of the tax rate must first be approved by a 2/3 vote (4 members) of the City Council and then a majority vote of the City's voters who vote at a regular Municipal Election.

Attached hereto is the draft ordinance, which will increase the City's existing Transient Occupancy Tax by 1% (from 10% to 11%), placing the ordinance on the ballot for the November 2, 2010 election. The City Council must also adopt Resolution \_\_\_-10 calling for an election on the proposed tax. The resolution calling the election must include the type of tax, the tax rate, the method of collection, and the date of the election. The resolution may also direct the City Attorney to prepare an impartial analysis of the proposed tax and may include reference to procedures for submitting arguments and rebuttal arguments both supporting and opposing the proposed tax. In order to meet the deadline for the November 2, 2010 general municipal election, Council needs to take the actions by July 21, 2010 calling for the measure to be placed on the November 2, 2010 ballot.

As previously reported to Council, the national economic crisis has badly impacted City revenues and created a revenue/expenditure gap. Although the FY10/11 budget is currently balanced due to budget reductions, the City must do more to maintain fiscal stability in the future. Furthermore, it is possible that the State of California will address its continuing shortfall by taking even more money from local entities.

**CONCLUSION:**

On June 23, 2009 and again on January 25, 2010, Council directed the City Attorney to draft the appropriate documents to place on the ballot for the upcoming Municipal Election an ordinance that would increase the rate of the City's existing Transient Occupancy Tax ("TOT") by 1%. Staff has prepared draft documents for review and comment.



**AGENDA NO: D-1**

**MEETING DATE: June 14, 2010**

## Staff Report

**TO: Honorable Mayor and City Council      DATE: June 7, 2010**

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

**SUBJECT: Annual Review of the Visitors Center Contract**

### **RECOMMENDATION**

Staff recommends the City Council review the annual contract for the Visitors Center and provide further direction on renewal of the contract.

### **FISCAL IMPACT**

Not applicable at this time.

### **DISCUSSION**

The Visitors Center contract (Attachment A) has been renewed on an annual basis and the existing contract expires on June 30, 2010. Staff is seeking direction on the renewal of this contract.

u.w.stfrpt visitors contract on 6 14 2010

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

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

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



AGENDA NO: D-2

MEETING DATE: June 14, 2010

# Council Report

**TO:** Honorable Mayor and City Council **DATE:** June 14, 2010

**FROM:** Downtown Enhancement Project Subcommittee:  
Councilmember Noah Smukler,  
Planning Commissioners Gerry Luhr and John Diodati

**SUBJECT:** Recommendation to Continue the Work of the Downtown Enhancement Subcommittee as a Priority Project and Accept the Proposed Timeline Provided by the Subcommittee.

## **RECOMMENDATION:**

Recommendation to continue the work of the Downtown Enhancement Subcommittee, acknowledgment that completion of this project is a priority project for the Planning Commission, direct staff to provide necessary support, and accept the proposed timeline provided by the Downtown Enhancement Subcommittee.

**MOTION:** I move the City Council identify the Downtown Enhancement Project as a priority of the Planning Commission, continue the work of the Subcommittee, direct staff to provide the necessary project support and accept the proposed timeline and preliminary implementation actions.

## **FISCAL IMPACT:**

To date, Phase I of the project has been funded by \$10,000 of Community Development Block Grant (CDBG) funds. City Staff's preliminary estimate for traditional completion of a Specific Plan from this point forward is \$50,000 to \$100,000 and likely involves consulting support. It is anticipated that in-house work to develop the Downtown Specific Plan by the Sub-committee and Planning Commission will further reduce overall project costs. Additional project support and completion options include hiring a member of the Cal Poly Project Team in an internship capacity or identifying a qualified retired local planner.

Prepared By:   NOS  

Dept Review:           

City Manager Review:           

City Attorney Review:

**SUMMARY:**

The goal of the project is to create a Downtown Specific Plan, through review of historical documents and present day community input, which will guide development and business enhancement programs within the downtown commercial district.

**BACKGROUND:**

At the March 30, 2009 Joint City Council/Planning Commission meeting, a sub-committee was formed to prepare an outline/compilation of the Morro Bay Community's historic visioning documents focused on the Downtown Business District. The sub-committee was formed with Council Member Smukler and Planning Commission Members Luhr and Diodati. The sub-committee reviewed approximately 10 such studies, containing over 30 years of information/work. During this review period the sub-committee developed a relationship with the Cal Poly City and Regional Planning Department (CRPD), and discussion of utilizing the resources within the CRPD as a partner to aid the City of Morro Bay in coalescing the Historic Visioning Documents, conducting public outreach and workshops, and developing Conceptual Specific Plans for the Downtown Area.

**Historical Documents and Studies reviewed during the CRP Project Include:**

- City of Morro Bay General/Local Coastal Plan (Current & Proposed)
- Waterfront Master Plan
- Mini-Regional/Urban Design Assistance Team Report (RUDAT)
- Vision 2020 City of Morro Bay Goals Report
- Morro Bay Downtown Design Guideline (Draft)
- Destination 2000
- Morro Bay Design Guidelines
- Morro Bay's Yesterdays

The CRPD Faculty suggested a Spring Quarter 2010 "Graduate Design Studio" project and provided a "Specific Plan Proposal" to the City of Morro Bay. The issue was discussed at the November 30, 2009 Joint City Council/Planning Commission meeting, and was well-received by both the City Council and the Planning Commission. At that meeting, the City Council motioned for staff to bring back options for funding the project. Funding options were brought back for discussion and action at the December 14<sup>th</sup> City Council meeting and the Council voted unanimously to initiate the approximately \$10,000 project utilizing CDBG funds.

Phase I: Faculty and graduate students in the Cal Poly CRPD developed the project and Conceptual Specific Plan proposals based on input from the Community, City Staff, City Council, and Planning Commission. The CRPD project included: 1) Downtown site inventory, community outreach and two interactive stakeholder workshops; 2) Review of the City's historical visioning documents and existing studies focused on the Downtown Business District; 3) Development and presentation to the Planning Commission of 3 possible Concept Plans for the area. Each Plan includes an implementation and interactive stakeholder review element. As per the original project contract, digital and hard copies of the Proposals will be provided to the City in June 2010.

The three Plans were presented to the Planning Commission, City Planning Staff and the Public on June 7<sup>th</sup>. Consequently, the Planning Commission received public comment, asked questions, discussed the future of the project and made recommendations to the City Council. It is important to note that the majority of public comment supported the continuation of the Downtown Enhancement Project and encouraged the Planning Commission to continue working towards codifying a Specific Plan for the Downtown Commercial District.

### **DISCUSSION:**

Planning Commission Recommended Downtown Project Timeline and Implementation Actions:

- Subcommittee will continue to work with the Citizens, Stakeholder Steering Committee, City Staff and Planning Commission to consolidate the proposals into one approved plan, which will guide development and business enhancement programs within the downtown commercial district.
- Each month, or as necessary and respecting critical hearing items, the Planning Commission meeting will include up to two hours dedicated to receive stakeholder input, host public workshops and work on the planning and further development of the Downtown Enhancement Project.
- A community workshop will be planned to facilitate further discussion regarding the details within the three completed Concept Plans, ask questions, evaluate and begin prioritization of options, consider funding strategies, the phasing of implementation, and plan the next steps. CRPD students have offered to participate in this workshop. The workshop could be a component of a Planning Commission meeting or held in a similar format as the previous two project workshops. The workshop date, format and topics will be discussed and decided as part of the “Future Agenda Items” section of the June 21<sup>st</sup> Planning Commission meeting.
- The City website should accommodate a dedicated Project page to provide information and updates and to allow for comments and email contact information to be collected.
- A Project Update/Report will be prepared for the next joint CC/PC meeting.

Additional Sub-committee recommended items:

- Planning Commission can consider a chapter-by-chapter review of the CRPD proposals.
- A “Blue Ribbon” Stakeholder Steering Committee with “at-large” members should be established as a resource to aid in the development and implementation of the project and to support community outreach efforts.
- Consider formalizing the sub-committee to include a designated City Staff member.

**CONCLUSION:**

Continuation of the Downtown Enhancement Project recognizes the value of recent and historical efforts focused on supporting a vibrant Downtown Commercial District. A successful project will provide social, environmental and economic benefits to Morro Bay.