

City of Morro Bay

City Council Agenda

Mission Statement

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

REGULAR MEETING – JUNE 28, 2010

**CLOSED SESSION – JUNE 28, 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 2 parcels.

- Property: Library
Negotiating Parties: County and City of Morro Bay.
Negotiations: Terms and Conditions of Lease.
- Property: Surf Street Parking Lot.
Negotiating Parties: Maritime Museum and City of Morro Bay.
Negotiations: Terms and Conditions of Lease.

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

**PUBLIC SESSION – JUNE 28, 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 FOR THE REGULAR CITY COUNCIL MEETING OF JUNE 14, 2010; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 RESOLUTION NO. 32-10 ESTABLISHING THE ANNUAL PROPOSITION 4 APPROPRIATIONS LIMIT FOR FISCAL YEAR 2010/11; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 32-10.

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

RECOMMENDATION: Review and file status report.

A-4 APPROVAL OF PARCEL MAP (PM MB 07-0232) AND ACCEPTANCE OF OFFER OF DEDICATION; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 33-10 approving the Parcel Map.

A-5 APPROVAL OF PARCEL MAP (PM MB 09-0091) AND ACCEPTANCE OF OFFER OF DEDICATION; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 34-10 approving the Parcel Map.

A-6 ACCEPTANCE OF AN OFFER OF DEDICATION OF RIGHT-OF-WAY FOR SIDEWALK PURPOSES ALONG THE WEST AVENUE FRONTAGE OF 1155 WEST AVENUE; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 35-10 accepting the offer of dedication for right-of-way purposes.

A-7 ACCEPTANCE OF AN OFFER OF DEDICATION OF RIGHT-OF-WAY FOR SIDEWALK PURPOSES ALONG THE EMBARCADERO ROAD FRONTAGE OF 560 EMBARCADERO ROAD; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 36-10 accepting the offer of dedication for right-of-way purposes.

A-8 CONSIDERATION OF APPROVAL OF AMENDMENT #1 TO THE LEASE AGREEMENT FOR LEASE SITE 96/96W, LOCATED AT 945 EMBARCADERO, WITH FLYING DUTCHMAN ENTERPRISES; (HARBOR)

RECOMMENDATION: Adopt Resolution No. 39-10 extending the term of the lease agreement.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 RESOLUTION NO. 37-10 DIRECTING THE LEVY OF THE ANNUAL ASSESSMENT FOR THE CLOISTERS LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution No. 37-10.

B-2 RESOLUTION NO. 38-10 DIRECTING THE LEVY OF THE ANNUAL ASSESSMENT FOR THE NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution No. 38-10.

B-3 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.

C. UNFINISHED BUSINESS

C-1 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: Direct staff regarding placing a measure on the November 2, 2010 ballot increasing the Transient Occupancy Tax from 10% to 11%.

D. NEW BUSINESS

D-1 RESOLUTION NO. 31-10 ADOPTING REVISIONS TO THE MASTER FEE SCHEDULE; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 31-10.

D-2 RECOMMENDATION OF ORGANIZATION OF THE HARBOR DEPARTMENT AND APPROVAL OF AMENDED JOB DESCRIPTIONS; (ADMINISTRATION)

RECOMMENDATION: Approve the amended/new job descriptions and provide staff with any further direction prior to implementation.

D-3 CONFIRMATION OF GOALS FROM THE 2010 GOAL-SETTING WORKSHOP; (ADMINISTRATION)

RECOMMENDATION: Adopt the Goal-Setting Workshop Outcomes for 2010 as designated priorities by the City Council.

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 – JUNE 14, 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: Mayor Peters moved the meeting be adjourned to Closed Session. The motion was seconded by Councilmember Winholtz 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 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.

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

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

The meeting adjourned at 5:50 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 14, 2010
VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Peters called the meeting to order at 6:15 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 Kessling	City Clerk
	Rick Algert	Harbor Director
	Janeen Burlingame	Management Analyst
	Sierra Davis	Planning Intern
	Rob Livick	Acting Public Services Director
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Kathleen Wold	Senior Planner
	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

The following people expressed opposition to Item C-2 (Discussion and Direction an Placing a Measure on the November 2010 General Election Ballot Approving an Increase in the City's Transient Occupancy Tax), and requested the City Council give the Tourism Business Improvement District time to increase the City's transient occupancy tax: John Solu, Jayne Behman, Joan Solu, Priscilla Coe, David Nave and Bill Yates.

Barbara Doerr addressed Item 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) stating the proposed ballot language does not address the specifics of the issue. She also addressed Item 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) noting this project seems to be a big expense and a lot of responsibility for the Planning Commission and Planning staff.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 14, 2010

Ms. Doerr stated if Tourism Business Improvement District funds were increased, they should be used for greater enforcement of the City.

Ali Jordan-Brown addressed Item A-2 and referred to information in support of medicinal marijuana dispensaries.

Peter Candela, Executive Director of the Chamber of Commerce, stated the Chamber is experiencing the strongest marketing campaign with the largest fulfillment in May. He requested the City Council allow the Chamber to continue its marketing partnership with the Community Promotions Committee and Tourism Business Improvement District for at least one more year. Mr. Candela reviewed upcoming events.

John Barta stated he was pleased to announce that Morro Bay outvoted the County by 8% at the Primary Election. He addressed Item C-1 (Consideration of Offers to Purchase the 1985 Trolley) and requested the City Council consider the offer of the Point San Luis Lighthouse Keepers, Inc. when considering the sale of the trolley.

Stew Jenkins, Point San Luis Lighthouse Keepers, Inc. referred to Item C-1 and said he is available for questions.

Grant Crowl referred to the City's Wastewater Treatment Plant upgrade and noted PERC Water has presented a much larger option for the City's consideration. He referred to employment benefits of PERC employees.

Bill Yates thanked those who voted for him at the Primary Election. He expressed support for Item 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); however, he has concerns with the financing of the project.

Kathleen Weaver stated the current location of the Chamber of Commerce office on the waterfront is a great location for tourists.

Mayor Peters closed the hearing for public comment.

Mayor Peters called for a break at 7:07 p.m.; the meeting resumed at 7:20 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 24, 2010 CITY COUNCIL MEETING;
(ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 14, 2010

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.

Mayor Peters pulled Item A-1 from the Consent Calendar; Councilmember Smukler pulled Item A-2 and Councilmember Winholtz pulled Items A-3 and A-4.

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

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

Mayor Peters referred to the minutes of May 24, 2010, and requested the following correction be made to page 7 (motion):

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

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 14, 2010

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

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)

Councilmember Smukler requested clarification on the ballot language and timeline of the citizens' initiative.

City Attorney Robert Schultz responded with clarification on the ballot measure language and timeline for ballot arguments/rebuttals.

Council requested the ballot question be amended to say "Shall an ordinance be adopted to prohibit Medical Marijuana ~~Storefronts~~ Dispensaries in the City of Morro Bay?"

MOTION: Councilmember Smukler moved the City Council approve Item A-2 of the Consent Calendar as amended. The motion was seconded by Mayor Peters and carried unanimously. (5-0)

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)

Councilmember Winholtz requested to add language to the Consent to Sublease Agreement, page 2, #5. The proposed use by SUBTENANT is as follows: "Water taxi and tourist service."

MOTION: Councilmember Winholtz moved the City Council approve Item A-3 of the Consent Calendar as amended. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

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

Councilmember Winholtz stated she is opposed to the consolidation of this department as it would be too much responsibility for this department.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 14, 2010

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

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

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

Management Analyst Janeen Burlingame stated 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, 2010 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 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 fiscal year 2008/09 and eliminated in fiscal year 2009/10. The San Luis Obispo Council of Governments Board will approve at their June 9th meeting, the allocation of STA for the next fiscal year as well as an allocation of STA for fiscal year 2009/10 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 fiscal year 2010/11 trolley budget. Ms. Burlingame recommended the City Council approve the allocation of revenue generated from the sale of the 1999 trolley to the fiscal year 2010/11 trolley budget.

Mayor Peters opened the hearing for public comment.

Camille Watkins, trolley driver, thanked Council for the continuing funding for the trolley service. She said the trolley service generates revenue throughout the City.

Barbara Doerr requested Council not take action and place the funding in the transit services. She said all transit services should be consolidated and considered during the mid-year budget review.

Susan Brown, General Manager for MV Transportation, stated the trolleys generate revenue for the City and suggested the hours remain the same. She said the trolley should continue running on Mondays and Fridays because the flex route will not go to the State Park.

David Nave, MV Transportation, stated it is not often when there is a transportation system such as the trolley that pays for itself. He said the fact that STA funds are coming back gives the City some hope that in the future we will have more funding and options than the present.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 14, 2010

Mr. Nave stated the trolley is a benefit to the City and to those who ride it and said its services should be maintained as is.

Peter Candela stated the trolley is a unique experience for those who ride it, and noted the trolley drivers are promoters of the City.

Joan Solu requested the City Council not cut the hours on key visitor-serving and resident-serving days.

Tom Laurie stated if parking in-lieu funds are being used to finance any segment of the trolleys, the City is probably legally obligated to run the trolleys all the time because parking in-lieu funds are to be used for parking lots which should be available 24 hours per day.

Mayor Peters closed the public comment hearing.

Councilmember Winholtz stated she supports placing the funds from the sale of the trolley into the parking in-lieu fund. She said the City has committed to the flex-fix route which is experimental at this time.

Councilmember Grantham stated he supports the revenue of the sale of the trolley going into the parking in-lieu fund. He said the trolley is an important service and should be maintained as is.

Councilmember Smukler stated he also supports placing the funds from the sale of the trolley into the parking in-lieu fund.

Councilmember Borchard she supports placing the funds from the sale of the trolley into the parking in-lieu fund. She also noted she would like to be more aggressive with the sales opportunities on the advertising of the trolley.

MOTION: Mayor Peters moved the City Council approve the allocation of revenue generated from the sale of the 1999 trolley to the fiscal year 2010/11 trolley budget. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

Councilmember Winholtz stated she supports maintaining the current trolley program during the summer.

Councilmember Smukler stated he agrees to maintain the current routes during the summer.

Councilmember Borchard stated she has witnessed low ridership and some of the hours should be eliminated.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 14, 2010

Mayor Peters stated she does not support taking away the trolley hours from the visitors because it generates more money in revenues throughout the City than it does in fare box.

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

City Manager Andrea Lueker stated 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. Ms. Lueker recommended 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.

Mayor Peters opened the hearing for public comment.

Barbara Doerr stated it is critical that all Brown Act meetings are televised for public awareness.

Jack McCurdy expressed concern with the proposed budget stating the budget calls for a significant reduction in Dial-a-Ride services whose patrons are 50% seniors who depend on this service in order to see their doctors. He said this service, which has been in service for 33 years, would be eliminated and replaced with a fixed route supplemented by some pickups at residences. Mr. McCurdy stated to continue Dial-a-Ride at its present level in fiscal year 2010/11 would cost about \$137,000 more than is budgeted without taking money from the general fund reserve. He addressed the budget cuts in employee layoffs and cutbacks, and noted the City giving employees a 4% pay increase in the coming fiscal year. Mr. McCurdy stated the budget proposes to deprive residents of the opportunity to be informed of important City matters by discontinuing the live broadcast of all meetings, except City Council and Planning Commission, but the taping of them for later viewing at convenient times.

Joan Solu, Chair of the Tourism Business Improvement District Advisory Board, requested the City Council not approve the budget for the Business Improvement District until their Budget Sub-Committee has met with its full Board and they are able to make a proposal to the City Council.

Tom Laurie stated the General Fund benefits most from the transient occupancy tax. He requested Council allow the Tourism Business Improvement District to work before implementing more taxes. Mr. Laurie stated the Visitors Center should remain on the waterfront.

Mayor Peters closed the public comment hearing.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 14, 2010

Councilmember Winholtz expressed the importance of continued funding of SLO Green Build and Housing Trust Fund; Councilmember Smukler agreed.

Mayor Peters expressed concern with funding SLO Green Build and Housing Trust Fund noting a lot of these services are available to the public already.

Councilmember Grantham stated there are many elements that other cities pay into that Morro Bay does not. He said he does support funding the Narcotics Task Force position, and he does not want to see any cuts in PEG access.

Councilmember Borchard stated the web site development maintenance for MorroBay.org should be paid by another entity. She said she would like an exclusionary note on Measure Q funds relating to the City Hall generator. Councilmember Borchard stated discussion on the pool car request for Public Services should be tabled until a vehicle inventory list has been reviewed.

Councilmember Smukler expressed the importance of quarterly updates to Council by the City advisory boards. He also mentioned the option of the use of a Fun Ride car to be designated for City use during business hours.

AGP Video offered to maintain its existing contract at \$60,000; Council agreed.

\$1,000 to SLO Green Build; Council agreed.

\$1,000 to Housing Trust Fund; Council agreed.

Councilmember Winholtz expressed the need to have front office personnel in each department, and would like to reinstate the positions in the Fire Department and Recreation & Parks Department; Council did not support this position.

MOTION: Councilmember Borchard moved the City Council adopt Resolution No. 28-10 accepting the fiscal year 2010/11 operating budget, with the following amendments: 1) removing the pool car request by Public Services; 2) funding AGP Video at \$60,000; 3) moving the website maintenance to the Community Promotions Committee; 4) tabling the City Hall generator until further information is available; and 5) funding \$1,000 to SLO Green Build and \$1,000 to the Housing Trust Fund from the general fund reserve. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

Mayor Peters called for a break at 9:03 p.m.; the meeting resumed at 9:15 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 14, 2010

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

Planning Intern Sierra Davis stated the applicant applied for a Conditional Use Permit purposing the renovations in spring of 2009. The project 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 17th 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 is submitted for a precise plan but the plans should be developed to a higher level of detail. 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 Morro Bay Municipal Code Section 17.40.030, Planned Development, (PD) overlay zone. The project was proposed as a precise plan as the proposal is consistent with the original Conditional Use Permit and represents minor changes to bring the site into consistency with the Waterfront Master Plan. Ms. Davis recommended the City Council uphold the appeal and repeal the Planning Commission's favorable recommendation for approval of the Concept Plan pursuant to Morro Bay Municipal Code Section 17.40.030, Planned Development (PD) overlay zone, with modifications if so deemed by the City Council.

Cathy Novak, representing applicant/appellant, stated this project is relatively simple in that the proposed plans are to construct an eight foot wide sidewalk along the Embarcadero side, extend the existing patio deck in the rear approximately three to four feet to the west and approximately five to six feet to the south. She said this will create an eight foot lateral bayside walkway which will connect to another project to the north which has been recently approved by the City and set in place the future connection for the lease site to the southern side. The Commission's goal, in the opinion of the applicant, was to maintain the integrity of the existing building design in particular the brickwork, bench and sign support design. Ms. Novak stated setting aside the fact that the applicant agreed that he would keep the brickwork and the other items as close to existing as possible, the Commission, after a lengthy discussion, felt that the applicant had not provided sufficient details for them to make a final

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 14, 2010

decision on a Precise Plan. The applicant offered the Commission solutions for the trash enclosure, such as changing from bins to wheelies to fit the smaller space, which would have remedied the Commission's issues as well. The applicant committed to the Planning Commission that the walkway would remain clear in this eight foot wide section and provide the elevation change details in the engineering plans. However, the Commission would not accept this without further follow up and required the applicant to provide the Commission with a pedestrian flow plan. Ms. Novak stated the applicant would like to go on record to say that it would be an extreme hardship and unfair request for him to spend several thousand dollars to modify the architectural drawings, provide engineering level construction drawings and photo simulations for this project. In conclusion, the applicant understands that the Commission must be given sufficient details in order to approve a project. However, there must be some consideration given that when a small scale project such as this is presented, the Commission should not require large expenditures of time and money for photo simulations, additional staff time, noticing and other plan modifications that are not necessary when a project can be adequately conditioned and approved. Ms. Novak requested the City Council support to uphold this appeal, approve the Precise Plan and refund the applicant the appeal fee.

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

Councilmember Grantham stated this is an extension of the harbor walk, and he likes the fact that the slips and pilings are going to be repaired. He said conceptually he approves of the project.

Councilmember Smukler stated he agreed with Councilmember Grantham, and he likes that this is a retrofit of a historically significant building.

Councilmember Borchard agreed with Councilmember Grantham and Councilmember Smukler's comments.

Councilmember Winholtz stated she disagrees with the previous comments. She said the building is in an overlay zone and highly visible to the community which should require a Precise Plan.

Mayor Peters agreed with the majority of the Council.

MOTION: Mayor Peters moved the City Council uphold the appeal and repeal the Planning Commission's favorable recommendation for approval of the Concept Plan pursuant to Morro Bay Municipal Code Section 17.40.030, Planned Development (PD) overlay zone, with conditions as amended by staff. The motion was seconded by Councilmember Borchard and carried with Councilmember Winholtz voting no. (4-1)

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 14, 2010

C. UNFINISHED BUSINESS

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

Management Analyst Janeen Burlingame stated 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 list serve. Local individuals who had expressed 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: 1) 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); 2) Dan Reddell - \$12,500 plus offer to “let the city use it whenever they want;” no other details listed; and 3) Reggie Drew, Santa Barbara Trolley Co. - \$12,000. Ms. Burlingame recommended the City Council review the offers made to purchase the 1985 trolley and select which offer to accept.

MOTION: Councilmember Borchard moved the City Council accept the offer to purchase the 1985 trolley from Point San Luis Lighthouse Keepers, Inc. at \$15,000 plus additional offer for use for Caroling Cop Car and elementary school trip in June. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

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)

City Attorney Robert Schultz stated at the January 25, 2010 meeting, Mayor Peters made a motion to direct staff to return to Council for reconsideration of placing a measure on the November 2010 General Election Ballot approving a 1% increase of the City’s Transient Occupancy Tax (TOT). If the Council decides to move forward with a TOT ordinance and the voters pass the measure, the City could expect to receive an additional \$185,000 in TOT revenue per year. Mr. Schultz requested direction from the City regarding placing a measure on the November 2, 2010 ballot increasing the Transient Occupancy Tax (TOT) from 10% to 11%.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JUNE 14, 2010

MOTION: Mayor Peters moved the City Council oppose placing a measure approving an increase in the City's transient occupancy tax on the November 2, 2010 ballot. The motion died for lack of a second.

This item has been continued to the June 28, 2010 City Council meeting.

D. NEW BUSINESS

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

This item has been continued to the June 28, 2010 City Council meeting.

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)

Councilmember Smukler stated the goal of this 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. He recommended the City Council 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.

Council expressed support for this project, and directed staff to move as quickly as possible without expending funds.

D. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Smukler requested to agendaize a discussion on a five year capital improvement plan with a one-year priority; Council concurred.

F. ADJOURNMENT

The meeting adjourned at 10:48 p.m.

Recorded by:

Bridgett Kessling
City Clerk



Staff Report

AGENDA NO: A-2

MEETING DATE: 06/28/10

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

FROM: Susan Slayton, Administrative Services Director

SUBJECT: Resolution No. 32-10 Establishing the Annual Proposition 4 Appropriations Limit for the Fiscal Year 2010/11

RECOMMENDATION

Adopt Resolution No. 32-10.

MOTION: I move for the adoption of Resolution No. 32-10, which establishes the annual Proposition 4 appropriations limit for the Fiscal Year 2010/11

FISCAL IMPACT

None

SUMMARY

State law requires the adoption of an annual appropriations limit, which restricts the growth of tax-funded programs and services by limiting the appropriation of proceeds of taxes. As permitted by law, the City has chosen to use the most advantageous factor in calculating this limit for the City of Morro Bay, which is the County of San Luis Obispo population growth combined with the CPCPI. For the fiscal year 2010/11, the City of Morro Bay continues to remain well under its appropriations limit.

BACKGROUND:

Proposition 4, more commonly known as the Gann Initiative, was approved by the California electorate in November 1979. It is intended to restrict growth of tax-funded programs and services by limiting the appropriation of the proceeds of taxes to the 1978/79 base year limit, as adjusted annually for changes in population and inflation. Proceeds of taxes in excess of the appropriations limit, with some exceptions, must be returned to the taxpayers by refund or reduction in tax rates unless an extension of the limit is approved by majority popular vote. Proceeds of taxes include tax revenues and investment earnings related to those tax revenues, proceeds from licenses and users/charges to the extent that they exceed the cost to cover those services, and discretionary tax funds used for contingency, emergency, unemployment, reserve and retirement sinking funds, trust, or similar funds.

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

In June 1990, the California voters approved Proposition 111, amending the Gann Initiative to provide local agencies with the option of using either the city or county population change percentage (whichever is greater). Another provision of the amendment states that the Gann limit would be triggered only if tax proceeds exceed the limit for two consecutive fiscal years. Additionally, the proposition requires an annual review of the appropriations limit calculation by a qualified independent auditor in conjunction with the annual financial audit.

DISCUSSION:

According to the estimates received from the California State Controller's office, the population of Morro Bay increased by 0.30 percent between January 1, 2009 and January 1, 2010, while the San Luis Obispo County population increased by 0.87 percent for that same time period. It is most advantageous for the City to use the larger of the two percentages, which is the County population growth factor this year. The California Per Capita Personal Income (CPCPI) decreased by 2.54 percent. Applying these factors to last year's limit of \$19,955,375 results in a 2010/11 appropriations limit of \$19,617,710. The fiscal year 2010/11 budget estimate of revenues from the proceeds of taxes is \$8,391,546, which is well below the appropriations limit of \$11,226,164.

If Council chooses to use the Morro Bay population factor, the appropriations limit changes to \$19,506,854, a difference of \$110,856. Even with this change, we would remain well below the newly-calculated limit of \$11,115,308.

The calculation of estimated proceeds of taxes for fiscal year 2010/11 is shown in detail in Attachment A. The calculation of the fiscal year 2010/11 Appropriations Limit is shown in Attachment B, along with a historical listing of prior year limits. Attachment C is a copy of the State Controller's change in population estimates between January 1, 2009 and January 1, 2010. Attachment D is a copy of the State Controller's published CPCPI price factor.

RESOLUTION NO. 32-10

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MORRO BAY, CALIFORNIA
ESTABLISHING THE ANNUAL PROPOSITION 4
APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2010/11**

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

WHEREAS, Article XIII B of the California Constitution restricts the appropriation of tax proceeds that the City receives in any given fiscal year; and

WHEREAS, the City has calculated the 2010/11 appropriations limit in accordance with the provisions of Article XIII B of the California Constitution; and

WHEREAS, Proposition 111 of June 1990 requires an annual election of the methodology used in the calculation of the current year appropriations limit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, to accept the calculation as prepared by the Finance Department, and establish the fiscal year 2010/11 appropriations limit at \$19,617,710.

PASSED AND ADOPTED, by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 28th day of June 2010, by the following vote:

AYES:
NOES:
ABSENT:

Janice Peters, Mayor

Bridgett Kessler, City Clerk



AGENDA NO: A-3

MEETING DATE: June 28, 2010

Staff Report

TO: Honorable Mayor and City Council **DATE:** June 22, 2010

FROM: Dylan Wade, Utilities/Capital Projects Manager

SUBJECT: Status Report on Water Usage for May 2010

RECOMMENDATION:

It is recommended that the City Council review and file this status report.

FISCAL IMPACT:

The water enterprise fund operating budget is only a small percentage of the overall water division budget. The water division uses the operating budget to offset the cost of operating the various supplies of water. Depending on the mix and cost of the various water sources delivered these expenditures may lead to over spending the operating budget.

BACKGROUND:

The City of Morro Bay has four main sources of water supply. Water sources in order of supplied quantities are; the State Water Project, Chorro groundwater, Morro groundwater, and a Desalination Plant. Deliveries of water from the State water Project started this year at the lowest level that they have ever been in the history of the project. Since the primary water supply source for the City of Morro Bay was unavailable at the beginning of the year, the City has been forced to rely more heavily on the other sources.

Contamination with nitrates of both the Chorro and Morro groundwater resources by agricultural activities has greatly impacted our water supplies. During periods of reduced State Water Project deliveries it is necessary to blend our other sources of water to reduce nitrate levels in the distribution system. The Desalination Plant is undergoing a series of upgrades to restore the operation of that facility which has most recently been used to remove nitrates from the Morro Groundwater.

DISCUSSION:

May Water Usage

Total May Water production was 107 af with 4.75 af of water from the Morro groundwater basin receiving treatment through the BWRO process, 102 af of State water delivered, and 1.25

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

af of groundwater from the Morro and Chorro Basins. This represents 89% of last year's usage for May 2009.

Current Water Usage During the Month of June, the City has used water from the Brackish Water Reverse Osmosis (BWRO) Treatment to supplement water deliveries from the State Water Project.

State Water Project Deliveries State Water Project deliveries were increased from 20% to 30% on April 22, 2010 and then from 30% to 40% on May 3, 2010. With the City's drought buffer the City should be able to meet water demands for all periods except the State Water shutdown without continuing mandatory water conservation measures.

Recent Division Activities

Staff has been able to focus on the Distribution system and is working on the replacement of service lines and old water meters. There are several repairs to water tanks that will need to be performed in the coming months. Staff will be preparing bid packages for the repair and coating of these tanks.

Staff has also recently completed our annual report for California's Department of Public Health and as well as the Consumer Confidence Report. Everyone in Morro Bay should have received the Consumer Confidence Report by this time. This report contains information regarding water quality testing results for 2009.

In addition to these activities a series of upgrades will be made to fully and completely integrate the operation of the BWRO and SWRO trains into the plant. These upgrades will finalize the Cities strategy for coping with nitrate contamination in the Morro Basin.

Chorro Groundwater Issues

The City has produced water from the Chorro groundwater basin to meet water demands. Our groundwater permits require that stream flows be above 1.4cfs when extractions occur. Currently the City's consultant is measuring creek flows continuously as we are in the process of performing an interference study. This study should demonstrate what interference if any occurs when the City operates wells in the Ashurst well field.

Future Water Usage

It is anticipated that in the month of July the water system will rely on the State Water Project deliveries and will increase the use of the BWRO to augment those deliveries.

CONCLUSION:

It is recommended that the City Council review and file this status report.



AGENDA NO: A-4

Meeting Date: June 28, 2010

Staff Report

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

FROM: Rob Livick, PE/PLS – Interim Director of Public Services/City Engineer
Damaris Hanson, CPESC – Engineering Technician

SUBJECT: Approval of Parcel Map PM MB 07-0232 and acceptance of Offer of Dedication

RECOMMENDATION:

Staff recommends City Council approve the Parcel Map PM MB 07-0232 and accept the offer of dedication, of approximately 8 feet by 2 feet wide public pedestrian easement located behind the driveway approach constructed to city standards, by Resolution No. 33-10.

MOTION: I move that the City Council adopt Resolution No. 33-10, approving the Parcel Map MB 07-0232.

FISCAL IMPACT:

The cost of normal maintenance of standard improvements: including curb, gutter and sidewalk along this frontage.

BACKGROUND/DISCUSSION:

At its regular meeting on July 7, 2008 the Planning Commission approved the request for a Tentative Parcel Map, and Coastal Development Permit to subdivide and construct improvements for three parcels. Since then, the applicant has satisfied all Conditions of Approval and Subdivision Map Act requirements for the recordation of this map. Per 16-4.402 of the City's Subdivision Ordinance a Parcel map is typically approved administratively. Due to the offer of dedication (per 16-13.001) for the public pedestrian easement this Parcel Map is required to be approved by the City Council. As part of the Parcel Map requirements, the owner has constructed and installed the required public improvements. The public improvements have been approved and accepted by the City Engineer.

CONCLUSION:

Approval of a parcel map is a "ministerial act", pursuant to the California Subdivision Map Act (Government Code Section 66474 .1), once the map is found to be in substantial conformance with the approved tentative map. This parcel map has met all City regulations and no further

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

Page 1 of 2

discretionary approvals are required. Staff recommends the City Council approve the Parcel Map and accept the offer of dedication by adopting Resolution No. 33-10.

Attachment 1: Resolution 33-10

Attachment 2: Copy of Parcel Map PM MB 07-0232

Attachment 3: Copy of Planning Commission's approval of Permit S00-079/CP0-259

July 8, 2008

Tim & Carol Daniels
2195 Ironwood Avenue
Morro Bay, CA 93442

Subject: Three Lot Residential Subdivision located at 2195 Ironwood Avenue
(Case No. S00-079/CP0-259)

Dear Mr. & Mrs. Daniels,

At its regular meeting on July 7, 2008 the Planning Commission approved your request for a Tentative Parcel Map, and Coastal Development Permit to subdivide and construct improvements for three parcels. The next step would be preparing the final map for recordation.

The applicant is required to pay the posting fee of to the County Clerk's Office for filing the Negative Declaration notice of final determination of No Effect. The funds shall be made payable to the "County of San Luis Obispo" and delivered to the Public Services Department within five days of this letter for forwarding along with the Environmental Determination to the County Clerk in accordance with California Code of Regulation Title 14, Division 1, Subdivision 3, Chapter 4, Section 753.5. Filing the Notice of Determination along with the fee is required within 10 days of the project approval and has the effect of starting a 30-day statute of limitations period for challenges to the decision in place of 180-day period otherwise in effect.

This action does not constitute a building permit. Any further processing of this project must be initiated by you, the applicant, and is subject to the applicable rules and regulations of the Morro Bay Municipal Code.

Please contact me if you have any questions at 772-6211.

Sincerely,

Mike Prater
Planning Manager

Enclosures: Permits, Findings & Conditions of Approval, Notice of Final Action

REGULAR COASTAL DEVELOPMENT PERMIT, AND
TENTATIVE PARCEL MAP

CASE NO: S00-079/CP0-259

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 2195 Ironwood Avenue

APPLICANT: Tim & Carol Daniels

APN: 068-340-016

LEGAL: Easterly portion of Lot 20 R.M. A-160 Rancho Morro Cayucos

DATE APPROVED: July 7, 2008 APPROVED BY: PLANNING COMMISSION

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

CEQA DETERMINATION: NEGATIVE DECLARATION

DESCRIPTION OF APPROVAL: A 3 lot Parcel Map to subdivide an existing parcel into a deep-lot subdivision with private driveway access, offsite easements, and a hammerhead turn-a-round. The resulting lots will be Parcel 3, 6,000 sqft, Parcel 2, 6,000 sqft, and Parcel 1, 9,776 sqft in gross area.

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

PERMIT EFFECTIVE DATE & INFORMATION APPLICABLE TO YOUR PROJECT IS OUTLINED FOLLOWING THE BOX CHECKED BELOW:

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

YOUR PROPERTY IS LOCATED IN THE COASTAL COMMISSION APPEALS JURISDICTION. This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) Working days following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, Ste. 300, Santa Cruz, CA 95060, Phone: 408-427-863. If you have any questions, please call the City of Morro Bay Public Services Department, 772-6261.

IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE: July 18, 2008

ATTEST:

DATE: July 8, 2008

Mike Prater, Planning Manager

FOR: Bruce Ambo, Public Services Director

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

PUBLIC SERVICES DEPARTMENT

NOTICE OF FINAL ACTION ON COASTAL DEVELOPMENT PERMIT

NOTICE OF FINAL CITY ACTION on Coastal Development Permit No. CP0-259

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

Applicant: Tim & Carol Daniels

Address: 2195 Ironwood Avenue, Morro Bay, CA 93442

Project Description: A 3 lot Parcel Map to subdivide an existing parcel into a deep-lot subdivision with private driveway access, offsite easements, and a hammerhead turn-a-round. The resulting lots will be Parcel 3, 6,000 sqft, Parcel 2, 6,000 sqft, and Parcel 1, 9,776 sqft in gross area.

Project Location: 2195 Ironwood Avenue

APN/Legal: 068-340-016

Lot Area 21,900 sq.ft.

Zoning: R-1

LUP/General Plan: Low/Medium Density Residential

Filing Date: April 23, 2008

Action Date: July 7, 2008

Action By: Planning Commission

Action Taken: Approved with Conditions

Attachments: Permit, Findings, if any, and Conditions of Approval



THIS SITE IS OUTSIDE OF THE COASTAL COMMISSION APPEAL JURISDICTION



This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) working days following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, #300, Santa Cruz, CA 95060, 415-427-4863

EXHIBIT A:
FINDINGS

California Environmental Quality Act (CEQA)

That for purposes of the California Environmental Quality Act, Case No. S00-079/CP0-259 is subject to a Mitigated Negative Declaration based on geology, hydrology, land use, transportation/circulation, and utilities issues. Any impacts associated with the proposed development will be brought to a less than significant level through the Mitigations required as conditions of approval.

Subdivision Map Act Findings

- A. The proposed map to create a three lot deep subdivision project, where new parcels will have single-family residences is consistent with the General Plan and Coastal Land Use Plan because residential development and the given parcel sizes are allowed under the land use designation and zoning & subdivision ordinance.
- B. The design and improvements to create three single-family residences for the proposed subdivision is consistent with the General Plan and Coastal Land Use Plan because all public improvements will be constructed in accordance with City Engineers recommendation.
- C. The site is physically suitable for the type and density of development proposed because the site is zoned for single-family residential low to medium density (4-7 du/ac) and consistent with the land use designation.
- D. The design of the subdivision and related improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because all precautions will be implemented to catch and direct all runoff.
- E. The design of the subdivision and improvements will not cause serious public health problems.
- F. The design of the subdivision and related improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because no easements are required for the public however, facilities are designed to handle the adjacent properties as well.
- G. As conditioned, the design, architectural treatment, and general appearance of all buildings and open space areas are in keeping with the character of the surrounding area pursuant to 17.48.200, and will not be incompatible with the uses permitted in the surrounding areas and zoning district because new development will be subject to coastal development permits and neighborhood compatibility standards; and
- H. The City has available adequate water to serve the proposed subdivision based upon the water regulations and water equivalency table Exhibit A, enforced at the time of approval of the tentative parcel map pursuant to the certified Water Management Plan and General Plan LU-22.1.

- I. Improved design based on density control and better community environment. The standards set out in Section 16.09.101 to 16.09.406 may be varied because the gross density of the area is not increased.

Conditional Use & Coastal Development Permit Findings

- J. 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 report; and
- K. 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 is consistent with all applicable zoning and plan requirements as indicated in the attached staff report; and
- L. 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 conducted consistent with all applicable City regulations, as indicated in the attached staff report.

EXHIBIT B
CONDITIONS OF APPROVAL

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated July 7, 2008 for the project depicted on the attached plans labeled "Exhibit C", dated April 23, 2008 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:
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 Planning and Building Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Planning and Building Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Planning and Building Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Undergrounding of Utilities: Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities including electrical, telephone and cable television shall be installed underground.

8. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. during the weekdays and eight a.m. and seven p.m. during the weekends, unless an exception is granted by the Building Official pursuant to the terms of this regulation.
9. 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.
10. Parkland In-Lieu Fees: Prior to recordation of the Final Map requirements of the City of Morro Bay for dedication of land for park purposes and/or payment of fee-in-lieu thereof shall be met (MBMC Section 16.13.005).
11. Common Driveway Access and Maintenance: An easement or covenant consistent with Section 17.44.030 E shall be recorded for all parcels to have access to the common driveway and backing areas, fire turnaround over parcels to allow for access to the parking provided. The easement or covenant shall include the responsibilities of maintaining the roadway. A section discussing the future use by the adjacent property to the South shall be discussed and mechanisms in place to allow for joint use and responsibility for shared maintenance.
12. Landscape and Irrigation Plan: Prior to the issuance of a building permit, a landscaping plan, prepared and stamped by a licensed Landscape Professional, (i.e., Landscape Architect, Architect, or Landscape Contractor) shall be submitted for review and approval by the Director of Planning & Building in accordance with all requirements of Section 17.48.290 of the MBMC. Said plan shall include a planting plan showing the species, number, size, and location of all plant materials. An irrigation plan shall include the proposed method and location of irrigation. Native and/or drought tolerant plant and tree species shall be used to the maximum extent feasible. Trees shall be selected from the Master City Street Tree List prepared by the Public Works Department. The landscape plans shall include details for utility meter screening, and construction of the trash enclosure.
13. Landscaping Protection: All landscaping and planting within paved areas shall be contained within raised planters surrounded by six (6) inch concrete curbs.
14. Timing of Landscaping: Prior to issuance of a final Certificate of Occupancy, all required plantings, groundcover and irrigation systems shall be in place to the satisfaction of the Director of Planning & Building. The landscape consultant shall provide a watering schedule and certify that all plantings and irrigation systems have been installed pursuant to the approved plans prior to issuance of the final Certificate of Occupancy.
15. Maintenance of Landscaping: All required plant materials shall be maintained in accordance with the watering schedule as specified in the approved landscape plan notes. All landscaping shall be cared for, maintained, watered, pruned and kept in a healthy growing condition for the life of the project. Where required plant(s) have not survived, it shall be promptly replaced with new plant materials of similar species, functional, size, and characteristics as specified in the approved landscape plant notes.
16. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the

immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and implementation of any protective measures as determined by the Director of Planning & Building.

17. Property Line Verification. It is owner's responsibility to verify lot lines. Prior to foundation inspection the lot corners shall be staked and setbacks marked by a licensed professional.
18. Setback Determination - The front setbacks for Parcels 2 & 3 shall be measured from the northerly access easement line with the rear and interior side based on the front location per Zoning Ordinance.
19. Environmental Conditions

Geology/Soils: The proposed project shall be designed in a manner that is compliant with the California Building Code to ensure that the structures are as seismically sound as is feasible.

Hydrology/Water Quality: 1) The applicant shall provide an Erosion and Sedimentation Control Plan that shall be approved by the City prior to building permit issuance. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.

2) The applicant and development team shall utilize best management practices and include low impact development techniques to the maximum extent possible.

Land Use and Planning: 1) At publicly noticed hearing, the Planning Commission shall consider the requested exceptions and determine whether it is compatible with applicable land use patterns, and fence height concerns as they relate to the required findings being made.

2) The applicant shall enter into an agreement that would require the garage structure to conform to setback before the sell or development of Parcel 2.

Transportation/Circulations: The project shall provide approved "Fire Lane-No Parking" signage with red-painted curbs on the frontage of the alley where applicable.

Utilities and Service Systems: Prior to the issuance of a building permit, the Applicant/Developer shall pay to the City an impact fee at a future date towards the construction of municipal sewer improvements as determined by the Engineering Division in accordance with the Sewer System Master Plan. The applicant and future lot owners shall agree to this fair share payment and waive any rights to challenge the fees by signing an agreement.

22. Fence Height – The maximum fence height shall be six-feet and allowed above the retaining walls. The retaining walls are expected to not exceed five-feet. If the combination of the retaining wall and fence exceed ~~twelve~~ eight feet in height from finish grade then concurrence from the Planning Commission shall be required. The maximum height shall be reduced along the front setbacks to meet code of four feet in height.

FIRE CONDITIONS

23. The project shall conform to all applicable requirements of the Building Code and Fire Code, including installation of fire sprinklers and any addition hydrants required, to the satisfaction of the Fire Chief. The Fire Chief shall be satisfied prior to the issuance of a building permit and prior to occupancy of the building.

24. The applicant shall acquire all necessary easements from the adjacent properties for utilities and drainage and shall be recorded prior to final map recordation.
25. The driveway for parcel 1 shall utilize the proposed shared common driveway.
26. Sidewalks shall be concrete and meet the city standards.
27. The City engineer should consider requiring frontage improvements per collector street detail.
28. The curb material shall match the future improvements of Parcel 19.



AGENDA NO: A-5

Meeting Date: June 28, 2010

Staff Report

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

**FROM: Rob Livick, PE/PLS – Interim Director of Public Services/City Engineer
Damaris Hanson, CPESC – Engineering Technician**

SUBJECT: Approval of Parcel Map PM MB 09-0091 and acceptance of Offer of Dedication

RECOMMENDATION:

Staff recommends City Council approve the Parcel Map PM MB 09-0091 and accept the offer of dedication, of approximately 11 feet by 2 feet wide public pedestrian easement located behind the driveway approach constructed to city standards, by Resolution No. 34-10.

MOTION: I move that the City Council adopt Resolution No. 34-10, approving the Parcel Map MB 09-0091.

FISCAL IMPACT:

The cost of normal maintenance of standard improvements: including curb, gutter and sidewalk along this frontage.

BACKGROUND/DISCUSSION:

On January 19, 2010 the City of Morro Bay's Planning Commission conditionally approved the request for a Coastal Development Permit and Tentative Parcel Map (CP0-321 & S00-101). The permit was appealed to City Council who approved the Coastal Development Permit and Tentative Parcel Map (CP0-321 & S00-101) on March 8, 2010. Since then, the applicant has satisfied all Conditions of Approval and Subdivision Map Act requirements for the recordation of this map. Per 16-4.402 of the City's Subdivision Ordinance a Parcel map is typically approved administratively. Due to the offer of dedication (per 16-13.001) for the public pedestrian easement this Parcel Map is required to be approved by the City Council. As part of the Parcel Map requirements, the owner has constructed and installed the required public improvements. The public improvements have been approved and accepted by the City Engineer.

CONCLUSION:

Approval of a parcel map is a "ministerial act", pursuant to the California Subdivision Map Act (Government Code Section 66474 .1), once the map is found to be in substantial conformance with

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

Page 1 of 2

the approved tentative map. This parcel map has met all City regulations and no further discretionary approvals are required. Staff recommends the City Council approve the Parcel Map and accept the offer of dedication by adopting Resolution No. 34-10.

Attachment 1: Resolution 34-10

Attachment 2: Copy of Parcel Map PM MB 09-0091

Attachment 3: Copy of City Council approval of permit CP0-321 & S00-101

March 11, 2010

Dave and Dorene Stover
2193 Ironwood Ave.
Morro Bay, CA 93442

SUBJECT: Case No's.: CP0-321 & S00-101

SITE: 612 Agave

Dear Mr. and Mrs. Stover,

At its regular meeting on March 8, 2010 the City of Morro Bay City Council conditionally approved your request for a Coastal Development Permit and Tentative Parcel Map. This action does not constitute a building permit. Any further processing of this project must be initiated by the applicant, subject to the applicable rules and regulations of the Morro Bay Municipal Code.

This action is not appealable to a higher body, as all local rights to appeal have been exhausted.

Sincerely,

Bruce Ambo
Director Public Services Department

By: _____

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

**COASTAL DEVELOPMENT PERMIT
AND
TENTATIVE PARCEL MAP**

CASE NO: CP0-321/ S00-101

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 612 Agave

APPLICANT: Dave and Dorene Stover

APN/LEGAL: 068-340-015

DATE APPROVED: March 8, 2010 APPROVED BY City Council

CEQA DETERMINATION: In accordance with California Environmental Quality Act (CEQA) (Public Resources Code 21000 et. Seq.), the project is exempt pursuant to Section 15332 (Infill Development), Class 32. There are no known sensitive environmental resources on the project site, nor would the creation of new lots cause directly or indirectly a potentially significant impact.

DESCRIPTION OF APPROVAL

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

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

YOUR PROPERTY IS LOCATED IN THE COASTAL COMMISSION APPEALS JURISDICTION: THE FOLLOWING COASTAL COMMISSION APPEAL PERIOD APPLIES TO YOUR PROJECT: This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) Working days following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, Ste. 300, Santa Cruz, CA 95060, Phone: 415-427-4863. If you have any questions, please call the City of Morro Bay Public Services Department, 772-6261.

ATTEST: _____ DATE: 3/11/10

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

PUBLIC SERVICES DEPARTMENT

NOTICE OF FINAL ACTION ON COASTAL DEVELOPMENT PERMIT

NOTICE OF FINAL CITY ACTION on Coastal Development Permit No. CP0- 321

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

Applicant: Dave and Dorene Stover

Address: 612 Agave

Project Description: Subdivision of an existing parcel into three lots by a Parcel Map into a deep-lot subdivision with private driveway access, off-site easements, and a hammerhead turnaround. The project includes a request to allow the accessway to be reduced from 24 feet to 20 feet in width and a subdivision exception request to allow the inclusion of access easement square footage into the overall lot square footage. No residential development is proposed for the lots at this time.

Project Location: Agave and Ironwood

APN/Legal: 068-340-015 Lot Area 21,891 square feet

Zoning: R-1 - Single Family Residential LUP/General Plan: Low Density

Filing Date: September 17, 2009 Action Date March 8, 2010

Action By: City Council Action Taken: Approved

Attachments: Permit, Findings, if any, and Conditions of Approval

THIS SITE IS OUTSIDE OF THE COASTAL COMMISSION APPEAL JURISDICTION

This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) working days following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, #300, Santa Cruz, CA 95060, 415-427-4863.

APPLICANT'S ACCEPTANCE
OF
CONDITIONS OF APPROVAL

CASE NO. CP0 - 321 & S00 - 101

SITE LOCATION: 612 AGAVE

APPLICANT NAME: DAVE AND DORENE STOVER

APPROVAL BODY: Public Services Director
 Zoning Administrator
 Planning Commission
 City Council

DATE OF ACTION: MARCH 8, 2010

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

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

approving Case Number: CP0 - 321 & S00 - 101

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

APPLICANT'S SIGNATURE

DATE:

COASTAL DEVELOPMENT PERMIT AND TENTATIVE PARCEL MAP MB 09-0091
CASE NO's. CP0 - 321 and S00-101
SITE LOCATION: 612 AGAVE

I. FINDINGS OF APPROVAL

Coastal Development Permit Findings

1. That the project will not cause any health and safety concerns, and will not impact neighboring uses, environmentally sensitive habitat areas, or otherwise create significant impacts.
2. In accordance with California Environmental Quality Act (CEQA) (Public Resources Code 21000 et. Seq.), the project is exempt pursuant to Section 15332 (Infill Development), Class 32. There are no known sensitive environmental resources on the project site, nor would the creation of new lots cause directly or indirectly a potentially significant impact. An archaeological survey was conducted as well as a soils report to determine if site had potential concerns for future development and no known concerns were raised required as conditions of approval.

Subdivision Map Act Findings

- A. As conditioned, the proposed map to create a three lot deep subdivision project, where new parcels will have single-family residences, is consistent with the General Plan and Coastal Land Use Plan because residential development and the given parcel sizes are allowed under the land use designation and zoning & subdivision ordinance.
- B. As conditioned, the design and improvements to create three single-family residences for the proposed subdivision is consistent with the General Plan and Coastal Land Use Plan because all public improvements will be constructed in accordance with City Engineers recommendation.
- C. The site is physically suitable for the type and density of development proposed because the site is zoned for single-family residential low to medium density (4-7 du/ac) and consistent with the land use designation.
- D. The design of the subdivision and related improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because all precautions will be implemented to catch and direct all runoff.
- E. The design of the subdivision and improvements will not cause serious public health problems.
- F. The design of the subdivision and related improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed

subdivision because no easements are required for the public however, facilities are designed to handle the adjacent properties as well.

- G. As conditioned, the design, architectural treatment, and general appearance of all buildings and open space areas are in keeping with the character of the surrounding area pursuant to 17.48.200, and will not be incompatible with the uses permitted in the surrounding areas and zoning district because new development will be subject to coastal development permits and neighborhood compatibility standards; and
- H. The City has available adequate water to serve the proposed subdivision based upon the water regulations and water equivalency table (Exhibit A) enforced at the time of approval of the tentative parcel map pursuant to the certified Water Management Plan and General Plan LU-22.1.
- I. Improved design based on density control and better community environment. As conditioned, the map will be consistent with Subdivision Ordinance and will allow orderly development consistent with the zoning district designation.

Subdivision Exception Findings

Pursuant to Section 16-15.020 of the Subdivision Ordinance, before any exception is authorized, the Planning Commission must make all of the below findings.

As discussed above in the staff report, staff made the below findings to justify allowing the Parcel Map to deviate from the required residential lot size because the property has been encumbered by the turnaround to provide access not just to the subject property but for other properties as well. This turnaround creates a unique or unusual situation because it encumbers the subject property with a regional turnaround to serve more than one project. Typically, turnarounds for a project would be required on that project's property; however the turnaround for Parcel Map MB 07-0232 was placed and approved on the subject property. Therefore, the allowance of three undersized parcels, in lieu of two parcels on the subject site, which will include the accessway square footage to meet the minimum square footage requirements is justifiable, since the turnaround reduces the developable square footage of the subject property. Due to the unique situation, the project as conditioned, is consistent with the General Plan and with all applicable specific plans or other plans of the City.

- J. That the property to be divided is of such size or shape, or is affected by such topographic conditions, that it is impossible, impractical or undesirable, in the particular case, to conform to the strict application of the regulations codified in this title; and
- K. That the cost to the subdivider of strict or literal compliance with the regulations is not the sole reason for granting the modification; and
- L. That the modification will not be detrimental to the public health, safety and welfare, or be injurious to other properties in the vicinity; and

M. That granting the modification is in accord with the intent and purposes of these regulations, and is consistent with the General Plan and with all applicable specific plans or other plans of the City.

II. CONDITIONS OF APPROVAL

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated January 19, 2010 for the project depicted on the attached plans labeled "Exhibit C", dated November 20, 2009 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:
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 Planning and Building Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Planning and Building Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall

be permitted only by written consent of the Planning and Building Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.

7. Undergrounding of Utilities: Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities including electrical, telephone and cable television shall be installed underground.
8. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. during the weekdays and eight a.m. and seven p.m. during the weekends, unless an exception is granted by the Building Official pursuant to the terms of this regulation.
9. 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.
10. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and implementation of any protective measures as determined by the Director of Planning & Building.
11. Property Line Verification: It is owner's responsibility to verify lot lines. Prior to foundation inspection the lot corners shall be staked and setbacks marked by a licensed professional.
12. Transportation/Circulation: The project shall provide approved "Fire Lane-No Parking" signage with red-painted curbs on the frontage of the alley where applicable.

PLANNING CONDITIONS

13. The accessway serving the proposed parcels shall be paved and shall be no less than 20 feet wide, as approved by the Planning Commission.
14. Living Area: The gross living area square footage allowed for each residence shall be a maximum of 2,000 square feet, excluding the garage.
15. Gate: There shall be no gate on Agave Ave.
16. Parcel Map Amendments: Any amendments to Parcel Map MB 09-0091 shall be approved by the Planning Commission.

FIRE CONDITIONS

17. Access: A Fire Department Access Road is required pursuant to 2007 California Fire Code, Section 503.
18. Turnaround: A Fire Department Apparatus Turnaround is required and the Alternative to the 120-foot Hammerhead (contained in Appendix D) shall be used. (CFC 503.2.5)
19. Access Dimensions: Fire Department Access Road Dimensions shall have an obstructed width of not less than 20 feet. (CFC 503.2.1)
20. Access Surface: Fire Department Access Road Surface shall be designed and maintained to support imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. (CFC 503.2.3)
21. Fire Hydrant System: Project shall provide an on-site fire hydrant for this subdivision, in accordance with CFC 508.1
22. Fire Sprinklers: All structures of this new subdivision shall be provided with automatic fire sprinkler systems, in accordance with NFPA 13-D and Morro Bay Municipal Code, Section 14.60.200.

PUBLIC WORKS CONDITIONS

23. Stormwater Requirements:
 - a. Provide water quality treatment for the runoff resulting from a two year storm event either through retention (infiltration) or an alternative Water Quality BMP such as biofiltration, mechanical filtration or hydrodynamic separation.
 - b. Provide peak runoff rate control for the runoff resulting from the ten through hundred year rainfall events. For the purposes of stormwater management the pre-construction condition shall be natural soil and vegetation. Post development shall assume a fully built out parcel map.
 - c. Drainage analysis, runoff calculations, design and justification of drainage facilities shall be preformed by a Registered Civil Engineer and submitted prior to recordation of the Final Parcel Map. The responsible Soils Engineer shall review all proposed infiltration and storage systems for site suitability.
24. Stormwater Requirements: With any building or grading permits, provide a standard erosion and sediment control plan. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.

RECREATION AND PARKS CONDITIONS

25. Parkland In-Lieu Fees: In accordance with the Morro Bay Municipal Code 16.16.030 Parkland Dedication Requirements, the subdivision will require payment of an in-lieu fee. Based on the County of San Luis Obispo Assessed Value for 2009-2010, the anticipated in-lieu fee total is: \$17,864.00. Note that this fee may be redetermined at the time of payment and that the value of the land based on 2009-2010 is vested.

RESOLUTION NO. 35-10

A RESOLUTION ACCEPTING AN OFFER OF DEDICATION OF AN EASEMENT FOR CITY RIGHT OF WAY AND PUBLIC SIDEWALK PURPOSES ALONG THE WEST AVENUE FRONTAGE OF 1155 WEST AVENUE.

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

WHEREAS, on July 17, 2006 a Conditional Use Permit and Regular Coastal Development Permit, UP0-088/CP0-135 was issued , to construct 3,126 square foot single-family residence and associated garage, and a 664 square foot cabana with associated carport at 1155 West Avenue; and

WHEREAS, the West avenue frontage of 1155 West Avenue requires an offer of dedication to the City for City Right of Way and sidewalk purposes; and

WHEREAS, the Owners, A.J Wright and Donna Wright has made an irrevocable and perpetual offer to dedicate the required eighteen foot wide easement to the City; and

WHEREAS, it is in the public interest to accept the offer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that the attached offer of dedication is hereby accepted on behalf of the public.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 28th day of June 2010 by the following vote:

AYES:

NOES:

ABSENT:

JANICE PETERS, Mayor

BRIDGETT KESSLING, City Clerk

RECORDING REQUESTED BY and

WHEN RECORDED MAIL TO:

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

OFFER OF DEDICATION
(for public pedestrian easement purpose)
A.P.N. 066-034-018 (1155 West Ave)

For a valuable consideration, receipt of which is hereby acknowledged, **A.J. and Donna Wright** the undersigned, being present fee title owner(s) of record of the herein described parcel of land, do hereby make an irrevocable offer of dedication to the City of Morro Bay and its successors or assigns, for public pedestrian easement purposes, the real property situated in the City of Morro Bay, County of San Luis Obispo, State of California, as described in EXHIBIT "A" and shown on Exhibit "B" attached hereto.

It is understood and agreed that the City of Morro Bay and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the City of Morro Bay.

The provisions hereof shall insure to the benefit of and be binding upon heirs, successors, assigns and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, these presents have executed this instrument this 3rd day
of FEBRUARY 2010

A.J. Wright
A.J. Wright

Donna Wright
Donna Wright

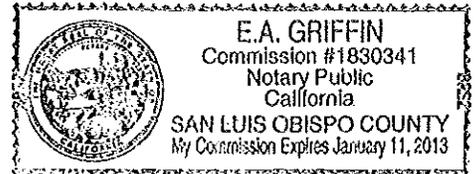
NOTARY PUBLIC CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

On FEBRUARY 3, 2010 before me, E.A. GRIFFIN, NOTARY PUBLIC

personally appeared AJ WRIGHT who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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



WITNESS my hand and official seal.

[Signature]

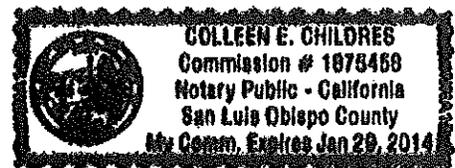
NOTARY PUBLIC CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

On 2-4-10 before me, Colleen E. Childres

personally appeared Donna Wright who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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



WITNESS my hand and official seal.

[Signature]

EXHIBIT A
Pedestrian Access Easement
Legal Description

A portion of lot 4 of Block 61 of the Bakersfield Colony Tract as shown on map filed in Book 2 of Maps at page 52, records of San Luis Obispo County, California described as follows;

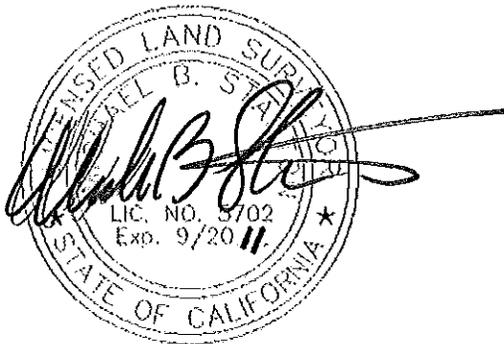
Beginning at a 1" iron pipe set at the northeast corner of said lot 4 as shown on Record of Survey filed in Book 102 at page 79; thence

- 1) South 00° 18' 58" West along the westerly right-of-way line of West Avenue (formerly West Street) a distance of 29.27 feet; thence leaving said right-of-way line
- 2) North 53° 39' 06" West 7.42 feet; thence
- 3) North 00° 18' 58" East parallel to the west right-of-way line of West Avenue 21.09 feet; thence
- 4) North 54° 19' 15" East 6.49 feet to intersect the north line of said lot 4; thence
- 5) South 89° 47' 15" East along said north line of Lot 4 a distance of 0.75 feet to the point of beginning

The above-described parcel contains 153 square feet, more or less.

The above-described parcel is graphically shown on Exhibit B attached hereto and made a part hereof.

* * *





AGENDA NO: A-7
Meeting Date: June, 28 2010

Staff Report

TO: Honorable Mayor and City Council **DATE:** June 10, 2010

FROM: Rob Livick, PE/PLS – Interim Public Services Director/City Engineer
Damaris Hanson, CPESC – Engineering Technician

SUBJECT: Acceptance of an offer of dedication for Right of Way for sidewalk purposes along the Embarcadero Road frontage of 560 Embarcadero Road.

RECOMMENDATION:

Staff recommends that council, on behalf of the public, adopt the attached Resolution No. 36-10 accepting the offer of dedication for right of way purposes along the Embarcadero frontage of 560 Embarcadero.

MOTION: I move that the City Council adopt Resolution No. 36-10, accepting the offer of dedication for right of way purposes along the Embarcadero frontage of 560 Embarcadero.

FISCAL IMPACT:

There is no fiscal impact associated with this offer of dedication. The owner will pay for installation of sidewalks and other required frontage improvements.

BACKGROUND:

On November 27, 2007 a Minor Use Permit UPO-191 was issued to remodel a restaurant building both interior and exterior with kitchen and main entrance changes. Embarcadero Road is an arterial street as defined in the City’s General Plan, with a 50’ right of way width. The Applicant was conditioned to dedicate to the City, 2’ width of the Embarcadero Road frontage for City Right of Way and public sidewalk purposes.

SUMMARY:

The existing Embarcadero Road right-of-way is not sufficient to City standards Collector Street as shown on the City’s Circulation Element. The Owner has made the attached Irrevocable and Perpetual Offer to Dedicate an easement for the required street improvements.

- Attachment 1: Resolution 36-10
- Attachment 2: Copy of Offer of Dedication

Prepared By: _____	Dept Review: _____
City Manager Review: _____	
City Attorney Review: _____	Page 1 of 2

RESOLUTION NO. 36-10

A RESOLUTION ACCEPTING AN OFFER OF DEDICATION OF AN EASEMENT FOR CITY RIGHT OF WAY AND PUBLIC SIDEWALK PURPOSES ALONG THE EMBARCADERO ROAD FRONTAGE OF 560 EMBARCADERO ROAD.

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

WHEREAS, on November 27, 2007 a Minor Use Permit, UPO-191, was issued to remodel a restaurant building both interior and exterior with kitchen and main entrance changes at 560 Embarcadero Rd; and

WHEREAS, the Embarcadero Road frontage of 560 Embarcadero Road requires an offer of dedication to the City for City Right of Way and sidewalk purposes; and

WHEREAS, the Owner, Philip M. Kispersky has made an irrevocable and perpetual offer to dedicate the required eighteen foot wide easement to the City; and

WHEREAS, it is in the public interest to accept the offer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that the attached offer of dedication is hereby accepted on behalf of the public.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 28th day of June 2010 by the following vote:

AYES:

NOES:

ABSENT:

JANICE PETERS, Mayor

BRIDGETT KESSLING, City Clerk

**RECORDING REQUESTED BY: and
WHEN RECORDED MAIL TO:**

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

OFFER OF DEDICATION
(for streets and highway purpose)
066-131-018 -A.P.N.

For a valuable consideration, receipt of which is hereby acknowledged,
PHILLIP M. KISPERSKY

the undersigned, being present fee title owner(s) of record of the herein described parcel of land, do hereby make an irrevocable offer of dedication to the City of Morro Bay and its successors or assigns, for street and highway purposes, the real property situated in the City of Morro Bay, County of San Luis Obispo, State of California, as described in EXHIBIT "A" and shown on Exhibit "B" attached hereto.

It is understood and agreed that the City of Morro Bay and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the City of Morro Bay.

The provisions hereof shall insure to the benefit of and be binding upon heirs, successors, assigns and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, these presents have executed this instrument this 20th day of JULY 2008

By: PK

Printed Name/Title: PHIL KISPERSKY /owner

Date 7.20.08 20

By: _____

Printed Name/Title: _____ /Owner

By: _____

Printed Name/Title: _____ /Owner

NOTARY PUBLIC CERTIFICATE

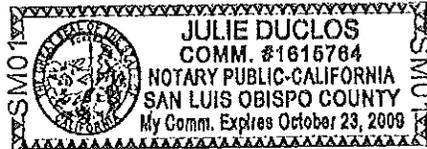
STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

On June 20, 2008 before me, Julie Duclos, Notary Public
personally appeared Phillip M. Kispersky who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Julie Duclos



NOTARY PUBLIC CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

On _____ before me, _____
personally appeared _____ who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
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NOTARY PUBLIC CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

On _____ before me, _____
personally appeared _____ who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
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California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

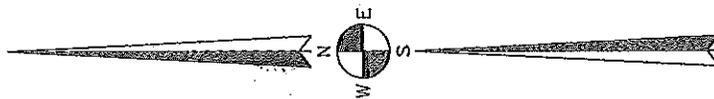
EXHIBIT "A"

LEGAL DESCRIPTION OF AN IRREVOCABLE OFFER OF DEDICATION
TO THE CITY OF MORRO BAY OVER A PORTION OF
PARCEL 3 OF PARCEL MAP MB-78-198, IN THE CITY OF MORRO BAY,
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA,
ACCORDING TO MAP FILED FOR RECORD DECEMBER 4, 1978
IN BOOK 27, PAGE 24 OF PARCEL MAPS,
IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

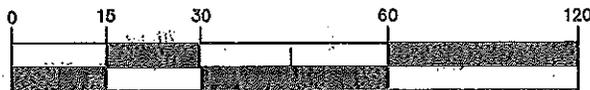
All that portion of Parcel 3 of Parcel Map MB-78-198, in the City of Morro Bay, County of San Luis Obispo, State of California, according to map filed for record December 4, 1978 in Book 27, Page 24 of Parcel Maps, in the Office of County Recorder of said County. Described as follows:

The westerly two feet, measured perpendicular and parallel to the Westerly line of said Parcel 3 of Parcel Map MB-78-198, as shown on Exhibit "B" attached hereto and thereby made a part hereof.

EXHIBIT "B"



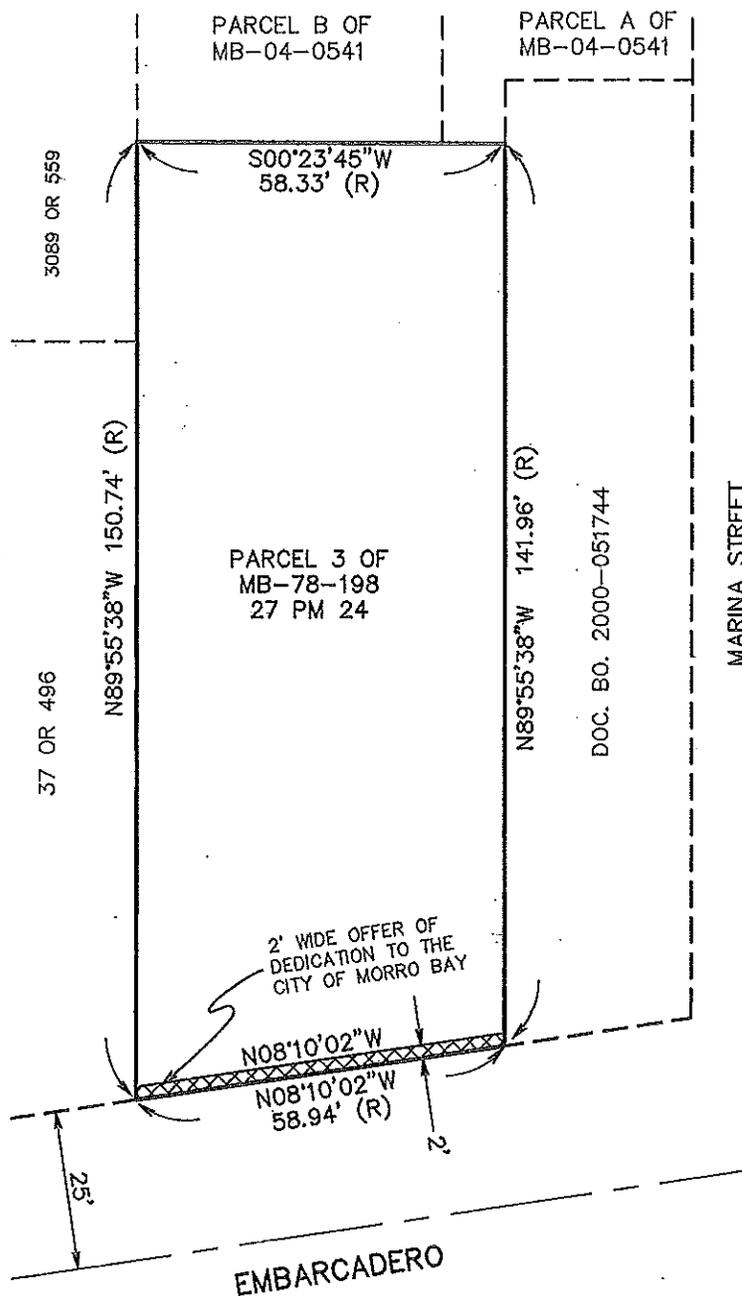
GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

LEGEND

(R) DATA SHOWN ON MB-78-198



Michael Craig Baumbach
LS 6747 EXPIRES: 9-30-2008

EXHIBIT PREPARED BY
GENERAL ENGINEERING
106 SANTA ROSA STREET
SAN LUIS OBISPO, CA.
805-543-8439
JANUARY 2, 2008

The proposed Amendment will extend the term of the lease agreement seven years with a new termination date of June 30, 2020. The amendment also requires that the restaurant be operational by August 31, 2010 and that the tenant submit receipts for expenditures on the repair project.

The main goal of the lease was to provide time for the tenant to complete his plans for redevelopment of the Lease Site including the construction of slips on the site and development of adequate public access. Following is a summary of the lease sections being amended to achieve these goals.

Section 1.02 – Term: Extends the term of the lease agreement to June 30, 2010 and requires the restaurant be operational by August 31, 2010.

Section 13.01 – Tenant’s Obligation to Redevelop Site: This section will be replaced providing timeframes for reaching major goals in the redevelopment process as follows:

March 31, 2012: Complete City Concept approval of plans for redevelopment project as described in TENANT’s proposal dated July 2009, including the boat slips on the premises.

December 31, 2012: Obtain Coastal Commission permits for at a minimum, sidewalk and access improvements and boat slip construction on the premises (hereinafter said project).

December 31, 2013: City precise plan approval for said project.

March 31, 2014: Obtain City building permit for said project.

March 31, 2016: Completion of construction of said project, including boat slips.

CONCLUSION:

Staff recommends the City Council adopt Resolution No 39-10 approving Amendment #1 to the lease agreement for Lease Site 96/96W, located at 945 Embarcadero with Flying Dutchman Enterprises.

RESOLUTION NO. 39-10

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

**Approval of Amendment #1 to the Lease Agreement for Lease Site 96/96W,
located at 945 Embarcadero, with Flying Dutchman Enterprises**

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

WHEREAS, the City is the lessor of certain property on the Morro Bay waterfront described as Lease Site 96/96W, located at 945 Embarcadero; and,

WHEREAS, Flying Dutchman Enterprises, Stan Van Beurden sole proprietor, is the lessee of said property; and

WHEREAS, the City and Flying Dutchman Enterprises have agreed to modify the existing lease agreement to extend the term of the lease for seven years to make it possible for the tenant to complete repairs on the site so that the restaurant can be operational and to allow time for completion of the tenant's redevelopment of the lease site including public access and boat slips.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that Amendment #1 to the lease agreement for Lease Site 96/96W is hereby approved and that the Mayor is hereby authorized to execute said amendment.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 28th day of June, 2010 on the following vote:

AYES:

NOES:

ABSENT:

Janice Peters, Mayor

ATTEST:

Bridgett Kessler, City Clerk

RESOLUTION NO. 37-10

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DIRECTING THE LEVY OF THE ANNUAL ASSESSMENT
FOR THE CLOISTERS LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT**

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

WHEREAS, on May 10, 2010 the City Council did adopt Resolution No. 22-10 declaring the Council's intent to levy an assessment for the annual maintenance of the Cloisters Park and Open Space and approving the Engineers Report; and

WHEREAS, a public hearing to hear all protests as to the levy of the annual assessment of said district was scheduled for June 28, 2010 at 6:00 p.m. in the Veteran's Memorial Building; and

WHEREAS, notices were mailed to one hundred percent (100%) of the property owners on record in the district regarding the proposed assessment and listing the date, time and location of the protest hearing, as well as being published in the local newspaper; and

WHEREAS, the City Council did hear objections of all interested parties as to the levy of the annual assessment for the Cloisters Landscaping and Lighting Maintenance Assessment District on June 28, 2010 at the Veteran's Memorial Building.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that the annual levy for the maintenance of Cloisters Landscaping and Lighting Maintenance Assessment District generally located as shown on Exhibit "A" attached hereto is hereby ordered and the assessment of \$148,944 to be equally distributed per assessable parcel for the Fiscal Year 2010-11 is hereby confirmed.

BE IT FURTHER RESOLVED by the City Council of the City of Morro Bay that adoption of this resolution shall constitute the levy of an assessment for the Fiscal Year 2010-11 and the City Clerk shall file the diagram and assessment with the County of San Luis Obispo Auditor.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held this 28th day of June 2010 by the following roll call vote:

AYES:

NOES:

ABSENT:

JANICE PETERS, Mayor

ATTEST:

BRIDGETT KESSLING, City Clerk

RESOLUTION NO. 38-10

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DIRECTING THE LEVY OF THE ANNUAL ASSESSMENT
FOR THE NORTH POINT NATURAL AREA
LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT**

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

WHEREAS, on May 10, 2010 the City Council did adopt Resolution No. 23-10 declaring the Council's intent to levy an assessment for the annual maintenance of the North Point Natural Area and approving the Engineers Report; and

WHEREAS, a public hearing to hear all protests as to the levy of the annual assessment of said district was scheduled for June 28, 2010 at 6:00 p.m. in the Veteran's Memorial Building; and

WHEREAS, notices were mailed to one hundred percent (100%) of the property owners on record in the district regarding the proposed assessment and listing the date, time and location of the protest hearing, as well as being published in the local newspaper; and

WHEREAS, the City Council did hear objections of all interested parties as to the levy of the annual assessment for the North Point Landscaping and Lighting Maintenance Assessment District on June 28, 2010 at the Veteran's Memorial Building.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that the annual levy for the maintenance of North Point Natural Area Landscaping and Lighting Maintenance Assessment District generally located as shown on Exhibit "A" attached hereto is hereby ordered and the assessment of \$5,645 to be equally distributed per assessable parcel for the Fiscal Year 2010-11 is hereby confirmed.

BE IT FURTHER RESOLVED by the City Council of the City of Morro Bay that adoption of this resolution shall constitute the levy of an assessment for the Fiscal Year 2010-11 and the City Clerk shall file the diagram and assessment with the County of San Luis Obispo Auditor.

Resolution No. 38-10
Page Two

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held this 28th day of June 2010 by the following roll call vote:

AYES:

NOES:

ABSENT:

JANICE PETERS, Mayor

ATTEST:

BRIDGETT KESSLING, City Clerk



AGENDA NO: B-3

MEETING DATE: June 28, 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: C-1

MEETING DATE: 6/28/10

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: 06/24/10

Staff Report

TO: Honorable Mayor and City Council **DATE:** June 11, 2010

FROM: Susan Slayton, Administrative Services Director

SUBJECT: Resolution No. 31-10 Adopting Revisions to the Master Fee Schedule

RECOMMENDATION:

Council to adopt Resolution No. 31-10.

MOTION: I move that the City Council adopt Resolution No. 31-10, which accepts the revisions to the Master Fee Schedule, and any amendments made at this meeting.

FISCAL IMPACT:

Potential for increased revenue as a result of fee changes, but that amount is unknown.

SUMMARY:

Staff has prepared a Resolution for the annual adoption of the Master Fee Schedule, as revised. A red-lined version of the 2009 schedule is attached for consideration. Changes were made on the following pages:

Department	Page Number	Change
Preface	i	Comments on the entire schedule regarding fee increases subject to increase in CPI/ENR; changes reflected in schedule annually only
Finance	3	Increase due to ENR
Public Services	4 - 11	Increase due to ENR
Development Impact Fees	14 - 16	Increase due to ENR
Police Department	18 - 20	Typo; increase in fingerprinting fee; additions to parking fees for failure to pay parking fee and failure to display parking receipt (boat launch ramp); removal of note on sex/narcotic registrants (no fee charged, therefore notes is unnecessary)

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

Page 1 of 2

Department	Page Number	Change
Fire Department	24	Fees changing to match Municipal Code
Harbor Department	28	Division of the Liveaboard permit fee to show the portion that is attributed to the permit and inspection; change hourly rate on Harbor Officer; include costs for failure to pay parking fee and failure to display parking receipt (boat launch)
Recreation and Parks	30	Increased hourly cost for security guard
Transit	33 & 35	Fixed route, Call-A-Ride & Trolley rates; notes

RESOLUTION NO. 31-10

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MORRO BAY, CALIFORNIA,
ADOPTING REVISIONS TO THE MASTER FEE SCHEDULE**

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

WHEREAS, the City Council finds that fees and charges for City services are annually in need of review for possible updating to reflect changes in the cost of providing those services; and

WHEREAS, the California Constitution, in Article 13B Government Spending Limitation Section 8(c), states that proceeds in excess of user charges and user fees that exceed the costs reasonably borne by the City in providing the regulation, product or service are considered proceeds from taxes that are subject to the annual appropriation limit; and

WHEREAS, the City has reviewed these fees and finds that they do not exceed the actual costs of providing related services; and

WHEREAS, the City's Municipal Code Section 3.34.020 provides for the annual review of the Master Fee Schedule and revision; and

WHEREAS, on August 11, 2008, the City Council adopted Resolution No. 49-08, which stated that "the Master Fee Schedule will be brought back in its entirety for review annually."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that the Master Fee Schedule be revised, and published as amended.

PASSED AND ADOPTED, by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 28th day of June 2010, by the following vote:

AYES:

NOES:

ABSENT:

Janice Peters, Mayor

Bridgett Kessler, City Clerk



Staff Report

AGENDA NO: D-2

MEETING DATE: June 28, 2010

TO: Honorable Mayor and City Council **DATE:** June 21, 2010

FROM: Andrea K. Lueker, City Manager

SUBJECT: Recommendation of Organization of the Harbor Department and Approval of Amended Job Descriptions

RECOMMENDATION

Staff recommends the City Council review the staff report regarding the combination of the Fire and Harbor Departments, configuration of the Harbor Department, approve the amended/new job descriptions and provide staff with any further direction prior to implementation.

MOTION I move the City Council approve the addition of an Office Assistant IV Position to the Harbor Department and approve the Harbor Business Manager, Harbor Operations Manager and Harbor Patrol Supervisor job descriptions which will allow staff to proceed with the reorganization of the Harbor Department.

FISCAL IMPACT

There is no additional fiscal impact to the adopted 2010/11 Harbor Department budget associated with the proposed actions of this reorganization. In addition, the reorganization provides approximately \$45,000 of undesignated funding.

BACKGROUND

In August 2009, the City Council reviewed the progress staff had made on assessments of departments and directed staff to proceed with the assessment of the Harbor and Fire Departments together. Noting that the Fire Department had recently gone through an extensive review with the discussion of contracting with Cal Fire, the main emphasis of the study was to look at the potential of combining some, all or none of the Fire and Harbor functions. This study was further accentuated by the announcement of the Harbor Director of his intended resignation in June 2010.

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

The study included:

- An extensive review of Harbor Departments/Districts up and down the California coast
- A site visit to Redondo Beach
- Interviews with staff from San Diego/Mission Bay
- Creation of a “Level of Service” Document for the Harbor Department
- Several meetings with Fire and Harbor staff
- Completion of a Harbor /Fire Evaluation work sheet by several Harbor and Fire staff which identified and evaluated several different potential operating scenarios

At the end of the study, staff concluded that while there is some advantage for cooperative training efforts between the Fire and Harbor Departments, any other combination scenario such as the Fire Chief overseeing both departments, the Harbor Patrol moving under the control of the Fire Department or the complete cross training of Firefighters and Harbor Patrol Officers does not appear to be advantageous or cost effective to either department. In fact, based on the research, it is very likely that any of the above identified combinations will be more costly than the existing service mode and in some cases less efficient as well.

Based on the results of the study, staff is recommending that the Fire and Harbor Departments work cooperatively on training efforts but that no other combination take place. Staff further recommends that the organization of the Harbor Department be altered to include the following: not rehiring a Department Head; a reallocation of those Department Head duties to the newly revised Harbor Operations Manager position and the newly created Harbor Business Manager position.

DISCUSSION

Following the City Council’s direction to assess the Fire and Harbor Department and with the pending resignation of the Harbor Director, staff began a review of possible options for a combined Harbor and Fire Department. The first stage of the process was to review other Harbor Districts and Departments in California to see how services were offered. This was accomplished by taking an initial look at the 23 agencies along the coast of California and then paring those down to agencies that offer Harbor Patrol services. Next staff looked at how Harbor Patrol services were offered and what their specific responsibilities were. The only constant between all the Harbor agencies was that there was no consistency. In other words, Harbor Patrol and Harbor services were offered in a variety of ways throughout different agencies utilizing many different structures. As a result, staff sought out the two agencies that had a combination of Fire and Harbor Departments; Redondo Beach and Mission Bay. Staff then proceeded to research both these agencies to determine the cause of the consolidation of Fire with Harbor Departments, the benefits and detriments.

Redondo Beach was the most comparable as their Harbor Department had been independent then assigned to several different departments with a final landing place with the Fire Department. Staff decided to visit Redondo Beach and while the City Managers and Fire Chiefs from both agencies met, Harbor Operations Manager Eric Endersby spent the day with the Harbor Patrol/Fire Fighters. Although the combination in Redondo Beach is working (the initial start of the combination was 15 years ago), staff did not see any benefit, economical or otherwise in moving in that direction for the

City of Morro Bay. In fact, with the combined training required for dual Harbor and Fire Department purposes, the costs would likely increase. The Mission Bay example was also explored in a meeting with a former Harbor Patrol employee from that agency that currently resides in San Luis Obispo County. Despite the fact that their combination with Fire and Harbor Departments is working, the model did not seem transferable to Morro Bay with any foreseeable benefit, because Mission Bay has a significantly larger budget and was more able to absorb some of the added costs (such as training) that would be prohibitive to a smaller agency such as Morro Bay.

Some of the issues staff identified with the combination include:

- A significant learning curve between two different departments with different operating methods.
- Increased cost and time for cross training for very specialized skill sets
Cross training to USCG Captain Level for firefighters
Cross training to FF/Engineer/Medic level for Harbor Staff
- Harbor engages in “law enforcement”, Fire does not
- Despite the reduction in fishing, Harbor uses continue to increase due to tourist use and increasing types of ocean use (e.g. tow-in surfing, paddle boards)
- Potential loss of staff due to “watered down” job descriptions
- Potential issues with Tidelands funding
- Lack of stakeholder support
- Staffing schedules 24 hour shifts versus 10 hr shifts
- Altering the focus of both departments

The other areas of the Harbor operations were also reviewed for movement to other departments in the City. The maintenance efforts will be moved to the Recreation and Parks Department after the recent movement of the Streets and Vehicle Divisions is solidified. A review of the lease/financial duties was also discussed and while those functions could be moved to the Administrative Services Department, staff could find no compelling reason to do so.

After concluding that consolidation was not a beneficial move and did not appear to save money or improve efficiency the next step in the process was to determine the organization of the Harbor Department in light of the impending resignation of the Harbor Director. Supervisory staff and the City Manager met a number of times and discussed the department, current organization and potential reorganization concepts. While the existing structure (attachment A) could remain, in an effort continue to be responsive to the budget, staff is recommending a change to the proposed Harbor Department Structure (attachment B).

This new organizational structure allows the Department to function with two Department Managers; the Harbor Operations Manager (existing with a revised job description) and the Harbor Business Manager (reclassification of the Harbor Business Coordinator). Other changes include the designation of one of the existing Harbor Patrol Officers as a Harbor Patrol Supervisor and the addition of a ¾ Office Assistant position. The 2010/11 Harbor Budget was set-up with an entry level department head salary included, approximately \$125,000. With the proposed changes, the overall impact to the adopted 2010/11 FY budget is \$0. Overall the proposed changes will allow

approximately \$45,000 as undesignated with a potential use for contracting for specialized work such as fishery issues that are not able to be absorbed by the remaining staff. See attachment C for the amended job descriptions.

CONCLUSION

Staff has spent significant time and energy researching and studying both a consolidation of the Fire and Harbor Departments and the reorganization of the Harbor Department. The proposed plan is a workable solution and will retain a majority of the existing Harbor functions with the potential of using outside contract labor for some of the more specialized work. This plan also fits within the allocated budget for the upcoming year, a budget that is somewhat stressed as a result of the economic situation in which the City finds itself. Lastly, the proposed reorganization structure does not preclude the rehiring of a department head in future years and more positive economic times.

u.w.stfrpt recommd on future of the harbor department

HARBOR BUSINESS COORDINATOR MANAGER

CITY OF MORRO BAY

HARBOR BUSINESS COORDINATOR MANAGER

DEFINITION

Under direction to plan, organize, direct and coordinate the City's Harbor business activities, including property and lease management of Embarcadero Lease Sites and perform a variety of general administrative and Harbor Department specific projects and responsibilities; and does related work as required.

ESSENTIAL DUTIES & RESPONSIBILITIES

1. Plans, organizes and directs the activities of the Harbor Department business operations.
2. Collects, analyzes, interprets, and reports on data relating to departmental or city-wide projects, policies, and procedures.
3. Assists in determining the resources necessary for meeting current and future Harbor Department needs, including personnel, equipment, facilities, and funding.
4. Performs the analytical tasks necessary to determine the feasibility to obtain proper authorization and funding for the development of new programs, systems, or procedures.
5. Reviews and analyzes legislation affecting the City or a department, determining impact and recommending appropriate action.
6. Determines feasibility of participation in grant programs and develops, submits and monitors assigned grant applications.
7. Manages departmental information system activities, accounts receivable activities and environmental review activities. Develops, submits, and monitors assigned grant applications.
8. Prepares narrative and statistical reports summarizing studies, outlining alternatives and making recommendations.
8. Assists in preparation of narrative and statistical reports summarizing studies, outlining alternative and making recommendations.
9. Assists in compilation, analysis and administration of Harbor Fund budget.
10. May make written and oral presentations and acts as departmental representative to the City Council, various individuals, commissions, boards, and other groups.
11. Coordinates and performs special assigned programs and projects, consultant tasks and contracts.
12. Analyzes departmental administrative procedures and harbor operations.
13. Assists in administering contracts for Harbor Department lease sites, licenses, prepares agenda items for routine lease administration activities.
13. Drafts and negotiates complex lease agreements with tenants and coordinates the

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HARBOR BUSINESS COORDINATOR/MANAGER

- work with other City Departments, lending institutions, appraisers, escrow agents, acquisition agendas and other property related specialists.
143. Communicates with tenants and subtenants to provide lease site and development information, resolve disputes and interpret lease contracts.
 14. Assists with dispatch/coordination of search and rescue operations. (moved to Harbor Patrol Supervisor and OAIV)
Assists with dispatch/coordination of search and rescue operations.
 15. Interprets and implements of state and local environmental laws and regulations.
 16. Manages departmental Trains and supervises clerical and/or technical staff including interviews, selections, training, evaluation and discipline..
 17. Coordinates and works with a number of agencies in relation to Harbor issues.with National Estuary Plan during formation and implementation of the Comprehensive Conservation Management Plan.
 18. Coordinates Harbor Department computer applications.
(moved to OAIV)
 - 19.18. Manages special department projects. for department director.
 - 20.19. Performs related duties as required.

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QUALIFICATIONS

Knowledge of:

Principles, problems, and methods of public and business administration as applied to a municipality; techniques and procedures for grant applications; commercial/municipal leasing practices; research methodologies and statistical analysis; laws, regulations and ordinances affecting the city's operations; computer systems and applications. Familiarity with state granted tidelands property issues and regulations, commercial lease contracts, Harbor & Navigation Code, State and Federal government regulations relating to Harbors and environmentally dependent issues.

Ability to:

Prepare bid packages and administer contracts of various types; evaluate and make recommendations of feasibility studies from statistical and narrative data; prepare accurate and sound analysis; develop and present comprehensive reports; effectively deal with organized groups; make public presentations; establish and maintain cooperative relationships with those contacted during the course of work. Direct all accounts receivable functions of the department and coordination with the Finance Department.

Education and Experience:

Equivalent to graduation from an accredited four-year college or university with a degree in Business or Public Administration, Economics, or a related field.

HARBOR BUSINESS COORDINATOR/MANAGER

Two One years of progressive experience performing the duties of an Administrative Analyst/Supervisor or the equivalent.

Valid and appropriate California Drivers License.

TOOLS & EQUIPMENT USED

Typewriter, personal computer including word processing, spreadsheet, graphic and data base software; mainframe computer terminal; 10-key calculator; telephone; copy machine; fax machine; UHF/VHF radio; vehicle.

PHYSICAL DEMANDS

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

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

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

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

The noise level in the work environment is usually loud with varying levels of interference from UHF/VHF radio traffic and power plant background noise and vibration.

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.

HARBOR BUSINESS COORDINATOR MANAGER

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

Approved by the Morro Bay City Council on June 28, 2010 / June 26, 1999.

Jobdescriptions\harborbuscoord

CITY OF MORRO BAY

HARBOR PATROL SUPERVISOR

DEFINITION

Under general supervision of the Harbor Operations Manager to perform a wide variety of harbor patrol services including supervision of full time and part time harbor patrol staff and lifeguard staffofficers, boater assist, water emergency response, maintenance of City waterfront facilities and boats, information and assistance to the general public, and do related work as required.

ESSENTIAL DUTIES & RESPONSIBILITIES

1. Assigns and supervises the Hharbor Ppatrol Oofficers and Reserves engaged in the enforcement of City, County and State laws relating to boating operations, City slips, moorings and transient vessels.
2. Assigns and supervises lifeguards during seasonal beach lifeguard program.
2. Manage the Harbor Patrol Officers and Reserves including interviews, selection, training, evaluation and may recommend discipline.
3. Assist Harbor Operations Manager in training activities.
1. Operates and navigates harbor patrol boat in the enforcement of City and State rules, regulations and laws relating to the use of the harbor waters, anchorages, piers, docks, parking lots and beach areas; obtain or provide police assistance as needed.
42. Provide boater assistance and water emergency response on City waters and beaches.
53. Maintains log of all occurrences on assigned shift; conducts briefings for relief patrol officers.
64. Investigates and prepares reports on accidents, suspicious circumstances, and crimes; cites minor crime violators as needed.
75. Coordinates berthing of vessels at City facilities including measuring vessels; assigns berthing; maintains records of available space; inventory slips; and impounds boats and skiffs as needed.
86. Investigates pollution sources in the harbor; dewater and raise sunk vessels; removes debris from water.
97. Tows disabled vessels; responds to harbor emergencies including fire and first aid; rescues people; protects and preserves property, equipment, and vessels of the boating public; assist with injured marine animals and birds as necessary;.
108. Monitors, records and reports weather conditions; maintains status board on condition of facilities, tides, fuel levels and contact telephone numbers.
119. Inspects, maintains, and repairs City operated facilities such as boats, emergency equipment, piers, and floating docks.
120. Works with and assists other agencies such as the Coast Guard, Fire Department,

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Police Department, and State Parks.

- 131. Responds to public inquiries and complaints.
- 142. Performs routine clerical duties including typing, answering telephones; operating radios and cash register; receives and logs lost property; obtains ownership information from Department of Motor Vehicles.
- 153. May be required to standby harbor entrance during severe ocean conditions to warn, advise, or assist vessels in transit.

- 164. Performs related duties as required.

QUALIFICATIONS

Knowledge of:

Basic principles, procedures, and operations of small boats and marine engines; basic supervisory principals; pertinent state and local laws, policies and procedures relating to harbor; marine fire fighting techniques; emergency operations and shut-offs for waterfront facilities.

Ability to:

Understand, interpret, and explain to the general public departmental policies, rules, instructions, laws, and ordinances; operate a patrol boat safely and effectively; swim; administer first aid and CPR; read and write at the level required for successful job performance; maintain cooperative working relationships; be on 24-hour standby and 30 minutes recall.

Education and Experience:

Equivalent to graduation from high school, with supplemented by specialized training in harbor patrol, desired, some supervisory experience preferred.

Two years small boat operation experience.

General First Aid, C.P.R., Open Water Diver 1 Certificate; Scuba Certificate preferred.

Possession of a valid and appropriate California driver's license.

TOOLS & EQUIPMENT USED

Boat; portable radio; motor vehicle; hand and power tools, small equipment, personal computer; telephone.

PHYSICAL DEMANDS

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

HARBOR PATROL SUPERVISOR/OFFICER

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

The employee must frequently lift and/or move up to 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.

Work is performed primarily in office, vehicles, and outdoor settings, in all weather conditions. The employee occasionally works near moving mechanical parts, and is occasionally exposed to wet and/or humid conditions or airborne particles.

The noise level in the work environment is usually moderate, except during harbor patrol activities when noise level may be loud.

SELECTION GUIDELINES

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

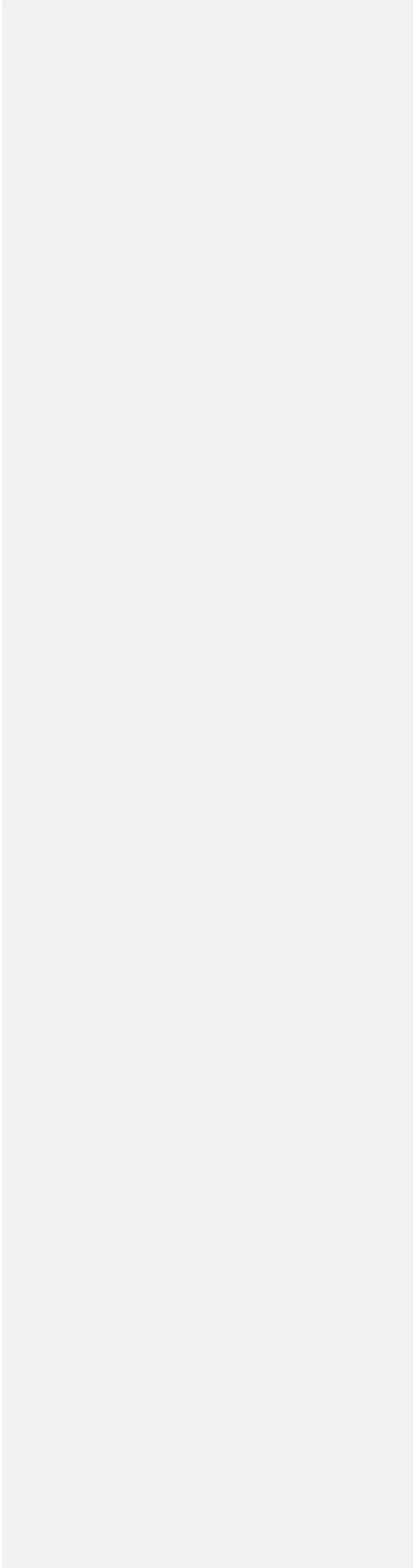
The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

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.

HARBOR PATROL SUPERVISOR OFFICER

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

h/jdhp



CITY OF MORRO BAY

HARBOR OPERATIONS MANAGER

DEFINITION

Under direction to, organizes, directs and coordinates the City's Harbor operational activities, including assign and supervising the work of Harbor Patrol Supervisor and Harbor Patrol Officers and Lifeguard Coordinator; and engaged in law and code enforcement work, search and rescue, public assistance, berthing assignments or fee collection, and maintenance in the harbor area; to operate and maintain patrol boats and other equipment; and to do related work as required.

ESSENTIAL DUTIES & RESPONSIBILITIES

1. Plans, organizes, manages and directs the operations of the harbor
1. Manage operation and maintenance of the harbor including supervision of all berthings.
2. Assigns and supervises the Harbor Patrol Supervisor Officers engaged in the enforcement of City, County and State laws relating to boating operations, City slips, moorings and transient vessels.
3. Assigns and supervises Lifeguards during seasonal beach lifeguard program. (Moved to Harbor Patrol Supervisor)
43. Supervises and may personally assists in the maintenance of harbor equipment and facilities.
54. Operates and navigates a harbor patrol boat and patrols the harbor.
65. Oversees Initiates, supervises, and assists in a comprehensive preventative maintenance program for harbor patrol boats and equipment.
76. Supervises and may assists in the towing of disabled boats, search and rescue of persons in distress.
8. Patrols harbor.
97. Trains Harbor Patrol Supervisor, Officers and Lifeguards, establishes and maintains a continuous department training program.
108. Assists other governmental agencies and the public in emergency and non-emergency boating related operations.
119. Assists the Harbor Director Business Manager Coordinator with special projects as needed including dredging issues, construction projects; and administrative tasks.
1210. Determines feasibility of participation in grant programs and develops, submits and monitors assigned grant application. Prepares reports as needed.
1311. Monitors and manages conformance with the City's clean marina program and manages bay water quality efforts such as oily water bilge pump-out, oil recycling program and other related programs.

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- 1412. Assists in compilation, analysis and administration of Harbor Fund budget.
Assists with preparation of department budget.
- 1513. Supervises purchase of all boating related equipment.
- 1614. Makes written and oral presentations and acts as departmental representative to the City Council, various individuals, commissions, boards, and other groups.
May make oral presentations to various individuals, agencies, boards and commissions.
- 1715. Assists the Harbor Patrol Supervisor in preparation of the harbor patrol officers work schedule. Prepares harbor patrol officers= work schedule.
- 1816. Assists the Harbor Patrol Supervisor to insure proper standby duty scheduling and performance in coordination with Police Department.
- 1917. Reviews and designs long range plans and needs of the harbor including, addressing environmental, navigational, fishing, commerce and other related coastal concerns.
- 1918. Performs related duties as required.

QUALIFICATIONS

Knowledge of:

Principles, procedures and operations of small boats and marine engines; ordinances, regulations, and rules governing the use of the City's harbor facilities; principles of training and supervision.

Ability to:

Work independently; plan, organize and supervise the work of personnel engaged in the enforcement of City, County, and State boating laws and involved in emergency boat rescue, search, and operations; understand, interpret, and explain to the general public policies, rules, instructions, laws, and ordinances; operate a patrol boat safely and effectively under routine and adverse sea conditions; remain calm in emergency situations; enforce regulations governing the use of harbor facilities; swim proficiently; administer first aid; prepare accurate reports; use MS-DOS based computer and related word processing software; perform mathematical calculations with speed and accuracy; speak and write effectively; work with local, state, and federal agencies under routine and emergency situations; assist in budget preparation; supervise and train assigned personnel; establish and maintain cooperative working relationships.

Education and Experience:

Equivalent to graduation from high school; some college degree in a related field preferred.

FourTwo years of experience performing duties comparable to that of a Harbor Patrol

Officer in the City of Morro Bay.

General First Aid, C.P.R., Open Water Diver 1 Certificate; Scuba Certificate preferred.

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

TOOLS & EQUIPMENT USED

Boat; portable radio; motor vehicle; hand and power tools; small equipment; personal computer, including word processing and billing software; 10-key calculator; 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 frequently required to stand; walk; use hands to finger, handle, or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to sit; climb or balance; stoop, kneel, crouch, or crawl; swim; talk or hear; and taste or smell.

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

WORK ENVIRONMENT

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The noise level in the work environment is usually moderate, except during harbor patrol activities when noise level may be loud.

SELECTION GUIDELINES

Formal application, rating of education and experience, oral interview and reference check; job

related tests may be required.

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Approved by the Morro Bay City Council on June 28, 2010. _____.

fin.jobdescriptions.harbor operations manager



AGENDA NO: D-3

MEETING DATE: 6/28/2010

Staff Report

TO: Honorable Mayor and City Council **DATE:** June 22, 2010
FROM: Andrea K. Lueker, City Manager
SUBJECT: Confirmation of Goals from the 2010 Goal-Setting Workshop

RECOMMENDATION:

Staff is recommending the City Council adopt the attached Goal Setting Workshop Outcomes for 2010 as designated priorities by the City Council of the City of Morro Bay.

FISCAL IMPACT:

Not applicable.

BACKGROUND:

In November 2007, the City Council determined that conducting an annual Goal Setting Process was an important part of strategic planning for the City of Morro Bay. As a result, in June 2008, the City Council held their first such workshop, facilitated by Amy Paul of Management Partners. The second Goal Setting Workshop was held on February 17 & 18, 2009 with the 2010 Goal Setting Workshop held on March 16 & 17, 2010. Both the 2009 and 2010 sessions entailed reviewing the progress made on the goals established the prior year.

DISCUSSION:

Attached is the draft document of the goals established during the March 2010 Goal Setting Workshop. Staff is recommending the City Council adopt the 3 Priority Goals and 5 Other Goals as designated priorities by the City Council of the City of Morro Bay.

u.w.council.goal setting report 6 28 2010

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

April 9, 2010

Ms. Andrea Lueker
City Manager
City of Morro Bay
595 Harbor
Morro Bay, California 93442

Dear Andrea:

Enclosed is a summary of the outcomes from the goal setting workshop last month. Given the challenges faced by the City as a result of this difficult economy, Council members tackled some hard issues and provided direction for the year ahead. I hope that the clear priorities and expectations serve you well.

It was a pleasure to be able to facilitate this session again. I hope that you pleased with the results. If I can be of assistance in the future, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amy".

Amy Cohen Paul
Corporate Vice President

City of Morro Bay Goal Setting Workshop Outcomes for 2010

The Morro Bay City Council held a goal setting workshop on March 16 and 17, 2010 to consider goals for the following year and beyond. In advance of the workshop, the facilitator, Amy Paul with Management Partners, interviewed the City Manager and each Council member to identify potential goals. Amy prepared a matrix and Council members indicated their priority for each potential goal in advance of the workshop. This became the starting point for discussion.

A total of eight goals were identified by council, with three (goals A, B, and C below) designated as top priorities. Each of the priority goals was discussed in depth and success factors were identified.

Priority Goals

- A. Develop and maintain a structurally sustainable budget
- B. Maintain infrastructure
- C. Develop a plan to ensure that power plant lease negotiations result in the highest and most beneficial return for the community

Other Goals

- Ensure a safe and sustainable water supply in Morro Bay
- Stick to the timetable for completing the wastewater treatment plant
- Continue working with the commercial sector to support local businesses
- Offer enhanced public and alternative transportation opportunities
- Decide on the restructuring of the Public Services Department

Success Factors

Goal A. Develop and maintain a structurally sustainable budget

Definition of structurally sustainable: Ongoing revenue sources support ongoing General Fund expenditures now and into the future

1. Implement a two-tiered benefit plan for new hires
 - a. Implement a change in retirement formulas for new hires.
 - b. Implement a change in the PERS contribution for all staff (the City is currently paying the PERS employee contribution).
 - c. Implement a change in the City's health care contribution.

2. Establish a balance between what we spend on promotion and the results that we get
 - a. Identify how the City's return on investment (ROI) from promotion expenditures can be quantified. (Examine how other cities quantify their ROI.)
 - b. Identify components of the alternative service delivery model used in Pismo Beach and how ROI is quantified.
 - c. Issue an RFP for advertising services to confirm that the City is receiving the best value for advertising services.
 - d. Renegotiate the Visitor's Center contract including determining if the location should be changed.
3. Consider decreases in department budgets
 - a. City Manager provides options to Council to address the budget shortfall (including which programs and positions might be eliminated).
 - b. Once Council provides direction, changes get implemented.
4. Do not use inter-fund transfers or accumulation fund monies to balance the General Fund operating budget
 - a. Establish a policy to limit uses of the accumulation fund.
5. Consider implementing paid parking in City-owned lots
 - a. Staff prepares a report that addresses the issue, including an evaluation of estimated revenues, uses of potential revenues, circulation and enforcement.
6. Continue/enhance alternative energy savings options
 - a. Identify third-party sources to provide information about resource-saving technology
 - b. Identify financial incentives and grant opportunities
 - c. Consider resource-saving opportunities as all projects are implemented and calculate potential ROI.

Other success factors for this goal that were mentioned during brainstorming, but were not designated as top priorities include:

7. Consider layoffs
8. Consider salary cuts
9. Identify potential programs that could be eliminated
10. Identify ways to support and increase local businesses
11. Hire/contract with a grant writer
12. Continue to evaluate outsourcing opportunities
13. Continually monitor and evaluate participation in public programs and adjust offerings accordingly
14. Increase transient occupancy tax (TOT)
15. Consider increasing the utility users tax again
16. Examine a ballot initiative that includes elevated permit fees for medical marijuana dispensaries (MMDs) and enhanced taxing structure
17. Consider updating specific plans for commercial business districts
18. Recover 100% of costs for development review
19. Consider establishing a 911 fee
20. Consider establishing fire-related cost recovery fees
21. Implement cost-recovery fees for Harbor Services

Goal B: Maintain infrastructure

1. Inventory maintenance needs and associated costs and prioritize them in time for budget discussions
2. Prevent infrastructure failure by funding priority needs
3. Consider using funding from the sale of City property to fund capital maintenance
4. Identify ongoing account(s) to fund facilities and infrastructure maintenance (long-term success factor)

Goal C: Develop a plan to ensure that power plant lease negotiations result in the highest and most beneficial return for the community

1. Successfully conclude negotiations by March of 2011

Parking Lot Issues

Bring to council a policy/resolution dealing with Council's role in hiring department heads

Bring to council a policy/resolution on dealing with reserve funds

City Manager will provide a staff report on forming a community budget committee

Evaluation of Goal Setting Session

Positive Comments	Things to Change
Productive session	Be cautious of the amount of time spent on goal setting
Worked well together	Change rooms to the smaller room so it is quieter
Considered options	Synopsise Council goals in advance to eliminate Redundancy
Serious topics were covered	End at 4:00 on Day 1 so staff can return calls
Worthwhile	
Staff presence	
Green cards to keep things moving	
Covered a lot of ground	
Approach utilizing two half-days	
Public comment before goal setting	