

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
TUESDAY, NOVEMBER 12, 2013
VETERANS MEMORIAL HALL - 6:00 P.M.
209 SURF ST., MORRO BAY, CA**

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS

PUBLIC PRESENTATIONS –

- **Morro Bay High School ASB Representative – Mona Panchal**
- **Quarterly Report from the Economic Development Program**

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

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

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

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

A. CONSENT AGENDA

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

A-1 APPROVAL OF CITY COUNCIL MINUTES FOR THE SPECIAL CLOSED SESSION MEETING HELD ON OCTOBER 21, 2013; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF CITY COUNCIL MINUTES FOR THE SPECIAL CLOSED CITY COUNCIL MEETING HELD ON OCTOBER 22, 2013; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING HELD ON OCTOBER 22, 2013; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-4 APPROVAL OF CITY COUNCIL MINUTES FOR THE SPECIAL CITY COUNCIL MEETING HELD ON OCTOBER 25, 2013; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-5 APPROVAL OF CITY COUNCIL MINUTES FOR THE SPECIAL CITY COUNCIL MEETING HELD ON OCTOBER 29, 2013; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-6 APPROVAL OF CITY COUNCIL MINUTES FOR THE JOINT PLANNING COMMISSION / CITY COUNCIL MEETING HELD ON OCTOBER 29, 2013; (PUBLIC SERVICES)

RECOMMENDATION: Approve as submitted.

A-7 APPROVAL OF CITY COUNCIL MINUTES FOR THE SPECIAL CLOSED CITY COUNCIL MEETING HELD ON OCTOBER 31, 2013; (CITY ATTORNEY)

RECOMMENDATION: Approve as submitted.

A-8 ADOPTION OF RESOLUTION NO. 53-13, AMENDING SECTION 2.2 OF THE CITY COUNCIL POLICIES AND PROCEDURES REGARDING MEMBERS RECEIVING UNEXPENDED MONTHLY DOLLARS FROM THE COST OF THEIR MEDICAL PLANS; (ADMINISTRATION)

RECOMMENDATION: Adopt Resolution No. 53-13 which strikes the existing language in the City Council Policies and Procedures Manual, Section 2.2, that currently allows Council members to receive any unexpended monthly dollars from the cost of their medical plan.

A-9 ADOPTION OF ORDINANCE NO. 583; REPEALING, AMENDING, AND REENACTING CHAPTERS 14.01-14.12 AND 14.52 OF THE CITY OF MORRO BAY MUNICIPAL CODE (BUILDINGS AND CONSTRUCTION); (PUBLIC SERVICES)

RECOMMENDATION: Adopt Ordinance No. 583; repealing, amending, and reenacting Chapters 14.01-14.12 and 14.52 of the City of Morro Bay Municipal Code (Buildings and Construction) to incorporate the 2013 California Building Standards Code, as adopted by the State of California, and the local modifications thereto..

A-10 AWARD OF CONTRACT FOR THE PROJECT NO. MB-2013-S4: 2013 STREET REHABILITATION PROGRAM: 3-LAYER CAPE AND MICROSURFACING PROJECT; (PUBLIC SERVICES)

RECOMMENDATION: Award the project contract to the lowest responsible bidder, American Asphalt South, Inc. of Fontana, CA.

A-11 RESOLUTION NO. 55-13 ADOPTING THE MEMORANDUM OF UNDERSTANDING WITH MORRO BAY FIRE FIGHTERS ASSOCIATION AND RELATED COMPENSATION; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 55-13, approving the Memorandum of Understanding with the Morro Bay Fire Fighters Association.

A-12 RESOLUTION NO. 56-13 ADOPTING THE AGREEMENT WITH THE MORRO BAY CONFIDENTIAL EMPLOYEES AND RELATED COMPENSATION; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 56-13, approving the Agreement with the Morro Bay Confidential Employees.

A-13 QUARTERLY FINANCIAL STATUS REPORTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Accept the reports as presented.

A-14 STATUS REPORT OF A MAJOR MAINTENANCE & REPAIR PLAN (MMRP) FOR THE EXISTING WASTEWATER TREATMENT PLANT; (PUBLIC SERVICES)

RECOMMENDATION: Receive and file the report.

A-15 REVIEW OF DRAFT REQUEST FOR PROPOSAL FOR INTERIM CITY ATTORNEY; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Review the draft Request for Proposal (RFP) for Interim City Attorney, suggest/recommend changes and direct staff accordingly.

A-16 A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY DECLARING NOVEMBER, 2013 AS “NATIONAL HOSPICE MONTH”; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

A-17 APPROVAL OF RESOLUTION NO. 57-13 CONFIRMING THE EXPIRATION DATE OF TENTATIVE TRACT MAP 2859 AND AVAILABILITY OF WATER AND SEWER (RELATING TO 2783 CORAL AVENUE IN MORRO BAY, CALIFORNIA); (CITY ATTORNEY)

RECOMMENDATION: Adopt Resolution 57-13 confirming the expiration date of Tentative Tract Map 2859 and availability of water and sewer (relating to 2783 Coral Avenue in Morro Bay, California).

B. PUBLIC HEARINGS

B-1 REVIEW OF THE DRAFT OPTIONS REPORT FOR THE NEW WATER RECLAMATION FACILITY (WRF); (PUBLIC SERVICES)

RECOMMENDATION: Receive the report and presentation, take public testimony, and provide any recommendations or comments to staff and the Rickenbach team for incorporation into the final document. Additionally, provide direction to staff regarding the holding of an additional Options Report Workshop on Saturday November 23, 2013.

B-2 AMENDMENT OF CONDITIONAL USE PERMIT #UP0-342 AND ADOPTION OF AMENDED MITIGATED NEGATIVE DECLARATION FOR 901-915 AND 945 (WATERSIDE) EMBARCADERO); (PUBLIC SERVICES)

RECOMMENDATION: Approve the project by adopting a motion to include: 1) Approve and adopt the amended Mitigated Negative Declaration (SCH#2012091063) in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et. Seq.) and adopt the findings included as Exhibit “A”, including findings required by the California Environmental Quality Act (CEQA) and 2) Concept Plan Approval of the

amendment of Conditional Use Permit #UP0-342 subject to the Findings included as Exhibit “A” and the Conditions of Approval as included as Exhibit “B”

- B-3 RESOLUTION APPROVING ADJUSTMENT TO LEASE SITE MAPS FOR LEASE SITES 93W-95W AND 96W; LOCATED ADJACENT TO 901-915 EMBARCADERO ROAD (HELD FAMILY; AND SMITH W. AND HANNAH W HELD FAMILY TRUSTS); (PUBLIC SERVICES)

RECOMMENDATION: Approve the adjustment to Lease Sites 93W-95W and 96W by Resolution No. 54-13.

C. UNFINISHED BUSINESS

- C-1 CONTINUED DISCUSSION, CONSIDERATION AND DIRECTION REGARDING THE EXPANSION OF THE UNITED STATES COAST GUARD (USCG) FACILITIES IN MORRO BAY; (ADMINISTRATION)

RECOMMENDATION: Review the attached documentation and provide direction regarding the USCG’s request to enter into a long term lease agreement with the City of Morro Bay for expansion of USCG facilities in Morro Bay.

- C-2 MULTI-HAZARD EMERGENCY RESPONSE PLAN AND EMERGENCY OPERATIONS CENTER REVIEW; (FIRE)

RECOMMENDATION: This is informational only.

D. NEW BUSINESS

- D-1 APPROVAL OF SUBLEASE OF 307 MORRO BAY BLVD TO GRANDMA’S FROZEN YOGURT AND WAFFLE SHOP (LENNY DURRER AND BEVERLY FORD-DURRER); (CITY ATTORNEY)

RECOMMENDATION: Approve sublease and authorize Mayor to sign once the landlord Scott Meisterlin has consented to the Sublease, and it proposed uses and improvements.

- D-2 REVIEW AND ADOPT DRAFT FUNDING RECOMMENDATIONS FOR THE 2014 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS; (PUBLIC SERVICES)

RECOMMENDATION: Adopt draft funding recommendations for the 2014 Community Development Block Grant (CDBG) funds and forward recommendations to the San Luis Obispo County Board of Supervisors for inclusion with the other draft funding requests from the Urban County Consortium.

- D-3 DISCUSSION OF THE CITY OF MORRO BAY’S COMMITMENT TO THE CITY’S 50TH ANNIVERSARY CELEBRATION; (ADMINISTRATION)

RECOMMENDATION: Review the staff report and requests from the Morro Bay 50th Committee and provide direction to staff.

D-4 DISCUSS AMENDING THE CONTRACT WITH SIMAS & ASSOCIATES FOR THE PURPOSE OF TRANSFERRING SIGNATOR FROM MAYOR IRONS TO INTERIM CITY ATTORNEY, AND DISCUSS AUTHORIZING ADDITIONAL FUNDS FOR THE PURPOSE OF COMPLETING PERSONNEL MATTERS WITH OUR CITY ATTORNEY AND CITY MANAGER NOT TO EXCEED 20 HOURS OR \$5000.00 DOLLARS; (MAYOR)

RECOMMENDATION: Authorize the Interim City Attorney to become the signator for the contract between Simas & Associates and the City of Morro Bay and authorize additional funds for the purpose of completing personnel matters with our City Attorney and City Manager not to exceed 20 hours or \$5000.00 dollars.

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

THIS AGENDA IS SUBJECT TO AMENDMENT UP TO 72 HOURS PRIOR TO THE DATE AND TIME SET FOR THE MEETING. PLEASE REFER TO THE AGENDA POSTED AT CITY HALL FOR ANY REVISIONS OR CALL THE CLERK'S OFFICE AT 772-6205 FOR FURTHER INFORMATION.

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

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

MINUTES – MORRO BAY CITY COUNCIL
SPECIAL CLOSED SESSION MEETING –
OCTOBER 21, 2013
CITY HALL CONFERENCE ROOM – 5:00PM

PRESENT:	Jamie Irons	Mayor
	Christine Johnson	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Jamie Boucher	City Clerk

ESTABLISH QUORUM AND CALL TO ORDER

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

Councilmember Nancy Johnson questioned whether we can legally proceed with holding this meeting and requested the ability to ask a question of Contract Attorney, Mr. Simas. She asked Mr. Simas if he obtained a City of Morro Bay business license as Municipal Code Section 5.04.050 requires he have one – any contractor doing business in the City of Morro Bay is required to obtain a business license before doing business in the City of Morro Bay.

Mr. Simas respectfully disagreed with Councilmember Nancy Johnson’s interpretation of the code stating that he did have a business license in both San Luis Obispo and Sacramento which is where he has his physical offices. He appears in courts and administrative hearings throughout the State of California and there aren’t business license requirements where you aren’t domiciled or have a place of business and he has no place of business in the City of Morro Bay.

Prior to the opening of Public Comments, Mayor Irons read the rules for decorum for public comment.

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

Keith Taylor questioned the purpose for terminating the City Attorney; is it to eliminate good advice and throw caution to the wind?

Dorothy Cutter stated there are a lot of angry people here who don’t understand what is really happening. She supports the Mayor and hopes that everybody can be cordial.

Lynda Merrill supports the Mayor and Council in whatever decision they make. She thanked all of Council.

Jeff Jones urged Council to use great caution. He has personally worked with both the City Attorney and City Manager. The City Attorney has worked tirelessly on the City’s behalf. The cost of these actions could reach \$500,000 which is money spent needlessly. He stated that the Council are part time advisors to the City and are here for only a short time, these are the

professionals that serve the City. The majority of the votes on Council are the votes that set policy and both the City Manager and City Attorney follow that majority. Before taking action, think of the end result.

Bridgett Kessler stated this is her third time speaking and is not going to ask again for your reconsideration as she feels like she's just talking to a wall. She is very disappointed. She took the opportunity to thank Rob Schultz for all of his hard work and for what he has done for the City and wishes him well in his future endeavors.

Tim Crowley stated that for the first time in his memory, the majority of the City Council reflects his point of view; he supports the actions being taken regarding the discipline, dismissal, release or termination of the City Attorney's contract. He doesn't support the misguided attempt to recall the Mayor. He honestly thought that would have ended after the Tribune reported the Brown Act violation that occurred back in November.

Dan Costley stated that based on his past experiences, it is evident that Council has a different definition of the concept of transparency than he does. He asked Council to be more tolerant, more compassionate, and ultimately more responsible in your actions.

John Barta stated that good leadership would approach a change in the City Attorney position with a plan before, not after, action is taken. You first need to define the role of the City Attorney; the role of the City Attorney needs to be an expert in the following issues: harbor district, California Coastal Commission, Federal Boating and Waterways; Army Corp of Engineers; Federal Fish and Wildlife; State Fish and Game; ground water rights; desalination plant; State Water Board; State Energy Commission; ocean water intake and outfall issues; State Tidelands Trust; lease management; code enforcement, State Parks, US Coast Guard; personnel, and litigation as well as a deep knowledge of the municipal code. They would need to be available when needed, ie: an office in city hall and they need to be affordable. He feels that Rob Schultz is the only person in the State of California that can do this.

Dede Alexander stated that granted, California is an at-will state. And you have stated that neither Rob Schultz nor Andrea Lueker have committed any wrong doings. Since neither has been placed on administrative leave, we can only assume they haven't been accused of any maleficence. Can you enlighten us on your zeal in terminating them?

Dan Glessman stated that on September 12, 2013, in the public comment period prior to closed session, the City Attorney exercised his right to request disclosure of the cause that would justify that action. No cause was given but it was stated there were reasons; if you care about uniting this City, these reasons need to be explained to the public; "we are waiting".

Janice Peters stated that Mr. Simas doesn't have a contract with the City of Morro Bay as it won't be approved until tomorrow night. She stated that the motion for the contract was for one not to exceed \$12,500 and the submitted contract doesn't mention that at all. The contract is for 1 year and was retroactive back to October 7th, she wondered if he had been giving advice since then. She also stated that there were only 2 signatures on the contract, Mr. Simas's and the Mayors, there was no signature provided for the City Clerk or City Manager. She questioned previous comments made about how the protest happened after the closed session was announced in 24

hours being an organized protest. She stated that this has been the most spontaneous coming together of citizens that she has seen in 22 years. She ended by telling Mr. Schultz that she is very proud to have worked with him.

John Gajdos stated that people have said that Mayor Irons was elected by an overwhelming majority of the voters. He refuted that by saying that 51.9% of the voters who voted, voted for the Mayor which is still less than a third of registered voters. He questioned why this meeting was called at a time that most public can't make it.

Homer Alexander stated that to the best of his knowledge, no single member of any City Council in the town's history has ever independently requested proposals from contractors and then without consultation with the City's professional staff, or City Council, selected one of those contractors to provide tax payer services. He wondered if the Mayor was planning on being the sole decision maker for other actions in the future.

Karen Croley understands that Council isn't at liberty to be transparent and doesn't understand why that argument keeps coming up. Under confidentiality laws, Council is unable to say what is going on and she respects that and trusts you. What's going on in this town is based on the result of the unknown, and people respond to the unknown in 2 ways, either they trust or they fear and she sees a lot of fear going on.

Marilyn Glessman stated that the last time a senior executive was fired in Morro Bay; it took 1 hour and the time before that, less than a 1 day. It has taken 41 days since the Mayor walked into Mr. Schultz's office and announced you wanted to fire him and the City Manager. She has never heard of any manager at any level taking 41 days to terminate an employee. She wondered if you got bad advice or were you just unprepared.

Bob Keller stated that our Council is very transparent. He supports the Mayor and the Council to do what is in the best interest of the City. Sometimes tough decisions have to be made. This is not an issue of personalities. He urged Council do to their fiduciary duties with due diligence and not act with emotion.

John Weiss stated that he is sad because our community is divided. And he is sad because serious consideration to terminating 2 fine employees is being considered and he would ask you not to take that action. He asked you to support the City Attorney and the City Manager as they are the best we have ever had.

Barbara Doerr is very unhappy to be here again today. She declared she voted for Mayor Irons and Councilmembers Christine Johnson and Smukler. She has full confidence that they are doing things professionally, legally and to the best of their ability to do it. She thanked them for serving and she knows you care about the community. She reiterated that this is not a personality contest.

Garry Johnson stated that even though the municipal code allows it, you must be confident that the contract you signed with Mr. Simas won't be considered void or illegal. He went on to say that he has sent multiple letters to the editor at The Tribune and they have been rejected each time and is concerned about the paper's slant. There is a difference between corporate America and how the government runs.

Jim Hayes asked Council if they were planning to replace the City Attorney with another in-house attorney or use outside counsel to work on the City's day to day legal actions.

Dick Cleeves asked that if you terminate Mr. Schultz today, who will handle City's duties of Risk Management and Code Enforcement?

Joan Solu questioned the Council as to what is the reason for termination; where is the transparency; explain what your vision and ideas for the future of the City of Morro Bay and what vision you have that requires such an extreme action – how does that action meet the guidelines for openness and transparency. She ended by saying this is very concerning and a lack of factual answers are very disruptive and destructive to our small community.

Bill Weatherford supports the whole board stating that they are responsible for the City that he loves so much. He feels fortunate that as a community we are able to get together and talk to the Council. He feels the Mayor should be applauded for taking the heat for this situation because what you are doing is guaranteeing the legal process.

David Burton said it would be great and everybody would love to know why you are doing this but understands that information is confidential. He trusts that the Council will make the right decision and understands that a lot of the information will not and cannot come out.

Phil Kispersky questioned the previous speaker saying that there was a lot of contention with the previous board. He has always considered the current Council to be open and honest people until this point in time. He is surprised that Councilmembers Smukler and Christine Johnson are supporting this kind of action so blindly without some kind of reasoning. He is looking for an open and honest reason as to why. He questions the reason for wasting all of this money and wondered where the money was going to come from, since it's the taxpayers, he feels he has the right to ask why.

Rick Grantham was cold and had to put his jacket on today; then stated that that must pale in comparison to the ice that must lie in anybody's heart that wants to get rid of anybody like this. He told Mr. Schultz that he is a wonderful person and is very against what is going on here. This is ruining people's lives for no good reason.

Jeannie Fry proposed an alternative idea. Instead of spending money on recalls or investigations for cause, why not use these funds to let the voters of Morro Bay vote on the issue of keeping or firing these employees.

Harry Franklin stated that he has never seen Morro Bay be so divided with what's going on in the City. He feels that Council has brought this about themselves as they haven't given reasons for the action and since it has drug out for so long. This falls on your shoulders and as a citizen, is asking the Mayor to resign your position.

Brahm Phillips Webb stated that the City Manager has worked for the City for over 20 years. He said that she supported him in returning to school and getting his degree. He can't understand that for all the things she has done for the City over time that you would ever think of getting rid of her.

The public comment period was closed.

Mayor Irons answered some of the questions posed in public comment stating that this is a confidential matter and there are questions and answers that won't be discussed, if and when there is information that can be discussed/disclosed, they will; he has viewed other City contracts and notes that several only have 2 signatures; at the September 12th meeting, the premise of "no cause and no claims", was a statement made for that meeting and at that time; until we get thru this closed session, then we will be able to discuss what legally we can about claims and charges.

Councilmember Nancy Johnson stated that not only do we have an illegal contract; she has also been completely through the City records and the municipal code and the only reference to the award of contracts she was able to find stated that the City Manager or designee is authorized to award contracts. She questioned how we can be consulting with Mr. Simas without a valid contract. She also has asked repeatedly to speak to the \$3500 spent on legal counsel back in April which wasn't reviewed in open session. As a member of this board, she wants to know what the facts are and even she doesn't; we are all supposed to serve with the same powers up here.

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

CS-1 GOVERNMENT CODE SECTION 54956.9(b) –CONFERENCE WITH LEGAL COUNSEL –ANTICIPATED LITIGATION - Exposure to litigation exists based upon existing facts and the advice of legal counsel as to one matter. Under Government Code Section 54956.9(c), the name of the possible litigation is withheld as disclosure of it would jeopardize the City's ability to conclude existing settlement negotiations to its advantage.

CS-2 GOVERNMENT CODE SECTION 54957(b) -- PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/TERMINATION OF CONTRACT
Review of contract of City Attorney.

CITY COUNCIL CONVENED TO OPEN SESSION – The City Council convened to open session; Mayor Irons reported that Council made recommendations to our outside legal counsel to negotiate a separation agreement with our current City Attorney; we will proceed for a Special Open Session City Council Meeting for October 25, 2013 at 9am to discuss an RFP for an interim outside contract City Attorney.

ADJOURNMENT

The meeting adjourned at 7:39pm.

Recorded by:

Jamie Boucher
City Clerk

MINUTES – MORRO BAY CITY COUNCIL
SPECIAL CLOSED SESSION MEETING –
OCTOBER 22, 2013
CITY HALL CONFERENCE ROOM – 5:00PM

AGENDA NO: A-2

MEETING DATE: 11/12/2013

PRESENT: Jamie Irons Mayor
 Christine Johnson Councilmember
 Nancy Johnson Councilmember
 George Leage Councilmember
 Noah Smukler Councilmember

STAFF: Andrea Lueker City Manager
 Robert Schultz City Attorney
 Eric Endersby Harbor Director
 Susan Slayton Administrative Services Director

ESTABLISH QUORUM AND CALL TO ORDER

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

CLOSED SESSION PUBLIC COMMENTS - Mayor Irons opened the meeting for Public Comment; seeing none, the public comment period was closed.

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

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

- **Property: Lease Site 30W-33W; Bay Front Marina, Water Lease Adjacent to 201 Main Street**
Negotiating Parties: Coakley and City of Morro Bay
Negotiations: Lease Terms and Conditions

CS-2 GOVERNMENT CODE SECTION 54957.6; CONFERENCE WITH LABOR NEGOTIATOR: Conference with City Manager, the City's Designated Representative, for the purpose of reviewing the City's position regarding the terms and compensation paid to the following employee organization and giving instructions to the Designated Representative: Management Employees.

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

ADJOURNMENT

The meeting adjourned at 5:50pm.

Recorded by:

Jamie Boucher
City Clerk

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – OCTOBER 22, 2013
VETERAN’S MEMORIAL HALL – 6:00P.M.

PRESENT:	Jamie Irons	Mayor
	Christine Johnson	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Jamie Boucher	City Clerk
	Amy Christey	Police Chief
	Steve Knuckles	Fire Chief
	Susan Slayton	Administrative Services Director
	Joe Woods	Recreation & Parks Director
	Eric Endersby	Harbor Director
	Rob Livick	Public Services Director
	Kathleen Wold	Planning Manager
	Katie Mineo	Assistant Planner/Administrative Technician

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

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

CLOSED SESSION REPORT – City Attorney Robert Schultz reported that City Council met in a Special Closed Session on October 22, 2013 on the following items: Government Code Section 54956.8: Property Transactions: Instructing City’s real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to one parcel: Lease Site 30W-33W, Bay Front Marina (Water Lease adjacent to 201 Main Street); and, Government Code Section 54957.6: Conference with Labor Negotiator, conference with City Manager, the City’s Designated Representative for the purpose of reviewing the City’s position regarding the terms and compensation paid to the following employee organization and giving instructions to the Designated Representative: Management Employees; no reportable action under the Brown Act was taken.

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS & PRESENTATIONS

PUBLIC PRESENTATIONS - None

PUBLIC COMMENT

Debra Garcia, owner of Golden Anchor Financial Services, located at 645 Main Street gave the Morro Bay Business Report. Ms. Garcia has been in the mortgage business for over 20 years. She is excited to be here and be part of the Chamber. She is available 24/7 and very much appreciates all the open arms in Morro Bay.

Jane Heath spoke with a message for her Morro Bay neighbors being asked to sign the recall petition – seek the truth. She urged the public to look carefully at the reasons offered and compare them to Mayor Irons' response. She would hope the public would allow the new Council more than 9 months to demonstrate their vision for the City. There are 5 reasons offered for the recall but there is really only one, the recall arose from the intent to terminate the contracts of the City Manager and City Attorney. Longevity and continuity can be a benefit; it can also be a detriment if all they have known is that which you are trying to change.

Garry Johnson announced the 1st Annual Vet's Day Celebration being held at the Veteran's Hall on Sunday, November 10th. The event is open to Veterans, their families as well as the community. Sy will be there with his boxes to mail to our active military overseas.

Susan McElhinney spoke about the fence permit that profoundly affected her client, Mr. Goodwin. She claimed that they were allowed to make outrageous allegations about Mr. Goodwin which can't be substantiated because they contained only tiny portions of the truth. She stated it behooves Council to exclude unproven claims or allow the person in which the claims were made to controvert them as it appeared that the board made their decisions based on these allegations.

Joan Solu spoke on behalf of the Morro Bay Community Foundation announcing their Annual fundraiser coming up on Saturday, November 9th at the Morro Bay Community Center. Their organization provides supplemental scholarships for kids who otherwise wouldn't be able to participate in youth sports or youth programs. Show tickets are \$20, dinner tickets are \$10.

Phil Kispersky spoke on the petition to recall. He hoped to clear up some grossly inaccurate information that is being communicated. By signing, you are only placing it on the ballot; if signing, your name will be kept confidential; the recall will be on the June Primary ballot and should cost no more than \$1000; it is being done in June because Mayor Irons' term runs through December and having a lame duck Mayor is not good business; and if successful, the interim Mayor will be selected through the same election process in June.

Marlene Owens stated that she has served on many committees and nothing like this has ever happened. She doesn't like what is happening, she knows you have the right but your harassment is wrong. Saying we are going to fire you once we get all our ducks in a row is harassment.

Rick Grantham announced that the Veteran's Day Celebration is not just for veterans but for anyone who wants to support veterans, the general public is welcome. He also announced the Annual Thanksgiving Day Dinner being sponsored by the Police Officer Association as well as

the Rotary Club of Morro Bay. The dinner is being held on Thanksgiving Day from 1-3pm; the boy scouts will be serving and the girl scouts decorating the day before.

Hunter Kilpatrick stated that on September 12th, Mr. Schultz, Ms. Lueker and several citizens asked Council if there were causes for the dismissal. Mayor Irons stated on record there was no cause. Last night, Mayor Irons stated that statement was made for the purpose of that meeting only. It appears cause is indeed in play, and as such, you have violated the rights of Mr. Schultz and Ms. Lueker as they both have stated publicly they wanted it heard in open session. You have stated you need legal counsel to approve the minutes. Minutes are factual recordings of events and shouldn't need counsel review. He asked that all Council email and phone records, personal and public, be made available to the public to review for Brown Act violations. He indicated that 5 past Mayors and decades of previous councilmembers adamantly disagreed with your actions. Save the City millions of dollars and resign tonight.

Jim Pauley lent his support to the Mayor and City Council. He feels the action and process they are using in regards to the potential dismissals are fair and follow the Brown Act. You have his full support.

Bob Keller hoped we can start focusing on City's business issues instead of wasting time and money on a recall. It's okay to agree to disagree, we are all neighbors. No recall is needed as elections are coming in June. He supports the present Mayor and present City Council.

John Diodati presented statistics from prior elections showing the numbers of voters who voted for the prior elected Mayors and Councilmembers in 2008, 2010 and 2012. He stated that the most recently elected officials, Mayor Irons and Councilmembers Christine Johnson and Noah Smukler were elected by an overwhelming majority of the community and collected many more votes than those in 2010 and 2008. He urged the public to educate themselves about the recall petition and if you are unsure, don't sign it.

John Barba stated that Mr. Diodati's numbers are misleading.

Homer Alexander stated that the slide used by Mr. Diodati was complete spin. Figures can lie and liars can figure. He stated that those tactics are typical of the way that your supporters try and deceive the citizens of this community.

Rosalie Valvo stated that there were 4 candidates for Mayor in the 2012 election and Mayor Irons won outright. She doesn't see any contradictions and supports the Mayor 100%.

John Gajdos stated that the 2089 number of votes that Mayor Irons received that was on the slide only represents 1/3 of the registered voters. Also, people have been told not to sign the recall petition and he wanted to reiterate that you are not doing anything more than putting it on the June ballot; if you sign, your name will not be made public, the recall won't be expensive and they don't want to have the Mayor up on the dais making poor decisions for the next 6 months.

Tim Croley stated that Mayor Irons won; he got more votes than all other candidates combined. The face of Morro Bay is changing.

Carla Wixom stated that this City Council majority continues to talk about past City Council policy violations. You've yet to disclose the money spent on evaluations of the City Manager and City Attorney and yet you continue to reference the actions taken at the meeting in November 2012. It's too bad that no one ever talks about what these employees have forfeited, 5 years ago they gave up pay raises, and they led way in pension reform and have never been recognized for it.

Bill Peirce stated that the recall petition is both legal and certified and the public shouldn't be afraid to sign it. The petition is upfront and it gives the people a chance to decide whether or not they are happy about the job you are doing.

John Heading spoke on people's health. It is flu season and we are a melting pot for a flu virus to come to Morro Bay. Get your flu shot!!

The Public Comment period was closed.

A. CONSENT AGENDA

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

A. CONSENT AGENDA

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

A-1 APPROVAL OF CITY COUNCIL MINUTES FOR THE SPECIAL CLOSED SESSION MEETING HELD ON OCTOBER 8, 2013; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING HELD ON OCTOBER 8, 2013; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 AWARD OF CONTRACT FOR THE PROJECT NO. MB-2013-S4: 2013 STREET REHABILITATION PROGRAM: 3-LAYER CAPE AND MICROSURFACING PROJECT; (PUBLIC SERVICES)

RECOMMENDATION: Award the project contract to the lowest responsible bidder.

A-4 AWARD OF CONTRACT TO SOUZA CONSTRUCTION, INC. OF SAN LUIS OBISPO, CA FOR THE PROJECT NO. MB-2013-S1: 2013 STREET REHABILITATION PROGRAM- DIG-OUT AND PAVEMENT REPLACEMENT PROJECT; (PUBLIC SERVICES)

RECOMMENDATION: Award the Project contract to Sousa Construction, Inc. in the amount of \$402,585.

A-5 RESOLUTION DETERMINING ISSUANCE OF AN ALCOHOLIC BEVERAGE CONTROL PERMIT FOR AN OFF-SALE BEER AND WINE CONVENIENCE MARKET LOCATED AT 845 EMBARCADERO SUITE D; (POLICE)

RECOMMENDATION: Approve Resolution 50-13.

A-6 RESOLUTION NO. 51-13 ADOPTING THE MEMORANDUM OF UNDERSTANDING WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 620, MISCELLANEOUS AND HARBOR SAFETY EMPLOYEES, AND RELATED COMPENSATION; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 51-13, approving the Memorandum of Understanding with SEIU, Local 620.

A-7 ADOPTION OF RESOLUTION NO. 52 -13 APPROVING THE REAL ESTATE AGREEMENT FOR THE SALE OF CITY-OWNED VACANT LOT PROPERTY ON THE CORNER OF CORAL AVENUE AND SAN JACINTO STREET WITH A STREET ADDRESS OF 2783 CORAL AVENUE IN MORRO BAY, CALIFORNIA; (CITY ATTORNEY)

RECOMMENDATION: Adopt Resolution 52-13 approving the Real Estate Agreement for the sale of City-owned property at on the corner of Coral Avenue and San Jacinto Street with a street address of 2783 Coral Avenue in Morro Bay, California.

Mayor Irons opened up the public comment period for items on the Consent Calendar; seeing none, the public comment period was closed.

Councilmember George Leage pulled Item A-5; Councilmember Nancy Johnson pulled Item A-7; Councilmember Smukler pulled Items A-3 and A-4; and Mayor Irons pulled Item A-2 from the Consent Calendar.

MOTION: Councilmember Smukler moved the City Council approve Items A-1 and A-6 of the Consent Calendar as presented. The motion was seconded by Councilmember Nancy Johnson and carried unanimously 5-0.

A-2 APPROVAL OF CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING HELD ON OCTOBER 8, 2013; (ADMINISTRATION)

Amended minutes were previously sent to Council for their review.

MOTION: Mayor Irons moved for approval of the October 8, 2013 minutes as amended. The motion was seconded by Councilmember Christine Johnson and carried unanimously 5-0.

A-3 AWARD OF CONTRACT FOR THE PROJECT NO. MB-2013-S4: 2013 STREET REHABILITATION PROGRAM: 3-LAYER CAPE AND MICROSURFACING PROJECT; (PUBLIC SERVICES)

Councilmember Smukler pulled Item A-3 to give Public Services Director Rob Livick the opportunity to announce the item needed to be continued to the next Council meeting.

A-4 AWARD OF CONTRACT TO SOUZA CONSTRUCTION, INC. OF SAN LUIS OBISPO, CA FOR THE PROJECT NO. MB-2013-S1: 2013 STREET REHABILITATION PROGRAM- DIG-OUT AND PAVEMENT REPLACEMENT PROJECT; (PUBLIC SERVICES)

Councilmember Smukler pulled this item to give Public Services Director Rob Livick the opportunity to speak on the contract and work being done.

MOTION: Councilmember Smukler moved the City Council approve Item A-4 and continue Item A-3 for further review of bids. The motion was seconded by Councilmember Christine Johnson and carried unanimously 5-0.

A-5 RESOLUTION DETERMINING ISSUANCE OF AN ALCOHOLIC BEVERAGE CONTROL PERMIT FOR AN OFF-SALE BEER AND WINE CONVENIENCE MARKET LOCATED AT 845 EMBARCADERO SUITE D; (POLICE)

Councilmember George Leage pulled Item A-5 so that he could recuse himself as his property is within 500 feet of the proposed location.

Councilmember Nancy Johnson is not totally opposed but wonders if it's necessary as it is located between 2 businesses that already sell alcohol. It also bothers her that this business rents out boats to the public.

Councilmember Christine Johnson stated that the Police Chief said that its beer and wine only. There are no crime statistics in the area and doesn't feel there are any reasons not to support it at this time.

Councilmember Smukler stated the memo speaks to Councilmember Nancy Johnson's concerns as the permit can be challenged and changes made if issues arise. He feels this helps facilitates the applicant's tour boat business.

MOTION: Councilmember Smukler moved to approve Item A-5, approving a Resolution allowing the issuance of an alcoholic beverage control permit for an off-sale beer and wine convenience market located at 845 Embarcadero, Ste. D. The motion was seconded by Councilmember Christine Johnson and carried unanimously 3-1-1 with

Councilmember Nancy Johnson voting no and Councilmember Leage having recused himself.

A-7 ADOPTION OF RESOLUTION NO. 52 -13 APPROVING THE REAL ESTATE AGREEMENT FOR THE SALE OF CITY-OWNED VACANT LOT PROPERTY ON THE CORNER OF CORAL AVENUE AND SAN JACINTO STREET WITH A STREET ADDRESS OF 2783 CORAL AVENUE IN MORRO BAY, CALIFORNIA; (CITY ATTORNEY)

Councilmember Nancy Johnson pulled this item as she has some concerns. She feels this is being rushed and if you look at the number of lots on that property, we are only getting \$150,000 for each beachfront lot which she feels is not enough. She feels that with the current real estate market, we need to go back and look at it again.

Councilmember Smukler stated that this item has been in front of Council multiple times trying to get it sold and feels that there is also a price to retain the property. Realistically there are a lot of questions about the current real estate market. He took time to talk to other real estate agents to get their range of prices for the lot and we are well above what they have said. He also sees a benefit to it being a cash deal.

City Attorney Rob Schultz stated that there were 3 adjustments that needed to be made to the report as well as there are 3 contingencies in the agreement that must be met. The contingencies are that the appraised value has to meet the offer; there is a right of refusal with the original developer; and, anytime you sell property of this size, you have to offer it to the County for affordable housing. The minor adjustments to the agreement are: page 6 – 6a at end of first paragraph put in () “due diligence materials”, on page 7 – paragraph 3d needs to read 35 days after the delivery to buyer of due diligence materials; and on page 16, paragraph d – strike out the last sentence.

Councilmember Leage pointed out that several years ago we were offered 2.4 million dollars for this property. We weren't able to close the deal because of a Council member not wanting to cut down trees.

Councilmember Nancy Johnson continues to think we can do better and it behooves all of Council to increase the amount we can sell this for.

Mayor Irons is supportive of this. It still has to have an appraisal to qualify for the sale.

MOTION: Mayor Irons moved approval of Item A-7 with the amendments stated by Mr. Schultz. The motion was seconded by Councilmember Smukler and carried 4-1 with Councilmember Nancy Johnson voting no.

B. PUBLIC HEARINGS

B-1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 583; REPEALING, AMENDING, AND REENACTING CHAPTERS 14.01-14.12 AND 14.52 OF THE

CITY OF MORRO BAY MUNICIPAL CODE (BUILDINGS AND CONSTRUCTION);
(PUBLIC SERVICES)

Public Services Director Rob Livick presented the staff report.

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

MOTION: Councilmember Christine Johnson moved approval of B-1. The motion was seconded by Councilmember Leage and carried unanimously 5-0.

City Manager Andrea Lueker read the Ordinance by title and number only.

B-2 ZONING TEXT AMENDMENT A00-015 DRAFT SIGN ORDINANCE (MUNICIPAL CODE SECTION 17.68); (PUBLIC SERVICES)

Planning Manager Kathleen Wold presented the staff report.

Mayor Irons opened up the public comment period for Item B-2.

John Barta wanted to thank the Public Services Department for their work on this. He felt that sandwich board signs are useful at times if well regulated; they are an important part of signage needs. He suggested doing a field test; ie: go to a number of businesses and see what they have, then see if what you are proposing will be better.

Amber Badertscher stated that this proposed ordinance is saying that a business can't use brand names for advertising but she is aware of others who use brand names on their outside umbrellas. She still feels rights are being taken away from some businesses while at the same time; staff is finding a way to only include the Embarcadero in the new sign program. If you want to test if a program works, try it in an area that has never been promoted. She feels the document has many loopholes, for example it doesn't allow a stack of tires but you can stack wine barrels. She asked that the Council send this back to the Planning Commission to help all businesses succeed.

John Headding realizes the importance of presenting the right façade to those coming into your community. A lot of time and effort has been put into this document and no document will satisfy everybody. He feels this is a fair document and is consistent with other like documents he's seen. There are 2 changes he'd suggest – when making reference to terms, include a visual right next to the example; and make the process for approval simple and fast.

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

Councilmember Smukler liked the idea raised by the Chamber of Commerce to help facilitate district to district presentations on the proposed sign ordinance, specific to each district, each area's regulations and offer those businesses the opportunity to focus and comment on what's there.

Councilmember Nancy Johnson addressed a couple of issues; she thanked staff for getting to different districts as each have different needs; she wants it to be easy and affordable; she has advocated for feather flags in specific areas, especially on Quintana and North Main; she wants to talk more about flashing or neon signs; she wants us talk about windows completely covered in painted advertising; and, as far as sandwich board signs, while she doesn't like them, maybe instead they could be "one legged signs" or decorative signs.

Councilmember Leage would hate to see sandwich board signs come back as he feels they are hazardous.

Councilmember Christine Johnson agrees with Councilmember Nancy Johnson that feather flags in certain areas are a good idea. It may be important to follow up with the Coastal Commission on feather flags in the No. Main and Quintana districts. If they are allowed by Coastal Commission, she is in support of them with a permit. She also supports sidewalk signs in areas outside of the Embarcadero as long as they are permitted.

Mayor Irons feels we either need to set up additional meetings to get through this or work with the Chamber to do district by district meetings. He has talked to many business owners who use sandwich board signs and they say that their businesses haven't necessarily done better based on their utilization. He also agrees that making it simple and inexpensive is important and possibly set up a dry run application process during the Chamber district informational meetings.

Councilmember Smukler said he is looking at this as fairly close to a working document with the most important thing now is to talk to the businesses and make sure we are hearing from them. Before we schedule special meetings, he would also like to take the Chamber up on going to districts for presentations and then move to a more in depth Council meeting.

Councilmember Nancy Johnson stated that is our chance to get this right. She also likes the idea of district meetings with the Chamber and wanted to hear from them.

Mayor Irons reopened up the public comment period for Item B-2.

Craig Schmidt, Chamber of Commerce CEO stated that the Chamber is happy to do this. He would hold focused district meetings which would be an opportunity for additional public comment before being sent back to Council.

John Barta wanted to add a comment, if staff looked at AGP video, a sign inventory was done and they should have the video for review.

Greta Shucker a local business owner loves the idea of going district to district as it would help her business.

Linda Donnelly stated that there is a business on Main Street that at night time is really bright with neon lights. She is hoping that this ordinance would change that.

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

There is Council consensus for staff to get together with Craig Schmidt at the Chamber to set up district meetings. The City can advertise these through the Notify Me program.

C. UNFINISHED BUSINESS

C-1 AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL (RFP) FOR A RATE STUDY FOR WATER & SEWER RATES WITH ADDITIONAL BACKGROUND INFORMATION; (PUBLIC SERVICES)

Public Services Director Rob Livick presented the staff report.

Councilmember Nancy Johnson thinks we also need to address the cost of the reclamation process into the study. Mr. Livick wasn't sure we could get that information as we aren't far enough along in the process.

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

John Barta stated the Coastal Commission asked us to provide them reports on the water master plan. The State then said that everyone has to do it, we haven't neglected our duty to the Coastal Commission but it was folded it into the State reporting. He looked at his water bill today; there is a water fee and a sewer fee. There is another component, the cost of reclamation. In order to be transparent, we need to delineate that cost out. There is also inflation of costs, but most of what goes into our water cost are bonds with a fixed payment plus a separate payment for the desalination plant which has been paid off. Those bonds one day will be paid off which should create a high cash flow benefit.

Betty Winholtz agrees with what Mr. Barta said about the fixed costs of our water. We have over time, bought 2.5 allotments of State water. In 2004 the sewer rates first went up as they weren't matching maintenance costs. In 2008 we raised rates on an inflationary basis which goes up each year. One of the reasons you need to look at increases is that you have increasing costs. You have the choice as to what you spend the money on - do we need a multi-million dollar, million gallon tank on Nutmeg, she understands the need for the fire issue but to what extent is that in balance. She hopes you won't be ready to go out and look at fees yet.

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

Rob Livick answered questions from public comment: the inflationary rate was passed in 2008, since then State law has changed and those types of increases are only good for 5 years so now have to revisit that cost again; the Nutmeg Tank is all about fire flow requirements; with regards to the debt ratio, this process isn't about the setting of rates, this is the gathering of information to see what the rates should be to support our needs.

Councilmember Nancy Johnson appreciates the information on water reclamation; we need to take a serious look at that as part of this proposal.

Councilmember Smukler stated we need to look at all of our costs, not hide any or single any out. He agrees it's too early to know what those reclamation costs may be. He wants to make sure the community has the opportunity to hear more and know where these costs have come from and where they can go in the future. While it's uncomfortable to talk about raising rates, we have to; it's also important to set policy so this doesn't happen again. This has been punted long enough; we need to move forward so the public can make good decisions.

Mayor Irons talked about having a revenue rate review program and look at what a policy would look like within this study. It sounds like water reclamation would be talked about when we had more information.

Councilmember Christine Johnson thanked staff for all the historical information; it will be interesting as we move forward, to be able to refer residents back to the staff report. She is comfortable based on discussions tonight in moving forward with a rate study with the expectation that the first stop will be at PWAB to allow opportunities for the public to provide input.

Councilmember Smukler stated that the scope for the RFP is important to make sure we get what we need. He likes the idea of stopping at PWAB with the scope of the RFP for their review before going out. Mr. Livick stated he could take the draft to PWAB but it would delay getting out the RFP. Or we could appoint a couple of PWAB members to serve in helping select a consultant as we did with the WRF.

MOTION: Councilmember Smukler moved to authorize staff to issue an RFP for a rate study for water and sewer rates with additional background information including rate review policy and the expectation that a subcommittee from PWAB will be involved in the review of the scope and selection of consultant and that the study will include a review of costs and information regarding the entire water portfolio including reclamation costs. The motion was seconded by Councilmember Christine Johnson and carried 5-0.

C-2 REVIEW AND CONFIRM THE MASTER PLANNING PROCESS FOR THE NORTHERN WATERFRONT IMPROVEMENT PLAN; (RECREATION & PARKS)

Recreation & Parks Director presented the staff report.

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

Betty Winholtz is disappointed there was no information or visuals in the report to inform the public about what you are referring to with Alternative C. The idea that we would use all of the parking-in-lieu funds on one project when there are other needs within the park system isn't advisable. Personally for those that don't want to see this become an urban park as currently it is a natural area. Please give us more information and consider the fact it may not be the financial time to do this.

Linda Donnelly asked if the project for the Fishermen's Family Sculpture alters that area. How much of that area would be built up or changed.

Mr. Woods stated that the location is out at Goodbye Point. There is a lack of visuals as he wasn't trying to sell the project itself, just trying to move forward to master planning. Have had multiple concept and planning meetings over the years but didn't think it was relevant to this staff report.

Councilmember Nancy Johnson is very much in favor of moving forward with this. She thinks we can always spend more money upgrading the parks that we have; we need to designate this money to move forward with this master plan. If we don't get a master plan and get community input we won't go any further with this.

Councilmember Smukler stated he is looking around at our parks and see a lot of maintenance needs that we have to keep up with what is currently there. There are also lots of question marks at Coleman Park; ie: boat haul out, USCG, bike path/trail, etc. He feels like we are getting ahead of ourselves without having information on what the future holds there. He wondered how this money could be used elsewhere on needs that we know exist.

Mr. Woods stated that the Fisherman's Family Sculpture can still be moved along. There are needs in our park system such as the continual development of the master plan at the Teen Center, restroom replacement, failing play structures, turf eliminations, parking lots that need serious work, etc. If we didn't use these funds in the Coleman/Target Rock Master Planning Process then they would look to other projects to enhance and improve the parklands.

Councilmember Smukler stated that looking at that list, there are great needs which doesn't diminish the need for a master plan but we can do that after, when we have more information.

Councilmember Leage stated that we are missing a chance to develop this area which would be a great attraction for tourists. This is a project that we could use to leverage off to do the things we need to do in this town. Not doing this now is a big mistake; a lot of people have been talking about this. We need to develop the master plan now.

Councilmember Christine Johnson thinks that we could use a Parks Maintenance Plan. These funds enhance what you are already doing with your work program. A compromise would be that when the Fisherman's Family Sculpture was ready, then maybe we can revisit this then.

Mayor Irons stated that in the summary of the report, Concept C was adopted by Council in 2008 so any master plan that we'd go forward with would be those shown in the outline. Based on that, he feels we can still maintain this concept and delay it until we find out what happens with the USCG project and/or other significant projects in the area.

Councilmember Nancy Johnson said this has gone on too long. There will always be park projects and things needing to be replaced or improved. If this doesn't happen now, it never will.

Councilmember Smukler stated we are premature doing this right now because of all the questions we have about the future there. We aren't risking moving forward with the Fishermen's Family Sculpture by not moving forward with this master plan.

Councilmember Christine Johnson asked what would happen if we revisit this in 6 months; that would give the USCG time; see where the Fishermen's Family Sculpture is; and will have had the Recreation & Parks work plan which is due in January.

Councilmember Nancy Johnson stated this is a separate item from the sculpture and the USCG.

Councilmember Leage stated that with the uncertainties, maybe we should delay the bike path because how do we know it will fit in with the master plan.

MOTION: Councilmember Smukler moved to direct Mr. Woods to work with the Recreation & Parks Commission and evaluate the work program and what could be accomplished with the existing funds in the parks fund and revisit the master plan at a later date as more information becomes available. The motion was seconded by Mayor Irons.

Mayor Irons would like to see a date certain to come back with the master plan in the motion; he leans towards 6 months.

Councilmember Nancy Johnson stated it doesn't matter to have a date certain, as you will have already spent the money so even if the master plan comes back, the money will be gone.

Councilmember Christine Johnson suggested 4 months for a revisit and asked if Recreation & Parks would be ready for that.

Councilmember Nancy Johnson called the question.

The motion was voted on and failed 1-4 with Mayor Irons and Councilmembers Christine Johnson, Nancy Johnson and Leage voting no.

MOTION: Councilmember Smukler moved to direct Mr. Woods to return to the Recreation & Parks Commission with a request to review the work program along with the Master Coleman Northern Waterfront Improvement Plan and evaluate options to accomplish as much as possible with the existing parks fund and additional matching funds as available. The motion was seconded by Councilmember Christine Johnson and carried 3-2 with Councilmembers Nancy Johnson and Leage voting no.

D. NEW BUSINESS

D-1 MULTI-HAZARD EMERGENCY RESPONSE PLAN AND EMERGENCY OPERATIONS CENTER REVIEW; (FIRE)

MOTION: Mayor Irons moved to continue this item to a date uncertain. The motion was seconded by Councilmember Leage and carried unanimously 5-0.

D-2 AUTHORIZATION TO ENTER INTO RENEGOTIATION OF LEASE TERMS AND CONDITIONS FOR LEASE SITE 53-56/53W-56W LOCATED AT 501 EMBARCADERO (ESTERO LANDING INC., KEN SCOTT); (HARBOR)

Harbor Director Eric Endersby presented the staff report.

The public comment period for Item D-2 was opened; seeing none, the public comment period was closed.

MOTION: Councilmember Smukler moved to approve Alternative A, authorizing staff to enter into renegotiations of certain lease terms and conditions for Lease Site 53-56/53-56W with Ken Scott. The motion was seconded by Councilmember Leage and carried unanimously 5-0.

D-3 REPORT ON RESULTS OF OBTAINING OUTSIDE INDEPENDENT LEGAL COUNSEL; (MAYOR)

Mayor Irons presented the staff report.

Mayor Irons opened up the public comment period for Item D-3.

Hunter Kilpatrick is disturbed that this item is so late in the agenda. He would like to ask Mayor Irons why the RFP isn't on City letterhead and not dated. Also, why is the cap of \$12,500 not listed. He asked who drew up the contract. He stated that the Mr. Simas may have a conflict of interest as he went to college with Mr. Irons' campaign manager. This firm is the most expensive firm and has no staff in San Luis Obispo. He feels the contract should have included a no travel clause. He feels it is transparent that you never intended to hire anyone else. He urges the Council not to approve this contract.

Linda Donnelly stated that the contract has no end date and is for 12 months with an option to renew for an additional 12 months. The primary contact in the contract is Mayor Irons only. Nowhere in the contract is it stated "not to exceed \$12,500." She feels that if Simas and Associates did the work previously done by Mr. Schultz, based on the rates, it would cost between \$350-450,000 for the year. Last night there was a 3.5 hour debate and the contract hadn't even been signed yet.

Betty Winholtz stated she needed clarification. She understood the contract approval had already been given and this item was a status report only.

The public comment period for Item D-3 was closed.

Mayor Irons stated that Mr. Simas and Mr. Heath do not know each other and there is no conflict. Mr. Simas is required to adhere to the \$12,500 limit.

Councilmember Nancy Johnson objects to the fact that the copy she received wasn't signed. Per 3.08.170 of the Municipal Code, only the City Manager or their designee is authorized to award contracts. She went through City contracts and there were only 2 contracts signed by Mayors and both of those also included the signature of the City Manager or City Clerk. Per the GAO standards they have a page called "examples of abuse" and one of these is making procurement or vendor selections contrary to existing policies or are unnecessarily expensive. This is expensive. Looking back at the motion, it doesn't mirror the contract in any way; and the not to exceed \$12,500 is not there. Also not found in the contract – the contract commences on October 7th, 2013 and terminates Oct 6th, 2014 unless renewed by the City Council. She asked what counsel was doing from October 7th to yesterday when they were allowed to meet with Mr. Simas and how much did that cost. She reiterated that the Mayor is only 1 of 5 votes whose only special authority is to set the agenda. She doesn't feel this is a legal contract. She said that to date, Mr. Simas hasn't chosen to speak to any of us.

MOTION: Mayor Irons moved to continue the meeting past 11:00pm. The motion was seconded by Councilmember Christine Johnson and carried unanimously, 5-0.

Mayor Irons stated that as far as he knew, Mr. Simas has made contact with each Councilmember via email and has said he is reachable by telephone. Insurance has been submitted to Risk Management. He was assured that he was in compliance with the GOA and municipal code. He stated that the Council will review the status of his bill and at the \$12,500 rate, we will be able to authorize more if need be. He asked for and was granted authorization by the Council to pursue the attorney. He pulled the contract off of the County website from a Supervisor's meeting.

Councilmember Smukler stated that the cap is in place as Council authorized it thru a motion; it and anything beyond that would have to come back to Council for discussion and action.

Councilmember Nancy Johnson accepts no responsibility for this contract or any of its parts.

Councilmember Leage doesn't accept the contract either.

Councilmember Christine Johnson asked if there was any interest in adding an addendum to the contract to add the cap language as well as to adjust the date for a period of time less than a year.

Mayor Irons stated that we can terminate the contract at any time.

Councilmember Smukler stated that an addendum regarding the \$12,500 sounded like a good idea.

Councilmember Nancy Johnson said that the contract commences on October 7th and we didn't meet until October 8th. Have you been talking to Mr. Simas and if so, how much has it cost so far?

Mayor Irons stated that when we get the monthly itemized report, everybody will know.

This item was received and filed.

D-4 DISCUSSION REGARDING PARKING IN-LIEU FEES IN THE DOWNTOWN AREA; (CITY ATTORNEY)

Mayor Irons recused himself as his property lies within 500 feet of the downtown area.

City Attorney Rob Schultz presented the staff report.

Councilmember Leage opened the public comment period for Item D-4.

Betty Winholtz stated that she this was on the Council at the time that fees were raised, we were in trouble and at the time in comparison to others in the County, way low. Ours weren't realistic to keep at \$4,000. \$15,000 seemed reasonable at that time and she encourages Council to maintain it for equity so all are charged the same amount in the City.

The public comment period for this item was closed.

Councilmember Nancy Johnson stated that as a compromise, she would recommend going back to the \$4,000 as we have already taken away some of the business incentives for downtown.

Councilmember Smukler feels like this is arbitrary. It would be interesting to hear more context about what the Parking Management Plan has to say about this and what projects may be coming forward that this affects. He feels we need to take more time, wants to hear from more businesses/property owners.

Councilmember Christine Johnson said this is her first time going through a parking in lieu discussion. She wondered what the neighboring cities charged for their in-lieu fees. Before deciding, she would like to see a survey done. She also wants direct feedback from the business community. She also wants to know what the impact of raising or lowering the fees is – what is the plan? She would want to stay with the \$15,000 for now, until these discussions can take place.

Councilmember Leage stated that studying other cities really doesn't work. All cities have their own unique problems with parking. He doesn't even think if we didn't charge anything, we still wouldn't get any more development down there. We have put out incentives but nothing seems to work.

Councilmember Christine Johnson stated that the Economic Development Committee has been talking about possibly comparing Old Town Arroyo Grande with our Old Town area.

Councilmember Nancy Johnson said we have tried a couple of times to get property to build a parking lot in downtown and haven't been successful.

There was no motion or action necessary as it was Council's consensus to leave the in-lieu fee where it is, at \$15,000.

D-5 DISCUSSION OF ITEMS TO PLACE ON THE JOINT CITY COUNCIL/PLANNING COMMISSION MEETING; (PUBLIC SERVICES)

Rob Livick presented the staff report.

The public comment period for Item D-5 was opened; seeing none, the public comment period was closed.

There was discussion about items to place on the agenda. The consensus was to agendize the following: City Specific and Master Plans to include Beach Street Specific Plan, North Main Street Specific Plan and the Waterfront Master Plan; an update on the GP/LCP status to include status on grant applications; and, and update on the West Atascadero Road rezone. The meeting is to start at 6:00pm and go for no more than 90 minutes.

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Nancy Johnson requested a report of the \$3500 spent by this Council in April 2013 to include what it was spent on and the reasons for it as well as a discussion and report regarding the expenditures and use of current outside counsel in an open session public hearing format; Councilmembers Leage, Smukler and Christine Johnson concurred.

ADJOURNMENT

The meeting adjourned at 11:49pm.

Recorded by:

Jamie Boucher
City Clerk

MINUTES - MORRO BAY CITY COUNCIL
SPECIAL MEETING – OCTOBER 25, 2013
VETERAN’S MEMORIAL HALL – 9:00A.M.

Mayor Irons called the meeting to order at 9:00 a.m.

PRESENT:	Jamie Irons	Mayor
	Christine Johnson	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Jamie Boucher	City Clerk
	Susan Slayton	Administrative Services Director
	Rob Livick	Public Services Director
	Amy Christey	Police Chief
	Joe Woods	Recreation & Parks Director
	Eric Endersby	Harbor Director

- I. ESTABLISH QUORUM AND CALL TO ORDER
- II. MOMENT OF SILENCE
- III. PLEDGE OF ALLEGIANCE
- IV. PUBLIC COMMENT

Lynda Merrill stated that this was the first time the public has been asked their opinion about hiring any employee. She and her husband compiled a list of what they would like to see in a City Attorney: if we hired a full time attorney – could we cut down on expensive consultants; stay clear of local politics; don’t need someone who is charming; be able to make tough, unpopular decisions when necessary; and doesn’t need to attend social functions.

Mayor Irons closed the public comment period.

Councilmember Nancy Johnson, once again, objected to the illegal, unethical and unprofessional process you insist upon continuing.

- V. DISCUSSION AND AUTHORIZATION FOR AN RFP FOR A CONTRACT INTERIM CITY ATTORNEY

Mayor Irons presented the staff report.

The public comment period for Item V was opened; seeing none, the public comment period was closed.

Councilmember Christine Johnson asked Councilmember Nancy Johnson what was illegal about this process.

Councilmember Nancy Johnson responded that this process has been conducted in an illegal manner but will leave that decision up to the District Attorney who has been contacted. The Mayor has broken the Brown Act, has continued to proceed with a process that is unethical and unprofessional. This process could have been done quickly and carefully and in private and not made into a public spectacle. Councilmember Christine Johnson asked for further clarification of what was illegal. Councilmember Nancy Johnson stated that it was her opinion that this process was illegal.

Mayor Irons asked Council to focus on a timeline, content, and processes. He brought a sample Contract City Attorney RFP from the City of Hollister.

Councilmember Smukler has been giving this some thought; Council needs to work through this effectively and ensure that we provide legal coverage for the City to our best abilities. He feels it's important to ensure we are following proper abilities for the public to work with us on these items, especially with the holidays approaching; we have the luxury of not being in an emergency situation and feels we need to follow a more drawn out process and that the December 10th Council meeting should be a place to start and work backwards from.

Councilmember Nancy Johnson asked when Councilmember Smukler received the Hollister information to which he answered; he too received it when he arrived to the meeting.

Councilmember Leage asked why we are putting out an RFP on a job that hasn't been vacated yet; doesn't our current City Attorney still work here?

Councilmember Christine Johnson asked for clarification from Councilmember Smukler about the Hollister RFP.

Councilmember Smukler reviewed this before the meeting; he talked to Mr. Irons about this earlier and sat down today to review the copy before the meeting. This is only an example of what an outline for an RFP could be. Councilmember Smukler stated that it was important to establish a transition plan for this position and to ensure legal coverage for the City to the best of our abilities.

Mayor Irons stated that there were plenty of contract RFP's out there to review from other cities and he brought these documents in, in an attempt to make this meeting efficient and to get through it.

City Manager Andrea Lueker presented a possible framework for an RFP. Generally we could adequately prepare an RFP for the November 12th meeting for your review; publicize it for 4-6 weeks; with interviews in January and award in late January. She felt the most important was to have it available for 4-6 weeks.

Mayor Irons felt it important to use a more compressed timeline.

Council as a whole discussed their personal availabilities as well as discussed a timeline for the RFP process to include Council approval of the document, deadline to submit, review period, interview, and award of contract. Discussion varied on the turnaround time; some members felt it important to move this along very quickly (December 10th deadline to award), others to take our time (late December/early January award). Discussion was also held as to the term of the contract which would lend itself to helping decide how long of a time period the RFP should be out there.

Councilmember Christine Johnson, for the record, is extremely concerned about disclosures made today on items; it is the responsibility of each Councilmember to know what is a closed session discussion and what is an open session discussion.

A tentative calendar was discussed and conceptually accepted by all, with the understanding that there could be some flexibility in everything but the RFP approval and close date, as well as Council consensus for the RFP being good for 6 months as follows:

:

11/7/13	Draft RFP available in Council packet with request for Councilmembers to review and provide City Manager comments prior to the 11/12/13 meeting
11/12/13	Approval of the RFP on the Council agenda
11/13/13	Hopeful date to have the RFP out to firms
12/3/13	Deadline for firms to submit proposals
12/4 – 12/9	Council evaluate proposals
12/10/13	Selection of firms to be interviewed at a Council meeting
Week of 12/16/13	Interviews of firms
Mid Dec – Mid Jan	Award of contract at a special meeting at the end of December/early January or first meeting in January

MOTION: Mayor Irons motioned to move forward with the RFP proposal process as stated under the outline that was stated by City Manager Lueker. The motion was seconded by Councilmember Smukler and carried 3-2 with Councilmembers Nancy Johnson and Leage voting no.

VI. DISCUSSION FOR COUNCIL DIRECTION OF CITY ATTORNEY

Mayor Irons presented the staff report. There is an interim period that Mr. Schultz is our City Attorney and we are discussing bringing in an interim CA in January; this is our opportunity to discuss concerns and needs of Mr. Schultz in open session. This is important, as he reports to all of Council, to have this discussion in open session.

Councilmember Nancy Johnson believes that our current City Attorney knows what his scope of work and project needs are.

The public comment period for Item VI was opened; seeing none, the public comment period was closed.

Mayor Irons stated this was an opportunity for this Council to have an open discussion on whether we would we want to have Mr. Schultz prepare a transition plan for us and discuss his work priorities as he sees them, for us as a Council to look at.

Councilmember Nancy Johnson feels uncomfortable in having this discussion without Mr. Schultz being here and feels that maybe this needs to be postponed until Mr. Schultz can be in attendance.

Councilmember Smukler stated that he appreciates the opportunity to talk in an open session; feels it's important that Mr. Schultz schedule a meeting with us that reviews his current case load and projects; schedule a discussion of transition; and, begin to develop the information that would be necessary for new legal counsel that is coming on board. It's important to keep the communication up with him.

Councilmember Leage understands that we will need to know what Mr. Schultz has on his schedule.

Councilmember Christine Johnson stated it would also be important to schedule a closed session to go over all litigation and pending litigation in a detailed point of view in an effort to create a succession plan with an eye to a hand-over. We are currently receiving weekly City Attorney updates; she would like to those to continue but in greater detail and include more specific dates and timelines in anticipation of a handover.

Mayor Irons reiterated that in the open session meeting, they would review weekly updates, current work priorities and projects, as well as have a closed session to go over litigation and pending litigation.

Councilmember Smukler agrees with a closed session to review litigation as it leads itself to succession planning. Outside of the litigation side, he asks to schedule an open session review of key case loads and current work projects he has on his plate.

Mayor Irons reiterated again, a closed session meeting to go over litigation and pending litigation with an eye for handover/succession planning; an open session that would discuss work load and work priorities; as well as to continue weekly updates with a request for more detail. Councilmember Christine Johnson wants a timeline for each item reflected on the weekly updates, specifically looking to the future.

Councilmember Smukler stated that Council received correspondence from City Attorney Rob Schultz for 3 anticipated Council Agenda items to get us to the end of the year which works well with what we are talking about here. He appreciates his heads up on this.

Mayor Irons added a request for an update on any/all negotiations, contracts, and projects, and he requests to see any ongoing negotiations with Dynegy which he would like to see come back to closed session with regards to the property for the bridge.

Mayor Irons read a synopsis of items being requested of the City Attorney: closed session for pending litigation and current litigation in play with an eye for handover/succession planning; weekly updates providing more detail and explain timeline for each project with a date when they are due; open session meeting and a report on his workload and work priorities and affirm work priorities already laid out to include negotiations, contracts and projects; and, closed session on where we are at with Dynegy with clarity on where we are at with the property for the bridge.

Councilmember Christine Johnson also asked that Risk Management be added as a discussion point in open session.

MOTION: Councilmember Smukler approved the direction for the City Attorney based on the reviewed items that the Mayor just read and schedule meetings accordingly. The motion was seconded by Councilmember Christine Johnson and carried 3-2 with Councilmembers Nancy Johnson and Leage voting no.

VII. ADJOURNMENT

The meeting adjourned at 11.01 a.m.

Recorded by:

Jamie Boucher
City Clerk

MINUTES - MORRO BAY CITY COUNCIL
SPECIAL MEETING – OCTOBER 29, 2013
VETERAN’S MEMORIAL HALL – 10:00 A.M.

AGENDA NO: A-5
MEETING DATE: 11/12/2013

Mayor Irons called the meeting to order at 10:00 a.m.

PRESENT:	Jamie Irons	Mayor
	Christine Johnson	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Rob Schultz	City Attorney
	Jamie Boucher	City Clerk
	Susan Slayton	Administrative Services Director
	Rob Livick	Public Services Director
	Amy Christey	Police Chief
	Steve Knuckles	Fire Chief
	Joe Woods	Recreation & Parks Director

- I. ESTABLISH QUORUM AND CALL TO ORDER
- II. MOMENT OF SILENCE
- III. PLEDGE OF ALLEGIANCE

Mayor Irons stated that this does not preclude the RFP process currently underway.

IV. PUBLIC COMMENT

John Barta stated he is suffering from Special Meeting/Closed Session overload. This meeting was again noticed with short notice. It is being held at 10am when many members of the community can’t afford to be out. He wanted to let Council know that many of us are frustrated.

Mayor Irons closed the public comment period.

V. CITY COUNCIL TO DISCUSS AND DIRECT STAFF TO OBTAIN IMMEDIATE, SHORT-TERM, INTERIM CITY ATTORNEY SERVICES

Mayor Irons polled the Council on their support or objection to this item.

Councilmember Leage objects stating we are here talking about another lawyer, how many do we need?

Councilmember Christine Johnson supports this meeting today based on developments over the weekend.

Councilmember Nancy Johnson again voiced her objection to this illegal, unethical and unprofessional process. She stated that the termination process isn’t until Friday’s closed session and this is putting the cart before the horse.

Councilmember Smukler is in favor as we are in negotiations for a separation agreement with our current City Attorney and it's important to maintain legal coverage for the City.

Mayor Irons asked Administrative Services Director Susan Slayton questions about possible options for services as well as funding sources.

Ms. Slayton hasn't contacted anybody to date. She hopes to contact Liebert Cassidy Whitmore who is a group of attorneys and is one that the City uses for training purposes. They have also provided legal services for us in the past. As far as funding sources, there is approximately \$20-25,000 in savings out of the City Attorney budget. There is approximately \$350,000 that is unbudgeted in the Risk Management fund but she cautions using this as we will probably be using this for the City Attorney and possibly City Manager. There is 3.1 million in the Emergency Reserve.

The public comment period for Item V was opened.

Homer Alexander stated that on September 24th, the Mayor was authorized to engage in hiring a law firm to deal with the City Attorney and City Manager personnel issues. According to the minutes, Mr. Smukler stated that time was very important. Mr. Simas's contract was retroactive to October 7th. He doesn't understand why the full Council didn't have the full opportunity to review the proposals/contract at the meeting on Oct 8th, only one day later. This is day 49 of the Rob Schultz saga; you could have waited to sign the contract, why wasn't it brought forward to the October 8th City Council meeting? While he doesn't believe that the Rob Schultz termination was an emergency, in this case, you now have an emergency - all City business that requires a City Attorney has stopped. Now you are going through the correct process so that all Council can be involved in selecting an interim attorney. Why a completely different approach from the meeting on the 24th?

Rick Grantham asked what the balance of the Risk Management Fund was a year ago. He also stated that the Emergency Reserve Fund sounded low.

John Barta has obviously not been privy to the instructions given to Mr. Simas. It appears he was invested with the authority to place Mr. Schultz on administrative leave. Is this the case? We have a perfectly good City Attorney if we would only use him. He went on to say that emergency funds are to be used for things outside of our control; we have control here. He counted that there could be 5 different City Attorneys that the City may be dealing with in a period of 6 months, that's a "man created" problem. He is dismayed that this hasn't worked out better and in a more adult fashion.

The public comment period for Item V was closed.

Mayor Irons answered some of the questions posed during public comment: the contract was signed on the 7th and the agenda for the 8th had already been set. He asked Ms. Slayton to answer the financial questions. She stated that the Risk Management fund was much healthier but only had \$300,000 unencumbered funds available. The Emergency Reserve Fund is something that the Council can decide what to do with.

Councilmember Nancy Johnson has heard several questions asked in public comment and feels that Council is not answering those questions. Mr. Alexander asked why Council has changed direction, this is day 49 and it could have been taken care of much quicker; Mr. Barta asked about Mr. Simas's role, how many attorneys will we end up with between now and June; and there was a question about backdating the contract.

Councilmember Smukler stated that Mr. Simas was hired to help Council work through personnel issues; this is separate to the City's need for legal counsel for our operations and business. As far as the amount of time this has taken, this is a very challenging situation and they are trying to respect Mr. Schultz's needs as well as the City's needs.

Councilmember Nancy Johnson asked how well we, as the entire Council, is being represented by Mr. Simas. She has complete confidence in our City Attorney to conduct day to day business.

Councilmember Christine Johnson thinks that Mr. Barta's questions are fair. She agrees that this is complex and she agrees that it is very important to clarify for the public the following: the Council is negotiating with the City Attorney on a settlement agreement; to do this, we had to hire an attorney with personnel experience in employment law; then the RFP process is needed to hire an interim City Attorney; and then we needed to obtain immediate short term interim City Attorney services – this list does take on a bit of the absurd. We are talking about 4 separate processes and 4 different needs for legal services. The City Council priority today is to protect the City of Morro Bay; we are in the middle of negotiation with key people, that responsibility falls directly on the shoulders of the Council. They need to find a way to ensure that all residents and employees are legally covered.

Councilmember Leage stated that our City Attorney has been protecting this town for a long time and he believes he would carry on. He doesn't see any need to bring in another attorney. Citizens are getting very tired of this. While this process is going on, Mr. Schultz can do his job and he believes he will do it as he is above reproach.

Councilmember Nancy Johnson totally and completely agrees with Councilmember Leage; our City Attorney has offered to work with an interim attorney for a smooth transition. She doesn't see a conflict of interest to conduct City business while you work on a termination agreement.

Mayor Irons asked Ms. Slayton, that with direction from Council, how long it would take to obtain Leibert Cassidy Whitmore services. Ms. Slayton stated that if that were the direction from Council, she would make contact, they would draft a contract/proposal and we should have something from them fairly quickly. She went on to say that she would need to know the scope, length of time, expectations, etc. Mayor Irons stated that the City Attorney's contract as well as municipal code should lay out the score of work that we are looking for. Ms. Slayton would also need to know the length of time you would want this person involved. She is also aware of some local City attorneys who provide municipal law: Tim Carmel and David Fleishman.

Councilmember Nancy Johnson requested the following be put into the minutes: the first time the Mayor spoke, he did not refer to the contract but instead he referred to Mr. Schultz's agreement which she understands is confidential. Mayor Irons responded that when he restated it, he stated employment contract for language.

MOTION: Mayor Irons moved to direct Susan Slayton, through the City Manager to obtain short term interim City Attorney services immediately and to report back to City Council at the next available meeting. The scope of services has been laid out in the City Attorney contract and municipal code. The time would be for 60 days. The motion was seconded by Councilmember Christine Johnson.

Councilmember Smukler wanted to make a suggestion to the motion. Regarding the 60 day timeline he would rephrase it to say until the conclusion of the RFP process, that contract is signed and the attorney is brought on board. He doesn't feel the motion gives Ms. Slayton the right amount of direction in reviewing options. He suggests that Ms. Slayton review and invite responses from firms that will include costs to ensure getting a fair price. He requested that Mr. Carmel and Mr. Fleishman not be included in the request, not due to quality of their services but due to possible conflicts of interest.

Councilmember Nancy Johnson asked that if we go out today or tomorrow in search of this interim attorney, what do you plan on doing with our current City Attorney sitting here today. She sees no conflict of interest in his serving the City of Morro Bay while working on the settlement agreement.

Councilmember Leage feels this is getting out of hand; we have a capable attorney here that can take us through to when we get an interim City Attorney on hand.

Councilmember Christine Johnson stated that 60 days seems too limiting. She also stated that she did a Google search for San Luis Obispo municipal law firms and both Grover Beach and SLCUSD/Port San Luis have contract attorneys that would be worth contacting. She suggested trying to find a local attorney without a direct connection to the City of Morro Bay.

AMENDMENT TO THE MOTION: Replace the "60 days" with obtaining the Interim City Attorney to ensure transition overlap of this firm with the firm that is selected via the RFP process. Councilmember Smukler seconded the amendment and it carried 3-2 with Councilmembers Nancy Johnson and Leage voting no.

Councilmember Nancy Johnson asked, we have a legally hired paid City Attorney sitting in this room, what will you be doing with him?

Mayor Irons responded that those answers will be discussed in Thursday's meeting.

VI. ADJOURNMENT

The meeting adjourned at 10:51 a.m.

Recorded by:

Jamie Boucher
City Clerk

**MINUTES – MORRO BAY CITY COUNCIL/PLANNING COMMISSION
JOINT MEETING – OCTOBER 29, 2013
VETERANS MEMORIAL HALL – 6:00 P.M.**

PRESENT:	Jamie Irons	Mayor
	George Leage	Councilmember
	Christine Johnson	Councilmember
	Nancy Johnson	Councilmember
	Noah Smukler	Councilmember
	Rick Grantham	Chairperson
	John Solu	Vice-Chairperson
	John Fennacy	Commissioner
	Michael Lucas	Commissioner
	Robert Tefft	Commissioner
STAFF:	Rob Livick	Public Services Department
	Kathleen Wold	Planning Manager
	Cindy Jacinth	Associate Planner
	Katie Mineo	Assistant Planner/Administrative Technician

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

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS, & PRESENTATIONS

PUBLIC PRESENTATIONS – None

PUBLIC COMMENT

Mayor Irons opened Public Comment, and seeing none, closed Public Comment.

JOINT MEETING DISCUSSION ITEMS

I. Discussion of Various City Specific and Master Plans:

- **Beach Street Specific Plan (BSSP)**
- **North Main Street Specific Plan (NMSP)**
- **Parking Management Plan (PMP)**
- **Waterfront Master Plan (WMP)**

MINUTES – MORRO BAY CITY COUNCIL/PLANNING COMMISSION
JOINT MEETING – OCTOBER 29, 2013

Planning Manager, Kathleen Wold presented the staff report.

Mayor Irons stated he would like staff to discuss the significance of the specific plans and how the specific plans will be addressed during the update of the General Plan and Local Coastal Program. Mayor Irons stated he would like all four plans agendaized in 2014 and he would like the Council to review them one by one.

Councilmember Christine Johnson asked staff how the Planning Division utilizes the plans. Public Services Director, Rob Livick stated the specific plans are used as guides for development and redevelopment. He then provided examples for how each plan has been implemented. Ms. Wold added that the NMSP and the BSSP are formally adopted rules and regulations, whereas only one chapter of the WMP has been adopted and the remainder of the document is used as guidelines.

Commissioner Tefft made the following comments:

1. Regarding the BSSP, he stated the plan is dated and does not define the character of the neighborhood very well. The provisions of the plan could be incorporated into the Zoning Ordinance or could even potentially be eliminated.
2. Regarding the NMSP, virtually all development north of San Jacinto Street is multi-family residential whereas development south of San Jacinto Street is commercial. Because the neighborhood has witnessed varied development patterns, the City should re-examine how utilities infrastructure is provided in that area.
3. Regarding the WMP, Tefft stated only certain parts need to be revised.
4. Regarding the PMP, he stated the City should move away from requiring on-site parking and instead move toward providing more common parking areas.

Commissioner Lucas stated it is important to consider how all of the plans work together, especially in terms of how the Wastewater Treatment Plant will impact development in the vicinity of Atascadero Road.

Commissioner Fennacy stated the specific plans are living documents and he would like to receive direction from staff on how to more effectively interpret them. If any changes are to be made to the documents, he would prefer that the plans not get more restrictive than State statutes so that they do not adversely impact reasonable growth.

Commissioner Solu and Chairperson Grantham stated they would like direction from staff and Council in order to determine the order in which the plans should be re-evaluated in 2014.

Councilmember Smukler asked how the process of updating the specific plans would affect the update of the General Plan/Local Coastal Program (GP/LCP) which is the principal priority in the upcoming year. Mr. Livick stated the GP/LCP update is the long range planning focus, but the specific plans are the next level of regulation under the GP/LCP. The City will provide various opportunities for public input for the GP/LCP update, and one topic of discussion could be the specific plans and whether their regulations could be incorporated into the GP/LCP. Ms.

MINUTES – MORRO BAY CITY COUNCIL/PLANNING COMMISSION
JOINT MEETING – OCTOBER 29, 2013

Wold added it would be valuable to have someone review the specific plans and identify sections that should be updated, eliminated, or remain as they are. These recommendations could then be reflected in the GP/LCP update.

Councilmember Leage expressed concern about parking and development issues in the Embarcadero area.

Councilmember Christine Johnson expressed support for the specific plan and GP/LCP update process.

Mayor Irons asked staff about the possibility of reviewing one specific plan per quarter. He would like the Commission and staff to examine the successes and barriers of each of the plans. Ms. Wold stated it would be beneficial to have a staff member conduct background research on the specific plans which would then be presented to the Commission.

Mayor Irons and staff discussed the importance of updating the specific plans so as to provide consistency with the GP/LCP.

Chairperson Grantham stated he would like to review the specific plans in the following order: Beach Street Specific Plan, Waterfront Master Plan, Parking Management Plan, and North Main Specific Plan.

Mayor Irons made a recommendation to move forward with the review of the four specific plans under the guidance of staff.

Mr. Livick clarified that Council's intention is to review the plans in the context of the GP/LCP update and to ensure vertical consistency in all regulations.

II. Update on the GP/LCP Status to include status on grant applications

Planning Manager Kathleen Wold and Public Services Director Rob Livick presented the staff report.

Chairperson Grantham asked staff to clarify the type of grants the City is pursuing. Ms. Wold confirmed the City is pursuing mostly State grants.

Chairperson Grantham asked staff if the City ever seeks outside assistance, or assistance from interns, when preparing grant applications. Mr. Livick stated the City often hires consultants to help prepare grant applications. Ms. Wold explained that because grant applications often require a degree of expertise, interns are not asked to prepare the applications, but interns are helpful in acquiring letters of support for grant applications and for establishing relationships with local organizations.

Commissioner Lucas asked staff if the City has the ability to change its Local Agency Formation Commission (LAFCO) sphere of influence to better incorporate the agricultural corridor along

MINUTES – MORRO BAY CITY COUNCIL/PLANNING COMMISSION
JOINT MEETING – OCTOBER 29, 2013

Highway 41. Mr. Livick explained the City recently met with LAFCO and is in the process of updating its sphere of influence. He explained Morro Bay is fairly well-constrained around its boundary, however, and there are not many areas remaining that are easily developable.

Staff discussed with the Commission how the Coastal Commission is assisting cities throughout California in the LCP update process.

Commissioner Solu asked for clarification regarding how much the GP/LCP will cost the City and how much the City is requesting in grant funding. Mr. Livick explained the update will cost approximately \$900,000 and the City is pursuing various grant opportunities to fund it. Ms. Wold explained the strategy of the City in regard to achieving the GP/LCP update is to structure a program whereby each grant builds upon the first one. Therefore, it is not the same work program submitted for each grant, although they may appear similar. Structuring the work program in this manner will allow for incremental pieces to be conducted while maintaining the overall work program.

Councilmember Smukler asked Mr. Livick to clarify the status of Chevron property in terms of development. Livick stated Chevron has completed the remediation processes and is likely going to market the property for development.

Councilmember Christine Johnson discussed the importance of fostering creative strategies to address climate change issues in order to make the City's grant applications more competitive.

Mayor Irons discussed the importance of looking to neighboring cities for innovative ways to make the City more competitive.

Mayor Irons asked staff to discuss the City's funding priorities. He outlined three programs for how the City could achieve the GP/LCP update: fully funded, partially funded, or in-house. Ms. Wold explained that if the update is partially funded, it will be necessary to fund the technical studies first and then work on establishing a program where the City could backfill the work with City staff and perhaps interns, or hire a Cal Poly studio class to complete the work. Ms. Wold then explained how the update would proceed if it is to be completed in-house. She noted the importance of defining the study area up-front due to LAFCO policies.

Mr. Livick explained the difficulties of developing technical studies. Councilmember Christine Johnson asked Mr. Livick to provide an example of a technical study and Mr. Livick discussed several examples, including traffic studies and wetlands studies.

Staff explained an EIR will likely be required for the GP/LCP update and thus staff is currently working to prepare several technical studies which will be incorporated in the EIR. Mr. Livick noted one document in particular, the Climate Action Plan, is nearing completion and will be presented to the City Council in December 2013.

III. Update on the “West Atascadero Road” (North Embarcadero to Cloisters) Rezone

Planning Manager Kathleen Wold presented the staff report.

Commissioner Tefft stated this project necessitates an examination of all land uses in the area of West Atascadero Road, not just of the subject site. Ms. Wold then explained the process and politics associated with conducting a rezone.

Commissioner Lucas asked staff, Council, and the Commission to consider how the property belonging to the power plant will be utilized in the future. He wants to ensure that it is developed at its greatest potential and does not become a wasted industrial area. Councilmember Smukler added that the property belonging to the City’s Corporation Yard should also be examined for a potential rezone in the future.

ADJOURNMENT

The meeting adjourned at 7:40 pm.

Recorded by:

Katie Mineo
Administrative Technician

MINUTES – MORRO BAY CITY COUNCIL
SPECIAL CLOSED SESSION MEETING –
OCTOBER 31, 2013
CITY HALL CONFERENCE ROOM – 10:00AM

PRESENT:	Jamie Irons	Mayor
	Christine Johnson	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Robert Schultz	City Attorney
	Susan Slayton	Administrative Services Director
	Steve Simas	Contract Attorney

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Irons called the meeting to order at 10:00am.

MOTION: Mayor Irons moved to adjourn and continue this meeting to the Morro Bay Veteran’s Hall at 209 Surf Street. The motion was seconded by Councilmember Nancy Johnson and carried unanimously, 5-0.

The meeting adjourned at 10:01am.

The meeting reconvened at the Morro Bay Veteran’s Hall and was called to order at 10:18am with all councilmembers present.

Mayor Irons noted for the record that Ms. Lueker had previous commitments and Ms. Slayton is Acting City Manager.

SUMMARY OF CLOSED SESSION ITEMS - The Mayor read a summary of Closed Session items, noting the addition of Government Code Section 54956.9(g) and 54956.9(d)(2) encompass the notice of Item CS-1.

Councilmember Nancy Johnson addressed the chair and read a prepared statement including the Government Code Sections as stated on the Meeting Agenda, and the current definition for those Government Code Sections as amended January 1, 2013. She asked Mayor Irons if he had notified Mr. Schultz 24 hours before this Closed Session and the last Closed Session that the Council would be discussing “potential disciplinary action” against him as required under Government Code 54957(b)(2). She does not believe the Council can continue the meeting until it is properly noticed.

Mayor Irons asked outside counsel, Mr. Simas, for advice on this issue.

Mr. Simas states there are many subdivisions in this government code section, and that it is consistent with other previous noticing. The mayor noted the additional code sections and the description is the most important part. The personnel section has been properly noticed. The City Attorney’s contract and the Morro Bay Municipal Code do not require advance notice that other positions require. He believes the meeting has been properly noticed and the Council may discuss these items.

Councilmember Nancy Johnson states that based on advice from her attorney, she disagrees but will participate in order to move the item forward.

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

Nicole Dorfman thanked the Mayor and Council majority for moving forward on this important and painful task for the City.

Lynda Merrill spoke in support of the Council for what they must do. It is a difficult task and she believes it is important for the City.

The Public Comment period was closed.

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

CS-1 GOVERNMENT CODE SECTION 54956.9(b) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Exposure to litigation exists based upon existing facts and the advice of legal counsel as to one matter. Under Government Code Section 54956.9(c), the name of the possible litigation is withheld as disclosure of it would jeopardize the City's ability to conclude existing settlement negotiations to its advantage.

CS-2 GOVERNMENT CODE SECTION 54957(b) – PUBLIC EMPLOYEE DISCIPLINE/DIUSMISSAL/RELEASE/TERMINATION OF CONTRACT

Review of the contract terms of the City Attorney's Employment Agreement, Separation Agreement, employment, evaluation, performance as City Attorney, and potential disciplinary action.

CITY COUNCIL CONVENED TO OPEN SESSION – The City Council convened to open session; Mayor Irons reported the following actions were taken by Council.

Council has instructed Mr. Simas to continue negotiating a settlement agreement with Mr. Schultz by a vote of 5-0.

Council is placing Mr. Schultz on administrative leave beginning start of business day tomorrow, November 1, 2013, until further notice, with Mr. Simas communicating Council instructions to Mr. Schultz by a vote of 3-2.

ADJOURNMENT

The meeting adjourned at 2:23pm.

Recorded by:

Dana Swanson
Deputy City Clerk



AGENDA NO: A-8

Meeting Date: November 12, 2013

Staff Report

TO: Mayor and City Council **DATE:** November 6, 2013
FROM: Andrea K. Lueker, City Manager
SUBJECT: Adoption of Resolution No. 53-13, Amending Section 2.2 of the City Council Policies and Procedures Regarding Members Receiving Unexpended Monthly Dollars from the Cost of their Medical Plans

RECOMMENDATION

Pursuant to City Council direction from the October 8, 2013 City Council meeting, staff recommends the City Council adopt Resolution No. 53-13 which strikes the existing language in the City Council Policies and Procedures Manual, Section 2.2, that currently allows Council members to receive any unexpended monthly dollars from the cost of their medical plan.

ALTERNATIVES

Alternative 1 – pursuant to the City Council direction from the October 8, 2013 City Council meeting, approve the recommendation in the staff report, which would result in adoption Resolution No. 53-13 which amends the City Council Policies and Procedure Manual, Section 2.2, striking the language that currently allows Council members to receive any unexpended monthly dollars from the cost of their medical plan.

Alternative 2 – do not adopt Resolution No. 53-13 would not amend Section 2.2 of the City Council Policies and Procedures, thus continuing the current practice.

FISCAL IMPACT

Approval of Resolution No. 53-13 will result in savings, dependent on the individual Councilmember's health care choice.

SUMMARY

The City Council at their October 8, 2013 City Council meeting directed staff by a vote of 5-0 to bring back a Resolution that would amend the City Council Policies and Procedures manual, Section 2.2 which currently allows Councilmembers to receive any unexpended monthly dollars from the cost of the medial plans.

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

BACKGROUND

The City Council adopted Resolution No. 28-10 in June 2010 which amended Section 2.2 of the Council Policies and Procedures to read:

2.2 RETIREMENT, MEDICAL, DENTAL, VISION, AND LIFE INSURANCE

The Mayor and Council Members are required to participate in P.A.R.S. retirement. The City shall pay a contribution to P.A.R.S. equal to 1% of salary. The City shall pay, in full, the cost of the Mayor's and Council Members' participation in lowest cost HMO or PPO medical plan (self-only), dental, vision, and life insurance. Any unexpended amount in medical will be distributed to the Mayor and Council Members. (Reso. 28-10), (part)

At the August 13, 2013 City Council meeting, Councilmember Nancy Johnson asked to have Resolution No. 28-10 brought back to the City Council for reconsideration of the portion that discussed unexpended monies from medical plans to be distributed to the Mayor and Councilmembers. There was support for this item to return.

In 2010, the City Council passed Resolution No. 28-10 which included an amendment that provides the Mayor and Council members any unexpended money back from their funds allocated but not spent for the cost of the lowest HMO or PPO medical plan. The City designates that each councilmember receive a prescribed amount of dollars to purchase a medical plan. This cash back practice was also enjoyed by City employees in prior years, but during the significant budget reductions in or around 2005, this practice was discontinued. . The issue was brought forward by a concerned employee that recognized the inconsistency in the current practice, the employee sent a correspondence to the Councilmembers and as a result, Councilmember Nancy Johnson brought the item forward for consideration.

DISCUSSION

The City, at their October 8, 2013 City Council meeting, unanimously agreed to amend the language in the City Council Policies and Procedures Manual and end the practice that currently allows Council members from receiving any unexpended monthly dollars from the cost of their medical plan. As a result, staff recommends the following amendment to the Council Policies and Procedures Manual, Section 2.2

2.2 RETIREMENT, MEDICAL, DENTAL, VISION, AND LIFE INSURANCE

The Mayor and Council Members are required to participate in P.A.R.S. retirement. The City shall pay a contribution to P.A.R.S. equal to 1% of salary. The City shall pay, in full, the cost of the Mayor's and Council Members' participation in lowest cost HMO or PPO medical plan (self-only), dental, vision, and life insurance. ~~Any unexpended amount in medical will be distributed to the Mayor and Council Members. (Reso. 28-10), (part)~~

CONCLUSION

Upon adoption of Resolution No. 53-13, the City Council Policies and Procedures Manual will be amended and an updated copy put on the City's website. If the City Council determines to not adopt Resolution No. 53-13, no changes will be made.

RESOLUTION NO. 53-13

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
AMENDING SECTION 2.2 OF THE CITY COUNCIL
POLICIES AND PROCEDURES MANUAL REGARDING
RETIREMENT, MEDICAL, DENTAL, VISION, AND LIFE INSURANCE UNSPENT DOLLARS**

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

WHEREAS, the Council Policies and Procedures Manual for the City of Morro Bay is a combination of City Council actions, policies, references, and information regarding the City Council; and

WHEREAS, to ensure that all Councilmembers are familiar with and understand the City of Morro Bay's philosophies and policies regarding serving on the City Council, the City of Morro Bay adopted Resolution 46-02 and its Council Policies and Procedures Manual on August 12, 2002; and

WHEREAS, the City desires to amend certain Sections the Council Policies and Procedures Manual related to Retirement, Medical, Dental, Vision and Life Insurance, as follows:

2.2 RETIREMENT, MEDICAL, DENTAL, VISION, AND LIFE INSURANCE

The Mayor and Council Members are required to participate in P.A.R.S. retirement. The City shall pay a contribution to P.A.R.S. equal to 1% of salary. The City shall pay, in full, the cost of the Mayor's and Council Members' participation in lowest cost HMO or PPO medical plan (self-only), dental, vision, and life insurance. ~~Any unexpended amount in medical will be distributed to the Mayor and Council Members. (Reso. 28-10), (part)~~

NOW, THEREFORE, be it resolved that the City Council of the City of Morro Bay does hereby amend certain Sections of the Council Policies and Procedures Manual to reflect the above amendments to be effective January 1, 2014.

PASSED AND ADOPTED by the City Council, City of Morro Bay at a regular meeting thereof held on the 12th day of November, 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMIE L. IRONS, Mayor

ATTEST:

JAMIE BOUCHER, City Clerk



AGENDA NO: A-9

MEETING DATE: November 12, 2013

Staff Report

TO: Honorable Mayor and City Council **DATE:** November 6, 2013

FROM: Rob Livick, PE/PLS, Public Services Director/ City Engineer
Steve Knuckles, Fire Chief
Brian Paul Cowen, PE, Building Inspector

SUBJECT: Adoption of Ordinance No. 583; Repealing, Amending, and Reenacting Chapters 14.01-14.12 and 14.52 of the City of Morro Bay Municipal Code (Buildings and Construction)

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 583; repealing, amending, and reenacting Chapters 14.01-14.12 and 14.52 of the City of Morro Bay Municipal Code (Buildings and Construction) to incorporate the 2013 California Building Standards Code, as adopted by the State of California, and the local modifications thereto.

ALTERNATIVES

Staff does not recommend any alternatives to Adopting Ordinance No. 583, Building Code Update.

FISCAL IMPACT

None.

SUMMARY

Ordinance No. 583 was brought before the City Council for introduction and first reading on October 22, 2013.

CONCLUSION

Staff recommends that the City Council adopt Ordinance No. 583; repealing, amending, and reenacting Chapters 14.01-14.12 and 14.52 of the City of Morro Bay Municipal Code (Buildings and Construction) to incorporate the 2013 California Building Standards Code, as adopted by the State of California, and the local modifications thereto.

ATTACHMENTS

Attachment 1- Ordinance No. 583

Prepared By: BC

Dept Review: RL

City Manager Review: _____

City Attorney Review: _____

ORDINANCE NO. 583

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF MORRO BAY;
REPEALING, AMENDING, AND REENACTING CHAPTERS 14.01-14.12 and 14.52
OF THE MORRO BAY MUNICIPAL CODE
(BUILDINGS AND CONSTRUCTION)**

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

**CERTAIN STATE AND MODEL CODES RELATING TO FIRE AND LIFE SAFETY AS
FOLLOWS:**

1. 2013 California Building Code (volumes 1 and 2)
2. 2013 California Residential Code
3. Appendix Chapter 33 of the 1997 Uniform Building Code
4. 2013 California Electrical Code
5. 2013 California Mechanical Code
6. 2013 California Plumbing Code
7. 2013 California Energy Code
8. 2013 California Historical Building Code
9. 2013 California Fire Code
10. 2013 California Existing Building Code
11. 2013 California Green Building Code
12. 1997 Uniform Housing Code
13. 1997 Uniform Code for the Abatement of Dangerous Buildings

WHEREAS, Government Code § 50022, et.seq. and Health and Safety Code § 17922 authorize the City to adopt by reference the California Building Standards Code as provided in Titles 24 and 25 of the California Code of Regulations and other codes, including, without limitation, the Uniform Housing Code, the Uniform Code for the Abatement of Dangerous Buildings and Appendix Chapter 33 of the 1997 Uniform Building Code; and

WHEREAS, Pursuant to Health and Safety Code § 17950 and 18938(b), the California Building Standards Code is applicable to all occupancies throughout the State of California, whether or not the City takes affirmative action to adopt the California Building Standards Code; and

WHEREAS, Health and Safety Code § 17960, requires a local building department to enforce State Housing Law, the California Building Standards Code, and the implementing regulations of the Department of Housing and Community Development for residential structures; and

WHEREAS, Health and Safety Code § 17958.5 allows the City may make those changes or modifications to the requirements contained in the provisions published in the California Building Standards Code as it determines, pursuant to the provisions of Health and Safety Code § 17958.7, are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, Pursuant to Health and Safety Code § 18941.5, certain express findings have been made and are as follows:

FINDINGS

1. The topographic, underlying geologic and surface soil conditions of the hillsides of the City of Morro Bay are of a gradient and composition such that movement has historically been known to occur. Soils testing has revealed the presence of potentially hazardous geologic conditions, including expansive soils, questionable soils, soils prone to liquefaction and seasonally high ground-water. Therefore, it is reasonably necessary to adopt regulations for grading operations that are more detailed and restrictive than those adopted by the State of California and codified in the California Building Standards Code. More particularly, this finding supports the adoption of Appendix Chapter 33 of the 1997 Uniform Building Code and modification of Appendix J of the California Building Code.
2. Due to topographic and geologic conditions, development in Morro Bay has historically been constrained such that building occurred predominantly in the flatter areas, a scarcity of which resulted in the creation of small lots and the construction of structures in relative close proximity to one-another. These conditions are known to be conducive to the spread of fire and therefore, it is reasonably necessary to adopt standards more restrictive than those adopted by the State of California and codified in the California Building Standards Code and California Fire Code for the installation of automatic fire sprinklers on new and existing buildings, limiting the use of wood shakes or shingles, requiring that elevator cars be constructed to accommodate an ambulance stretcher, and to otherwise establish construction and fire prevention regulations more restrictive than those adopted by the State of California and codified in the California Building Standards Code to reduce and minimize the potential for loss of and damage to life and property resulting from fire, hazardous materials, explosions and to protect firefighters and emergency personnel during emergency operations. More particularly, this finding supports the modification of California Building Code section 1505.1, California Fire Code sections 302.1, 903.3.1.1 and 4504.1, California Residential Code sections R313.1 and R313.2, California Electrical Code Article 230-70(A)(1), the deletion of Sections 903.2 through 903.2.10.1 of the California Fire Code and the addition of section R313.3.3.5 to the Residential Code, and sections 308.1.1.1, 308.1.6.3, 511, 901.4.7 and 903.2 to the Fire Code.

3. Due to topographic conditions and in order to protect the estuarine environment of and adjacent to the City of Morro Bay, it is reasonably necessary to adopt regulations more restrictive than those adopted by the State of California and codified in the California Building Standards Code, creating more stringent thresholds for when a building permit is required for construction of sidewalks, driveways, decks, paving, or flatwork, prohibiting the construction of private sewage disposal systems and requiring the installation of sewer backwater valves. More particularly, this finding supports the modification of California Building Code Section 105.2, California Plumbing Code section 713.0, and the addition of Plumbing Code section 709.5.

NOW, THEREFORE, the City Council of the City of Morro Bay does ordain as follows:

Chapters 14.01-14.12 and 14.52 of the Morro Bay Municipal Code are hereby repealed, amended, and reenacted to read as follows:

Chapter 14.01

GENERAL

Sections:

14.01.010	Title and Purpose.
14.01.020	Adoption of Codes .
14.01.030	Building Official and Fire Chief Designated.

14.01.010 Title and Purpose.

This title shall be known and may be cited as "The Buildings and Construction Ordinance of the City of Morro Bay," Title 14 of the Morro Bay Municipal Code. These regulations are hereby established and adopted to protect and promote public health, safety and welfare. This title establishes minimum regulations for construction, fire prevention, and the use and occupancy of buildings and other structures. This title prescribes regulations and standards that are consistent with the State Housing Law of California.

14.01.020 Adoption of Codes.

Thirteen documents, one each of which are on file in office of the Building Official, identified by the seal of the City of Morro Bay, marked and designated as the:

1. 2013 California Building Code (volumes 1 and 2),
2. 2013 California Residential Code,
3. Appendix Chapter 33 of the 1997 Uniform Building Code, published by the International Conference of Building Officials,
4. 2013 California Electrical Code,
5. 2013 California Mechanical Code,
6. 2013 California Plumbing Code,
7. 2013 California Energy Code,
8. 2013 California Historical Building Code,
9. 2013 California Fire Code,
10. 2013 California Existing Building Code,
11. 2013 California Green Building Code,
12. 1997 Uniform Housing Code, published by the International Conference of Building Officials,
13. 1997 Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials;

are hereby adopted, including chapters and sections not otherwise adopted by agencies of the State of California, and the appendices thereto as the buildings, construction, and fire prevention

regulations of the City of Morro Bay. The provisions of the above-mentioned are hereby referred to, adopted, and made a part hereof as if fully set out in this title except as modified hereinafter.

14.01.030 Building Official and Fire Chief Designated.

The City's Public Services Director/ City Engineer is hereby designated as the Building Official and Code Official for the City of Morro Bay. The Fire Chief is hereby designated as the Fire Code Official for the City of Morro Bay. Where the "authority having jurisdiction" is used in the adopted codes, it shall mean the Building Official or the Fire Chief, as applicable.

14.02

ADMINISTRATION AND ENFORCEMENT

Sections:

14.02.010 Administration and Enforcement.

14.02.020 Modification of Division II of Chapter 1 of the California Building Code.

14.02.010 Administration and Enforcement.

The Administration and Enforcement of this title shall be in accordance with Division II of Chapter 1 of the California Building Code as adopted and modified, amended, and/ or supplemented herein.

14.02.020 Modifications of Division II of Chapter 1 of the California Building Code.

The California Building Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows:

A. Amend Section 103.1 to read as follows:

103.1 Creation of Enforcement Agency. The Building Division of the Public Services Department of the City of Morro Bay is hereby created and the official in charge thereof shall be known as the Building Official. Where reference is made to the Authority Having Jurisdiction or Code Official in the adopted Codes, it shall mean the Building Official.

B. Add Section 104.8.1 to read as follows:

104.8.1 Liability or Responsibility due to Error or Omission. This title shall not be construed so as to impose upon the City, or upon any of its officials or employees, any liability or responsibility for injury or damage resulting from any work approved or performed with respect to this title, or by reason of any inspection performed hereunder. No person shall be relieved of the responsibility of compliance with this title because of an error or omission made by a city official or employee.

C. Add Section 104.9.2 to read as follows:

104.9.2 Cargo Containers, Rail Cars, and Vehicle Bodies. Any person who intends to bring into the City or otherwise use, alter or relocate within the City any

cargo container, streetcar, boxcar, refrigerator car, motorbus body or similar vehicle body for the purpose of use or occupancy, shall first make application to the Building Official and obtain the required permit. The application shall demonstrate that the proposed use, occupancy, structure, construction, and/ or alteration will conform to the provisions of this title.

D. Amend Section 105.2, Building Exception 6 to read as follows :

6. Sidewalks, driveways, decks, paving, or flatwork not more than 30 inches (762 mm) above adjacent grade, not exceeding 200 square feet, not over any basement or story below, and not part of an accessible route.

E. Amend Section 109.2 to read as follows:

109.2 Schedule of permit fees. Permit fees shall be as prescribed in the Master Fee Schedule.

F. Amend Section 113 to read as follows:

SECTION 113 BOARD OF APPEALS

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the technical provisions this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the City Council and hold office at its pleasure. The Building Official shall be an ex officio member and shall act as secretary to the board but shall have no vote upon any matter before the board. The board shall adopt rules of procedure for conducting its business.

The board of appeals shall also serve as the Local Appeals Board, Housing Appeals Board, and Accessibility Appeals Board, as defined in Health and Safety Code § 17920.5, 17920.6 and 19957.5.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code, nor shall the board have any authority to relative to the administration of this code.

113.3 Qualifications. The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the appeal and are not employees of the jurisdiction. Two members of the Accessibility Appeals Board shall be physically handicapped, two members shall be persons experienced in construction, and one member shall be a public member.

113.4 Appointment. Upon receipt by the Building Official, of a qualified application for appeal, the Building Official shall within 60 days, recommend to the City Council five persons who, based on their qualifications and experience, appear to be suited to hear and decide the appeal. Upon finding that those individuals indeed appear to be qualified to hear and deciding the appeal, the City Council shall appoint those persons and they shall be known as the Board of Appeals and shall have the authority and be tasked with the duties thereof for the purposes of hearing and deciding that specific appeal.

G. Amend Section 114.4 to read as follows:

114.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, extends, repairs, moves, removes, demolishes or occupies any building, structure, or equipment in violation of the approved construction documents, a directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be subject to fines and penalties as established in Title 1 of the Morro Bay Municipal Code, in addition to other penalties as prescribed by law.

H. Add Section 114.5 to read as follows:

114.5 Authority to Arrest Persons. The building official shall be a public employee and not a peace officer, but shall have the authority to arrest persons pursuant to California Penal Code Section 836.5 for violations of Title 14 of the Morro Bay Municipal Code. If and whenever any code adopted by reference confers upon the building official the status of a law enforcement officer, the provisions of this section shall supersede the adopted code and the building official shall be a public employee and not a peace officer.

Chapter 14.03

BUILDING CODE

14.03.010 Modifications of the California Building Code.

The California Building Code, adopted in Section 14.01.020, is hereby modified, amended, and/or supplemented as follows:

A. Adopt appendices H, I and J. Delete appendices A, B, C, D, E, F, G, K, L and M.

B. Amend Section 1505.1 to read as follows:

1505.1 General. Roof assemblies shall be divided into the classes defined below. Class A, B, and C roof assemblies and roof coverings required to be listed by this section shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire-retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2898. The minimum roof coverings installed on buildings shall comply with Table 1505.1 based on the type of construction of the building.

For the purposes of this section, any building surface flatter than forty-five degrees to the horizontal shall be considered a roof and shall not be covered by wood shakes or shingles, except as otherwise allowed by this Code.

Exception: Skylights and sloped glazing that comply with Chapter 24 or Section 2610.

C. Amend Appendix J by reference to contain the text of Appendix Chapter 33 of the 1997 Uniform Building Code, which shall have the same force and effect as if printed here in its entirety and is hereby modified, amended, and/or supplemented as follows:

1. Amend Section 3309.2 to read as follows:

3309.2 Administration. The provisions of Division II of Chapter 1 of the California Building Code shall apply to the administration and enforcement of this chapter.

2. Amend Section 3309.7 to read as follows:

3309.7 Liquefaction Study. A study of the liquefaction potential of the site shall be provided, and the recommendations incorporated into the plans.

Exception: The Building Official may waive this requirement where it is determined by the geotechnical engineer or engineering geologist that the potential for liquefaction at the site is low.

3. Delete Section 3309.9.

4. Delete Section 3310.

Chapter 14.04

RESIDENTIAL CODE

14.04.010 Modifications of the California Residential Code.

The California Residential Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows:

- A. Delete Division II of Chapter 1. Administration and Enforcement of the Residential Code shall be as set forth in the California Building Code. Fees shall be as prescribed in the Master Fee Schedule.
- B. Adopt Appendices H and O. Delete Appendices A, B, C, D, E, F, G, I, J, K, L, M, N, P and Q.
- C. Amend Section R313.1 and R313.2 to read as follows:

R313.1 Townhouse and One and Two-family dwellings automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in all new townhouses and one and two family dwellings, and in all existing townhouses and one and two family dwellings where alteration results in an increase in floor area in excess of 50 percent, or 1000 square feet. This section shall be applicable to mobile homes and factory-built housing not located in a mobile home or special occupancy park.

R313.2 Determination of Floor Area. For the purposes of this section, floor area shall be defined as the area within the exterior walls of the building under consideration. The floor area of a building, or portion thereof, not provided with surrounding walls, shall include the usable area under the horizontal projection of the roof or floor above.

For the purposes of this section, buildings shall be considered separate when:

1. The fire separation distance as defined in CBC Sec. 702.1 is not less than that permitted in CBC Table 705.8 where unprotected openings are allowed in an exterior wall of a non-sprinklered building, or
2. The buildings are structurally independent, the adjoining walls are constructed of fire-resistant construction as prescribed in CBC Table 602 without openings or penetrations, projections comply with CBC Section 705.2, and parapets are constructed where required by CBC Section 705.11.

D. Add Section R313.3.3.5 to read as follows:

R313.3.3.5 Waterflow Alarm. A local waterflow alarm and remote inspector's test valve, installed in accordance with NFPA 13, shall be installed on all sprinkler systems.

Chapter 14.05

ELECTRICAL CODE

14.05.010 Modifications of the California Electrical Code.

The California Electrical Code, adopted in Section 14.01.020, is hereby modified, amended, and/or supplemented as follows:

A. Delete annexes A, B, C, D, E, F, G,H and I. Administration and Enforcement of the Electrical Code shall be as set forth in the California Building Code. Fees shall be as prescribed in the Master Fee Schedule.

B. Amend Article 230-70(A)(1) to read as follows:

230-70(A)(1) Readily Accessible Location. A service disconnecting means shall be installed at a readily accessible location either outside the building or structure, or inside nearest the point of entrance of the service conductors.

The disconnecting means shall be accessible to emergency personnel, either directly or by a remote actuating device, without requiring travel through the building interior.

Chapter 14.06

MECHANICAL CODE

14.06.010 Modifications of the California Mechanical Code.

The California Mechanical Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows:

- A. Delete Division II of Chapter 1 and Table 114.1. Administration and Enforcement of the Mechanical Code shall be as set forth in the California Building Code. Fees shall be as prescribed in the Master Fee Schedule.

- B. Adopt appendices A, B, C, D, E, F and G.

Chapter 14.07

PLUMBING CODE

Sections:

- 14.07.010** **Modifications of the California Plumbing Code**
- 14.07.020** **Retrofitting with water-saving devices required.**
- 14.07.030** **Required sewer backwater valve.**

14.07.010 Modifications of the California Plumbing Code.

The California Plumbing Code, adopted in Section 14.01.020, is hereby modified, amended, and/or supplemented as follows:

A. Delete Division II of Chapter 1 and Table 103.4. Administration and Enforcement of the Plumbing Code shall be as set forth in the California Building Code. Fees shall be as prescribed in the Master Fee Schedule.

B. Adopt Appendix K . Delete appendices A, B, C, D, E, F, G, H, I, J,K and L.

C. Add Section 709.5 to read as follows:

709.5 A Backwater Valve, extended to and accessible from grade for maintenance, shall be installed on every Building Sewer.

Exception: Installation of a Backwater Valve shall not be required when, to the satisfaction of the Building Official, it is determined that the intent and purpose of this section is otherwise met.

D. Amend Section 713.0 to read as follows:

713.0 Sewer Required.

713.1 Every building in which plumbing fixtures are installed and every premises having drainage piping thereon shall have a connection directly to a public or private sewer.

713.2 Private Sewage Disposal Systems shall not be permitted.

14.07.020 Retrofitting with water-saving devices required.

A. Every property owner, prior to the sale or transfer of any real property upon which is located any structure connected to the city's water supply shall retrofit the structure with the water-saving devices required for new construction as set forth in this title. In cases where the Building Official determines the use of such fixtures in existing structures would fail to meet the requirements of the Plumbing Code, fixtures using the least amount of water which do meet the requirements of the Plumbing Code shall be utilized.

B. In cases where a buyer intends to demolish all structures on such property within ninety days from the date of transfer, the structure need not be retrofitted prior to transfer; provided a covenant and a bond are filed with the city as follows:

1. The property owner shall file with the city clerk a notarized covenant agreeing to either demolish all structures located on the property connected to the city water system, within ninety days from the date of transfer or to perform the retrofit required in subsection A of this section, together with a faithful performance bond, in a form satisfactory to the city in an amount equal to one hundred and fifty percent of the full cost of retrofitting all such structures securing faithful performance of the agreement.

2. The agreement shall also authorize and grant the city permission to enter onto the property and to perform such retrofit in the event the property owner fails to do so. Further, the property owner shall agree to reimburse the city for all cost incurred by the City in the event the bond is insufficient.

C. Determination of compliance with the requirements of subsection A shall be made by the Building Official after an inspection performed by the Building Official or a qualified plumbing contractor under the supervision of the Building Official, who shall issue a certificate indicating same to the seller or title company involved. Seller shall pay the fee set forth in the Master Fee Schedule for such retrofit inspection at the time seller submits the request for the retrofit inspection. No property transfer shall be recorded until such certificate has been received by the seller and transferred with the title to the buyer. If noncompliance is found, the property owner (both seller and buyer) and any title company involved in the transfer shall be in violation of this code and subject to those penalties as prescribed in Title 1 of the Morro Bay Municipal Code.

14.07.030 Required sewer backwater valve.

A. Any existing lateral sewer piping upon any premises which services fixtures whose elevation is lower than the elevation of the first upstream sewer manhole rim, lamp hole, or

pump station receiving manhole, and for which the city has record of a previous sewage backflow incident involving a clogged sewer main shall be protected from backflow of sewage by installing backwater valves of a type approved by the Building Official. The property owner shall be required to provide and install such device.

B. If the property owner fails to install and maintain a backwater valve in good working condition when required under this section, the Building Official may declare said sewer connection to be a nuisance and abate such nuisance pursuant to Section 8.12.010 et seq. of this code by installing an approved-type backwater valve at the owner's expense. Said property owner may, in addition, be subject to fines as outlined in subsection E of this section.

C. All house connection sewers, industrial sewers, private sewage disposal systems and appurtenances thereto, now existing, or hereafter constructed, shall be maintained by the owner of the property in a safe and sanitary condition and all devices or safeguards which are required by this section for the operation thereof shall also be maintained in a good working order by the owner. It shall be the property owner's responsibility to maintain that portion of the sewer to the public main, including the connection to the public main.

D. The director of public works, the health officer, and other duly authorized employees of the city and the health department bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this section. The director of public works, the health officer, or their representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste treatment.

E. Violations and Penalties. Any person who is convicted of violation of any provisions of this section is guilty of an infraction punishable as provided in Chapter 1.16 of this code.

Chapter 14.08

FIRE CODE

Sections:

- 14.08.010. Purpose.**
- 14.08.020. Bureau of fire prevention.**
- 14.08.030. Fire district established.**
- 14.08.040. Penalties for turning in false alarms.**
- 14.08.050. Fire injury report.**
- 14.08.060. Storage of gasoline driven vehicles.**
- 14.08.070. Citation powers.**
- 14.08.080. Fire Hazard Severity Zones**
- 14.08.090. Modifications of the California Fire Code**

14.08.010. Purpose.

This chapter shall be known and may be cited as “The Fire Prevention Regulations of the City of Morro Bay”, Chapter 8 of Title 14 of the Morro Bay Municipal Code. This chapter prescribes minimum regulations to reduce and minimize the potential for loss of and damage to life and property resulting from fire, panic, hazardous materials, and explosions.

14.08.020. Bureau of fire prevention.

The California Fire Code shall be enforced by the fire department or building division of the public services department under the supervision of the Fire Chief.

14.08.030. Fire district established.

The entire incorporated area of the city is declared to be and is established a fire district.

14.08.040. Penalties for turning in false alarms or for conviction of intentionally setting a fire.

Individuals responsible for turning in false alarms shall be responsible for the cost the fire department incurs while responding to the alarm. The cost of the false alarm shall be determined in accordance with the master fee schedule. The intent of this section is not to penalize those persons who make honest mistakes. Persons convicted of intentionally setting a fire in violation of any law or ordinance within the city limits shall pay the cost of fighting that respective fire.

14.08.050. Fire injury report.

Any physician, first aid station, ambulance company or persons who treat or aid any person injured by a fire, explosion or chemical burn within the municipality shall, within twenty-four hours, report such treatment and pertinent information to the fire department.

14.08.060. Storage of gasoline driven vehicles.

No one shall store, repair or use any motorcycle, moped or any other gasoline driven vehicle inside of any dwelling. Storage and repair of gasoline driven vehicles are permitted in garage areas adjacent to dwellings.

14.08.070. Citation powers.

The Fire Chief, Fire Marshal and full-time safety members of the Fire Department shall have the powers of a Peace Officer in performing their duties under this Code, and shall have the powers of a Peace Officer as provided in California Penal Code, Sections 830.31 and shall have the authority to issue citations as provided in Title 1 of the Morro Bay Municipal Code.

14.08.080. Fire Hazard Severity Zones.

A. Purpose and Intent. The purpose of this chapter is to provide authority for the identification of local fire hazard severity zones and provide authority for enforcement of state and local codes in these zones. The intent of this chapter is to reduce the potential for fire losses by providing minimum requirements for the protection of properties constructed in very high hazard severity zones and other wildland/urban interface areas designated by the fire chief and supported by substantial evidence.

B. Designation-Recommendation. The fire chief is hereby authorized to designate very high fire hazard severity zones within one hundred twenty days of receiving recommendations from the California Department of Forestry and Fire Protection.

C. Designation-Not identified. The fire chief may designate areas not identified as very high fire hazard Severity Zones by the California Department of Forestry and Fire Protection following a finding supported by substantial evidence in the record that the requirements for very high fire hazard severity zones are necessary for effective fire protection within the area(s).

D. Designation-Declined. The fire chief may decline to designate areas identified by the California Department of Forestry and Fire Protection as Very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements for very high fire hazard severity zones are not necessary for effective fire protection with the area(s).

E. Supported by substantial evidence in the record. "Supported by substantial evidence in the record" shall require the city council to hold a public hearing and make findings

that there is competent substantial evidence in the record to support the fire chief's designation as fire hazard areas.

F. Enforcement. The Building Official shall enforce the provisions of Chapter 7A of the California Building Code and Chapter 49 of the California Fire Code in all very high fire hazard severity zones and other areas designated by the Fire Chief and supported by substantial evidence in the record.

G. Permits. All submittals for subdivision, entitlement, or building permits shall demonstrate that the proposed project allows for compliance with the provisions of Government Code Section 51182 and Public Resource Code Section 4291, except where otherwise allowed by law, to the satisfaction of the Fire Chief and the Building Official.

14.08.090. Modifications of the California Fire Code.

The California Fire Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows:

A. Adopt Appendix Chapter 4 and appendices B, BB, C, CC, D, H, I, and K. Delete appendices A, E, F, G and J.

B. Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Fire Code of the City of Morro Bay.

C. Section 103.1 is amended to read as follows:

Section 103.1 General. The Fire Department of the City of Morro Bay is hereby established and the person in charge thereof shall be known as the Fire Chief. Where the Code uses the term Fire Official, it shall mean the Fire Chief.

D. Section 113.2 is amended to read as follows:

113.2 Schedule of permit fees.

Fees shall be paid in accordance with the Master Fee Schedule.

E. Section 302.1, "Definitions," is amended to add the following definition:

SKY LANTERN. An airborne lantern typically made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. Sky candles, fire balloons and airborne paper lanterns mean the same as sky lanterns.

F. Section 507.5.4 is amended to read as follows:

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

The Fire Chief shall have the authority to remove or cause to be removed, without notice, any vehicle, vessel, or object that is in violation of this section. The owner of said item, so removed, shall be responsible for all towing, storage, or other costs incurred therein.

G. Section 308.1.1.1 is added to read as follows:

308.1.1.1 Burning Prohibited. Open burning, bon fires, recreational fires, and all other outdoor fires are prohibited.

Exception:

Barbeques and portable outdoor fireplaces that conform with the following provision are allowed.

1. Fires shall be conducted at a safe distance from and in accordance with the applicable manufacturer's instructions to prevent the spread of fire to adjacent structures or other combustible materials.
2. Fire shall be contained in a non-combustible container, not to exceed 3 feet in diameter and 2 feet in height.
3. Fuel loading shall not exceed 3 feet in diameter or 2 feet in height.
4. Fire shall be fueled by propane, natural gas, charcoal, dried wood, commercial fire logs, or pellets. Fuels shall not include green waste, yard trimmings, pressure treated wood, trash, plastic, or other noxious or hazardous materials.
5. Ground fires, sub-surface or pit fires, and earth floored fire rings are prohibited.
6. If in the opinion of the Fire Chief or his or her designee, a fire is potentially hazardous or smoke is causing a nuisance, the fire shall be extinguished immediately.

H. Section 308.1.6.3 is added to read as follows:

308.1.6.3 Sky Lanterns. The ignition and launching of sky lanterns is prohibited.

Exception: The ignition and launching of sky lanterns may be allowed, subject to the approval of a permit by the Chief, where it has been determined that adequate safeguards will be in place.

I. Section 511 is added to read as follows:

**SECTION 511
FIRE SERVICE ELEVATOR**

511.1 Elevator car to accommodate ambulance stretcher. Where elevators are provided, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches with not less than 5-inch radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches high and shall be placed inside on both sides of the hoistway door frame.

Exception: Elevators located within one- and two-family dwellings and townhouses.

J. Section 901.4.5 is added to read as follows:

901.4.7 Partial Sprinkling of Buildings. Partial sprinkling of buildings shall not be permitted, except where otherwise allowed by NFPA 13R, 13D, and Section 903.3.1.1.1.

K. Delete Sections 903.2 through 903.2.10.1.

L. Add Section 903.2 to read as follows:

903.2 Where Required. An approved automatic fire sprinkler system shall be installed throughout:

1. All **new** buildings exceeding 1000 square feet of floor area.

Exceptions:

- a. A structure containing only Group A, Division 5 occupancy.
 - b. Agricultural accessory buildings and greenhouses.
2. All **new** buildings and structures on the west side of Embarcadero Road.

Exception:

Installation of an automatic fire sprinkler system shall not be required when, to the satisfaction of the Fire Chief and the Building Official, it is demonstrated that the proposed construction, use, and occupancy are minor in scope and nature, that the installation of an automatic fire sprinkler system would be impractical, and that the intent and purpose of this section is otherwise met.

3. All **existing** buildings exceeding 1000 square feet of floor area, where an automatic fire sprinkler system does not already exist, and a change in the character of use or occupancy is made, which increases the fire hazard level.
4. All **existing** buildings, where alterations result in:
 - a. An increase in floor area in excess of 50 percent, or
 - b. An increase in floor area in excess of 1000 square feet.

903.2.1 Determination of Floor Area. For the purposes of this section, floor area shall be defined as the area within the exterior walls of the building under consideration. The floor area of a building, or portion thereof, not provided with surrounding walls, shall include the usable area under the horizontal projection of the roof or floor above.

For the purposes of this section, buildings shall be considered separate when:

1. The fire separation distance as defined in CBC Sec. 702.1 is not less than that permitted in CBC Table 705.8 where unprotected openings are allowed in an exterior wall of a non-sprinklered building, or
2. The buildings are structurally independent, the adjoining walls are constructed of fire-resistant construction as prescribed in CBC Table 602 without openings or penetrations, projections comply with CBC Section 705.2, and parapets are constructed where required by CBC Section 705.11.

M. Amend Section 903.3.1.1 to read as follows:

903.3.1.1 NFPA 13 sprinkler systems. Where other provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in

accordance with this section, or where a building contains two or more occupancies or uses, sprinklers shall be installed throughout in accordance with NFPA 13 as amended in Chapter 47 except as provided in Section 903.3.1.1.1.

N. Section 3604.1 is amended to read as follows:

3604.1 General. Piers, marinas, docks, fuel docks, wharves and similar boat mooring facilities shall be equipped with fire protection equipment in accordance with Section 4504.2 through 4504.6 and as otherwise required by the Chief.

O. Section 5609 is added to read as follows:

SECTION 5609
SALE AND USE OF FIREWORKS

5609. Sale and Use of Fireworks Unlawful. The sale or use of fireworks, pyrotechnics, and others explosives shall be unlawful.

Exceptions:

1. The sale of fireworks, approved by the State Fire Marshal as “safe and sane,” shall be permitted, subject to the approval of a permit by the Chief.
2. The use of fireworks, approved by the State Fire Marshal as “safe and sane,” shall be permitted on private property only.
3. Public fireworks displays may be allowed, subject to the approval of a permit by the Chief.
4. Pyrotechnics for use in movie industry operations may be allowed, subject to the approval of a permit by the Chief.
5. This section shall not apply to the sale and use of State Fire Marshal approved and listed party poppers and snap caps.

Chapter 14.09

EXISTING BUILDING CODE

14.09.010 Modifications of the California Existing Building Code

The California Existing Building Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows and shall be the technical strengthening provisions for buildings subject to Chapter 14.18 of this title:

A. Amend Section A102.1 of Appendix Chapter A1 to read as follows:

A102.1 General. The provisions of this chapter shall apply to all existing buildings having at least one unreinforced masonry bearing wall. The elements regulated by this chapter shall be determined in accordance with Table A1-A. Except as provided herein, other structural provisions of the building code shall apply. This chapter does not apply to the alteration of existing electrical, plumbing, mechanical or fire safety systems.

Exception: This section shall not apply to detached one-family or two-family dwellings and detached apartment houses containing less than five dwelling units and used solely for residential purposes.

Chapter 14.10

RESERVED

Chapter 14.11

HOUSING CODE

14.11.010 Modifications of the Uniform Housing Code.

The 1997 Uniform Housing Code, adopted in Section 14.01.020, shall have the full force and effect as if printed here in its entirety and is hereby modified, amended, and/ or supplemented as follows:

- A. Amend Section 103 to read as follows:

SECTION 103-SCOPE

The provisions of this code shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation. Such occupancies in existing buildings may be continued as provided in Chapter 34 of the Building Code, except such structures as are found to be substandard as defined in this code.

Where any building or portion thereof is used or intended to be used as a combination apartment house- hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.

Rooming houses, congregate residences or lodging houses shall comply with all requirements of this code for dwellings.

- B. Amend Section 104.1 to read as follows:

104.1 Additions, Alterations, or Repairs. For additions, alterations or repairs, see Chapter 34 of the Building Code.

- C. Amend the following definitions, located in Section 401, to read as follows:

BUILDING CODE is the California Building Code, as adopted and amended by this jurisdiction.

HEALTH OFFICER is the legally designated head of the San Luis Obispo County Department of Public Health.

MECHANICAL CODE is the California Mechanical Code, as adopted and amended by this jurisdiction.

PLUMBING CODE is the California Plumbing Code, as adopted and amended by this jurisdiction.

Chapter 14.12

DANGEROUS BUILDINGS CODE

14.12.010 Modifications of the Uniform Code for the Abatement of Dangerous Buildings.

The 1997 Uniform Code for the Abatement of Dangerous Buildings, adopted in Section 14.01.020, shall have the full force and effect as if printed here in its entirety and is hereby modified, amended, and/ or supplemented as follows:

- A. Amend Section 103 to read as follows:

SECTION 103- ALTERATIONS, ADDITIONS AND REPAIRS

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of Chapter 34 of the Building Code.

- B. Amend the following definitions, located in Section 301, to read as follows:

BUILDING CODE is the California Building Code, as adopted and amended by this jurisdiction.

HOUSING CODE is the 1997 Uniform Housing Code, as adopted and amended by this jurisdiction.

Chapter 14.52

MARINE DOCKS AND STRUCTURES

Sections:

- 14.52.010 Floating docks.**
- 14.52.020 Definitions.**
- 14.52.030 Permits required.**
- 14.52.040 Application for permit.**
- 14.52.050 Parking requirements.**
- 14.52.060 Safety.**
- 14.52.070 Sanitation.**
- 14.52.080 Floating dock construction.**
- 14.52.090 Large floating dock construction.**
- 14.52.100 Small private floating dock construction.**
- 14.52.110 Materials except for private floating docks.**
- 14.52.120 Flotation for all floating docks.**
- 14.52.130 Gangway design.**

14.52.010 Floating docks.

The intent of this chapter is to regulate floating docks and marina construction as defined in this chapter within the city limits. The design and specification criteria is in addition to all other city codes, ordinances and rules and regulations and is in addition to applicable laws or statutes of the United States or the state and to any applicable rule, regulation, or order of any state or federal agency. (Ord. 37 § 1 (part), 1965: prior code § 4270)

14.52.020 Definitions.

A. "Floating dock" means a moorage for boats, ships and sailing vessels supported by a buoyant method acceptable to this chapter which may or may not be attached to land. For purposes of this chapter, floating docks are further classified in this section as public floating docks and private floating docks limited to single family use.

B. "Floating marina" means a moorage defined as a floating dock which has buildings or equipment and/or structures on it used for service to boats. (Ord. 37 § 1 (part), 1965: prior code § 4271)

14.52.030 Permits required.

It is unlawful for any person to commence, or cause to be commenced, any construction of any floating dock or marina or other similar work governed by this chapter without having first obtained a permit evidencing approval of the city building department of all construction plans, specifications and schematic and working drawings pursuant to which such structure is to be constructed, all as provided in this chapter. After the issuance of such permit and approval of such plans and specifications and other documents, the construction of such approved structure or facility shall be in strict compliance with such approved plans, specifications and documents. See Master Fee Schedule. (Ord. 225 § 78, 1982; Ord. 37 § 1 (part), 1965: prior code § 4272(a))

14.52.040 Application for permit.

The applicant for a permit for the construction of any floating dock or marina or other facility of a similar nature governed by this chapter shall submit to the planning and building department of the city the following:

A. Three copies each of the plot plan (including the parking layout), full construction plans and specifications, complete working drawings, schematic drawings of electrical and mechanical work, and other similar documents;

B. Evidence that an encroachment permit has been obtained from the city if the construction work is to be done on or abutting city property;

C. Evidence that the applicant has the approval of the owner of the property over which the facility is to be located and the abutting land area to construct such facility;

D. Evidence that the applicant has complied with all applicable statutes and laws of the United States, or the state, and with all applicable rules, regulations and orders of any state or federal agency;

E. Where the approval of any other city or county department or agency is required, evidence that such approval has been obtained;

F. Where the applicant seeks a permit for construction of a floating marina or any floating dock in excess of four hundred square feet in area or fifty feet in length measured perpendicular to the shoreline, evidence that a California Registered Civil Engineer or Licensed Architect has prepared the plans and specifications for the construction thereof;

G. The complete design criteria on which the plans and specifications for such facility are based, including the severity of the design wave action; and

H. Any other information reasonably required by the planning and building department in order to evaluate the proposed facility. (Ord. 37 § 1 (part), 1965: prior code § 4272(b))

14.52.050 Parking requirements.

A. Commercial boat docking facilities shall provide one vehicle parking space for each one and one-half mooring spaces and/or each twenty-five lineal feet of dock, plus one added space for each two employees. Parking spaces shall be located within one thousand feet of the mooring or dock spaces.

B. Parking requirements for commercial facilities housed in buildings, such as restaurants, which are used in conjunction with a marina or dock facility shall be the same as required by Title 17, zoning.

C. All other parking shall conform to the standards established in Title 17, zoning. (Ord. 66 § 16, 1967; Ord. 37 § 1 (part), 1965: prior code § 4273)

14.52.060 Safety.

Firefighting appliances and equipment shall be provided and maintained in an operable manner for all commercially operated marinas and dock facilities, as specified by ordinances of the city, and all installations shall be subject to the approval of the chief of the fire department.

Domestic water service to any floating facility shall meet minimum requirements established by the department of public works, and the county health department and such approval shall be made a part of the construction plans.

Illumination shall be provided at passenger loading areas of commercial piers, floats and docks. All railing on floating facilities shall be designed for a minimum twenty pound lineal foot

horizontal load applied at the top railing. The minimum height of the railing shall be forty-two inches above adjacent floor level. (Ord. 37 § 1 (part), 1965: prior code § 4274)

14.52.070 Sanitation.

Removal of sewage from floating facilities shall be subject to the approval of the department of public works and the county health department and approval of the method of disposal desired shall be obtained at the time the construction plans are submitted. In addition to other sanitary requirements for buildings, all public floating docks or floating marinas shall have a minimum of two restroom facilities (one for male and one for female) for each seventy-five mooring spaces available. The maximum walking distance from boat berth to restroom shall not exceed four hundred feet. (Ord. 37 § 1 (part), 1965: prior code § 4275)

14.52.080 Floating dock construction.

Construction requirements for a floating dock less than two thousand square feet, except private floating docks less than four hundred square feet, are as follows:

Pier width	— 4'0" minimum
Gangway width	— 3'0" minimum
Main access width	— 6' for finger floats 35' or less in length. 8' for over 35' finger length or when main access float exceeds 350'.
Finger float width	— 3' minimum for 30' or less in length. 4' minimum for over 30' in length.

All docks shall be designed for boat moorage on at least one side of the boat unless otherwise approved by the building official. Guardrails shall be provided on all access piers and gangways and floats intended for gathering places such as food distribution areas and similar service areas.

The clear water dimension between opposing rows of finger floats shall be a minimum of 1.75 times the length of the longest finger float. (Ord. 37 § 1 (part), 1965: prior code § 4276.1)

14.52.090 Large floating dock construction.

Construction requirements for large floating docks (over two thousand square feet of float area) are as follows:

Pier width	— 8'0" minimum.
Gangway width	— 4'0" minimum.
Fueling float or similar service areas	— 10' minimum width.
Finger floats	— 4'0" minimum width.

The clear water dimensions between opposing rows of finger floats shall be a minimum of two times the length of the longest finger float.

Guide piles shall be installed at ends of all fingers attached to outboard end of main access float and at all floats exceeding thirty-five feet in length in ocean waters and inland waters

not subject to fluctuation. Maximum spacing of guide piles for main floats shall be forty feet. Piles shall meet the requirements of the Uniform Building Code. (Ord. 37 § 1 (part), 1965: prior code § 4276.2)

14.52.100 Small private floating dock construction.

Small private floating docks (less than four hundred square feet, etc.) shall meet flotation and anchorage requirements of this chapter. (Ord. 37 § 1 (part), 1965: prior code § 4276.3)

14.52.110 Materials except for private floating docks.

Flotation units shall be made of one of the following types of material: Concrete, pressure molded fiberglass, reinforced plastic, or an expanded cellular plastic material coated with an approved material to prevent physical or chemical damage.

Iron and steel parts shall be heavily galvanized or equally protected with a corrosion resistant coating.

Deck surfaces may be either concrete, plastic or wood. Lumber shall be a minimum of one and five-eighths inches net thickness. Plywood shall be marine exterior of three-fourths inches minimum thickness. All surfaces shall have a nonslip finish.

All lumber shall receive a full cell process salt preservative treatment in accordance with the specifications of the American Wood Preservers' Association. (Ord. 37 § 1 (part), 1965: prior code § 4277)

14.52.120 Flotation for all floating docks.

A. Design Loads. All portions of facility shall be designed to resist full dead load plus live loads. All buoyant units shall resist full design loads with maximum seventy-five percent submergence of unit.

B. Lateral Loads. All portions of facility shall be designed according to minimum requirements of the Uniform Building Code.

C. Vehicular Loads. All portions of facility shall be designed in accordance with the standard specifications for highway bridges as adopted by the American Association of State Highway Officials.

D. Finger Floats and Main Access Floats. The minimum design live load shall be fifteen pound square feet or a five hundred pound concentrated load on one square foot at any location, whichever causes the worst condition.

E. Fueling floats and Similar Service Area Floats. The minimum design live load shall be twenty pound square feet or a five hundred pound concentrated load on one square foot at any location, whichever causes the worst condition. (Ord. 37 § 1 (part), 1965: prior code § 4278)

14.52.130 Gangway design.

Gangways shall be provided at the end of all main floats. Where the gangway rests on the main float, adequate width shall be provided at the main float to provide clear width of eight feet on one side or four feet on each side of the gangway to the edge of the main float.

Gangways shall be designed for a live load of fifty pound square feet minimum. Special float conditions may require a greater live load to be considered, subject to the approval of the building official. (Ord. 37 § 1 (part), 1965: prior code § 4279)

SECTION TWO. This Ordinance shall take effect and be in full force and effect thirty (30) days from and after its passage and, before the expiration of fifteen (15) days after its passage, shall be published once in a newspaper of general circulation printed and published in the City of Morro Bay, or in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance. Any publication of the Ordinance or summary or posting of the Ordinance shall include the names of the members of the City Council voting for and against the same.

INTRODUCED at a regular meeting the of the City Council of Morro Bay, held on the ___ day of , 2013 by motion of Councilmember _____, seconded by Councilmember _____.

PASSED AND ADOPTED on the ___ day of _____, 2013, by the following vote:

AYES:
NOES:
ABSENT:

JAMIE L. IRONS, Mayor

ATTEST:

JAMIE BOUCHER, City Clerk

APPROVED AS TO FORM:

ANNE RUSSELL, Interim City Attorney

On January 14, 2013, the PWAB held a public meeting (The “Streets Summit”) to discussed street maintenance and solicit public comment. From March through May 2013 the City Council and staff conducted a series of Goal Setting Workshops to establish City priorities for the upcoming fiscal year. In response to community priorities, the City Council approved the FY 2013/14 Budget that allocated additional resources from Measure Q to augment General Fund and Gas Tax revenues for the repair and maintenance of Morro Bay streets. The list of streets included in the 2013 program has been modified based on expanded application of 3-Layer Cape Seal which was initially demonstrated last year and the results of our annual pavement survey which indicated increased deterioration on many of the streets selected. Due to funding limitations, the 3-Layer Cape was not used as extensively as staff desired and the program largely represents stop-gap measures until a new revenue stream is identified to fully fund a program that can achieve our goal of a Pavement Condition Index of 70 throughout the City.

DISCUSSION

This contract award is the second of two projects which will be awarded to complete the 2013 Pavement Rehabilitation Program by providing 3-Layer Cape Sealing and Microsurfacing of streets that were repaired under the first contract. This marks the second consecutive year that City streets have been rehabilitated under the City’s Pavement Management Plan, adopted by City Council in June 2011.

This project will rehabilitate 33 sections which represents 7.4 miles of pavement, almost 14% of the City’s total transportation network. Small repairs will be performed by City street crews while the larger structural pavement defects will be repaired by contractors who have the necessary equipment. The project features the use of recycled tire rubber in the asphalt binder, a feature that not only offers a longer lasting pavement, but also provides a beneficial use for a waste material that would otherwise be destined for the landfill. Morro Bay is the first municipality in the county to use this paving technology.

The minor irregularities in the low bidder’s proposal include the omission of the word “thousand” in the Total Bid Amount (in words) and a \$29 error in adding up the extended unit prices. As the unit prices have precedent over totals, the bid amount should be adjusted to the correct sum of \$250,106.70. A more significant irregularity consists of the low bidder’s lack of inclusion of any documentation regarding insurance certification. Three of the six bidders included some form of insurance documentation, though none of the documentation was complete.

CONCLUSION

Staff recommends the City Council award the project contract based on the staff recommendation to the lowest responsible bidder, American Asphalt South, Inc. of Fontana, CA and authorize the Public Services Director to use his discretion in awarding additional work to the project scope to assure that the total project budget of \$680,000 is expended on streets in need of repair.

ATTACHMENT

Bid Summary Sheet

City of Morro Bay

3-Layer Cape & Micro Surfacing Project MB2013-S04: Bid Summary

CONTRACTOR	Total Bid Amount	SUBCONTRACTOR				
American Asphalt South, Inc. A 784969	\$250,106.95	Chrisp Company	American Paving System	Ergon Asphalt & Emulsion		
Central Valley Engr. & Asphalt A 773404	\$280,909.69	Chrisp Company	American Paving System	Granite Construction	Paramount Petroleum	Calportland
Intermountain Slurry Seal, Inc. A 462443	\$284,284.00	Chrisp Company				
Windsor Fuel Co. A 984141	\$294,155.50	Chrisp Company	American Paving System	Telfer Oil	Granite Rock	Calportland
Pavement Coatings A 303609	\$304,945.61	Chrisp Company	Manhole Adjusting, Inc.	Western Emulsion	Granite Rock	Calportland
VSS International A 293727	\$340,208.00	Cal Western Weed	Safe USA	Ruddell Tree Service	Statewide Traffic Safety	



AGENDA NO: A-11

MEETING DATE: 11/12/2013

Staff Report

TO: Honorable Mayor and City Council **DATE:** November 5, 2013
FROM: Susan Slayton, Administrative Services Director/Treasurer
SUBJECT: Resolution No. 55-13 Adopting the Memorandum of Understanding with Morro Bay Fire Fighters Association and Related Compensation

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 55-13, approving the Memorandum of Understanding with the Morro Bay Fire Fighters Association. The term of the MOU is from July 1, 2013 through June 30, 2014.

FISCAL IMPACT

As per City Council's direction, the cost to the City for this MOU is approximately \$21,000 (salaries & benefits); the value of Acting Chief standby pay is unknown as it is predicated on the Fire Chief's absences.

SUMMARY

The July 2012 – June 2013 MOU is currently on the City's website (link: "Employee Compensation Information"). The proposed July 2013 – June 2014 MOU, which is attached in a draft red-lined format, includes the following substantive changes:

- Effective the pay period containing January 1, 2014, all Fire employees will receive a 2% salary increase.
- Effective July 1, 2013, all affected Fire employees will receive standby pay as acting Fire Chief which shall be paid two (2) hours of overtime pay per full 24 hour shift as it applies to the Chief's absences.
- A reopener clause was included, which states: "If the City agrees to an economic package substantively different from the Morro Bay Fire Fighters Association settlement for the period of July 1, 2013 through June 30, 2014, it will reopen negotiations with the Fire Fighters Association."

The MOU has been ratified by the Morro Bay Fire Fighters Association.

CONCLUSION

Staff is recommending that the City Council adopt Resolution No. 55-13, which approves the Morro Bay Fire Fighters Association MOU for the fiscal year July 1, 2013 to June 30, 2014. Additionally, the City Council is asked to direct the City Manager to implement the conditions of the MOU.

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

RESOLUTION NO. 55-13

**RESOLUTION OF THE CITY OF MORRO BAY
ADOPTING THE MEMORANDUM OF UNDERSTANDING WITH THE
MORRO BAY FIRE FIGHTERS ASSOCIATION AND RELATED COMPENSATION**

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

WHEREAS, in accordance with the provisions of the California Government Code Section 3500 et. seq. and Resolution No. 74-69 of the City of Morro Bay, the City's representatives have met and conferred in good faith pertaining to the subject of wages, benefits and conditions of employment with the Morro Bay Fire Fighters Association; and

WHEREAS, the meetings between the Morro Bay Fire Fighters Association, and the City have resulted in a mutual agreement and understanding to recommend that the employees represented by the Morro Bay Fire Fighters Association, accept all of the terms and conditions, as set forth in a Memorandum of Understanding, an agreement attached and made a part of this Resolution herewith; and

WHEREAS, the City now desires to provide said salaries, benefits and conditions to said Fire employees of the City of Morro Bay.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, that it hereby approves and adopts, in full, the Memorandum of Understanding for the period July 1, 2013 through June 30, 2014, as attached and made a part of this Resolution.

BE IT FURTHER RESOLVED by the City Council of the City of Morro Bay that the City Manager is hereby authorized to execute the Memorandum of Understanding on behalf of the City.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a meeting thereof held this 12th day of November, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

JAMIE L. IRONS, Mayor

JAMIE BOUCHER, City Clerk

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**MEMORANDUM OF UNDERSTANDING
BETWEEN THE MORRO BAY FIRE FIGHTERS
AND THE CITY OF MORRO BAY**
20122013-20132014

ARTICLE 1 PURPOSE

WHEREAS, the City of Morro Bay is a municipal corporation existing under the laws of the State of California as a general law city; and

WHEREAS, the City of Morro Bay is limited, insofar as funds are concerned, because of a fixed tax rate; and in structure because it is a public entity rather than a profit-making business; and

WHEREAS, the Morro Bay Fire Fighters and the City of Morro Bay recognize that the mission and the purpose of the City is to provide high-quality and economical municipal services and facilities to the residents of the City of Morro Bay:

THEREFORE, this Memorandum of Understanding is entered into as of, [November 12, September 26, 20122013](#), between the City of Morro Bay, referred to as CITY, and the Morro Bay Fire Fighters, referred to as MBFF.

It is the intent and purpose of this memorandum to assure sound and mutually beneficial working and economic relations and conditions between the parties hereto; to provide for an orderly and peaceable method and manner of resolving any differences which may arise and to negotiate any misunderstanding which could arise and to set forth herein the basic and full agreement between the parties concerning the pay, wages, hours of employment, and other terms and conditions of employment.

ARTICLE 2 MANAGEMENT

- 2.1 In order to ensure that the City shall continue to carry out its public safety functions, programs, and responsibilities to the public imposed by law, and to maintain efficient public safety service for the citizens of Morro Bay, the City continues to reserve and retain solely and exclusively all management rights, regardless of the frequency of use, including those rights and responsibilities set forth by law and those City rights set forth in the City's Personnel Rules and Regulations and including but not limited to the following:
- 2.1.1 To manage the Fire Department and determine policies and procedures and the right to manage the affairs of the Department.
 - 2.1.2 To determine the existence or nonexistence of facts which are the basis of the management decision in compliance with State law.

- 2.1.3 To determine the necessity, organization, implementation, and termination of any service or activity conducted by the City or other government jurisdiction and to expand or diminish fire services.
- 2.1.4 To direct, supervise, recruit, select, hire, evaluate, promote, transfer, discipline, discharge, terminate, demote, reduce, suspend, reprimand, withhold salary increases and benefits for disciplinary reasons, or otherwise discipline employees in accordance with Department or City rules, regulations, or ordinances.
- 2.1.5 To determine the nature, manner, means, extent, type, time, quantity, quality, technology, standard, and level of fire services to be provided to the public.
- 2.1.6 To require performance of other public safety services not specifically stated herein in the event of emergency or disaster, as deemed necessary by the City.
- 2.1.7 To lay off employees of the Fire Department because of lack of work or funds or under conditions where continued work would be inefficient or nonproductive or not cost effective, as determined by the City.
- 2.1.8 To determine and/or change the fire facilities, methods, technology, equipment, operations to be performed, organization structure, and allocate or assign work by which the City fire operations and services are to be conducted.
- 2.1.9 To determine method of financing.
- 2.1.10 To plan, determine, and manage Department's budget which includes, but is not limited to, changes in the number of locations and types of operations, processes and materials to be used in carrying out all Fire Department functions and the right to contract or subcontract any work or operations of the Fire Department.
- 2.1.11 To determine the size and composition of the Fire Department work force, assign work to employees of the Fire Department in accordance with requirements determined by the Fire Department and to establish and require compliance to work hours and changes to work hours, work schedules, including call back, standby, and overtime, and other work assignments, except as otherwise limited by this agreement, or subsequent agreements.
- 2.1.12 To establish and modify goals and objectives related to productivity and performance programs and standards, including but not limited to quality and quantity, and required compliance therewith.

- 2.1.13 To determine qualifications, skills, abilities, knowledge, selection procedures and standards, job classification, job specifications, and to reallocate and reclassify employees in accordance with division and/or City Rules and Regulations.
- 2.1.14 To determine the issues of public policy and the overall goals and objectives of the Fire Department and to take necessary action to achieve the goals and objectives of the Fire Department.
- 2.1.15 To hire, transfer intra or inter Department, promote, reduce in rank, demote, reallocate, terminate and take other personnel action for non-disciplinary reasons in accordance with Department and/or City Rules, Regulations and Ordinances.
- 2.1.16 To determine policies, procedures and standards for recruiting, selecting, training and promoting employees.
- 2.1.17 To establish, implement, and/or modify rules and regulations, policies, and procedures related to productivity, performance, efficiency, personal appearance standards, code of ethics and conduct, safety, health, and order, and to require compliance therewith.
- 2.1.18 To maintain order and efficiency in fire facilities and operation.
- 2.1.19 To restrict the activity of an employee organization on City facilities except as set forth in this agreement.
- 2.1.20 To take any and all necessary steps and actions to carry out the service requirements and mission of the City in emergencies or any other time deemed necessary by the City and not specified above.
- 2.2 Nothing herein is meant to diminish City rights provided by the Government Code.
- 2.3 Nothing herein is meant to diminish employee rights as provided by the Government Code including the right to meet and confer on changes in standards for promotion.

ARTICLE 3 MBFF RECOGNITION

3.1 Pursuant to Resolution No. 74-69, the Employer-Employee Relations Resolution of the City of Morro Bay and applicable state law, the Morro Bay Fire Fighters, was designated by the City of Morro Bay as the representative of City fire fighting employees. The term “employee” or “employees” as used herein is comprised of the following classifications:

Captain/Paramedic
Captain
Engineer/Paramedic
Engineer
Firefighter/Paramedic
Firefighter

3.2 Employees working on a regular basis in a classified position, but less than full-time, shall receive vacation and sick leave accruals on a pro-rated basis commensurate with hours worked. All benefits for new hires, including insurance benefits, will be allocated on a pro-rated basis commensurate with hours worked.

3.3 FIRE ENGINEER RATING

3.3.1 It is recognized, in principle, as long as the full-time MBFF personnel complement of the Morro Bay Fire Department remains at ten (10) or less, that efficient operation of the Department requires an increase in the authorized number of Fire Engineers. Accordingly, CITY agrees to promote to Fire Engineer all personnel classified as Fire Fighter hired after the effective date of this agreement provided that they have served for eighteen (18) months with the CITY in the Fire Fighter classification; that at the completion of eighteen months of employment, they have been recommended by the Fire Chief for promotion and have demonstrated, through successful completion of written and practical examinations that they have successfully completed six semester units of Fire Science courses at an institution approved by the Fire Chief. The City shall make every effort to schedule the examination to be completed prior to the expiration of eighteen months. The content and passing grade of the written and practical examinations will be determined by the Fire Chief subject to the approval of the City Manager.

3.3.2 An individual recommended for promotion, and failing to attain a passing grade in either the written or practical examination, shall not be eligible for reexamination until six (6) months after the date of failure.

ARTICLE 4 MBFF BUSINESS

- 4.1 Employee representatives designated by the MBFF shall be granted time off, without loss of pay, to attend "meet and confer" sessions with the Municipal Employee Relations Officer and/or his designee on subjects within the scope of representation when such meetings are scheduled during regular working hours. Should such meeting extend beyond an employee representative's regular working hours, the employee representative shall be paid for only the regular working hours.
- 4.2 It is understood that this time-off provision shall only apply to a maximum of two employees attending any one meeting between CITY and MBFF where exceptional circumstances warrant, the City Manager may approve the attendance at such meetings of additional employee representatives. The MBFF shall, whenever practicable, submit the names of all employee representatives to the Municipal Employee Relations Officer at least two working days in advance of such meetings. Provided further (1) that no employee representative shall leave his or her duty or work station or assignment without specific approval of the department head or other authorized City management official; and (2) that any such meeting is subject to scheduling by City management in a manner consistent with operation needs and work schedules.
- 4.3 Off-duty employees will not be paid for attending meet and confer sessions, nor will over-time be paid for same. The parties agree to consider the shift schedules of team members in scheduling meetings.
- 4.4 MBFF may hold unit meetings at the Fire Station, 715 Harbor Street, after 1700 hours with two days' prior notice to Fire Chief. The Fire Chief has the authority to deny and/or cancel said meeting if it conflicts with official City activities for MBFF duties.

ARTICLE 5 AUTHORIZED AGENTS

For the express purpose of administering the terms and provisions of this agreement:

- 5.1 Management's principal authorized agent shall be the City Manager or his/her duly authorized representative (address: 595 Harbor Street, Morro Bay, CA 93442; telephone (805) 772-6200) except where a particular management representative is specifically designated in the agreement.
- 5.2 The Morro Bay Fire Fighters principal authorized representative shall be the shop steward of the Unit, or his/her duly authorized representative (address 715 Harbor St., Morro Bay, CA 93442).

ARTICLE 6 WITHHOLDING OF MBFF DUES AND INSURANCE

- 6.1 It is agreed that CITY will withhold MBFF dues and MBFF group insurance premiums from the monthly pay of each regular City employee who is a member of the MBFF. MBFF agrees to provide CITY with individual MBFF member authorizations signed by the individual MBFF member authorizing CITY to make agreed deductions; specifying the amount of each deduction; and authorizing CITY to issue a check, payable to MBFF, for the collective amount of the individual deductions. CITY does not accept responsibility for computing the amounts of deductions or for meeting payment dates which may not coincide with established pay periods. CITY will issue a single check to the MBFF for the total amount of deductions withheld from the individual employees' pay. The MBFF will be responsible for the accounting and disbursing of all such funds received from CITY. MBFF will be responsible for properly notifying CITY of any changes in deductions and will be the sole agent through which CITY will act in explaining, initiating, executing, or terminating the provisions of this Article. Such notification must be received by the CITY at least two weeks prior to the effective date of the change. Also, such change notice must include a copy of the notice sent to the employees officially telling them of the change.
- 6.2 MBFF shall indemnify and hold harmless the City of Morro Bay, its officers, agents, and employees from any and all claims, demands, damages, costs, expenses, or liability arising out of this Article.
- 6.3 It is agreed that CITY will deposit payroll deductions made payable to a City approved Credit Union providing the MBFF makes arrangements for such services that are acceptable to both members and CITY.

ARTICLE 7 TERM

Except as otherwise specifically provided herein, the term of this Memorandum of Understanding commences on July 1, September 26, 2012~~2013~~, and expires and is otherwise fully terminated June 30, ~~2013~~2014.

ARTICLE 8 RENEGOTIATIONS

- 8.1 In the event either party wants to renegotiate a successor Agreement, such party shall serve upon the other during the period of ~~February~~December 15, ~~2012~~2014 to ~~March~~January 15, ~~2013~~2014, its written request to begin negotiations as well as its full and entire written proposals amending this agreement.
- 8.2 The parties agree that, except by mutual agreement, no new subjects may be introduced into the process after the third (3rd) negotiations meeting.
- 8.3 Should the parties be unable to reach agreement on a new contract before the current contract expires, all applicable provisions of this Agreement shall remain

in full force and effect until such time as a new Agreement is reached, or September 30, ~~2013~~2014, whichever first occurs.

ARTICLE 9 ANTI-DISCRIMINATION

The CITY and MBFF mutually agree they will not discriminate against employees for the exercise of their rights under the State of California Government Code Section 3502.

ARTICLE 10 WORK SCHEDULE

This article is intended to define the normal hours of work and shall not be construed as a guarantee of work per day or work per week or of days of work per week.

10.1 WORKDAY

The normal workday shall be a twenty-four (24) consecutive hour period, except in cases of emergency or for reasons of attendance at extended training opportunities, or temporary duty assignments while on light duty when other shifts may be assigned by the Chief provided there is mutual agreement between the parties.

10.2 WORKSHIFT

Employees shall be scheduled to work on regular work shifts having regular starting and quitting time. Except for emergencies, employees' work shifts shall not be changed without four days (96 hours) prior written notice to the employee. Call out or overtime does not constitute a change in work shift.

10.3 WORKWEEK

The normal workweek shall average fifty-six (56) hours of work in a seven (7) consecutive day period, except in cases of emergency.

10.4 OVERTIME

10.4.1 Overtime is defined as all hours worked in excess of 106 hours worked in a 14 day work period. For those assigned to an 8-hour day, overtime shall be defined as all hours worked in excess of forty-hours per week. Vacation time and compensatory time off shall be treated as hours worked.

10.4.2 All overtime as defined above shall be paid at one and one-half (1.5) times the employee's regular rate of pay. Compensatory time off earned pursuant to 10.4.4 below will accrue at one and one-half (1.5) times hours worked.

10.4.3 Employees required to return to work on a scheduled vacation day, shall be paid at the rate of 1.5 times their regular rate of pay for the hours actually worked.

10.4.4 Employees may elect compensatory time off (CTO) in lieu of paid overtime subject to the following provisions.

10.4.4.1 CTO may be elected for overtime incurred due to training time only.

10.4.4.2 Maximum CTO accrual will be 140 hours. All overtime earned after CTO is accrued to the 140 hour maximum will be paid in cash.

10.4.4.3 Accrued CTO may be cashed out upon the request of the employee and the approval of the department. CTO accrued at time of separation will be paid off.

10.4.4.4 CTO may be taken off upon employee request and department approval. CTO will not be approved if it will require overtime.

10.4.4.5 Other overtime provisions notwithstanding, employees forced to hold over for 12 hours or more will receive time and one half compensation for the hours worked on that day.

10.5 EMERGENCIES

10.5.1 Nothing herein shall be construed to limit or restrict the authority of management to make temporary assignments to different or additional locations, shifts, or duties for the purpose of meeting an emergency.

10.5.2 Such emergency assignments shall not extend beyond the period of said emergency.

10.5.3 Short staffing caused solely by absences due to employees taking approved paid leave shall not be considered an emergency.

ARTICLE 11 VACATIONS AND HOLIDAYS

11.1 CITY and MBFF agree that difficulties exist in equating the work schedules of fire fighters to the work schedule of non-shift personnel, i.e., shift periods compared to hours and days worked by other City employees. Therefore, a formula is agreed to for computing the vacations and holiday periods for fire fighters. Such formula is agreed to be a ratio as follows: Fire fighter's total available shifts per year is to the general employees' total available work days per year (260) as X is to the number of authorized vacation and holidays days of the general employees; when X equals the amount of shifts off for fire fighters comparing fire fighters to employees of equal tenure.

11.2 Pursuant to Section 11.1, the following lists the vacation and holiday annual accrual schedule for members of the MBFF assigned to shift work:

<u>SERVICE YEARS</u>	<u>VACATION ACCRUAL</u>	<u>HOLIDAY ACCRUAL</u>	<u>TOTAL ANNUAL ENTITLEMENT</u>	<u>SHIFTS/ YEAR</u>
0 thru 2	112.0 hrs.	146.96 hrs.	258.96 hrs.	10.792
3 thru 4	123.2 hrs.	146.96 hrs.	270.16 hrs.	11.257
5 thru 6	134.4 hrs.	146.96 hrs.	281.36 hrs.	11.723
7 thru 8	145.6 hrs.	146.96 hrs.	292.52 hrs.	12.19
9 thru 10	156.8 hrs.	146.96 hrs.	303.76 hrs.	12.657
11 thru 12	168.0 hrs.	146.96 hrs.	314.96 hrs.	13.123
13 thru 14	179.2 hrs.	146.96 hrs.	326.16 hrs.	13.59
15 thru 16	190.4 hrs.	146.96 hrs.	337.36 hrs.	14.057
17 thru 18	201.6 hrs.	146.96 hrs.	348.56 hrs.	14.523
19 thru 20	212.8 hrs.	146.96 hrs.	359.76 hrs.	14.99
21 +	224.0 hrs.	146.96 hrs.	370.96 hrs.	15.547

11.3 MAXIMUM ACCUMULATION

It is recognized long-standing accumulations of vacation/holiday time exist for some employees. In order to compensate employees for this unused time, CITY and MBFF agree on the following policy:

11.3.1 Unused vacation/holiday leave may be carried over into the following year to a maximum of two times an employee's annual accumulation of vacation time plus one year of holiday time. Employees exceeding the maximum as of the pay period containing November 1 of each year will be paid off for time exceeding the maximum. The City shall make said payment with the pay period containing December 1 of each year. Payment shall be computed based upon the employee's base hourly rate of pay as of June 30 of the same calendar year.

11.3.2 Employees separating from the City are entitled to pay for the accumulated vacation based upon employee's base hourly rate of pay as of June 30 prior to separation.

11.4 The following holidays are used in Section 11.2 above to determine total annual entitlement. Employees may be scheduled to work on holidays. All employees except those assigned to 8-hour shifts shall be compensated for holidays as provided in 11.2 above.

Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November

Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25
New Year's Day	January 1
Martin Luther King Birthday	3rd Monday in January
Lincoln's Birthday	February 12
Washington's Birthday	3rd Monday in February
Memorial Day	Last Monday in May
Floating Holiday	Varies
Floating Holiday	Varies

11.5 For any additional holiday proclaimed by the Mayor, shift employees shall be paid for 11.2 hours of work and employees assigned to eight hour duty shall receive the holiday off. Employees may be scheduled to work on such holidays.

ARTICLE 12 SICK LEAVE

- 12.1 It is agreed that the firefighters will earn sick leave per month at the same ratio that their assigned shift schedule compares to other full-time employees (1.4:1) for 24-hour shift workers or (1.0:1) for eight-hour shift employees. There shall be no maximum number of sick leave hours that a member of MBFF may accrue.
- 12.2 All use of sick leave shall be charged on an hour-for-hour basis.
- 12.3 At termination, accumulated in the Sick Leave Accrual is not compensable; however, upon retirement, may be converted to additional time as provided by the PERS sick leave option.
- 12.4 Any use of sick leave covering a period beyond seven calendar days may require approval by a qualified medical authority for release to resume regular duties.
- 12.5 Recognizing Section 12.1 above requires a transition from the method of accruing and charging sick leave contained in earlier Memoranda of Understanding, the following conversion of previously accrued sick leave shall be made:
 - 12.5.1 For shift workers, all Sick Leave hours accrued but unused as of December 31, 2002, shall be multiplied by a factor of three (3) and shall become the employee's Sick Leave Accrual account until utilized on an hour for hour basis.
 - 12.5.2 Credits added to the Sick Leave Accrual account for full-time employees after the date above shall be 11.2 hours per month or 0.046154 hours for each regular hours worked for part-time employees on shift work or eight (8) hours per month for employees assigned to an eight-hour day.

ARTICLE 13 RETIREMENT BENEFITS

13.1 The CITY agrees to continue to provide PERS Safety employees in this unit hired prior to March 19, 2011 with a retirement benefit program through the Public Employees Retirement System (PERS) as follows: (Section References are to the California Government Code)

- 13.1.1 Highest Single Year Compensation (Section 20042)
- 13.1.2 Sick Leave Credit (Section 20965)
- ~~13.1.3 1959 Survivor Benefit (Section 21580)~~
- ~~13.1.4 3rd Level Survivor Benefit (Section 21573)~~
- 13.1.35 4th Level of 1959 Survivor Benefits (Section 21574)
- 13.1.46 3% @ 50 Retirement Formula (Section 21362.2)

13.2 All employees hired on or after March 19, 2011 but before January 1, 2013 in the regular full time classifications listed in Article 3.1 of this MOU between the City of Morro Bay and the Morro Bay Firefighters shall be provided with a retirement benefit program through the Public Employees Retirement System (PERS) as follows:

- 13.2.1 36 consecutive months final compensation
- 13.2.2 Sick Leave Credit (Section 20965)
- ~~13.2.3 1959 Survivor Benefit (Section 21580)~~
- ~~13.2.4 3rd Level Survivor Benefit (Section 21573)~~
- 13.2.35 4th Level of 1959 Survivor Benefits (Section 21574)
- 13.2.46 3% @ 55 Retirement Formula

13.3 Pursuant to the California Public Employees' Pension Reform Act of 2013 (PEPRA), effective January 1, 2013, employees hired who meet the definition of new member under PEPRA, will be covered by the 2.7% @ 57 retirement formula with the 36 highest months final compensation provision, and shall pay a member contribution rate of fifty (50) percent of the expected normal cost rate with plan options as follows:

- ~~13.3.1 Sick Leave Option (Section 20965)~~
- ~~13.3.2 1959 Survivor Benefit 4th Level (21574)~~

13.3 City and MBFF to jointly explore the establishment of an employee funded Retirement Health Savings Account.

13.4 Employees are responsible for paying the entire employee retirement contribution. This contribution will be made on a tax deferred basis pursuant to IRS Code Section 414 (h)(2).

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ARTICLE 14 HEALTH BENEFITS

14.1 City shall pay to each active employee by each pay period the monthly sum of the health plan selected by the employee, and dental/life and vision plans. CITY and MBFF agree that City payment of this lump sum is to be used to provide medical care coverage for the employee and/or employees dependents, and that the employees hold harmless the City, its officers and agents, including but not limited to liability arising out of this agreement. Employees will be supplied with the current division of payment for medical, dental/life, and vision insurance between City and each employee in MBFF as changes occur during this Agreement.

14.2 HEALTH INSURANCE

14.2.1 Employees of this UNIT shall participate in the PERS medical insurance plans on a cafeteria style basis, with the CITY contributing the PERS minimum (currently \$~~412~~115/month) to the active employee's medical insurance and \$1.00/month or the amount required by PERS to retiree medical insurance. Any costs in excess of these contribution rates shall be paid by the employee and retiree.

~~14.2.2 UNIT employees receive a cafeteria plan contribution (including the amount required by PERS in 14.2.1 above) as follows:~~

~~Employee only – up to \$715/month or cost of insurance, whichever is less
Employee + 1 – up to \$947/month or cost of insurance, whichever is less
Employee + family – up to \$1050/month or cost of insurance, whichever is less~~

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~~14.2.3 Effective January 1, 2013 (beginning December 1, 2012), UNIT employees shall receive a cafeteria plan contribution (including the amount required by PERS in 14.2.1 above) as follows:~~

~~Employee only - up to \$715/month or cost of insurance, whichever is less
Employee + 1 – up to \$967/month or cost of insurance, whichever is less
Employee + family - up to \$1080/month or cost of insurance, whichever is less~~

14.3 DENTAL/LIFE AND VISION INSURANCE

~~During the term of this Agreement, the CITY shall offer dental/life and vision insurance and each employee shall be required to carry both dental/life and vision insurance for self.~~ Life Insurance is provided at \$~~20~~30,000 per employee (\$30,000 beginning January 1, 2013). The following rates were effective January 1, ~~2012~~2013.

	Vision	Dental	Life	Totals	City pays	EE pays

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Employee only	\$7.64	\$42.87	\$5.70	\$56.21	\$49.48	\$6.73
Employee + 1	\$14.32	\$119.56	\$5.70	\$139.58	\$120.97	\$18.61
Employee + 2+	\$19.52	\$119.56	\$5.70	\$144.78	\$125.54	\$19.24

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	<u>VISION</u>	<u>DENTAL</u>	<u>LIFE</u>	<u>TOTALS</u>
Employee Only	\$ 8.63	\$ 40.07	\$3.60	\$ 52.30
Employee +1	\$17.26	\$106.39	\$3.60	\$127.25
Employee +2	\$22.29	\$111.74	\$3.60	\$137.63

Employee will be responsible for the following monthly amounts for dental/life and vision beginning with the pay period including January 1, 2012:

Employee Only	\$2.93
Employee + 1	\$11.75
Employee + 2+	\$12.21

CITY will pay the remaining premium for dental/life and vision.

ARTICLE 15 EDUCATIONAL INCENTIVES

15.1 COLLEGE DEGREES

15.1.1 CITY agrees to pay the following education incentives on base salary to regular employees hired prior to January 1, 1998 who hold degrees above the minimum required in their respective classification.

Achievement in Fire Science	\$ 300 annually
Associates Degree	\$ 600 annually
Bachelor's Degree	\$1200 annually

15.1.2 If an employee's job description requires an Associate's degree and the employee has a Bachelor's Degree, the employee will receive only the difference between an Associate's and a Bachelor's degree, or \$600 annually.

15.1.3 If an employee's job description requires a degree or if an employee is promoted to a classification that requires a degree, the employee shall not receive education incentive pay for the required degree.

This section shall not be interpreted to reduce the amount of education incentive pay that any employee hired prior to January 1, 1998 receives, notwithstanding the fact that the employee is promoted to a higher position requiring a particular degree, or the fact that the job description for the employee's existing position has been revised to require a particular

degree. In the event an employee hired prior to January 1, 1998 promotes to a position requiring a degree not required by the lower position, or if the job description for an employee hired prior to January 1, 1998 is revised to require a degree not previously required for the position, the employee shall, for the term of this MOU, continue to receive the amount of education incentive pay received in the lower position or previous job description.

15.1.4 Based on the new job descriptions for all classifications which were adopted in May 1995, as well as salary survey implementation over the last three years, employees currently in positions now required to hold an AA or BA degree according to the job description for the classification they hold, will continue to receive an educational incentive for said degree. Any employees hired on or after January 1, 1998 or current employees promoted on or after January 1, 1998 to positions requiring degrees will be subject to section 15.1.3 above.

15.1.5 Employees hired on or after January 1, 1998 shall not be eligible for this incentive. Additionally, employees in this unit hired prior to January 1, 1998 and in the process of obtaining their AA or BA degree have until December 31, 2000 to obtain said degree and be eligible for the incentive. After December 31, 2000, this incentive shall expire except as otherwise set forth in this section.

ARTICLE 16 UNIFORM ALLOWANCE

The uniform for the Fire Department is a two-piece work uniform, and two T-shirts, of a style, material and manufacture determined by the Fire Chief. Two (2) complete uniforms will be provided upon initial employment with the Fire Department and replacements provided are on an "as needed basis" as determined by the Fire Chief. The CITY will provide safety footwear of a type, style and manufacture as recommended by the Fire Chief. CITY is responsible for normal upkeep, i.e., heels and soles, with replacement as determined by the Fire Chief.

ARTICLE 17 SALARIES

17.1 ~~Salaries shall be unchanged for the term of this agreement.~~ Effective the pay period including January 1, 2014, salaries shall be increased by two (2%) percent.

Attached Exhibit B reflects salaries for members of this unit for the duration of this Agreement.

17.2 All salary adjustments, including but not limited to merit increases, educational incentives, and any other pay adjustments will take effect at the beginning of the next payroll period after the scheduled effective date of the increase.

- 17.3 Any and all education/special pay incentives will be added to base salary.
- 17.4 Electronic Deposit. All employees hired after January 1, 2003 shall receive their pay by electronic methods. New hires must present account information for a checking or a savings account with an ACH member financial institution.
- 17.5 The following agencies shall be utilized for compensation comparison purposes: Arroyo Grande, Atascadero, CDF, Cambria, Paso Robles, and San Luis Obispo.
- 17.6 MBFF to conduct a comparable cities compensation survey prior to the commencement of negotiations for the period beginning July 1, 2013.

ARTICLE 18 SPECIAL PAY PRACTICES

18.1 MEDIC DIFFERENTIAL

18.1.1 An employee certified as an EMT-P (Paramedic) shall receive a monthly differential as follows:

\$ 450/month

18.1.2 The City may require any employee to attend EMT-P training.

18.2 CALL-OUT PAY

18.2.1 It is agreed that the CITY will guarantee a minimum of two hours pay, computed at straight hourly rates, for any MBFF member called back to duty from an off-duty status.

18.2.2 If an employee is called to return to duty, such call-out shall not be canceled until the employee reports to the fire station.. To be eligible to receive the minimum, the employee must report to the fire station.

18.2.3 If an employee is on-duty and held beyond the end of the work period, time worked will be paid as actual hours worked under Section 10.4 of this agreement. Such holdover shall not qualify for Call-out Pay.

18.3 WORKING OUT-OF-CLASS

Employees may be worked on an out-of-class assignment only as provided in the Personnel Rules and Regulations of the City of Morro Bay, except as provided herein below:

18.3.1 Employees shall receive an additional 5% compensation for out-of-class assignments that last 24 consecutive hours. Such additional 5% pay shall start on the 25th hour retroactive to the first hour of the out-of-class

assignment. Such additional compensation shall be paid during the first six (6) months of the out-of-class assignment.

18.3.2 If the assignment is extended by 6 months, then starting on the first day of the extension:

18.3.2.1 the employee shall continue to receive the 5% compensation if the out-of-class assignment is required to fill an absence due to an employee who is out on 4850 leave.

18.3.2.2 the employee shall receive an additional 5% for a total of 10% additional compensation if the out-of-class assignment is required to fill a vacant position.

18.3.3 An employee placed in an out-of-class assignment will not be taken off that assignment for the sole purpose of avoiding the payment provided above.

18.3.4 Whenever possible, City intends to fill vacancies with qualified employees.

18.4 STANDBY PAY

Compensation for standby duty for acting Fire Chief position shall be paid two (2) hours of overtime pay per full 24 hour shift.

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ARTICLE 19 HEALTH AND SAFETY ARTICLE

19.1 Management shall provide and maintain safe and healthy work facilities and equipment.

19.2 Safety and health conditions in employment in the City of Morro Bay are subject to the provisions of State and Federal legislation which regulates the health environment and safety conditions of the work place.

19.3 A Citywide Safety/Loss Control Committee shall be established and shall review accidents, review alleged safety deficiencies, and recommend safety training and safety equipment. The MBFF may appoint one unit representative to serve on the committee. If the committee meets during the designated employee's normal working hours, the employee shall receive paid release time to attend the meeting.

19.4 If an employee becomes alerted to an unsafe condition or health hazard, he/she shall report such condition to his/her immediate supervisor. If such conditions cannot be satisfactorily remedied by the immediate supervisor, an employee has the right to submit the matter either personally or through the steward to his/her Department Head or designated safety representative. On any matter of safety

not resolved, after proceeding through the above process, consultation will take place between management and the MBFF if requested.

- 19.5 A first aid kit shall be furnished and maintained at work facilities readily and conveniently accessible to MBFF employees.
- 19.6 Management agrees to provide to employees who are exposed to potentially toxic agents or toxic materials the appropriate medical services at no cost to the employee.
- 19.7 Any safety equipment required by the CITY shall be furnished by the CITY.

ARTICLE 20 MINIMUM STAFFING

- 20.1 CITY agrees to provide minimum staffing of three full-time personnel except in cases of emergency as determined by the Fire Chief.
 - a. Exception: For brief transitional periods lasting 10 hours or less, minimum staffing may be allowed to drop to a minimum of two with the Chief's approval.
- 20.2 The 2004 Morro Bay Fire Department 5-Year Strategic Plan recommended that the City of Morro Bay provide 4-person daily staffing in the Fire Department.
 - a. The City and MBFFA agree that 4-person full-time minimum staffing will be provided in the MOU when a second fire station or second company is staffed and operational. The 4-person minimum refers to the total on-duty staffing of full-time firefighters in the City of Morro Bay.
 - b. The City currently staffs a single, two-piece suppression company consisting of an engine and a rescue. This response configuration is not affected by item a. above.
- 20.3 The City agrees to cap the total number of part-time, unrepresented firefighters to one per scheduled 24 hour shift.
 - a. Exception: In an emergency and for mutual aid response coverage, the City may have more than one reserve firefighter working 24-hour shifts provided the City is meeting its minimum staffing requirements.
- 20.3.1 For as there are seven filled Firefighter/Engineer positions within the Department, the least senior qualified person will be assigned to vacation relief. In the event of retirement, resignation or termination, vacation relief individual will have the first right of refusal to that open position. If the seventh Firefighter/Engineer position is eliminated, there will be no vacation relief position.

20.3.2 The City will post a work schedule every 30 days for the vacation relief position and provide 96 hours notice prior to making schedule changes. There will be no more than two schedule changes within each 30 day schedule.

20.4 If the City agrees to an economic package substantively different from the Fire Fighters settlement for the period of July 1, 2013 through June 30, 2014, it will reopen negotiations with the Fire Fighters.

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ARTICLE 21 PERSONNEL RULES

Parties recognize the applicability and agreement with the Personnel Rules utilized by the City for all employees. From time to time, the Personnel Rules may be amended and the City will offer the opportunity to meet and confer on those items within the scope of bargaining. Nothing in this article shall make the City's Personnel Rules subject to the Grievance Procedure.

ARTICLE 22 LAYOFFS

The parties agree to use the layoff procedure as set forth in 2.32.120 of the City of Morro Bay Municipal Code.

For purposes of workforce reductions as outlined by the City's personnel rules and regulations, shifts worked by part-time unrepresented employees will be eliminated prior to a reduction in full-time MOU represented personnel.

ARTICLE 23 PROCESSING OF FORMAL GRIEVANCES

23.1 The MBFF agrees that whenever investigation or processing of a grievance is to be transacted during working hours, only the amount of time necessary to bring about a prompt disposition of the matter will be utilized. It is further agreed that the time spent on an investigation and processing of grievances will not interfere with the normal operation of the department. CITY agrees to provide a reasonable amount of time for the investigation and the processing of a grievance, but by so agreeing does not imply that the processing or investigation of a grievance shall take priority over normal functions of the department.

23.2 CITY further agrees that any payment of overtime arising because of MBFF personnel's involvement in grievance investigation or processing shall not be authorized. Time spent on the investigation and processing of grievances will be recorded on a form provided by CITY. Stewards will be permitted reasonable time-off with pay for the investigation and processing of grievances provided, however, stewards shall first obtain permission from the department head and/or his/her designee and inform him/her of the nature of his/her business. CITY shall grant such permission promptly unless such absence would cause an undue interruption of work or would require the CITY to pay overtime in order to maintain the normal operation of the department.

- 23.3 Upon entering the work location, the steward shall inform the department head and supervisor of the nature of his/her business. Permission to leave a job will be granted to the employee involved unless such absence would cause an interruption of work. If the employee cannot be made available, the steward will seek an alternate time for employee availability with the department head or supervisor.
- 23.4 It is agreed that in some instances the investigation and processing of a grievance may be accomplished on the employee's time. This agreement is in recognition of the mutual sharing of costs involved in the handling of employee-initiated actions.
- 23.5 Procedures shall be in accordance with Resolution No. 46-74 and any amendments thereto.

ARTICLE 24 ELIMINATION OF FIRE SERVICE

If the fire service function of the City of Morro Bay is merged into another agency, or if another agency assumes said function, then prior to such action, the City shall meet and confer with MBFF concerning the effects of such action.

ARTICLE 25 NO STRIKE, NO LOCK-OUT

- 25.1 During the life of this agreement, the City will not lock out any employees nor will the MBFF cause, authorize, advise or encourage any interruption of work or any other concerted refusal to render services or to work, including overtime or any other curtailment or restriction of work at any time during the term of this Agreement. The term "interruption of work" shall mean any work stoppage or strike (including economic and unfair labor practice strikes) or any intentional slow down of work.
- 25.2 There shall be no refusal to work on, handle or produce any materials or equipment because of a labor dispute.
- 25.3 Any employee engaging in any action prohibited by this Article shall be subject to immediate discharge or such other discipline as the CITY may assess. Such discharge or discipline shall not be reviewable through the Grievance Procedure.

ARTICLE 26 FULL UNDERSTANDING, MODIFICATION, WAIVER

- 26.1 This Agreement sets forth the full and entire understanding of the parties regarding the matters set forth herein, and any other prior or existing understanding or agreements by the parties, whether formal or informal, regarding any such matters are hereby superseded or terminated in their entirety.

26.2 It is agreed and understood that each party hereto voluntarily and unqualifiedly waives its right to negotiate, and agrees that the other party shall not be required to negotiate, with respect to any matter covered herein.

26.3 No agreement, alteration, understanding, variation, waiver, or modification of any of the terms or provisions contained herein shall in any manner be binding upon the parties hereto unless made and executed in writing by all parties hereto, and if required, approved by the CITY and ratified by the membership of the MBFF.

26.4 The waiver of any breach of any term, or condition of this Agreement by either party shall not constitute a precedent in the future enforcement of all its terms and provisions.

ARTICLE 27 SEVERABILITY

If any provision(s) are held to be contrary to law by a court of competent jurisdiction, such provisions will not be deemed valid and subsisting except to the extent permitted by law, but all other provisions will continue in full force and effect.

Date: _____

Date: _____

MORRO BAY FIRE FIGHTERS

CITY OF MORRO BAY

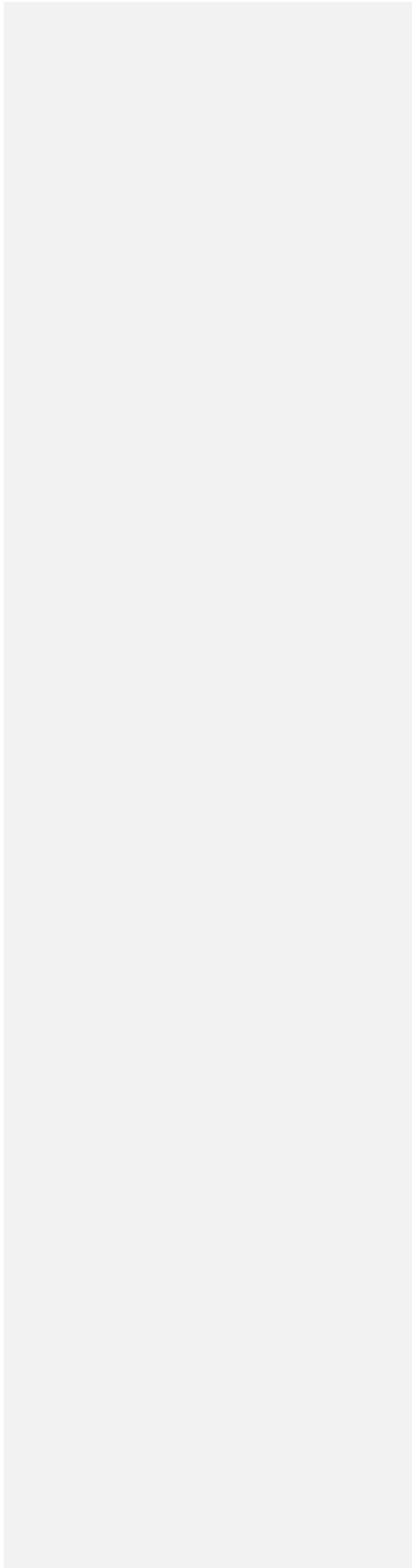
~~George Rees~~ ~~Todd Gailey~~

William Avery, Chief Negotiator

~~Jeff Simpson~~ ~~Michael Talmadge~~

Andrea Lueker, City Manager

Susan Slayton, Admin. Svcs. Director





AGENDA NO: A-12

MEETING DATE: 11/12/2013

Staff Report

TO: Honorable Mayor and City Council **DATE:** September 26, 2013
FROM: Susan Slayton, Administrative Services Director/Treasurer
SUBJECT: Resolution No. 56-13 Adopting the Agreement with the Morro Bay Confidential Employees and Related Compensation

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 56-13, approving the Agreement with the Morro Bay Confidential Employees. The term of the Agreement is from July 1, 2013 through June 30, 2014.

FISCAL IMPACT

As per City Council's direction, this Agreement provides a 2% salary increase, effective with the pay period containing January 1, 2014, nine (9) additional hours of Administrative Leave (an increase from 36 to 45 hours per fiscal year), and the lowering of the vacation accrual cap from 400 hours to 220 hours. These actions will cost the City \$4,515 (\$3,114 in salaries/\$1,401 in benefits), no impact with the Administrative Leave unless the employee leaves City service, at which time a pro-rated amount will be compensable, and \$24,500 if excess vacation hours are cashed out or converted to deferred compensation (\$0 if converted to sick leave).

SUMMARY:

The previous Agreement with the Confidential Employees is currently on the City's website (link: "Employee Compensation Information"). The proposed July 1, 2013 – June 30, 2014 Agreement, which is attached in a draft blue- and red-lined format, includes the following substantive changes:

- Effective the pay period containing January 1, 2014 all Confidential Employees will receive a 2% salary increase.
- Effective July 1, 2013 all affected Confidential Employees will receive an increase in Administrative Leave from 36 hours to 45 hours (9 hours).
- Effective with the passage of the Resolution, the vacation cap for Confidential Employees will be reduced from 400 hours to 220 hours, and be paid out in cash, converted to deferred compensation or applied, hour for hour, to sick leave.
- A clause was included in the Confidential Employees' agreement, which states: "If the City agrees

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

to an economic package for represented and/or unrepresented employee organizations substantively different from the Confidential Unit's settlement for the period of July 1, 2013 through June 30, 2014, the City will consider modifying the Resolution to provide an equivalent increase."

The Agreement has been accepted by the Morro Bay Confidential Employees.

CONCLUSION

Staff is recommending that the City Council adopt Resolution No. 56-13, which approves the agreement with the Morro Bay Confidential Employees for the fiscal year July 1, 2013 to June 30, 2014. Additionally, the City Council is asked to direct the City Manager to implement the conditions of the MOU.

RESOLUTION NO. 56-13

**RESOLUTION OF THE CITY OF MORRO BAY
ADOPTING THE AGREEMENT WITH THE
MORRO BAY CONFIDENTIAL EMPLOYEES AND RELATED COMPENSATION**

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

WHEREAS, representatives of the City of Morro Bay (CITY) and representatives of the Confidential Group met and discussed the terms and conditions of employment, through the Meet and Confer process; and

WHEREAS, the meetings between the Confidential Group and the CITY have resulted in a mutual agreement and understanding; and

WHEREAS, the employees represented by the Confidential Group accept all of the terms and conditions as set forth in the Agreement attached and made a part of this Resolution herewith; and

WHEREAS, the CITY now desires to provide said salaries, benefits and conditions to said Confidential Group of the CITY.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay does hereby adopt this Resolution adopting an Agreement on the compensation and working conditions for the Confidential Group for the period July 1, 2013 through June 30, 2014, and authorizes the City Manager to execute all necessary documents to implement said changes.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a meeting thereof held this 12th day of November, 2013 by the following vote:

AYES:

NOES:

ABSENT:

JAMIE L. IRONS, Mayor

ATTEST:

JAMIE BOUCHER, City Clerk

AGREEMENT
BETWEEN THE
CONFIDENTIAL EMPLOYEES
AND
THE CITY OF MORRO BAY

| **JULY 1, 201~~2~~3 - JUNE 30, 201~~3~~4**

**AGREEMENT BETWEEN
THE CONFIDENTIAL EMPLOYEES AND THE CITY OF MORRO BAY
July 1, 201~~2~~3 – June 30, 201~~3~~4**

ARTICLE 1 - PURPOSE

- 1.1 **WHEREAS**, the City of Morro Bay is a municipal corporation existing under the laws of the State of California as a general law city; and
- 1.2 **WHEREAS**, the City of Morro Bay is limited, insofar as funds are concerned because of a fixed tax rate; and in structure because it is a public entity rather than a profit making business; and
- 1.3 **WHEREAS**, Confidential Group and the City of Morro Bay recognize that the mission and the purpose of the City is to provide for high-quality and economical municipal services and facilities to the residents of the City of Morro Bay.
- 1.4 **THEREFORE**, this AGREEMENT (hereinafter referred to as "AGREEMENT") is entered into as of July 1, 201~~2~~3, between the City of Morro Bay; (hereinafter referred to as "CITY;") and the Confidential Group.
- 1.5 It is the intent and purpose of this AGREEMENT to assure sound and mutually beneficial working and economic relations and conditions between the parties hereto; to provide for an orderly and peaceable method and manner of resolving any differences which may arise and to negotiate any misunderstanding which could arise and to set forth herein the basic and full agreement between the parties concerning the pay, wages, hours of employment, and other terms and conditions of employment.

ARTICLE 2 - MANAGEMENT

- 2.1 In order to ensure that the CITY shall continue to carry out its municipal functions, programs, and responsibilities to the public imposed by law, and to maintain efficient public service for the citizens of Morro Bay, the CITY continues to reserve and retain solely and exclusively all management rights, regardless of the frequency of use, including those rights and responsibilities set forth by law and those CITY rights set forth in the CITY's Personnel Rules and Regulations and including but not limited to the following:
 - 2.1.1 To manage the CITY and determine policies and procedures and the right to manage the affairs of all Departments.
 - 2.1.2 To determine the existence or nonexistence of facts which are the basis of the management decision in compliance with State law.
 - 2.1.3 To determine the necessity, organization, implementation, and termination of any service or activity conducted by the CITY or other government jurisdiction and to

expand or diminish services.

- 2.1.4 To direct, supervise, recruit, select, hire, evaluate, promote, transfer, discipline, discharge, terminate, demote, reduce, suspend, reprimand, withhold salary increases and benefits for disciplinary reasons, or otherwise discipline employees in accordance with Department or CITY rules, regulations, or ordinances.
- 2.1.5 To determine the nature, manner, means, extent, type, time, quantity, quality, technology, standard, and level of services to be provided to the public.
- 2.1.6 To require performance of other public services not specifically stated herein in the event of emergency or disaster, as deemed necessary by the CITY.
- 2.1.7 To lay off employees because of lack of work or funds or under conditions where continued work would be inefficient or nonproductive or not cost effective, as determined by the CITY.
- 2.1.8 To determine and/or change facilities, methods, technology, equipment, operations to be performed, organization structure, and allocate or assign work by which the CITY operations and services are to be conducted.
- 2.1.9 To determine method of financing.
- 2.1.10 To plan, determine, and manage Departments' budget which includes, but is not limited to, changes in the number of locations and types of operations, processes and materials to be used in carrying out all functions and the right to contract or subcontract any work or operations.
- 2.1.11 To determine the size and composition of the work force, assign work to employees of the CITY in accordance with requirements determined by the CITY and to establish and require compliance to work hours and changes to work hours, work schedules, including call back, standby, and overtime, and other work assignments, except as otherwise limited by this AGREEMENT, or subsequent agreements.
- 2.1.12 To establish and modify goals and objectives related to productivity and performance programs and standards, including, but not limited to, quality and quantity, and required compliance therewith.
- 2.1.13 To determine qualifications, skills, abilities, knowledge, selection procedures and standards, job classification, job specifications, and to reallocate and reclassify employees in accordance with division and/or CITY Rules and Regulations.
- 2.1.14 To determine the issues of public policy and the overall goals and objectives of the CITY and to take necessary action to achieve the goals and objectives of the CITY.

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2.1.15 To hire, transfer intra- or inter-Department, promote, reduce in rank, demote, reallocate, terminate and take other personnel action for non-disciplinary reasons in accordance with Department and/or CITY Rules, Regulations and Ordinances.

2.1.16 To determine policies, procedures and standards for recruiting, selecting, training and promoting employees.

2.1.17 To establish, implement, and/or modify rules and regulations, policies, and procedures related to productivity, performance, efficiency, personal appearance standards, code of ethics and conduct, safety, health, and order, and to require compliance therewith.

2.1.18 To maintain order and efficiency in facilities and operation.

2.1.19 To restrict the activity of an employee organization on CITY facilities except as set forth in this agreement.

2.1.20 To take any and all necessary steps and actions to carry out the service requirements and mission of the CITY in emergencies or any other time deemed necessary by the CITY and not specified above.

2.2 Nothing herein is meant to diminish CITY rights provided by the Government Code.

2.3 AUTHORITY OF THIRD PARTY NEUTRAL - MANAGEMENT RIGHTS

All management rights, powers, authority and functions, whether heretofore or hereinafter exercised, shall remain vested exclusively with the CITY. No third party neutral shall have the authority to diminish any of the management rights which are included in this agreement.

2.4 Nothing herein is meant to diminish employee rights provided by the Government Code.

ARTICLE 3 - RECOGNITION

3.1 The Confidential Group is comprised of the following classifications:

Executive Secretary/City Clerk
Senior Accounting Technician
Human Resources Analyst
Support Services Coordinator
Legal Assistant/Deputy City Clerk
Personnel Technician
Accounting Technician
Account Clerk III - Confidential

The term “employee” or “employees” as used herein shall refer only to the foregoing classifications.

3.2 Employees working on a regular basis in a classified position, but less than full-time, shall receive vacation and sick leave accruals on a pro-rated basis commensurate with hours worked. All benefits for new hires, including insurance benefits, will be allocated on a pro-rated basis commensurate with hours worked.

3.3 ELECTRONIC DEPOSIT

All employees shall receive their pay by electronic methods. New hires must present account information for a checking or a savings account with an ACH member financial institution.

ARTICLE 4 - TERM

Except as otherwise specifically provided herein, the term of this AGREEMENT commences on July 1, 201~~2~~³ and expires and is otherwise fully terminated at midnight on June 30, 201~~3~~⁴.

ARTICLE 5 - ANTI-DISCRIMINATION

The CITY and Confidential Group mutually agree they will not discriminate against employees for the exercise of their rights under the State of California Government Code Section 3502.

ARTICLE 6 - WORK SCHEDULE

This article is intended to define the normal hours of work and shall not be construed as a guarantee of work per day or per week, or of days of work per week.

6.1 WORKDAY: The normal workday shall be eight (8) hours of work in a twenty-four (24) consecutive hour period, except in cases of emergencies. Alternative work schedules can be implemented upon approval of the City Manager, and providing they are not in violation of FLSA regulations.

6.2 WORKSHIFT: Employees shall be scheduled to work on regular workshifts having regular starting and quitting times. Except for emergencies, employees' workshifts shall not be changed without 24 hour prior notice to the employee. Call-out or overtime does not constitute as change in workshift.

6.3 WORKWEEK: The normal workweek shall be five (5) workdays and two (2) consecutive days of rest in a seven (7) day period beginning Saturday, 12:00 a.m. and ending seven days later on Friday night at 11:59 p.m., except in cases of emergencies, or at the specific request of an employee and approval of department head. Nothing herein shall be construed to eliminate currently established irregular work schedules.

6.4 OVERTIME COMPENSATION

6.4.1 All work required by the CITY and actually performed beyond forty (40) hours worked in a workweek is defined as Fair Labor Standards Act (FLSA) overtime. FLSA overtime shall be compensated at one and one-half (1.5) times the

employee's regular rate of pay, as defined by FLSA.

6.4.2 Designated CITY holidays shall be considered as time worked for purposes of computing overtime for personnel working a Monday through Friday, 8 hours a day, schedule with Saturday and Sunday as regular days off. Employees working other schedules will accrue 8 hours holiday time and, if working on the CITY designated holiday, be paid at the rate of one and one-half (1.5) times the employee's regular rate of pay, as defined by FLSA.

6.5 COMPENSATORY TIME OFF (CTO)

6.5.1 At the employee's option, Compensatory Time Off may be taken in lieu of payment for overtime.

6.5.2 CTO may be accrued. An employee's CTO balance shall indicate the amount of CTO available for employee's use. For example, if an employee works two (2) hours of FLSA overtime and elects to accrue CTO, the employee's CTO balance shall indicate three (3) hours.

6.5.3 An employee's CTO balance shall not exceed a maximum of forty (40) hours. If overtime is earned which would exceed this limit, the excess shall be paid in cash.

6.5.4 FLSA overtime shall be accrued and taken at one and one-half (1.5) times the amount of overtime actually worked. For example, if an employee works two (2) hours FLSA overtime in a workweek, the employee shall be entitled to either two (2) hours pay at one and one-half (1.5) times the employee's regular rate of pay, or three (3) hours of CTO.

6.5.5 All CTO requested by an employee shall be approved in advance by the employee's Department Head. Approval or denial of CTO shall be at the discretion of the Department Head.

6.6 EMERGENCIES:

6.6.1 Nothing herein shall be construed to limit or restrict the authority of management to make temporary assignments to different or additional locations, shifts, or duties for the purpose of meeting an emergency. Such emergency assignments shall not extend beyond the period of said emergency.

6.6.2 Short staffing caused solely by absences due to employees taking approved paid leave shall not be considered an emergency.

ARTICLE 7 - VACATION LEAVE

NOTE: ALL LEAVE TIME (VACATION, SICK LEAVE, HOLIDAY, ETC.), WILL BE TAKEN OFF ON AN HOUR FOR HOUR BASIS EQUALING EMPLOYEE ACTUAL TIME OFF, REGARDLESS OF ACCUMULATION RATES.

7.1 During the term of this agreement, paid vacation leave shall be earned at the following rate:

<u>SERVICE YEARS</u>	<u>ENTITLEMENT IN DAYS</u>
1 thru 2	10
3 thru 4	11
5 thru 6	12
7 thru 8	13
9 thru 10	14
11 thru 12	15
13 thru 14	16
15 thru 16	17
17 thru 18	18
19 thru 20	19
21 or more	20

7.2 The standard for vacation time is eight (8) hours equals one (1) day.

7.3 **MAXIMUM ACCUMULATION**

It is recognized that long-standing accumulations of vacation time exist for some employees. In order to compensate employees for this unused vacation time and reduce this liability for the ~~City~~CITY, CITY and Confidential Group agree on the following policy:

7.3.1 Unused vacation leave may be carried over into the following year to a maximum of ~~four~~two hundred ~~twenty~~ (40220) hours. Employees exceeding the ~~40220~~ hour maximum as of the pay period containing November 1 of each year will ~~be paid off for vacation time exceeding the 400 hour maximum~~have the following options related to the excess hours:-

- a. Cash out;
- b. Convert hours to sick leave on an hour-for-hour basis; and/or
- c. Paid to deferred compensation.

The CITY shall ~~make take~~ said ~~payment~~action(s) with the pay period containing December 1 of each year. Payment shall be computed based upon the employee's base hourly rate of pay as of June 30 of the same calendar year. ~~At employee's further option, said payment may be put into deferred compensation.~~

7.3.2 Employees separating from the CITY are entitled to pay for accumulated vacation ~~based upon employee's base hourly rate of pay as of June 30~~ prior to separation.

7.4 A member of the Confidential Group may exercise an option to convert into cash a maximum of forty (40) hours of accrued vacation leave each fiscal year. Such conversion shall be computed at the employee's current base hourly rate on an hour per hour basis.

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ARTICLE 8 - HOLIDAYS

8.1 For the purpose of this agreement, the following days are the holidays for the employees in the Confidential Group:

Independence Day.....	July 4
Labor Day.....	1 st Monday in September
Veteran’s Day.....	November 11
Thanksgiving Day.....	4 th Thursday in November
Day after Thanksgiving Day.....	4 th Friday in November
Christmas Day.....	December 25
New Year’s Day.....	January 1
Martin Luther King, Jr., Day.....	3 rd Monday in January
Lincoln’s Birthday.....	February 12
President’s Day.....	3 rd Monday in February
Memorial Day.....	Last Monday in May
Floating Holiday.....	Varies
Floating Holiday.....	Varies

8.2 Holidays falling on Saturday shall be observed on the preceding Friday, and holidays falling on Sunday shall be observed on the following Monday; and, shall be considered designated holidays for purposes of overtime.

8.3 One holiday equals eight hours. For those employees working the 9/80 alternative work schedule, one holiday may equal up to 9 hours. Accrued holiday time may be taken in less than eight hour increments.

8.4 It is agreed that when a holiday is proclaimed by the Mayor of the CITY, then each employee shall be granted time-off in the same number of equivalent work hours. Such time-off shall be selected by the Department Head.

8.5 Employees may accumulate up to a maximum of forty-eight (48) hours holiday time. Hours of holiday time accumulated over 48 hours will be paid off. When an employee terminates employment with the CITY, he/she shall receive pay for his/her current holiday balance up to a maximum of 48 hours at his/her current base hourly rate.

8.6 CITY’s denial of requested holiday time off shall be neither arbitrary nor capricious.

ARTICLE 9 - ADMINISTRATIVE LEAVE

9.1 Each member of the Confidential Group is eligible to earn ~~thirty-six~~ forty-five (3645) hours of administrative leave per fiscal year. The time during the fiscal year, at which an employee may take administrative leave, shall be determined by ~~their~~ his/her department head with regard for the wishes of the employee and particular regard for the needs of the services.

9.2 Up to twenty-four (24) hours of administrative leave may be rolled over into the following fiscal year. Upon termination, employee will be paid the pro-rated amount commensurate with that portion of the fiscal year worked.

ARTICLE 10 - SICK LEAVE

10.1 During the term of this agreement, sick leave shall be earned at the rate of one (1) eight-hour workday for each calendar month of service. Sick leave used shall be actual employee time off. For example, if an employee works four (4) ten (10) hour days per week and is off sick for one of the ten (10) hour days, ten (10) hours shall be deducted from employee’s sick leave balance. There shall be no maximum to the amount of sick leave that an employee may accumulate.

| 10.2 Based on individual utilization of paid sick leave in the preceding fiscal year, employees may convert unused accumulated sick leave into paid vacation leave once during the following fiscal year, pursuant to the formula below:

<u>Sick Leave Utilization</u>	<u>Maximum Conversion</u>		<u>Vacation Leave</u>
	<u>Sick Leave</u>	<u>To</u>	
0 hours	96 hours		48 hours
.25 to 8 hours	72 hours		36 hours
8.25 to 16 hours	48 hours		24 hours
16.25 to 25 hours	24 hours		12 hours
Over 25 hours	0 hours		0 hours

| At least one hundred sixty (160) hours shall remain in the employee’s sick leave bank after any conversion is authorized.

| 10.3 Upon the service retirement of an employee, who has more than ten (10) years of service with the CITY, said employee shall be entitled to receive payment for up to the first ninety (90) days of his/her accrued sick leave at twenty-five percent (25%) of the employee's rate of pay as of the date of service retirement.

Service retirement is defined as service retirement from both the CITY and the respective retirement system thereof.

NOTE: Sick leave converted to service credit for CalPERS purposes cannot be compensated (converted to dollars).

ARTICLE 11 - RETIREMENT BENEFITS

11.1 All members of the Confidential Group pay 100% of the employee contribution to CalPERS.

11.2 Confidential Group understands and agrees that employees bear the risk of payment of any increases in the employee contribution above the current percentage made by action

of the CalPERS or the state legislature.

- 11.3 Parties agree that CITY payment of CalPERS contributions are made based upon tax treatment currently permitted by the State Franchise Tax Board and the IRS.
- 11.4 Should current tax treatment change, the Confidential Group shall hold harmless the CITY, its officers and agents from any and all claims or costs of any type including, but not limited to, liability for back taxes, arising out of this agreement to pay part of the employee's CalPERS contribution.
- 11.5 Should current tax treatment change, the Confidential Group shall have the opportunity to meet and confer regarding any such changes.
- 11.6 For employees hired prior to December 10, 2011, the CITY agrees to continue to provide CalPERS Miscellaneous Employees with the following CalPERS optional benefits:

- 2.7% at 55 plan (Section 21354)
- Sick Leave Credit Option (Section 20965)
- One-Year Final Compensation (20042)
- Military Service Credit (21024)
- 1959 Survivor Benefit, Level 4th (21574)

- 11.7 For employees hired on or after December 10, 2011, but before January 1, 2013, the CITY will provide a retirement benefit program through CalPERS with the following CalPERS optional benefits:

- 2% @ 60 plan (21353)
- Sick Leave Option (Section 20965)
- Final Compensation Average 36 consecutive highest months (20037)
- Military Service Credit (21024)
- 1959 Survivor Benefit 4th Level (21574)

- 11.8 For employees hired on or after January 1, 2013, the CITY will provide a retirement benefit program through CalPERS with the following CalPERS optional benefits:

- 2% @ 62 plan
- Sick Leave Option (Section 20965)
- Final Compensation Average 36 consecutive highest months (20037)
- Military Service Credit (21024)
- 1959 Survivor Benefit 4th Level (21574)

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ARTICLE 12 - HEALTH BENEFITS/DEFERRED COMPENSATION PROGRAM

12.1 HEALTH INSURANCE

12.1.1 Employees of the Confidential Group shall participate in the CalPERS medical insurance plans on a cafeteria-style basis, with the CITY contributing the

CalPERS minimum (currently \$11~~25~~/month) to the active employee's medical insurance and \$1.00/month or the amount required by CalPERS to retiree medical insurance. Any costs in excess of these contribution rates shall be paid by the employee and retiree.

12.1.2 The Confidential Group receives a cafeteria plan contribution (including the amount required by CalPERS in 12.1.1 above) as follows:

Employee only - up to \$715/month or cost of insurance, whichever is less
 Employee + 1 - up to \$94~~67~~/month or cost of insurance, whichever is less
 Employee + family - up to \$1,05~~80~~/month or cost of insurance, whichever is less

~~12.1.3 Effective January 1, 2013 (beginning December 1, 2012), Confidential Group employees receive a cafeteria plan contribution (including the amount required by PERS in 12.1.1 above) as follows:~~

~~Employee only - up to \$715/month or cost of insurance, whichever is less
 Employee + 1 - up to \$967/month or cost of insurance, whichever is less
 Employee + family - up to \$1080/month or cost of insurance, whichever is less~~

12.2 DENTAL AND VISION INSURANCE:

12.2.1 During the term of this Agreement, the CITY shall offer dental/life and vision insurance and each employee shall be required to carry both dental/life and vision insurance for self. Life Insurance is provided at \$2~~30~~,000 per employee (~~\$30,000 beginning January 1, 2013~~). The following rates are effective January 1, 201~~23~~.

	<u>Vision</u>	<u>Dental</u>	<u>Life</u>	<u>Total</u>	<u>Bank</u>	<u>EE Pays</u>
Employee only	\$ 7.64	\$ 42.87	\$ 5.70	\$ 56.21	\$ 49.48	\$ 6.73
Employee +1	14.32	119.56	5.70	139.58	120.97	18.61
Employee +2+	19.52	119.56	5.70	144.78	125.54	19.24

	<u>VISION</u>	<u>DENTAL</u>	<u>LIFE</u>	<u>TOTALS</u>
Employee Only	\$ 8.63	\$ 40.07	\$3.60	\$ 52.30
Employee +1	\$17.26	\$106.39	\$3.60	\$127.25
Employee +2	\$22.29	\$111.74	\$3.60	\$137.63

~~Employee will be responsible for the following monthly amounts for dental/life and vision beginning with the pay period including January 1, 2012:~~

Employee Only	\$ 2.93
Employee + 1	\$11.75

~~Employee + 2+ \$12.21~~

CITY will pay the remaining premium for dental/life and vision. Any increases to vision, dental and/or life will be borne by the employee.

12.3 Any coverage made available to future retirees beyond COBRA time requirements shall be paid for by the retiree.

12.4 The provisions of this section shall be binding on the parties through the remainder of this agreement and for the term of the agreement that will be effective July 1, 201~~2~~³. The parties agree herewith that no further collective bargaining will occur with respect to this section for the term of the agreement ending June 30, 201~~3~~⁴.

12.5 CONTRIBUTION TO OTHER PROGRAMS

CITY will contribute up to \$1,000 per calendar year to employee's deferred compensation, or approved retiree medical savings plan, on a 2:1 basis (i.e., employee contributes \$2, CITY contributes \$1).

ARTICLE 13 - EDUCATION INCENTIVES

13.1 CITY agrees to reimburse the costs for job-related and job-required certifications, correspondence courses, and licenses (except Class III driver's license) upon successful completion of the examination or course by the employee having written authorization in advance from their department head. This shall include application fees, examination fees, and certificate fees. Renewal fees may be paid in advance by the CITY.

CITY agrees to provide a City vehicle, when available, during normal working hours for required transportation and will permit paid time for employee to take examinations scheduled during normal working hours. No mileage payments are authorized for personal transportation, and time spent outside normal working hours shall not be compensated.

13.2 COLLEGE DEGREES

13.2.1 CITY agrees to pay the following education incentives on base salary to regular employees hired prior to January 1, 1998 who hold degrees above the minimum required in their respective classification.

Associate of Arts Degree - \$600 annually
Bachelors Degree - \$1,200 annually

13.2.2 If an employee's job description requires an AA degree and the employee has a Bachelor's Degree, the employee will receive only the difference between an AA and a BA degree, or \$600 annually.

13.2.3 If an employee's job description requires a degree or if an employee is promoted

to a classification that requires a degree, the employee shall not receive education incentive pay for the required degree.

The parties agree that this section shall not be interpreted to reduce the amount of education incentive pay that any employee hired prior to January 1, 1998 receives, notwithstanding the fact that the employee is promoted to a higher position requiring a particular degree, or the fact that the job description for the employee's existing position has been revised to require a particular degree. In the event an employee hired prior to January 1, 1998 promotes to a position requiring a degree not required by the lower position, or if the job description for an employee hired prior to January 1, 1998 is revised to require a degree not previously required for the position, the employee shall continue to receive the amount of the education incentive pay received in the lower position or previous job description.

13.2.4 Based on the new job descriptions for all classifications which were adopted in May 1995, as well as salary survey implementation over the last three years, employees currently in positions now required to hold an AA or BA degree according to the job description for the classification they hold, will continue to receive an educational incentive for said degree. Any employees hired on or after January 1, 1998 or current employees promoted on or after January 1, 1998 to positions requiring degrees will be subject to section 13.2.3 above.

13.2.5 Employees hired on or after January 1, 1998 shall not be eligible for this incentive.

ARTICLE 14 - SALARIES

14.1 Salaries shall ~~remain unchanged~~ be increased by 2% for the term of this Agreement effective with the pay period containing January 1, 2014.

14.2 All salary adjustments, including, but not limited to, merit increases, educational incentives, and any other pay adjustments will take effect at the beginning of the next payroll period after the scheduled effective date of the increase.

14.3 Any and all special pay incentives will be calculated on base salary.

ARTICLE 15 - SPECIAL PAY PRACTICES

Members of the Confidential Group who are required by their supervisor to attend meetings outside of the normal work schedule for the purpose of taking minutes of said meetings shall be paid a minimum of four hours at time and one-half without regard to hours actually worked during the work week. Minutes taken at meetings during regular work hours shall be included in employees' regular rate of pay and not compensated beyond that.

ARTICLE 16 – PROBATION

The probationary period for newly hired employees shall be twelve (12) months. The probationary period for employees promoted to a higher classification shall be six (6) months in the new classification. The CITY shall have the option of granting a newly hired employee regular status at any time after nine (9) months of service.

ARTICLE 17 - NO STRIKE, NO LOCK-OUT

- 17.1 During the term of this Agreement, the CITY will not lockout any employees nor will the Confidential Group members cause, authorize, advise or encourage any interruption of work or any other concerted action. The term "interruption of work" shall mean any work stoppage or strike (including economic and unfair labor practice strikes) or any intentional slowdown of work. The term "other concerted action" includes picketing or boycott activities by the Confidential Group.
- 17.2 There shall be no refusal to work on, handle or produce any materials or equipment because of a labor dispute.
- 17.3 Any employee engaging in any action prohibited by this Article shall be subject to immediate discharge or such other discipline as the CITY may assess. Such discharge or discipline shall not be reviewable through the Grievance Procedure.

ARTICLE 18 - FULL UNDERSTANDING, MODIFICATION, WAIVER

- 18.1 This AGREEMENT sets forth the full and entire understanding of the parties regarding the matters set forth herein, and any other prior or existing understanding or agreements by the parties, whether formal or informal, regarding any such matters are hereby superseded or terminated in their entirety. Formatted: All caps
- 18.2 It is agreed and understood that each party hereto voluntarily and unqualifiedly waives its right to negotiate, and agrees that the other party shall not be required to negotiate, with respect to any matter covered herein.
- 18.3 No agreement, alteration, understanding, variation, waiver, or modification of any of the terms or provisions contained herein shall in any manner be binding upon the parties hereto unless made and executed in writing by all parties hereto, and if required, approved by the CITY and ratified by the membership of the Confidential Group.
- 18.4 The waiver of any breach of any term, or condition of this AGREEMENT by either party shall not constitute a precedent in the future enforcement of all its terms and provisions. Formatted: All caps
- 18.5 If the City agrees to an economic package for represented and/or unrepresented employee organizations substantively different from the Confidential Unit's settlement for the period of July 1, 2013 through June 30, 2014, the City will consider modifying the Resolution to provide an equivalent increase. Formatted: Font: (Default) Times New Roman
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ARTICLE 19 - SEVERABILITY

If any provision(s) are held to be contrary to law by a court of competent jurisdiction, such provision(s) will not be deemed valid and subsisting except to the extent permitted by law, but all other provisions will continue in full force and effect.

Date: _____

CONFIDENTIAL EMPLOYEES GROUP

Laurie Goforth, Human Resources Analyst

Jamie Boucher, City Clerk

Cris Brazzi, Senior Accounting Technician

Date: _____

CITY OF MORRO BAY

Andrea K Lueker, City Manager

Susan Slayton, Admin. Services Dir.



AGENDA NO: A-13

MEETING DATE: 11/12/2013

Staff Report

TO: Honorable Mayor and City Council Members **DATE:** November 6, 2013

FROM: Susan Slayton, Administrative Services Director

SUBJECT: Quarterly Financial Status Reports for the Fiscal Year Ended September 30, 2013

RECOMMENDATION

City Council to accept the reports as presented.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

There is no fiscal impact as this is only a status report.

SUMMARY

City Council is being presented with the September 30, 2013 quarterly budget, investment and contract expenditures reports. This is an information item, and no formal action is required.

BACKGROUND

At City Council's request, the financial status report is presented to Council on a quarterly basis, which includes the budget performance report well as the investment portfolio. This is the first report for the 2013/14 fiscal year..

DISCUSSION

Presented tonight is the quarterly financial status report for the fiscal year ended September 30, 2013, the first quarter of the 2013/14 fiscal year. Please remember that when looking at these reports, timing plays a role in revenue receipt; for example, Transient Occupancy Tax is always received one month after the tax was collected (TOT charged in July is not due to the City until August 31). In June, we "double up," receiving the May TOT by June 30, and accruing the June TOT into the prior fiscal year with a journal entry. Expenditures are generally more accurate, although one-time expenditures, such as annual maintenance contracts, will skew the percentage expended.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

The optimal percentage at this time of year would be 25% or less, as ¼ of the fiscal year has gone by. General Fund revenues (page 4) are 18% received as of September 30. As mentioned earlier, timing plays a big part in this; the first installment of property taxes will not arrive until late December/early January. General Fund expenditures (page 18) are 26% spent as of September.

As of September 30, performance results on the enterprise operating funds are as follows:

<u>FUND</u>	<u>PAGE</u>	<u>PERCENT RECEIVED/SPENT</u>	
		<u>REVENUES</u>	<u>EXPENSES</u>
Transit	33	4%	19%
Water	35	23%	43%
Sewer	39	24%	5%
Harbor	45	0%	29%

The Water Operating Fund made its first State Water payment in July, accounting for the high expenditure percentage. The Sewer Operating Fund has not made any payments to the Wastewater Treatment Plant Fund, which accounts for its low expenditure percentage, as well as the low revenue percentage in the Wastewater Treatment Plant Fund presented in the table below.

As of September 30, performance results on the Wastewater Treatment Plant are as follows:

<u>FUND</u>	<u>PAGE</u>	<u>PERCENT RECEIVED/SPENT</u>	
		<u>REVENUES</u>	<u>EXPENSES</u>
WWTP	48	0%	10%

The City’s portfolio performance investment report is attached as well. We are averaging a 0.713% return on our investments. Additionally as requested, a detailed list of contract expenditures and a listing by contractor are included.

CONCLUSION

Staff is asking the City Council to review and accept the report as presented.

ATTACHMENTS

1. Budget performance report including capital projects (49 pages)
2. Portfolio performance report (1 page)
3. Accumulated transaction detail report on contract expenditures (24 pages)
4. Listing of contract expenditures by contractor (5 pages)

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 001 - General Fund								
REVENUE								
Department 1111 - Undistributed/Non-Dept.								
3710	Interest Income	.00	.00	.00	7,671.52	(7,671.52)	+++	37,352.81
Department 1111 - Undistributed/Non-Dept. Totals		\$0.00	\$0.00	\$0.00	\$7,671.52	(\$7,671.52)	+++	\$37,352.81
Department 2110 - City Council								
3970	Donations	30,000.00	.00	30,000.00	.00	30,000.00	0	.00
Department 2110 - City Council Totals		\$30,000.00	\$0.00	\$30,000.00	\$0.00	\$30,000.00	0%	\$0.00
Department 3210 - City Attorney								
3401	Sale of Copies & Books	.00	.00	.00	100.00	(100.00)	+++	.00
Department 3210 - City Attorney Totals		\$0.00	\$0.00	\$0.00	\$100.00	(\$100.00)	+++	\$0.00
Department 3510 - Accounting & Treasury								
3011	Property Tax Curr. Sec.	2,500,300.00	.00	2,500,300.00	2,382.03	2,497,917.97	0	1,307.95
3012	Property Tax Curr. Unsecu	55,000.00	.00	55,000.00	51,003.31	3,996.69	93	52,934.99
3015	Property Tax Prior Unsec	(4,400.00)	.00	(4,400.00)	.00	(4,400.00)	0	302.15
3017	Property Tax H-Subvent	19,600.00	.00	19,600.00	.00	19,600.00	0	.00
3019	Property Tax - Other	.00	.00	.00	14.16	(14.16)	+++	3.04
3020	Property Tax-Cnty Adm Fee	(76,527.00)	.00	(76,527.00)	.00	(76,527.00)	0	.00
3021	Property Tax in Lieu-VLF	812,214.00	.00	812,214.00	.00	812,214.00	0	.00
3022	Prop. Tax In-Lieu Sales	364,472.00	.00	364,472.00	.00	364,472.00	0	.00
3051	Sales Tax-City Portion	1,200,000.00	.00	1,200,000.00	205,051.64	994,948.36	17	250,448.47
3052	Sales Tax Prop. 172	120,000.00	.00	120,000.00	23,708.87	96,291.13	20	22,453.21
3061	Transfer Tax	55,000.00	.00	55,000.00	11,738.89	43,261.11	21	9,759.73
3064	Transient Occupancy Tax	2,000,000.00	.00	2,000,000.00	641,691.96	1,358,308.04	32	614,033.37
3065	Electric Franchise Tax	91,000.00	.00	91,000.00	.00	91,000.00	0	.00
3066	Garbage Franchise	173,000.00	.00	173,000.00	22,161.66	150,838.34	13	29,885.29
3067	Cable TV Franchise Fees	150,000.00	.00	150,000.00	.00	150,000.00	0	.00
3068	Natural Gas Franchise Fee	67,600.00	.00	67,600.00	.00	67,600.00	0	.00
3220	State Motor In-Lieu	.00	.00	.00	4,500.49	(4,500.49)	+++	5,437.92
3401	Sale of Copies & Books	.00	.00	.00	3.75	(3.75)	+++	.00
3408	Finance Services	1,000.00	.00	1,000.00	480.00	520.00	48	185.00
3630	Interest Del. Taxes	.00	.00	.00	.00	.00	+++	.01
3690	Other Fine/Forfeit/Pen.	.00	.00	.00	889.38	(889.38)	+++	33.00
3730	Rental Income	257,800.00	.00	257,800.00	86,979.00	170,821.00	34	78,333.22
3922	Refunds/Adj/Restitution	.00	.00	.00	(100.00)	100.00	+++	(70.00)
3990	Other Misc. Revenues	4,257.00	.00	4,257.00	.00	4,257.00	0	.00
3991	Cash Variations	.00	.00	.00	(90.58)	90.58	+++	(5.00)
Department 3510 - Accounting & Treasury Totals		\$7,790,316.00	\$0.00	\$7,790,316.00	\$1,050,414.56	\$6,739,901.44	13%	\$1,065,042.35
Department 3520 - Information Services								
3922	Refunds/Adj/Restitution	.00	.00	.00	.00	.00	+++	283.82
Department 3520 - Information Services Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$283.82
Department 4110 - Police Department								
3230	State Mandated Cost Reimb	5,000.00	.00	5,000.00	3,871.00	1,129.00	77	3,739.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
3247	P.O.S.T. Subvention	9,000.00	.00	9,000.00	.00	9,000.00	0	5,274.89
3248	Police Impound Fees	10,000.00	.00	10,000.00	1,405.00	8,595.00	14	1,739.00
3401	Sale of Copies & Books	1,600.00	.00	1,600.00	336.00	1,264.00	21	327.50
3460	Subpoenas	7,000.00	.00	7,000.00	.00	7,000.00	0	.00
3461	Fingerprinting Fees	7,000.00	.00	7,000.00	1,744.00	5,256.00	25	2,527.00
3465	Police Cost Recovery	6,000.00	.00	6,000.00	1,631.61	4,368.39	27	1,572.21
3468	Booking Fees	.00	.00	.00	81.76	(81.76)	+++	(3.04)
3469	Special Events	14,000.00	.00	14,000.00	.00	14,000.00	0	3,906.08
3499	Other Rev/Current Svc	40,000.00	.00	40,000.00	.00	40,000.00	0	.00
3610	Parking Bail Violations	10,000.00	.00	10,000.00	2,009.82	7,990.18	20	1,529.10
3615	Administrative Citations	500.00	.00	500.00	103.00	397.00	21	214.00
3690	Other Fine/Forfeit/Pen.	4,500.00	.00	4,500.00	270.03	4,229.97	6	645.95
3919	Auctioned Property	1,500.00	.00	1,500.00	113.60	1,386.40	8	.00
3922	Refunds/Adj/Restitution	200.00	.00	200.00	20.00	180.00	10	26.25
3990	Other Misc. Revenues	2,000.00	.00	2,000.00	193.00	1,807.00	10	824.71
Department 4110 - Police Department Totals		\$118,300.00	\$0.00	\$118,300.00	\$11,778.82	\$106,521.18	10%	\$22,322.65
Department 4210 - Fire Department								
3190	Other Licenses & Permits	387.00	.00	387.00	536.00	(149.00)	139	63.00
3393	Nuclear Planning Assist	9,000.00	.00	9,000.00	.00	9,000.00	0	.00
3401	Sale of Copies & Books	140.00	.00	140.00	95.00	45.00	68	28.00
3425	Filing/Certification Fees	.00	.00	.00	1,033.00	(1,033.00)	+++	656.60
3426	Plan Checking Fees	12,000.00	.00	12,000.00	5,355.65	6,644.35	45	2,027.13
3427	Building Inspection Fees	3,200.00	.00	3,200.00	.00	3,200.00	0	.00
3469	Special Events	1,400.00	.00	1,400.00	106.00	1,294.00	8	42.00
3472	Other Fire Services	8,000.00	.00	8,000.00	8,826.33	(826.33)	110	.00
3473	EMS Service & Transport	81,779.00	.00	81,779.00	.00	81,779.00	0	.00
3499	Other Rev/Current Svc	5,000.00	.00	5,000.00	.00	5,000.00	0	.00
3922	Refunds/Adj/Restitution	.00	.00	.00	180.00	(180.00)	+++	72.00
3990	Other Misc. Revenues	.00	.00	.00	12.00	(12.00)	+++	.00
Department 4210 - Fire Department Totals		\$120,906.00	\$0.00	\$120,906.00	\$16,143.98	\$104,762.02	13%	\$2,888.73
Department 5205 - Public Services Admin								
3101	General Business License	284,000.00	.00	284,000.00	202,408.02	81,591.98	71	193,020.84
3104	Transient Vendor Fees	5,000.00	.00	5,000.00	2,319.71	2,680.29	46	3,004.10
3120	Building Permit	.00	.00	.00	225.00	(225.00)	+++	43.00
3121	Encroachment Permit	7,500.00	.00	7,500.00	1,783.00	5,717.00	24	942.00
3127	Coastal Permit	35,000.00	.00	35,000.00	2,688.00	32,312.00	8	688.00
3130	Sign	2,000.00	.00	2,000.00	257.00	1,743.00	13	252.00
3132	Conditional Use Permit	3,000.00	.00	3,000.00	4,256.00	(1,256.00)	142	1,727.00
3401	Sale of Copies & Books	500.00	.00	500.00	.00	500.00	0	123.00
3403	Sale of Plans/Specs	100.00	.00	100.00	.00	100.00	0	.00
3404	Tentative Parcel Map	6,750.00	.00	6,750.00	.00	6,750.00	0	.00
3405	Tentative Tract Map	3,000.00	.00	3,000.00	.00	3,000.00	0	(1,058.00)
3410	Planning & Zoning App Fee	1,500.00	.00	1,500.00	254.00	1,246.00	17	549.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
3415	Environmental Determine	10,000.00	.00	10,000.00	3,700.00	6,300.00	37	2,160.00
3416	Zoning Amendment	.00	.00	.00	368.00	(368.00)	+++	134.00
3420	Design Review Fees	4,500.00	.00	4,500.00	2,207.00	2,293.00	49	1,120.00
3422	Parking Exception Fees	500.00	.00	500.00	123.00	377.00	25	120.00
3426	Plan Checking Fees	90,000.00	.00	90,000.00	26,535.28	63,464.72	29	9,691.69
3427	Building Inspection Fees	70,000.00	.00	70,000.00	34,417.07	35,582.93	49	12,228.95
3450	Engineer's Review Fees	500.00	.00	500.00	266.00	234.00	53	.00
3499	Other Rev/Current Svc	7,500.00	.00	7,500.00	.00	7,500.00	0	.00
3991	Cash Variations	.00	.00	.00	739.24	(739.24)	+++	.00
Department 5205 - Public Services Admin Totals		\$531,350.00	\$0.00	\$531,350.00	\$282,546.32	\$248,803.68	53%	\$224,745.58
Department 5210 - Engineering & Admin								
3920	Notification Fee	.00	.00	.00	570.00	(570.00)	+++	440.00
Department 5210 - Engineering & Admin Totals		\$0.00	\$0.00	\$0.00	\$570.00	(\$570.00)	+++	\$440.00
Department 5270 - Curbside Recycling								
3499	Other Rev/Current Svc	22,940.00	.00	22,940.00	3,750.00	19,190.00	16	5,176.44
Department 5270 - Curbside Recycling Totals		\$22,940.00	\$0.00	\$22,940.00	\$3,750.00	\$19,190.00	16%	\$5,176.44
Department 6110 - R & P Administration								
3490	Program Revenue	60,000.00	.00	60,000.00	16,143.05	43,856.95	27	20,088.72
3501	Processing Fees	(6,000.00)	.00	(6,000.00)	(3,840.45)	(2,159.55)	64	(2,755.80)
3995	Non-Resident Revenue	.00	.00	.00	74.86	(74.86)	+++	376.70
Department 6110 - R & P Administration Totals		\$54,000.00	\$0.00	\$54,000.00	\$12,377.46	\$41,622.54	23%	\$17,709.62
Department 6125 - Dance 39+								
3499	Other Rev/Current Svc	12,000.00	.00	12,000.00	3,992.00	8,008.00	33	3,717.37
Department 6125 - Dance 39+ Totals		\$12,000.00	\$0.00	\$12,000.00	\$3,992.00	\$8,008.00	33%	\$3,717.37
Department 6130 - Rec & Parks Sports								
3480	R & P Sports Fees	145,000.00	.00	145,000.00	62,444.99	82,555.01	43	56,377.01
Department 6130 - Rec & Parks Sports Totals		\$145,000.00	\$0.00	\$145,000.00	\$62,444.99	\$82,555.01	43%	\$56,377.01
Department 6140 - R & P Youth Services								
3482	R & P Youth Services	175,000.00	.00	175,000.00	70,689.75	104,310.25	40	51,603.36
Department 6140 - R & P Youth Services Totals		\$175,000.00	\$0.00	\$175,000.00	\$70,689.75	\$104,310.25	40%	\$51,603.36
Department 6143 - Teen Programs Division								
3482	R & P Youth Services	3,500.00	.00	3,500.00	1,220.50	2,279.50	35	1,662.50
Department 6143 - Teen Programs Division Totals		\$3,500.00	\$0.00	\$3,500.00	\$1,220.50	\$2,279.50	35%	\$1,662.50
Department 6150 - R & P City Facilities								
3483	R & P Facility Fees	.00	.00	.00	.00	.00	+++	9.00
3730	Rental Income	65,000.00	.00	65,000.00	11,867.11	53,132.89	18	17,596.52
3990	Other Misc. Revenues	.00	.00	.00	.00	.00	+++	3,033.83
Department 6150 - R & P City Facilities Totals		\$65,000.00	\$0.00	\$65,000.00	\$11,867.11	\$53,132.89	18%	\$20,639.35
Department 6155 - Gifts & Donations R & P								
3291	Other Donations/Cont.	.00	.00	.00	.00	.00	+++	360.00
Department 6155 - Gifts & Donations R & P Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$360.00
Department 6160 - R & P Parks Division								
3469	Special Events	5,000.00	.00	5,000.00	7,973.72	(2,973.72)	159	5,822.23

Budget Performance Report

Fiscal Year to Date 09/30/13

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
3911	Property Damage	.00	.00	.00	.00	.00	+++	248.04
	Department 6160 - R & P Parks Division Totals	\$5,000.00	\$0.00	\$5,000.00	\$7,973.72	(\$2,973.72)	159%	\$6,070.27
	Department 6210 - Property Management							
3730	Rental Income	17,400.00	.00	17,400.00	4,650.00	12,750.00	27	3,653.53
	Department 6210 - Property Management Totals	\$17,400.00	\$0.00	\$17,400.00	\$4,650.00	\$12,750.00	27%	\$3,653.53
	Department 7710 - Interfund Transactions							
3801	Transfers In	1,585,896.00	.00	1,585,896.00	419,572.04	1,166,323.96	26	328,276.24
3802	Intrafund Revenue Trans.	.00	.00	.00	.00	.00	+++	41,200.00
	Department 7710 - Interfund Transactions Totals	\$1,585,896.00	\$0.00	\$1,585,896.00	\$419,572.04	\$1,166,323.96	26%	\$369,476.24
	REVENUE TOTALS	\$10,676,608.00	\$0.00	\$10,676,608.00	\$1,967,762.77	\$8,708,845.23	18%	\$1,889,521.63

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
EXPENSE								
Department 2110 - City Council								
4110	Regular Pay	33,900.00	.00	33,900.00	8,475.09	25,424.91	25	8,475.09
4910	Employer Paid Benefits	38,290.00	.00	38,290.00	6,617.89	31,672.11	17	8,070.30
5175	Computer Operating Supp.	100.00	.00	100.00	.00	100.00	0	80.75
5199	Misc. Operating Supplies	500.00	.00	500.00	.00	500.00	0	.00
5305	Forms Printing	250.00	.00	250.00	177.64	72.36	71	.00
6106	Contractual Services	5,000.00	.00	5,000.00	.00	5,000.00	0	.00
6300	Utilities	.00	.00	.00	134.97	(134.97)	+++	.00
6401	General Liability	6,516.00	.00	6,516.00	543.00	5,973.00	8	1,629.00
6411	Property Damage Ins.	706.00	.00	706.00	58.83	647.17	8	176.49
6472	Other Ins./Employee Bond	84.00	.00	84.00	7.00	77.00	8	21.00
6510	Meetings & Conferences	2,500.00	.00	2,500.00	400.00	2,100.00	16	630.00
6511	Mileage Reimbursement	100.00	.00	100.00	.00	100.00	0	.00
6513	Meals & Lodging	2,500.00	.00	2,500.00	113.40	2,386.60	5	.00
6519	Association Membership	18,268.00	.00	18,268.00	13,920.45	4,347.55	76	.00
8721	Payment To Other Agency	89,000.00	.00	89,000.00	73,000.00	16,000.00	82	.00
Department 2110 - City Council Totals		\$197,714.00	\$0.00	\$197,714.00	\$103,448.27	\$94,265.73	52%	\$19,082.63
Department 3110 - City Manager's Office								
4110	Regular Pay	228,731.00	.00	228,731.00	60,152.83	168,578.17	26	55,877.62
4599	Other Pay	10,000.00	.00	10,000.00	1,347.68	8,652.32	13	1,349.98
4910	Employer Paid Benefits	88,857.00	.00	88,857.00	16,893.25	71,963.75	19	21,669.24
5110	Fuel Oil & Lubricants	500.00	.00	500.00	37.14	462.86	7	595.55
5175	Computer Operating Supp.	1,500.00	.00	1,500.00	.00	1,500.00	0	9,163.19
5199	Misc. Operating Supplies	2,000.00	.00	2,000.00	359.92	1,640.08	18	30.00
5201	Other Expense	.00	.00	.00	75.80	(75.80)	+++	.00
5301	General Office Supplies	1,500.00	.00	1,500.00	.00	1,500.00	0	110.45
5303	Books & Manuals	100.00	.00	100.00	.00	100.00	0	.00
5304	Periodical/Subscriptions	200.00	.00	200.00	215.28	(15.28)	108	186.00
5352	Award/Trophy Supplies	300.00	.00	300.00	.00	300.00	0	.00
6106	Contractual Services	5,000.00	.00	5,000.00	49.60	4,950.40	1	1,924.60
6125	Professional Development	2,000.00	.00	2,000.00	.00	2,000.00	0	.00
6199	Other Professional Svc	57,000.00	.00	57,000.00	10,100.00	46,900.00	18	10,000.00
6300	Utilities	11,000.00	.00	11,000.00	2,188.92	8,811.08	20	2,414.55
6401	General Liability	2,078.00	.00	2,078.00	173.17	1,904.83	8	1,019.49
6411	Property Damage Ins.	283.00	.00	283.00	23.58	259.42	8	70.74
6472	Other Ins./Employee Bond	33.00	.00	33.00	2.75	30.25	8	8.25
6473	Vehicle Insurance	122.00	.00	122.00	10.17	111.83	8	30.51
6510	Meetings & Conferences	2,000.00	.00	2,000.00	.00	2,000.00	0	360.00
6513	Meals & Lodging	2,000.00	.00	2,000.00	128.07	1,871.93	6	37.25
6514	Travel Expense	.00	.00	.00	.00	.00	+++	166.20
6519	Association Membership	7,193.00	.00	7,193.00	5,180.00	2,013.00	72	180.00
6604	Outside Vehicle Repair/Maint	200.00	.00	200.00	.00	200.00	0	469.98

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
6701	Outside Clerical/Sec. Svc	3,000.00	.00	3,000.00	.00	3,000.00	0	.00
6710	Notices & Publications	.00	.00	.00	.00	.00	+++	158.10
6750	Business Equipment Rental	3,000.00	.00	3,000.00	943.52	2,056.48	31	663.56
6760	Recruitment	5,000.00	.00	5,000.00	.00	5,000.00	0	.00
8721	Payment To Other Agency	.00	.00	.00	.00	.00	+++	12,561.69
Department 3110 - City Manager's Office Totals		\$433,597.00	\$0.00	\$433,597.00	\$97,881.68	\$335,715.32	23%	\$119,046.95
Department 3115 - Contract Services								
6740	Fiscal Management Fees	8,000.00	.00	8,000.00	554.88	7,445.12	7	.00
6770	Animal Services	27,017.00	.00	27,017.00	6,516.50	20,500.50	24	11,500.25
Department 3115 - Contract Services Totals		\$35,017.00	\$0.00	\$35,017.00	\$7,071.38	\$27,945.62	20%	\$11,500.25
Department 3120 - Elections								
5303	Books & Manuals	54.00	.00	54.00	.00	54.00	0	.00
5305	Forms Printing	400.00	.00	400.00	.00	400.00	0	.00
6162	Mandated Fees/Inspections	19,500.00	.00	19,500.00	.00	19,500.00	0	.00
Department 3120 - Elections Totals		\$19,954.00	\$0.00	\$19,954.00	\$0.00	\$19,954.00	0%	\$0.00
Department 3140 - Human Resources								
4110	Regular Pay	66,984.00	.00	66,984.00	12,435.92	54,548.08	19	12,360.91
4599	Other Pay	1,000.00	.00	1,000.00	1,427.53	(427.53)	143	1,427.53
4910	Employer Paid Benefits	31,775.00	.00	31,775.00	5,283.98	26,491.02	17	5,196.86
5199	Misc. Operating Supplies	.00	.00	.00	30.00	(30.00)	+++	30.00
5301	General Office Supplies	1,222.00	.00	1,222.00	.00	1,222.00	0	120.45
5304	Periodical/Subscriptions	200.00	.00	200.00	219.00	(19.00)	110	.00
5305	Forms Printing	173.00	.00	173.00	181.44	(8.44)	105	181.02
5352	Award/Trophy Supplies	176.00	.00	176.00	.00	176.00	0	.00
6106	Contractual Services	27,600.00	.00	27,600.00	8,240.70	19,359.30	30	8,146.31
6125	Professional Development	.00	.00	.00	149.00	(149.00)	+++	.00
6300	Utilities	346.00	.00	346.00	.00	346.00	0	92.10
6510	Meetings & Conferences	1,000.00	.00	1,000.00	.00	1,000.00	0	.00
6511	Mileage Reimbursement	.00	.00	.00	.00	.00	+++	90.80
6513	Meals & Lodging	.00	.00	.00	241.00	(241.00)	+++	.00
6519	Association Membership	350.00	.00	350.00	175.00	175.00	50	.00
6710	Notices & Publications	250.00	.00	250.00	.00	250.00	0	.00
6720	Medical Examinations	.00	.00	.00	80.00	(80.00)	+++	.00
6750	Business Equipment Rental	3,150.00	.00	3,150.00	943.53	2,206.47	30	663.56
6760	Recruitment	20,000.00	.00	20,000.00	5,141.06	14,858.94	26	4,518.94
Department 3140 - Human Resources Totals		\$154,226.00	\$0.00	\$154,226.00	\$34,548.16	\$119,677.84	22%	\$32,828.48
Department 3170 - Promotion & Advertising								
6107	Promotion & Advertising	58,425.00	.00	58,425.00	.00	58,425.00	0	.00
Department 3170 - Promotion & Advertising Totals		\$58,425.00	\$0.00	\$58,425.00	\$0.00	\$58,425.00	0%	\$0.00
Department 3171 - Chamber of Comm - Economic Dev								
6105	Consulting Services	58,425.00	.00	58,425.00	14,606.25	43,818.75	25	14,606.25
Department 3171 - Chamber of Comm - Economic Dev Totals		\$58,425.00	\$0.00	\$58,425.00	\$14,606.25	\$43,818.75	25%	\$14,606.25
Department 3172 - Visitor's Center								

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
6106	Contractual Services	102,168.00	.00	102,168.00	.00	102,168.00	0	.00
6107	Promotion & Advertising	.00	.00	.00	.00	.00	+++	50,830.00
Department 3172 - Visitor's Center Totals		\$102,168.00	\$0.00	\$102,168.00	\$0.00	\$102,168.00	0%	\$50,830.00
Department 3210 - City Attorney								
4110	Regular Pay	83,677.00	.00	83,677.00	20,535.90	63,141.10	25	20,364.03
4599	Other Pay	3,000.00	.00	3,000.00	466.43	2,533.57	16	116.61
4910	Employer Paid Benefits	38,036.00	.00	38,036.00	8,190.16	29,845.84	22	7,863.08
5108	Communication Supplies	350.00	.00	350.00	.00	350.00	0	.00
5110	Fuel Oil & Lubricants	.00	.00	.00	222.16	(222.16)	+++	.00
5175	Computer Operating Supp.	.00	.00	.00	47.50	(47.50)	+++	.00
5199	Misc. Operating Supplies	684.00	.00	684.00	30.00	654.00	4	30.00
5301	General Office Supplies	150.00	.00	150.00	.00	150.00	0	110.43
5302	Copying Supplies	150.00	.00	150.00	.00	150.00	0	.00
5303	Books & Manuals	170.00	.00	170.00	.00	170.00	0	53.81
5304	Periodical/Subscriptions	120.00	.00	120.00	.00	120.00	0	.00
5305	Forms Printing	.00	.00	.00	.00	.00	+++	14.99
6101	Legal Services	4,055.00	.00	4,055.00	546.00	3,509.00	13	78.00
6106	Contractual Services	.00	.00	.00	89.28	(89.28)	+++	89.28
6125	Professional Development	3,862.00	.00	3,862.00	105.00	3,757.00	3	798.00
6199	Other Professional Svc	5,970.00	.00	5,970.00	.00	5,970.00	0	.00
6300	Utilities	1,000.00	.00	1,000.00	421.10	578.90	42	473.28
6401	General Liability	465.00	.00	465.00	38.75	426.25	8	616.26
6411	Property Damage Ins.	247.00	.00	247.00	20.58	226.42	8	61.74
6472	Other Ins./Employee Bond	33.00	.00	33.00	2.42	30.58	7	7.26
6510	Meetings & Conferences	75.00	.00	75.00	172.29	(97.29)	230	35.00
6513	Meals & Lodging	500.00	.00	500.00	745.95	(245.95)	149	183.81
6514	Travel Expense	1,500.00	.00	1,500.00	386.92	1,113.08	26	59.82
6519	Association Membership	650.00	.00	650.00	.00	650.00	0	.00
6604	Outside Vehicle Repair/Maint	.00	.00	.00	317.77	(317.77)	+++	704.53
6750	Business Equipment Rental	2,550.00	.00	2,550.00	943.53	1,606.47	37	663.49
Department 3210 - City Attorney Totals		\$147,244.00	\$0.00	\$147,244.00	\$33,281.74	\$113,962.26	23%	\$32,323.42
Department 3510 - Accounting & Treasury								
4110	Regular Pay	256,032.00	.00	256,032.00	60,570.49	195,461.51	24	55,902.44
4120	Overtime Pay	.00	.00	.00	134.16	(134.16)	+++	.00
4310	Part-Time Pay	.00	.00	.00	.00	.00	+++	173.41
4599	Other Pay	6,000.00	.00	6,000.00	1,050.01	4,949.99	18	1,050.01
4910	Employer Paid Benefits	98,685.00	.00	98,685.00	23,993.72	74,691.28	24	21,941.22
5175	Computer Operating Supp.	100.00	.00	100.00	.00	100.00	0	7.99
5199	Misc. Operating Supplies	.00	.00	.00	133.97	(133.97)	+++	78.25
5301	General Office Supplies	11,600.00	.00	11,600.00	1,057.45	10,542.55	9	807.40
5303	Books & Manuals	175.00	.00	175.00	.00	175.00	0	.00
5305	Forms Printing	1,200.00	.00	1,200.00	155.74	1,044.26	13	172.70
6101	Legal Services	.00	.00	.00	285.00	(285.00)	+++	.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
6103	Financial Audits	47,500.00	.00	47,500.00	25,830.00	21,670.00	54	4,176.50
6105	Consulting Services	.00	.00	.00	1,230.00	(1,230.00)	+++	.00
6106	Contractual Services	56,470.00	.00	56,470.00	17,475.70	38,994.30	31	18,737.20
6125	Professional Development	500.00	.00	500.00	524.00	(24.00)	105	.00
6220	Postage	8,674.00	.00	8,674.00	(338.62)	9,012.62	-4	3,050.93
6300	Utilities	9,000.00	.00	9,000.00	1,880.26	7,119.74	21	1,902.47
6401	General Liability	3,426.00	.00	3,426.00	285.50	3,140.50	8	1,856.49
6411	Property Damage Ins.	848.00	.00	848.00	70.67	777.33	8	212.01
6472	Other Ins./Employee Bond	62.00	.00	62.00	7.00	55.00	11	21.00
6510	Meetings & Conferences	400.00	.00	400.00	.00	400.00	0	.00
6519	Association Membership	400.00	.00	400.00	.00	400.00	0	158.34
6601	Outside Equip. Repair/Mat	100.00	.00	100.00	.00	100.00	0	.00
6640	Maintenance Contracts	800.00	.00	800.00	198.44	601.56	25	198.44
6740	Fiscal Management Fees	4,000.00	.00	4,000.00	.00	4,000.00	0	499.67
6741	Misc. Bank Charges	8,000.00	.00	8,000.00	804.49	7,195.51	10	2,109.07
6750	Business Equipment Rental	3,000.00	.00	3,000.00	943.54	2,056.46	31	663.56
8711	Non Capital Asset Expense	7,000.00	.00	7,000.00	.00	7,000.00	0	9,250.00
Department 3510 - Accounting & Treasury Totals		\$523,972.00	\$0.00	\$523,972.00	\$136,291.52	\$387,680.48	26%	\$122,969.10
Department 3520 - Information Services								
4110	Regular Pay	84,159.00	.00	84,159.00	21,131.20	63,027.80	25	21,131.20
4599	Other Pay	5,000.00	.00	5,000.00	1,602.40	3,397.60	32	.00
4910	Employer Paid Benefits	36,559.00	.00	36,559.00	8,248.75	28,310.25	23	8,008.27
5175	Computer Operating Supp.	8,000.00	.00	8,000.00	111.16	7,888.84	1	331.24
5201	Other Expense	.00	.00	.00	.00	.00	+++	(35.94)
5303	Books & Manuals	50.00	.00	50.00	19.97	30.03	40	.00
6105	Consulting Services	10,000.00	.00	10,000.00	1,710.00	8,290.00	17	.00
6106	Contractual Services	9,886.00	.00	9,886.00	6,814.50	3,071.50	69	6,815.81
6199	Other Professional Svc	100.00	.00	100.00	.00	100.00	0	85.00
6300	Utilities	1,000.00	.00	1,000.00	595.66	404.34	60	49.50
6472	Other Ins./Employee Bond	22.00	.00	22.00	.00	22.00	0	.00
6473	Vehicle Insurance	122.00	.00	122.00	10.17	111.83	8	30.51
6640	Maintenance Contracts	7,200.00	.00	7,200.00	.00	7,200.00	0	.00
Department 3520 - Information Services Totals		\$162,098.00	\$0.00	\$162,098.00	\$40,243.81	\$121,854.19	25%	\$36,415.59
Department 4110 - Police Department								
4110	Regular Pay	1,421,396.00	.00	1,421,396.00	335,011.86	1,086,384.14	24	330,920.90
4120	Overtime Pay	81,000.00	.00	81,000.00	20,858.19	60,141.81	26	24,354.73
4310	Part-Time Pay	24,250.00	.00	24,250.00	7,700.09	16,549.91	32	39,494.10
4515	Standby Pay	5,000.00	.00	5,000.00	3,128.88	1,871.12	63	1,315.39
4599	Other Pay	92,992.00	.00	92,992.00	12,608.18	80,383.82	14	9,126.10
4910	Employer Paid Benefits	913,657.00	.00	913,657.00	211,201.71	702,455.29	23	229,597.99
5101	Janitorial Supplies	1,700.00	.00	1,700.00	554.28	1,145.72	33	619.71
5105	First Aide Supplies	200.00	.00	200.00	.00	200.00	0	.00
5109	Uniforms/Safety Equipment	15,400.00	.00	15,400.00	1,225.92	14,174.08	8	(842.99)

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
5110	Fuel Oil & Lubricants	45,000.00	.00	45,000.00	5,753.00	39,247.00	13	13,982.00
5113	Evidence Supplies	2,000.00	.00	2,000.00	271.72	1,728.28	14	903.58
5150	Weapons/Range/Ammunition	7,000.00	.00	7,000.00	4,499.40	2,500.60	64	.00
5175	Computer Operating Supp.	6,000.00	.00	6,000.00	654.56	5,345.44	11	1,047.93
5301	General Office Supplies	2,000.00	.00	2,000.00	503.10	1,496.90	25	231.96
5303	Books & Manuals	250.00	.00	250.00	.00	250.00	0	.00
5304	Periodical/Subscriptions	800.00	.00	800.00	54.95	745.05	7	.00
5305	Forms Printing	1,500.00	.00	1,500.00	862.26	637.74	57	323.39
5502	Building Maint. Supplies	500.00	.00	500.00	337.34	162.66	67	162.01
5503	Rolling Stock Supplies	9,000.00	.00	9,000.00	940.14	8,059.86	10	3,760.41
5504	Machinery/Equip/Supplies	2,000.00	.00	2,000.00	784.61	1,215.39	39	183.16
5530	Small Tools	1,500.00	.00	1,500.00	74.49	1,425.51	5	792.46
6101	Legal Services	1,500.00	.00	1,500.00	.00	1,500.00	0	.00
6105	Consulting Services	400.00	.00	400.00	.00	400.00	0	.00
6106	Contractual Services	3,000.00	.00	3,000.00	30.00	2,970.00	1	1,935.00
6107	Promotion & Advertising	500.00	.00	500.00	299.18	200.82	60	.00
6125	Professional Development	19,000.00	.00	19,000.00	6,046.15	12,953.85	32	3,502.23
6150	Fingerprinting	5,000.00	.00	5,000.00	456.00	4,544.00	9	1,501.00
6151	Investigations	1,000.00	.00	1,000.00	123.84	876.16	12	54.92
6153	Pre-Employment Testing	8,750.00	.00	8,750.00	(550.00)	9,300.00	-6	582.37
6170	Pest Control Services	500.00	.00	500.00	107.00	393.00	21	107.00
6199	Other Professional Svc	2,000.00	.00	2,000.00	524.00	1,476.00	26	215.00
6220	Postage	550.00	.00	550.00	132.82	417.18	24	79.83
6300	Utilities	35,000.00	.00	35,000.00	7,420.57	27,579.43	21	6,464.35
6401	General Liability	40,774.00	.00	40,774.00	3,397.83	37,376.17	8	11,443.50
6411	Property Damage Ins.	2,612.00	.00	2,612.00	217.67	2,394.33	8	653.01
6472	Other Ins./Employee Bond	384.00	.00	384.00	32.00	352.00	8	96.00
6473	Vehicle Insurance	2,195.00	.00	2,195.00	182.92	2,012.08	8	548.76
6502	Shipping & Moving	12,000.00	.00	12,000.00	.00	12,000.00	0	3,000.00
6510	Meetings & Conferences	2,000.00	.00	2,000.00	28.21	1,971.79	1	317.73
6519	Association Membership	1,500.00	.00	1,500.00	.00	1,500.00	0	300.00
6601	Outside Equip. Repair/Mat	750.00	.00	750.00	.00	750.00	0	.00
6602	Outside Structural Repair	500.00	.00	500.00	.00	500.00	0	.00
6604	Outside Vehicle Repair/Maint	20,000.00	.00	20,000.00	1,073.11	18,926.89	5	1,215.07
6640	Maintenance Contracts	8,000.00	.00	8,000.00	7,260.00	740.00	91	7,260.00
6750	Business Equipment Rental	2,500.00	.00	2,500.00	419.94	2,080.06	17	806.03
7201	Automobiles	.00	.00	.00	.00	.00	+++	94.74
8721	Payment To Other Agency	24,600.00	.00	24,600.00	.00	24,600.00	0	24,855.32
Department 4110 - Police Department Totals		\$2,828,160.00	\$0.00	\$2,828,160.00	\$634,225.92	\$2,193,934.08	22%	\$721,004.69
Department 4115 - Communications								
4110	Regular Pay	252,842.00	.00	252,842.00	58,880.43	193,961.57	23	62,747.25
4120	Overtime Pay	21,000.00	.00	21,000.00	3,347.27	17,652.73	16	9,197.64
4310	Part-Time Pay	21,000.00	.00	21,000.00	2,788.50	18,211.50	13	4,249.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
4599	Other Pay	12,000.00	.00	12,000.00	312.25	11,687.75	3	1,003.94
4910	Employer Paid Benefits	129,948.00	.00	129,948.00	21,354.71	108,593.29	16	26,881.26
5175	Computer Operating Supp.	1,200.00	.00	1,200.00	74.65	1,125.35	6	155.25
5301	General Office Supplies	2,500.00	.00	2,500.00	885.95	1,614.05	35	224.47
5504	Machinery/Equip/Supplies	500.00	.00	500.00	.00	500.00	0	.00
6125	Professional Development	2,200.00	.00	2,200.00	829.72	1,370.28	38	.00
6300	Utilities	5,688.00	.00	5,688.00	540.68	5,147.32	10	537.87
6519	Association Membership	160.00	.00	160.00	.00	160.00	0	.00
6601	Outside Equip. Repair/Mat	2,000.00	.00	2,000.00	.00	2,000.00	0	.00
6640	Maintenance Contracts	.00	.00	.00	7,444.80	(7,444.80)	+++	7,383.84
6750	Business Equipment Rental	3,000.00	.00	3,000.00	973.12	2,026.88	32	806.03
8721	Payment To Other Agency	15,000.00	.00	15,000.00	1,392.59	13,607.41	9	815.22
Department 4115 - Communications Totals		\$469,038.00	\$0.00	\$469,038.00	\$98,824.67	\$370,213.33	21%	\$114,001.77
Department 4210 - Fire Department								
4110	Regular Pay	802,676.00	.00	802,676.00	184,502.27	618,173.73	23	156,797.67
4120	Overtime Pay	152,970.00	.00	152,970.00	67,348.88	85,621.12	44	61,452.68
4310	Part-Time Pay	227,957.00	.00	227,957.00	35,191.57	192,765.43	15	63,647.96
4510	Acting Pay	4,050.00	.00	4,050.00	.00	4,050.00	0	.00
4599	Other Pay	8,500.00	.00	8,500.00	11,133.87	(2,633.87)	131	25,616.43
4910	Employer Paid Benefits	594,381.00	.00	594,381.00	146,241.12	448,139.88	25	137,168.49
5101	Janitorial Supplies	600.00	.00	600.00	235.23	364.77	39	196.88
5105	First Aide Supplies	9,775.00	.00	9,775.00	1,998.11	7,776.89	20	1,438.74
5108	Communication Supplies	6,000.00	.00	6,000.00	1,222.53	4,777.47	20	300.26
5109	Uniforms/Safety Equipment	7,500.00	.00	7,500.00	1,074.33	6,425.67	14	2,762.52
5110	Fuel Oil & Lubricants	26,582.00	.00	26,582.00	2,065.16	24,516.84	8	5,366.97
5111	Fire Hoses & Couplings	850.00	.00	850.00	.00	850.00	0	232.47
5121	Safety Equipment	22,485.00	.00	22,485.00	5,805.00	16,680.00	26	1,238.34
5130	Advanced Life Support Equ	800.00	.00	800.00	(2,095.26)	2,895.26	-262	.00
5175	Computer Operating Supp.	700.00	.00	700.00	.00	700.00	0	.00
5199	Misc. Operating Supplies	1,425.00	.00	1,425.00	762.21	662.79	53	675.86
5301	General Office Supplies	650.00	.00	650.00	555.44	94.56	85	128.97
5302	Copying Supplies	250.00	.00	250.00	98.36	151.64	39	.00
5303	Books & Manuals	300.00	.00	300.00	.00	300.00	0	42.79
5304	Periodical/Subscriptions	75.00	.00	75.00	.00	75.00	0	.00
5305	Forms Printing	350.00	.00	350.00	229.56	120.44	66	124.99
5350	Audio-Visual Supplies	100.00	.00	100.00	.00	100.00	0	.00
5501	Grounds Maint. Supplies	.00	.00	.00	3.22	(3.22)	+++	.00
5502	Building Maint. Supplies	500.00	.00	500.00	65.46	434.54	13	.00
5503	Rolling Stock Supplies	4,000.00	.00	4,000.00	1,665.18	2,334.82	42	1,930.54
5504	Machinery/Equip/Supplies	2,825.00	.00	2,825.00	752.89	2,072.11	27	308.76
5530	Small Tools	2,875.00	.00	2,875.00	602.81	2,272.19	21	416.78
6104	Engineering Services	7,000.00	.00	7,000.00	1,300.00	5,700.00	19	400.00
6106	Contractual Services	6,595.00	.00	6,595.00	5,684.48	910.52	86	3,024.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
6125	Professional Development	17,000.00	.00	17,000.00	578.00	16,422.00	3	4,180.50
6162	Mandated Fees/Inspections	370.00	.00	370.00	.00	370.00	0	.00
6220	Postage	125.00	.00	125.00	.00	125.00	0	27.14
6231	Pager Services	960.00	.00	960.00	.00	960.00	0	.00
6300	Utilities	32,480.00	.00	32,480.00	5,814.93	26,665.07	18	3,198.65
6401	General Liability	13,609.00	.00	13,609.00	1,134.08	12,474.92	8	4,652.25
6411	Property Damage Ins.	1,158.00	.00	1,158.00	96.50	1,061.50	8	289.50
6472	Other Ins./Employee Bond	173.00	.00	173.00	14.58	158.42	8	43.74
6473	Vehicle Insurance	4,464.00	.00	4,464.00	372.00	4,092.00	8	1,116.00
6510	Meetings & Conferences	150.00	.00	150.00	135.00	15.00	90	801.74
6513	Meals & Lodging	1,000.00	.00	1,000.00	99.76	900.24	10	6.93
6514	Travel Expense	150.00	.00	150.00	.00	150.00	0	206.08
6519	Association Membership	585.00	.00	585.00	190.00	395.00	32	300.00
6601	Outside Equip. Repair/Mat	1,600.00	.00	1,600.00	3,541.17	(1,941.17)	221	.00
6602	Outside Structural Repair	200.00	.00	200.00	.00	200.00	0	.00
6604	Outside Vehicle Repair/Maint	9,400.00	.00	9,400.00	.00	9,400.00	0	939.35
6640	Maintenance Contracts	900.00	.00	900.00	205.54	694.46	23	271.71
6710	Notices & Publications	500.00	.00	500.00	.00	500.00	0	.00
6720	Medical Examinations	4,500.00	.00	4,500.00	475.00	4,025.00	11	715.00
6750	Business Equipment Rental	2,500.00	.00	2,500.00	408.18	2,091.82	16	303.60
8721	Payment To Other Agency	1,000.00	.00	1,000.00	1,000.00	.00	100	1,000.00
Department 4210 - Fire Department Totals		\$1,985,595.00	\$0.00	\$1,985,595.00	\$480,507.16	\$1,505,087.84	24%	\$481,324.29
Department 4220 - EOC Disaster Preparedness								
5175	Computer Operating Supp.	9,000.00	.00	9,000.00	.00	9,000.00	0	.00
5199	Misc. Operating Supplies	750.00	.00	750.00	.00	750.00	0	.00
5305	Forms Printing	200.00	.00	200.00	.00	200.00	0	.00
5504	Machinery/Equip/Supplies	100.00	.00	100.00	.00	100.00	0	.00
6125	Professional Development	600.00	.00	600.00	.00	600.00	0	.00
6300	Utilities	1,900.00	.00	1,900.00	153.98	1,746.02	8	213.77
6513	Meals & Lodging	250.00	.00	250.00	.00	250.00	0	.00
Department 4220 - EOC Disaster Preparedness Totals		\$12,800.00	\$0.00	\$12,800.00	\$153.98	\$12,646.02	1%	\$213.77
Department 5205 - Public Services Admin								
4110	Regular Pay	675,187.00	.00	675,187.00	114,105.78	561,081.22	17	117,848.91
4120	Overtime Pay	.00	.00	.00	740.41	(740.41)	+++	.00
4310	Part-Time Pay	67,600.00	.00	67,600.00	8,460.98	59,139.02	13	10,638.00
4599	Other Pay	7,500.00	.00	7,500.00	749.97	6,750.03	10	3,888.94
4910	Employer Paid Benefits	.00	.00	.00	49,437.23	(49,437.23)	+++	53,046.30
4999	Labor Costs Applied	(50,000.00)	.00	(50,000.00)	701.91	(50,701.91)	-1	1,743.91
5101	Janitorial Supplies	120.00	.00	120.00	.00	120.00	0	.00
5105	First Aide Supplies	240.00	.00	240.00	.00	240.00	0	.00
5106	Photographic Supplies	300.00	.00	300.00	.00	300.00	0	.00
5108	Communication Supplies	500.00	.00	500.00	.00	500.00	0	.00
5110	Fuel Oil & Lubricants	2,000.00	.00	2,000.00	70.07	1,929.93	4	625.28

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
5175	Computer Operating Supp.	15,000.00	.00	15,000.00	.00	15,000.00	0	.00
5199	Misc. Operating Supplies	10,000.00	.00	10,000.00	5,544.74	4,455.26	55	476.74
5303	Books & Manuals	3,000.00	.00	3,000.00	128.73	2,871.27	4	.00
5504	Machinery/Equip/Supplies	1,000.00	.00	1,000.00	.00	1,000.00	0	.00
5530	Small Tools	500.00	.00	500.00	.00	500.00	0	.00
6105	Consulting Services	90,000.00	.00	90,000.00	10,250.00	79,750.00	11	9,646.74
6106	Contractual Services	10,000.00	.00	10,000.00	16,286.47	(6,286.47)	163	8,160.27
6125	Professional Development	2,500.00	.00	2,500.00	.00	2,500.00	0	.00
6161	Licenses & Permits	500.00	.00	500.00	.00	500.00	0	.00
6162	Mandated Fees/Inspections	200.00	.00	200.00	.00	200.00	0	.00
6199	Other Professional Svc	.00	.00	.00	.00	.00	+++	84.50
6300	Utilities	15,014.00	.00	15,014.00	3,594.19	11,419.81	24	3,045.34
6401	General Liability	23,739.00	.00	23,739.00	1,978.25	21,760.75	8	6,684.75
6411	Property Damage Ins.	1,554.00	.00	1,554.00	129.50	1,424.50	8	388.50
6472	Other Ins./Employee Bond	163.00	.00	163.00	13.58	149.42	8	40.74
6473	Vehicle Insurance	244.00	.00	244.00	20.33	223.67	8	60.99
6510	Meetings & Conferences	4,500.00	.00	4,500.00	.00	4,500.00	0	.00
6511	Mileage Reimbursement	1,000.00	.00	1,000.00	.00	1,000.00	0	.00
6513	Meals & Lodging	1,000.00	.00	1,000.00	17.74	982.26	2	.00
6514	Travel Expense	1,000.00	.00	1,000.00	.00	1,000.00	0	.00
6519	Association Membership	3,000.00	.00	3,000.00	401.60	2,598.40	13	50.00
6710	Notices & Publications	7,500.00	.00	7,500.00	333.00	7,167.00	4	2,953.79
6741	Misc. Bank Charges	.00	.00	.00	135.10	(135.10)	+++	294.79
6810	Equipment Rental	500.00	.00	500.00	62.47	437.53	12	141.90
8711	Non Capital Asset Expense	.00	.00	.00	.00	.00	+++	(9,650.36)
Department 5205 - Public Services Admin Totals		\$895,361.00	\$0.00	\$895,361.00	\$213,162.05	\$682,198.95	24%	\$210,170.03
Department 5220 - Vehicle Maintenance								
4110	Regular Pay	87,579.00	.00	87,579.00	13,314.84	74,264.16	15	13,164.80
4599	Other Pay	.00	.00	.00	406.56	(406.56)	+++	375.83
4910	Employer Paid Benefits	.00	.00	.00	7,990.61	(7,990.61)	+++	7,767.92
5105	First Aide Supplies	100.00	.00	100.00	.00	100.00	0	.00
5109	Uniforms/Safety Equipment	750.00	.00	750.00	261.94	488.06	35	285.93
5110	Fuel Oil & Lubricants	3,000.00	.00	3,000.00	238.17	2,761.83	8	1,362.00
5199	Misc. Operating Supplies	1,000.00	.00	1,000.00	25.82	974.18	3	9.69
5530	Small Tools	500.00	.00	500.00	.00	500.00	0	.00
6161	Licenses & Permits	3,000.00	.00	3,000.00	810.40	2,189.60	27	810.40
6162	Mandated Fees/Inspections	5,000.00	.00	5,000.00	250.00	4,750.00	5	325.00
6300	Utilities	3,000.00	.00	3,000.00	664.56	2,335.44	22	470.73
6401	General Liability	1,567.00	.00	1,567.00	130.58	1,436.42	8	516.75
6411	Property Damage Ins.	141.00	.00	141.00	11.75	129.25	8	35.25
6472	Other Ins./Employee Bond	16.00	.00	16.00	1.42	14.58	9	4.26
6473	Vehicle Insurance	122.00	.00	122.00	10.17	111.83	8	30.51
6720	Medical Examinations	100.00	.00	100.00	.00	100.00	0	95.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
6810	Equipment Rental	500.00	.00	500.00	49.11	450.89	10	73.07
	Department 5220 - Vehicle Maintenance Totals	\$106,375.00	\$0.00	\$106,375.00	\$24,165.93	\$82,209.07	23%	\$25,327.14
	Department 5230 - Street Maintenance							
4110	Regular Pay	61,997.00	.00	61,997.00	27,975.94	34,021.06	45	16,024.68
4310	Part-Time Pay	.00	.00	.00	484.52	(484.52)	+++	.00
4599	Other Pay	.00	.00	.00	150.61	(150.61)	+++	.00
4910	Employer Paid Benefits	37,253.00	.00	37,253.00	16,173.58	21,079.42	43	9,509.33
4999	Labor Costs Applied	3,000.00	.00	3,000.00	2,101.14	898.86	70	2,695.79
5109	Uniforms/Safety Equipment	900.00	.00	900.00	240.00	660.00	27	347.36
5110	Fuel Oil & Lubricants	3,400.00	.00	3,400.00	971.50	2,428.50	29	3,965.06
5125	Repairs/Maint. Materials	1,000.00	.00	1,000.00	.00	1,000.00	0	.00
5199	Misc. Operating Supplies	15,000.00	.00	15,000.00	1,517.73	13,482.27	10	2,961.83
5504	Machinery/Equip/Supplies	.00	.00	.00	122.70	(122.70)	+++	.00
5530	Small Tools	300.00	.00	300.00	590.28	(290.28)	197	120.38
6106	Contractual Services	60,000.00	.00	60,000.00	4,752.12	55,247.88	8	12,341.44
6161	Licenses & Permits	1,100.00	.00	1,100.00	.00	1,100.00	0	.00
6162	Mandated Fees/Inspections	250.00	.00	250.00	.00	250.00	0	.00
6300	Utilities	6,000.00	.00	6,000.00	1,625.22	4,374.78	27	965.80
6401	General Liability	4,500.00	.00	4,500.00	240.58	4,259.42	5	846.75
6411	Property Damage Ins.	73.00	.00	73.00	6.08	66.92	8	18.24
6472	Other Ins./Employee Bond	34.00	.00	34.00	2.75	31.25	8	8.25
6473	Vehicle Insurance	96.00	.00	96.00	8.00	88.00	8	24.00
6510	Meetings & Conferences	200.00	.00	200.00	475.00	(275.00)	238	.00
6519	Association Membership	200.00	.00	200.00	.00	200.00	0	.00
6604	Outside Vehicle Repair/Maint	1,000.00	.00	1,000.00	.00	1,000.00	0	415.63
6710	Notices & Publications	800.00	.00	800.00	.00	800.00	0	669.13
6812	Space Rental	300.00	.00	300.00	.00	300.00	0	.00
	Department 5230 - Street Maintenance Totals	\$197,403.00	\$0.00	\$197,403.00	\$57,437.75	\$139,965.25	29%	\$50,913.67
	Department 5232 - Street Trees							
4110	Regular Pay	36,650.00	.00	36,650.00	4,879.76	31,770.24	13	3,675.61
4310	Part-Time Pay	.00	.00	.00	465.00	(465.00)	+++	.00
4599	Other Pay	.00	.00	.00	75.31	(75.31)	+++	.00
4910	Employer Paid Benefits	18,052.00	.00	18,052.00	2,774.18	15,277.82	15	3,617.71
4999	Labor Costs Applied	7,000.00	.00	7,000.00	813.17	6,186.83	12	3,781.42
5109	Uniforms/Safety Equipment	300.00	.00	300.00	.00	300.00	0	.00
5110	Fuel Oil & Lubricants	1,350.00	.00	1,350.00	.00	1,350.00	0	.00
5125	Repairs/Maint. Materials	3,000.00	.00	3,000.00	.00	3,000.00	0	.00
5199	Misc. Operating Supplies	3,000.00	.00	3,000.00	.00	3,000.00	0	242.53
5501	Grounds Maint. Supplies	300.00	.00	300.00	.00	300.00	0	.00
5504	Machinery/Equip/Supplies	300.00	.00	300.00	.00	300.00	0	.00
6106	Contractual Services	30,000.00	.00	30,000.00	7,175.00	22,825.00	24	7,365.00
6160	Vehicle Inspections	30.00	.00	30.00	.00	30.00	0	.00
6161	Licenses & Permits	15.00	.00	15.00	.00	15.00	0	.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
6162	Mandated Fees/Inspections	75.00	.00	75.00	.00	75.00	0	.00
6401	General Liability	723.00	.00	723.00	60.25	662.75	8	180.75
6411	Property Damage Ins.	79.00	.00	79.00	6.58	72.42	8	19.74
6472	Other Ins./Employee Bond	17.00	.00	17.00	.00	17.00	0	.00
6473	Vehicle Insurance	330.00	.00	330.00	27.50	302.50	8	82.50
6603	Outside Ground Repair	2,100.00	.00	2,100.00	.00	2,100.00	0	27.13
Department 5232 - Street Trees Totals		\$103,321.00	\$0.00	\$103,321.00	\$16,276.75	\$87,044.25	16%	\$18,992.39
Department 5234 - Street Lighting								
6106	Contractual Services	500.00	.00	500.00	175.00	325.00	35	.00
6300	Utilities	85,311.00	.00	85,311.00	16,413.09	68,897.91	19	15,976.49
Department 5234 - Street Lighting Totals		\$85,811.00	\$0.00	\$85,811.00	\$16,588.09	\$69,222.91	19%	\$15,976.49
Department 5235 - Storm Drain/Creek Maint.								
4110	Regular Pay	41,318.00	.00	41,318.00	6,953.86	34,364.14	17	6,392.20
4120	Overtime Pay	900.00	.00	900.00	.00	900.00	0	.00
4310	Part-Time Pay	.00	.00	.00	679.32	(679.32)	+++	.00
4599	Other Pay	.00	.00	.00	(75.31)	75.31	+++	.00
4910	Employer Paid Benefits	.00	.00	.00	6,157.88	(6,157.88)	+++	4,690.64
4999	Labor Costs Applied	30,000.00	.00	30,000.00	6,257.05	23,742.95	21	3,122.09
5109	Uniforms/Safety Equipment	300.00	.00	300.00	.00	300.00	0	.00
5110	Fuel Oil & Lubricants	2,250.00	.00	2,250.00	.00	2,250.00	0	.00
5125	Repairs/Maint. Materials	5,000.00	.00	5,000.00	.00	5,000.00	0	.00
5199	Misc. Operating Supplies	10,500.00	.00	10,500.00	.00	10,500.00	0	522.90
5501	Grounds Maint. Supplies	500.00	.00	500.00	.00	500.00	0	.00
5530	Small Tools	300.00	.00	300.00	.00	300.00	0	.00
6105	Consulting Services	2,500.00	.00	2,500.00	.00	2,500.00	0	.00
6106	Contractual Services	7,000.00	.00	7,000.00	1,663.73	5,336.27	24	461.00
6161	Licenses & Permits	1,000.00	.00	1,000.00	7,279.00	(6,279.00)	728	.00
6162	Mandated Fees/Inspections	8,000.00	.00	8,000.00	.00	8,000.00	0	.00
6300	Utilities	7,100.00	.00	7,100.00	.00	7,100.00	0	.00
6401	General Liability	1,205.00	.00	1,205.00	100.42	1,104.58	8	301.26
6411	Property Damage Ins.	131.00	.00	131.00	10.92	120.08	8	32.76
6472	Other Ins./Employee Bond	17.00	.00	17.00	.00	17.00	0	.00
6473	Vehicle Insurance	550.00	.00	550.00	45.83	504.17	8	137.49
6510	Meetings & Conferences	.00	.00	.00	480.00	(480.00)	+++	.00
6514	Travel Expense	.00	.00	.00	508.92	(508.92)	+++	.00
6519	Association Membership	250.00	.00	250.00	275.00	(25.00)	110	.00
6710	Notices & Publications	.00	.00	.00	32.00	(32.00)	+++	.00
6810	Equipment Rental	.00	.00	.00	1,356.93	(1,356.93)	+++	.00
Department 5235 - Storm Drain/Creek Maint. Totals		\$118,821.00	\$0.00	\$118,821.00	\$31,725.55	\$87,095.45	27%	\$15,660.34
Department 5270 - Curbside Recycling								
4999	Labor Costs Applied	22,940.00	.00	22,940.00	.00	22,940.00	0	.00
Department 5270 - Curbside Recycling Totals		\$22,940.00	\$0.00	\$22,940.00	\$0.00	\$22,940.00	0%	\$0.00
Department 6110 - R & P Administration								

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
4110	Regular Pay	222,837.00	.00	222,837.00	38,218.22	184,618.78	17	38,760.01
4120	Overtime Pay	.00	.00	.00	7.86	(7.86)	+++	157.20
4310	Part-Time Pay	60,000.00	.00	60,000.00	11,086.31	48,913.69	18	19,027.72
4599	Other Pay	15,000.00	.00	15,000.00	.00	15,000.00	0	2,144.42
4910	Employer Paid Benefits	.00	.00	.00	10,949.49	(10,949.49)	+++	16,345.24
5175	Computer Operating Supp.	3,500.00	.00	3,500.00	282.81	3,217.19	8	582.87
5199	Misc. Operating Supplies	1,000.00	.00	1,000.00	589.09	410.91	59	156.67
5301	General Office Supplies	750.00	.00	750.00	157.65	592.35	21	167.85
5350	Audio-Visual Supplies	100.00	.00	100.00	.00	100.00	0	.00
6106	Contractual Services	18,500.00	.00	18,500.00	238.50	18,261.50	1	2,214.00
6220	Postage	250.00	.00	250.00	.00	250.00	0	.00
6300	Utilities	3,500.00	.00	3,500.00	1,856.48	1,643.52	53	845.02
6401	General Liability	3,208.00	.00	3,208.00	267.33	2,940.67	8	1,052.01
6411	Property Damage Ins.	281.00	.00	281.00	23.42	257.58	8	70.26
6472	Other Ins./Employee Bond	34.00	.00	34.00	4.17	29.83	12	12.51
6473	Vehicle Insurance	122.00	.00	122.00	10.17	111.83	8	30.51
6510	Meetings & Conferences	.00	.00	.00	.00	.00	+++	69.11
6513	Meals & Lodging	.00	.00	.00	.00	.00	+++	.00
6519	Association Membership	700.00	.00	700.00	495.00	205.00	71	495.00
6601	Outside Equip. Repair/Mat	700.00	.00	700.00	.00	700.00	0	.00
6640	Maintenance Contracts	8,800.00	.00	8,800.00	1,043.62	7,756.38	12	1,570.18
6710	Notices & Publications	500.00	.00	500.00	.00	500.00	0	50.00
8770	Discounts	.00	.00	.00	(10,815.60)	10,815.60	+++	.00
Department 6110 - R & P Administration Totals		\$339,782.00	\$0.00	\$339,782.00	\$54,414.52	\$285,367.48	16%	\$83,750.58
Department 6125 - Dance 39+								
6106	Contractual Services	9,100.00	.00	9,100.00	1,246.10	7,853.90	14	2,911.20
Department 6125 - Dance 39+ Totals		\$9,100.00	\$0.00	\$9,100.00	\$1,246.10	\$7,853.90	14%	\$2,911.20
Department 6130 - Rec & Parks Sports								
4110	Regular Pay	84,266.00	.00	84,266.00	15,437.78	68,828.22	18	15,504.95
4120	Overtime Pay	500.00	.00	500.00	288.23	211.77	58	384.00
4310	Part-Time Pay	94,000.00	.00	94,000.00	45,759.56	48,240.44	49	46,011.61
4599	Other Pay	3,000.00	.00	3,000.00	.00	3,000.00	0	356.34
4910	Employer Paid Benefits	14,661.00	.00	14,661.00	11,681.06	2,979.94	80	12,610.46
5102	Recreation Supplies	37,000.00	.00	37,000.00	19,443.21	17,556.79	53	21,608.39
5105	First Aide Supplies	200.00	.00	200.00	226.00	(26.00)	113	114.64
5109	Uniforms/Safety Equipment	500.00	.00	500.00	557.90	(57.90)	112	.00
5199	Misc. Operating Supplies	2,300.00	.00	2,300.00	542.49	1,757.51	24	165.74
5301	General Office Supplies	1,000.00	.00	1,000.00	100.49	899.51	10	51.79
5305	Forms Printing	500.00	.00	500.00	97.48	402.52	19	401.64
5352	Award/Trophy Supplies	9,000.00	.00	9,000.00	4,809.25	4,190.75	53	1,769.43
6106	Contractual Services	9,000.00	.00	9,000.00	7,865.10	1,134.90	87	7,869.75
6125	Professional Development	.00	.00	.00	99.95	(99.95)	+++	.00
6201	Telephone	100.00	.00	100.00	.00	100.00	0	.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
6220	Postage	.00	.00	.00	7.00	(7.00)	+++	.00
6300	Utilities	550.00	.00	550.00	20.67	529.33	4	20.41
6401	General Liability	1,299.00	.00	1,299.00	108.25	1,190.75	8	324.75
6411	Property Damage Ins.	141.00	.00	141.00	11.75	129.25	8	35.25
6472	Other Ins./Employee Bond	17.00	.00	17.00	1.42	15.58	8	4.26
6473	Vehicle Insurance	61.00	.00	61.00	5.08	55.92	8	15.24
6519	Association Membership	10,000.00	.00	10,000.00	1,805.00	8,195.00	18	2,777.00
6812	Space Rental	25,000.00	.00	25,000.00	234.00	24,766.00	1	.00
Department 6130 - Rec & Parks Sports Totals		\$293,095.00	\$0.00	\$293,095.00	\$109,101.67	\$183,993.33	37%	\$110,025.65
Department 6140 - R & P Youth Services								
4110	Regular Pay	71,790.00	.00	71,790.00	15,261.03	56,528.97	21	15,218.26
4120	Overtime Pay	.00	.00	.00	24.43	(24.43)	+++	15.37
4310	Part-Time Pay	150,000.00	.00	150,000.00	61,270.77	88,729.23	41	56,171.47
4910	Employer Paid Benefits	23,395.00	.00	23,395.00	17,807.94	5,587.06	76	17,076.38
5102	Recreation Supplies	10,000.00	.00	10,000.00	2,039.12	7,960.88	20	1,967.10
5105	First Aide Supplies	400.00	.00	400.00	.00	400.00	0	.00
5109	Uniforms/Safety Equipment	2,500.00	.00	2,500.00	374.36	2,125.64	15	.00
5199	Misc. Operating Supplies	2,500.00	.00	2,500.00	146.68	2,353.32	6	94.65
5301	General Office Supplies	1,000.00	.00	1,000.00	62.93	937.07	6	181.67
5304	Periodical/Subscriptions	35.00	.00	35.00	.00	35.00	0	.00
5305	Forms Printing	500.00	.00	500.00	21.87	478.13	4	78.55
6106	Contractual Services	15,000.00	.00	15,000.00	1,439.31	13,560.69	10	.00
6125	Professional Development	200.00	.00	200.00	.00	200.00	0	.00
6150	Fingerprinting	500.00	.00	500.00	.00	500.00	0	.00
6161	Licenses & Permits	600.00	.00	600.00	.00	600.00	0	.00
6300	Utilities	2,000.00	.00	2,000.00	210.20	1,789.80	11	134.16
6401	General Liability	1,233.00	.00	1,233.00	102.75	1,130.25	8	308.25
6411	Property Damage Ins.	141.00	.00	141.00	11.75	129.25	8	35.25
6472	Other Ins./Employee Bond	17.00	.00	17.00	1.42	15.58	8	4.26
6473	Vehicle Insurance	61.00	.00	61.00	5.08	55.92	8	15.24
6519	Association Membership	250.00	.00	250.00	.00	250.00	0	.00
6812	Space Rental	.00	.00	.00	3,802.50	(3,802.50)	+++	1,887.00
Department 6140 - R & P Youth Services Totals		\$282,122.00	\$0.00	\$282,122.00	\$102,582.14	\$179,539.86	36%	\$93,187.61
Department 6143 - Teen Programs Division								
4110	Regular Pay	.00	.00	.00	.00	.00	+++	797.75
4120	Overtime Pay	.00	.00	.00	.00	.00	+++	9.86
4310	Part-Time Pay	43,000.00	.00	43,000.00	13,178.01	29,821.99	31	12,509.10
4910	Employer Paid Benefits	6,706.00	.00	6,706.00	2,168.75	4,537.25	32	2,456.07
5102	Recreation Supplies	6,300.00	.00	6,300.00	1,514.37	4,785.63	24	787.29
5105	First Aide Supplies	50.00	.00	50.00	.00	50.00	0	.00
5109	Uniforms/Safety Equipment	100.00	.00	100.00	32.13	67.87	32	.00
5175	Computer Operating Supp.	6,000.00	.00	6,000.00	632.05	5,367.95	11	.00
5199	Misc. Operating Supplies	600.00	.00	600.00	22.44	577.56	4	94.21

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
5301	General Office Supplies	300.00	.00	300.00	.00	300.00	0	.00
6106	Contractual Services	200.00	.00	200.00	.00	200.00	0	.00
6161	Licenses & Permits	400.00	.00	400.00	.00	400.00	0	.00
6300	Utilities	4,000.00	.00	4,000.00	1,057.40	2,942.60	26	893.00
6472	Other Ins./Employee Bond	17.00	.00	17.00	.00	17.00	0	.00
Department 6143 - Teen Programs Division Totals		\$67,673.00	\$0.00	\$67,673.00	\$18,605.15	\$49,067.85	27%	\$17,547.28
Department 6150 - R & P City Facilities								
4110	Regular Pay	200,687.00	.00	200,687.00	19,285.79	181,401.21	10	15,854.71
4120	Overtime Pay	500.00	.00	500.00	106.18	393.82	21	67.77
4310	Part-Time Pay	30,000.00	.00	30,000.00	5,647.75	24,352.25	19	9,789.34
4599	Other Pay	3,000.00	.00	3,000.00	.00	3,000.00	0	13,231.05
4910	Employer Paid Benefits	4,679.00	.00	4,679.00	7,494.99	(2,815.99)	160	13,688.03
4999	Labor Costs Applied	.00	.00	.00	.00	.00	+++	1,486.87
5101	Janitorial Supplies	20,000.00	.00	20,000.00	12,613.28	7,386.72	63	10,813.22
5109	Uniforms/Safety Equipment	4,000.00	.00	4,000.00	548.20	3,451.80	14	701.91
5110	Fuel Oil & Lubricants	7,000.00	.00	7,000.00	989.54	6,010.46	14	1,205.91
5199	Misc. Operating Supplies	3,000.00	.00	3,000.00	586.11	2,413.89	20	702.21
5201	Other Expense	2,000.00	.00	2,000.00	.00	2,000.00	0	1,395.00
5501	Grounds Maint. Supplies	.00	.00	.00	469.71	(469.71)	+++	420.03
5502	Building Maint. Supplies	5,000.00	.00	5,000.00	980.05	4,019.95	20	1,691.56
5503	Rolling Stock Supplies	1,000.00	.00	1,000.00	189.22	810.78	19	34.88
5504	Machinery/Equip/Supplies	4,000.00	.00	4,000.00	134.30	3,865.70	3	104.71
5530	Small Tools	500.00	.00	500.00	161.58	338.42	32	44.12
6106	Contractual Services	8,000.00	.00	8,000.00	1,315.00	6,685.00	16	2,633.88
6199	Other Professional Svc	3,000.00	.00	3,000.00	560.00	2,440.00	19	659.74
6300	Utilities	45,000.00	.00	45,000.00	4,617.85	40,382.15	10	5,220.17
6401	General Liability	4,795.00	.00	4,795.00	399.58	4,395.42	8	1,448.76
6411	Property Damage Ins.	495.00	.00	495.00	41.25	453.75	8	123.75
6472	Other Ins./Employee Bond	58.00	.00	58.00	4.83	53.17	8	14.49
6473	Vehicle Insurance	366.00	.00	366.00	30.50	335.50	8	91.50
6601	Outside Equip. Repair/Mat	1,500.00	.00	1,500.00	.00	1,500.00	0	.00
6602	Outside Structural Repair	2,000.00	.00	2,000.00	.00	2,000.00	0	.00
6604	Outside Vehicle Repair/Maint	1,000.00	.00	1,000.00	277.00	723.00	28	.00
6640	Maintenance Contracts	3,000.00	.00	3,000.00	.00	3,000.00	0	.00
Department 6150 - R & P City Facilities Totals		\$354,580.00	\$0.00	\$354,580.00	\$56,452.71	\$298,127.29	16%	\$81,423.61
Department 6160 - R & P Parks Division								
4110	Regular Pay	372,467.00	.00	372,467.00	55,441.40	317,025.60	15	54,718.72
4120	Overtime Pay	500.00	.00	500.00	.00	500.00	0	.00
4310	Part-Time Pay	15,000.00	.00	15,000.00	3,975.70	11,024.30	27	5,276.71
4599	Other Pay	.00	.00	.00	722.92	(722.92)	+++	11,849.53
4910	Employer Paid Benefits	2,339.00	.00	2,339.00	31,129.66	(28,790.66)	1331	33,831.94
4999	Labor Costs Applied	.00	.00	.00	.00	.00	+++	700.33
5109	Uniforms/Safety Equipment	2,000.00	.00	2,000.00	333.61	1,666.39	17	626.48

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
5110	Fuel Oil & Lubricants	8,000.00	.00	8,000.00	851.66	7,148.34	11	1,382.03
5199	Misc. Operating Supplies	5,600.00	.00	5,600.00	1,168.38	4,431.62	21	2,141.31
5501	Grounds Maint. Supplies	6,500.00	.00	6,500.00	1,232.33	5,267.67	19	3,198.05
5502	Building Maint. Supplies	.00	.00	.00	55.05	(55.05)	+++	86.20
5503	Rolling Stock Supplies	.00	.00	.00	674.75	(674.75)	+++	118.99
5504	Machinery/Equip/Supplies	.00	.00	.00	429.98	(429.98)	+++	840.56
5530	Small Tools	2,000.00	.00	2,000.00	520.83	1,479.17	26	830.55
6106	Contractual Services	4,000.00	.00	4,000.00	1,500.00	2,500.00	38	1,218.00
6199	Other Professional Svc	9,000.00	.00	9,000.00	180.00	8,820.00	2	85.00
6201	Telephone	2,000.00	.00	2,000.00	.00	2,000.00	0	.00
6300	Utilities	120,000.00	.00	120,000.00	26,605.49	93,394.51	22	24,689.10
6401	General Liability	2,357.00	.00	2,357.00	196.42	2,160.58	8	839.25
6411	Property Damage Ins.	336.00	.00	336.00	28.00	308.00	8	84.00
6472	Other Ins./Employee Bond	75.00	.00	75.00	6.25	68.75	8	18.75
6473	Vehicle Insurance	122.00	.00	122.00	50.83	71.17	42	2.49
6601	Outside Equip. Repair/Mat	1,000.00	.00	1,000.00	.00	1,000.00	0	.00
6602	Outside Structural Repair	6,000.00	.00	6,000.00	.00	6,000.00	0	30.98
6604	Outside Vehicle Repair/Maint	2,000.00	.00	2,000.00	.00	2,000.00	0	(701.86)
6810	Equipment Rental	4,000.00	.00	4,000.00	1,485.92	2,514.08	37	1,485.92
6812	Space Rental	300.00	.00	300.00	.00	300.00	0	.00
7302	Equipment Acquisition	.00	.00	.00	.00	.00	+++	36,078.28
Department 6160 - R & P Parks Division Totals		\$565,596.00	\$0.00	\$565,596.00	\$126,589.18	\$439,006.82	22%	\$179,431.31
Department 6210 - Property Management								
5201	Other Expense	.00	.00	.00	493.70	(493.70)	+++	2,772.19
6106	Contractual Services	4,000.00	.00	4,000.00	175.00	3,825.00	4	3,064.40
6170	Pest Control Services	500.00	.00	500.00	.00	500.00	0	.00
6300	Utilities	500.00	.00	500.00	75.06	424.94	15	83.42
Department 6210 - Property Management Totals		\$5,000.00	\$0.00	\$5,000.00	\$743.76	\$4,256.24	15%	\$5,920.01
Department 6212 - Special Signage								
6107	Promotion & Advertising	3,000.00	.00	3,000.00	1,513.20	1,486.80	50	310.64
Department 6212 - Special Signage Totals		\$3,000.00	\$0.00	\$3,000.00	\$1,513.20	\$1,486.80	50%	\$310.64
Department 7710 - Interfund Transactions								
8410	Intrafund Expense Trans.	38,195.00	.00	38,195.00	38,195.00	.00	100	.00
8501	Transfers Out	.00	.00	.00	218,593.00	(218,593.00)	+++	298,245.92
Department 7710 - Interfund Transactions Totals		\$38,195.00	\$0.00	\$38,195.00	\$256,788.00	(\$218,593.00)	672%	\$298,245.92
EXPENSE TOTALS		\$10,676,608.00	\$0.00	\$10,676,608.00	\$2,768,477.09	\$7,908,130.91	26%	\$2,965,941.06
Fund 001 - General Fund Totals								
REVENUE TOTALS		10,676,608.00	.00	10,676,608.00	1,967,762.77	8,708,845.23	18	1,889,521.63
EXPENSE TOTALS		10,676,608.00	.00	10,676,608.00	2,768,477.09	7,908,130.91	26	2,965,941.06
Fund 001 - General Fund Totals		\$0.00	\$0.00	\$0.00	(\$800,714.32)	\$800,714.32		(\$1,318,573.45)

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 050 - Gen. Gov. Vehicle Replacement								
REVENUE								
Department 7710 - Interfund Transactions								
3802	Intrafund Revenue Trans.	.00	.00	.00	20,000.00	(20,000.00)	+++	.00
3860	Trans. From Enterprise	20,000.00	.00	20,000.00	.00	20,000.00	0	.00
Department 7710 - Interfund Transactions Totals		\$20,000.00	\$0.00	\$20,000.00	\$20,000.00	(\$0.00)	100%	\$0.00
REVENUE TOTALS		\$20,000.00	\$0.00	\$20,000.00	\$20,000.00	(\$0.00)	100%	\$0.00
EXPENSE								
Department 3110 - City Manager's Office								
7201	Automobiles	20,000.00	.00	20,000.00	26,530.68	(6,530.68)	133	.00
Department 3110 - City Manager's Office Totals		\$20,000.00	\$0.00	\$20,000.00	\$26,530.68	(\$6,530.68)	133%	\$0.00
Department 4110 - Police Department								
7201	Automobiles	.00	.00	.00	.00	.00	+++	61,338.63
Department 4110 - Police Department Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$61,338.63
EXPENSE TOTALS		\$20,000.00	\$0.00	\$20,000.00	\$26,530.68	(\$6,530.68)	133%	\$61,338.63
Fund 050 - Gen. Gov. Vehicle Replacement Totals								
REVENUE TOTALS		20,000.00	.00	20,000.00	20,000.00	.00	100	.00
EXPENSE TOTALS		20,000.00	.00	20,000.00	26,530.68	(6,530.68)	133	61,338.63
Fund 050 - Gen. Gov. Vehicle Replacement Totals		\$0.00	\$0.00	\$0.00	(\$6,530.68)	\$6,530.68		(\$61,338.63)
Fund 051 - G/F Emergency Reserve Fund								
REVENUE								
Department 1111 - Undistributed/Non-Dept.								
3710	Interest Income	15,000.00	.00	15,000.00	.00	15,000.00	0	.00
3960	Proceeds of Litigation	26,174.00	.00	26,174.00	.00	26,174.00	0	.00
Department 1111 - Undistributed/Non-Dept. Totals		\$41,174.00	\$0.00	\$41,174.00	\$0.00	\$41,174.00	0%	\$0.00
Department 7710 - Interfund Transactions								
3801	Transfers In	38,195.00	.00	38,195.00	.00	38,195.00	0	.00
3802	Intrafund Revenue Trans.	.00	.00	.00	38,195.00	(38,195.00)	+++	.00
Department 7710 - Interfund Transactions Totals		\$38,195.00	\$0.00	\$38,195.00	\$38,195.00	\$0.00	100%	\$0.00
REVENUE TOTALS		\$79,369.00	\$0.00	\$79,369.00	\$38,195.00	\$41,174.00	48%	\$0.00
EXPENSE								
Department 7710 - Interfund Transactions								
8410	Intrafund Expense Trans.	.00	.00	.00	.00	.00	+++	193,006.00
Department 7710 - Interfund Transactions Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$193,006.00
EXPENSE TOTALS		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$193,006.00
Fund 051 - G/F Emergency Reserve Fund Totals								
REVENUE TOTALS		79,369.00	.00	79,369.00	38,195.00	41,174.00	48	.00
EXPENSE TOTALS		.00	.00	.00	.00	.00	+++	193,006.00
Fund 051 - G/F Emergency Reserve Fund Totals		\$79,369.00	\$0.00	\$79,369.00	\$38,195.00	\$41,174.00		(\$193,006.00)

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 052 - G/F Facility Maint. Fund								
REVENUE								
Department 1111 - Undistributed/Non-Dept.								
3710	Interest Income	99,389.00	.00	99,389.00	.00	99,389.00	0	.00
Department 1111 - Undistributed/Non-Dept. Totals		\$99,389.00	\$0.00	\$99,389.00	\$0.00	\$99,389.00	0%	\$0.00
REVENUE TOTALS		\$99,389.00	\$0.00	\$99,389.00	\$0.00	\$99,389.00	0%	\$0.00
EXPENSE								
Department 6150 - R & P City Facilities								
5199	Misc. Operating Supplies	.00	.00	.00	.00	.00	+++	1,712.76
6602	Outside Structural Repair	88,012.00	.00	88,012.00	.00	88,012.00	0	.00
Department 6150 - R & P City Facilities Totals		\$88,012.00	\$0.00	\$88,012.00	\$0.00	\$88,012.00	0%	\$1,712.76
EXPENSE TOTALS		\$88,012.00	\$0.00	\$88,012.00	\$0.00	\$88,012.00	0%	\$1,712.76
Fund 052 - G/F Facility Maint. Fund Totals								
REVENUE TOTALS		99,389.00	.00	99,389.00	.00	99,389.00	0	.00
EXPENSE TOTALS		88,012.00	.00	88,012.00	.00	88,012.00	0	1,712.76
Fund 052 - G/F Facility Maint. Fund Totals		\$11,377.00	\$0.00	\$11,377.00	\$0.00	\$11,377.00		(\$1,712.76)
Fund 003 - Sales & Use Tax Measure Q								
REVENUE								
Department 1111 - Undistributed/Non-Dept.								
3051	Sales Tax-City Portion	839,000.00	.00	839,000.00	159,767.70	679,232.30	19	185,977.49
Department 1111 - Undistributed/Non-Dept. Totals		\$839,000.00	\$0.00	\$839,000.00	\$159,767.70	\$679,232.30	19%	\$185,977.49
Department 7710 - Interfund Transactions								
3801	Transfers In	.00	.00	.00	.00	.00	+++	126,803.00
Department 7710 - Interfund Transactions Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$126,803.00
REVENUE TOTALS		\$839,000.00	\$0.00	\$839,000.00	\$159,767.70	\$679,232.30	19%	\$312,780.49
EXPENSE								
Department 4110 - Police Department								
4110	Regular Pay	33,500.00	.00	33,500.00	4,009.23	29,490.77	12	3,852.41
4120	Overtime Pay	.00	.00	.00	148.48	(148.48)	+++	223.16
4910	Employer Paid Benefits	33,500.00	.00	33,500.00	2,753.61	30,746.39	8	2,604.56
6106	Contractual Services	4,000.00	.00	4,000.00	.00	4,000.00	0	.00
6604	Outside Vehicle Repair/Maint	.00	.00	.00	8,627.50	(8,627.50)	+++	.00
8721	Payment To Other Agency	.00	.00	.00	.00	.00	+++	929.50
Department 4110 - Police Department Totals		\$71,000.00	\$0.00	\$71,000.00	\$15,538.82	\$55,461.18	22%	\$7,609.63
Department 4210 - Fire Department								
4110	Regular Pay	46,820.00	.00	46,820.00	13,276.72	33,543.28	28	14,147.92
4120	Overtime Pay	.00	.00	.00	6,931.54	(6,931.54)	+++	3,120.68
4599	Other Pay	.00	.00	.00	1,320.31	(1,320.31)	+++	1,407.78
4910	Employer Paid Benefits	46,820.00	.00	46,820.00	7,970.86	38,849.14	17	9,695.67
5130	Advanced Life Support Equ	13,595.00	.00	13,595.00	.00	13,595.00	0	.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
8110	Interest Expense	55,000.00	.00	55,000.00	.00	55,000.00	0	33,912.50
8130	Principal Repayment	40,700.00	.00	40,700.00	.00	40,700.00	0	.00
Department 4210 - Fire Department Totals		\$202,935.00	\$0.00	\$202,935.00	\$29,499.43	\$173,435.57	15%	\$62,284.55
Department 5230 - Street Maintenance								
5199	Misc. Operating Supplies	.00	.00	.00	5,213.19	(5,213.19)	+++	915.00
5502	Building Maint. Supplies	.00	.00	.00	.00	.00	+++	976.69
6106	Contractual Services	.00	.00	.00	490.00	(490.00)	+++	4,456.50
6810	Equipment Rental	.00	.00	.00	97.50	(97.50)	+++	.00
Department 5230 - Street Maintenance Totals		\$0.00	\$0.00	\$0.00	\$5,800.69	(\$5,800.69)	+++	\$6,348.19
Department 5235 - Storm Drain/Creek Maint.								
5199	Misc. Operating Supplies	.00	.00	.00	7,680.00	(7,680.00)	+++	.00
6106	Contractual Services	70,000.00	.00	70,000.00	.00	70,000.00	0	.00
Department 5235 - Storm Drain/Creek Maint. Totals		\$70,000.00	\$0.00	\$70,000.00	\$7,680.00	\$62,320.00	11%	\$0.00
Department 7710 - Interfund Transactions								
8501	Transfers Out	123,340.00	.00	123,340.00	10,282.00	113,058.00	8	22,285.54
Department 7710 - Interfund Transactions Totals		\$123,340.00	\$0.00	\$123,340.00	\$10,282.00	\$113,058.00	8%	\$22,285.54
Department 9614 - Pavement Management Plan								
6105	Consulting Services	.00	.00	.00	.00	.00	+++	20,610.20
6106	Contractual Services	371,725.00	.00	371,725.00	.00	371,725.00	0	314,884.87
6710	Notices & Publications	.00	.00	.00	.00	.00	+++	(340.00)
Department 9614 - Pavement Management Plan Totals		\$371,725.00	\$0.00	\$371,725.00	\$0.00	\$371,725.00	0%	\$335,155.07
EXPENSE TOTALS		\$839,000.00	\$0.00	\$839,000.00	\$68,800.94	\$770,199.06	8%	\$433,682.98
Fund 003 - Sales & Use Tax Measure Q Totals								
REVENUE TOTALS		839,000.00	.00	839,000.00	159,767.70	679,232.30	19	312,780.49
EXPENSE TOTALS		839,000.00	.00	839,000.00	68,800.94	770,199.06	8	433,682.98
Fund 003 - Sales & Use Tax Measure Q Totals		\$0.00	\$0.00	\$0.00	\$90,966.76	(\$90,966.76)		(\$120,902.49)

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 007 - MBT-BID								
REVENUE								
Department 3170 - Promotion & Advertising								
3990	Other Misc. Revenues	218,593.00	.00	218,593.00	.00	218,593.00	0	.00
Department 3170 - Promotion & Advertising Totals		\$218,593.00	\$0.00	\$218,593.00	\$0.00	\$218,593.00	0%	\$0.00
Department 3510 - Accounting & Treasury								
3064	Transient Occupancy Tax	550,000.00	.00	550,000.00	162,672.99	387,327.01	30	148,204.18
Department 3510 - Accounting & Treasury Totals		\$550,000.00	\$0.00	\$550,000.00	\$162,672.99	\$387,327.01	30%	\$148,204.18
Department 7710 - Interfund Transactions								
3801	Transfers In	.00	.00	.00	218,593.00	(218,593.00)	+++	4,866.00
Department 7710 - Interfund Transactions Totals		\$0.00	\$0.00	\$0.00	\$218,593.00	(\$218,593.00)	+++	\$4,866.00
REVENUE TOTALS		\$768,593.00	\$0.00	\$768,593.00	\$381,265.99	\$387,327.01	50%	\$153,070.18
EXPENSE								
Department 3170 - Promotion & Advertising								
6106	Contractual Services	.00	.00	.00	.00	.00	+++	5,007.72
6107	Promotion & Advertising	769,593.00	.00	769,593.00	.00	769,593.00	0	.00
6116	Print Ads - Other Regions	.00	.00	.00	.00	.00	+++	1,983.80
6119	Promotion - Other	.00	.00	.00	.00	.00	+++	77,011.05
6126	Adverstising Prod/Design	.00	.00	.00	.00	.00	+++	8,684.28
6199	Other Professional Svc	.00	.00	.00	.00	.00	+++	9,080.50
Department 3170 - Promotion & Advertising Totals		\$769,593.00	\$0.00	\$769,593.00	\$0.00	\$769,593.00	0%	\$101,767.35
Department 7710 - Interfund Transactions								
8501	Transfers Out	.00	.00	.00	.00	.00	+++	7,753.00
Department 7710 - Interfund Transactions Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$7,753.00
EXPENSE TOTALS		\$769,593.00	\$0.00	\$769,593.00	\$0.00	\$769,593.00	0%	\$109,520.35
Fund 007 - MBT-BID Totals								
REVENUE TOTALS		768,593.00	.00	768,593.00	381,265.99	387,327.01	50	153,070.18
EXPENSE TOTALS		769,593.00	.00	769,593.00	.00	769,593.00	0	109,520.35
Fund 007 - MBT-BID Totals		(\$1,000.00)	\$0.00	(\$1,000.00)	\$381,265.99	(\$382,265.99)		\$43,549.83

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 200 - Comm. Development Grants								
EXPENSE								
Department 3630 - County CDBG								
4910	Employer Paid Benefits	.00	.00	.00	613.16	(613.16)	+++	.00
4999	Labor Costs Applied	.00	.00	.00	1,864.91	(1,864.91)	+++	.00
Department 3630 - County CDBG Totals		\$0.00	\$0.00	\$0.00	\$2,478.07	(\$2,478.07)	+++	\$0.00
Department 3680 - Home								
4910	Employer Paid Benefits	.00	.00	.00	202.57	(202.57)	+++	1,162.24
4999	Labor Costs Applied	.00	.00	.00	334.68	(334.68)	+++	2,287.04
Department 3680 - Home Totals		\$0.00	\$0.00	\$0.00	\$537.25	(\$537.25)	+++	\$3,449.28
EXPENSE TOTALS		\$0.00	\$0.00	\$0.00	\$3,015.32	(\$3,015.32)	+++	\$3,449.28
Fund 200 - Comm. Development Grants Totals								
REVENUE TOTALS		.00	.00	.00	.00	.00	+++	.00
EXPENSE TOTALS		.00	.00	.00	3,015.32	(3,015.32)	+++	3,449.28
Fund 200 - Comm. Development Grants Totals		\$0.00	\$0.00	\$0.00	(\$3,015.32)	\$3,015.32		(\$3,449.28)
Fund 250 - State Gas Tax Fund								
REVENUE								
Department 5230 - Street Maintenance								
3211	Gas Tax - Section 2105	49,556.00	.00	49,556.00	4,371.45	45,184.55	9	3,882.54
3212	Gas Tax - Section 2106	37,651.00	.00	37,651.00	4,399.30	33,251.70	12	3,891.37
3213	Gas Tax - Section 2107	73,780.00	.00	73,780.00	7,740.24	66,039.76	10	7,713.69
3214	Gas Tax - Section 2107.5	3,000.00	.00	3,000.00	.00	3,000.00	0	.00
3219	R&T 7360-Section 2103	150,146.00	.00	150,146.00	15,645.89	134,500.11	10	13,145.13
Department 5230 - Street Maintenance Totals		\$314,133.00	\$0.00	\$314,133.00	\$32,156.88	\$281,976.12	10%	\$28,632.73
REVENUE TOTALS		\$314,133.00	\$0.00	\$314,133.00	\$32,156.88	\$281,976.12	10%	\$28,632.73
EXPENSE								
Department 7710 - Interfund Transactions								
8501	Transfers Out	314,133.00	.00	314,133.00	23,620.50	290,512.50	8	61,378.66
Department 7710 - Interfund Transactions Totals		\$314,133.00	\$0.00	\$314,133.00	\$23,620.50	\$290,512.50	8%	\$61,378.66
EXPENSE TOTALS		\$314,133.00	\$0.00	\$314,133.00	\$23,620.50	\$290,512.50	8%	\$61,378.66
Fund 250 - State Gas Tax Fund Totals								
REVENUE TOTALS		314,133.00	.00	314,133.00	32,156.88	281,976.12	10	28,632.73
EXPENSE TOTALS		314,133.00	.00	314,133.00	23,620.50	290,512.50	8	61,378.66
Fund 250 - State Gas Tax Fund Totals		\$0.00	\$0.00	\$0.00	\$8,536.38	(\$8,536.38)		(\$32,745.93)

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 270 - Lower Cost Visitor Accom Fund								
REVENUE								
Department 1111 - Undistributed/Non-Dept.								
3710	Interest Income	250.00	.00	250.00	.00	250.00	0	815.04
	Department 1111 - Undistributed/Non-Dept. Totals	\$250.00	\$0.00	\$250.00	\$0.00	\$250.00	0%	\$815.04
	REVENUE TOTALS	\$250.00	\$0.00	\$250.00	\$0.00	\$250.00	0%	\$815.04
Fund 270 - Lower Cost Visitor Accom Fund Totals								
	REVENUE TOTALS	250.00	.00	250.00	.00	250.00	0	815.04
	EXPENSE TOTALS	.00	.00	.00	.00	.00	+++	.00
	Fund 270 - Lower Cost Visitor Accom Fund Totals	\$250.00	\$0.00	\$250.00	\$0.00	\$250.00		\$815.04
Fund 280 - Traffic Safety Fund								
REVENUE								
Department 4110 - Police Department								
3620	Statutory Violations	30,000.00	.00	30,000.00	1,404.08	28,595.92	5	6,241.64
	Department 4110 - Police Department Totals	\$30,000.00	\$0.00	\$30,000.00	\$1,404.08	\$28,595.92	5%	\$6,241.64
Department 4185 - Traffic Safety PD Grants								
3371	State Grant Public Svc	.00	.00	.00	.00	.00	+++	4,566.40
	Department 4185 - Traffic Safety PD Grants Totals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$4,566.40
	REVENUE TOTALS	\$30,000.00	\$0.00	\$30,000.00	\$1,404.08	\$28,595.92	5%	\$10,808.04
EXPENSE								
Department 7710 - Interfund Transactions								
8501	Transfers Out	30,000.00	.00	30,000.00	3,146.54	26,853.46	10	10,808.04
	Department 7710 - Interfund Transactions Totals	\$30,000.00	\$0.00	\$30,000.00	\$3,146.54	\$26,853.46	10%	\$10,808.04
	EXPENSE TOTALS	\$30,000.00	\$0.00	\$30,000.00	\$3,146.54	\$26,853.46	10%	\$10,808.04
Fund 280 - Traffic Safety Fund Totals								
	REVENUE TOTALS	30,000.00	.00	30,000.00	1,404.08	28,595.92	5	10,808.04
	EXPENSE TOTALS	30,000.00	.00	30,000.00	3,146.54	26,853.46	10	10,808.04
	Fund 280 - Traffic Safety Fund Totals	\$0.00	\$0.00	\$0.00	(\$1,742.46)	\$1,742.46		\$0.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 282 - Special Safety Grants								
REVENUE								
Department 4190 - State Police Grants								
3229	CA COPS Program SLESF	100,000.00	.00	100,000.00	.00	100,000.00	0	.00
Department 4190 - State Police Grants Totals		<u>\$100,000.00</u>	<u>\$0.00</u>	<u>\$100,000.00</u>	<u>\$0.00</u>	<u>\$100,000.00</u>	<u>0%</u>	<u>\$0.00</u>
REVENUE TOTALS		\$100,000.00	\$0.00	\$100,000.00	\$0.00	\$100,000.00	0%	\$0.00
EXPENSE								
Department 4190 - State Police Grants								
5109	Uniforms/Safety Equipment	100,000.00	.00	100,000.00	.00	100,000.00	0	32.55
6107	Promotion & Advertising	.00	.00	.00	.00	.00	+++	400.67
Department 4190 - State Police Grants Totals		<u>\$100,000.00</u>	<u>\$0.00</u>	<u>\$100,000.00</u>	<u>\$0.00</u>	<u>\$100,000.00</u>	<u>0%</u>	<u>\$433.22</u>
EXPENSE TOTALS		\$100,000.00	\$0.00	\$100,000.00	\$0.00	\$100,000.00	0%	\$433.22
Fund 282 - Special Safety Grants Totals								
REVENUE TOTALS		100,000.00	.00	100,000.00	.00	100,000.00	0	.00
EXPENSE TOTALS		100,000.00	.00	100,000.00	.00	100,000.00	0	433.22
Fund 282 - Special Safety Grants Totals		<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>		<u>(\$433.22)</u>
Fund 299 - Parking In-Lieu Fund								
REVENUE								
Department 1111 - Undistributed/Non-Dept.								
3430	Parking In-Lieu	8,000.00	.00	8,000.00	.00	8,000.00	0	.00
3710	Interest Income	600.00	.00	600.00	2,060.86	(1,460.86)	343	2,237.40
Department 1111 - Undistributed/Non-Dept. Totals		<u>\$8,600.00</u>	<u>\$0.00</u>	<u>\$8,600.00</u>	<u>\$2,060.86</u>	<u>\$6,539.14</u>	<u>24%</u>	<u>\$2,237.40</u>
REVENUE TOTALS		\$8,600.00	\$0.00	\$8,600.00	\$2,060.86	\$6,539.14	24%	\$2,237.40
Fund 299 - Parking In-Lieu Fund Totals								
REVENUE TOTALS		8,600.00	.00	8,600.00	2,060.86	6,539.14	24	2,237.40
EXPENSE TOTALS		.00	.00	.00	.00	.00	+++	.00
Fund 299 - Parking In-Lieu Fund Totals		<u>\$8,600.00</u>	<u>\$0.00</u>	<u>\$8,600.00</u>	<u>\$2,060.86</u>	<u>\$6,539.14</u>		<u>\$2,237.40</u>
Fund 302 - Bike Path								
REVENUE								
Department 5262 - Bikeway Paths								
3233	DAR LTF Bikepaths	9,732.00	.00	9,732.00	.00	9,732.00	0	.00
Department 5262 - Bikeway Paths Totals		<u>\$9,732.00</u>	<u>\$0.00</u>	<u>\$9,732.00</u>	<u>\$0.00</u>	<u>\$9,732.00</u>	<u>0%</u>	<u>\$0.00</u>
REVENUE TOTALS		\$9,732.00	\$0.00	\$9,732.00	\$0.00	\$9,732.00	0%	\$0.00
Fund 302 - Bike Path Totals								
REVENUE TOTALS		9,732.00	.00	9,732.00	.00	9,732.00	0	.00
EXPENSE TOTALS		.00	.00	.00	.00	.00	+++	.00
Fund 302 - Bike Path Totals		<u>\$9,732.00</u>	<u>\$0.00</u>	<u>\$9,732.00</u>	<u>\$0.00</u>	<u>\$9,732.00</u>		<u>\$0.00</u>
Fund 430 - Risk Management								

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
REVENUE								
Department 1111 - Undistributed/Non-Dept.								
3710	Interest Income	5,000.00	.00	5,000.00	.00	5,000.00	0	.00
Department 1111 - Undistributed/Non-Dept. Totals		\$5,000.00	\$0.00	\$5,000.00	\$0.00	\$5,000.00	0%	\$0.00
Department 4310 - Health & Dental Ins.								
3922	Refunds/Adj/Restitution	.00	.00	.00	2,602.98	(2,602.98)	+++	.00
Department 4310 - Health & Dental Ins. Totals		\$0.00	\$0.00	\$0.00	\$2,602.98	(\$2,602.98)	+++	\$0.00
Department 4316 - Liability Insurance								
3909	Special Event Insurance	.00	.00	.00	3,127.67	(3,127.67)	+++	2,772.35
3916	Chgs To Other Departments	545,000.00	.00	545,000.00	23,832.24	521,167.76	4	77,746.77
Department 4316 - Liability Insurance Totals		\$545,000.00	\$0.00	\$545,000.00	\$26,959.91	\$518,040.09	5%	\$80,519.12
Department 4317 - Other Insurance								
3916	Chgs To Other Departments	.00	.00	.00	1,333.51	(1,333.51)	+++	2,291.17
Department 4317 - Other Insurance Totals		\$0.00	\$0.00	\$0.00	\$1,333.51	(\$1,333.51)	+++	\$2,291.17
Department 4318 - Property Damage/Fire Ins								
3916	Chgs To Other Departments	.00	.00	.00	17,620.92	(17,620.92)	+++	51,449.52
Department 4318 - Property Damage/Fire Ins Totals		\$0.00	\$0.00	\$0.00	\$17,620.92	(\$17,620.92)	+++	\$51,449.52
Department 4320 - Vehicle Insurance								
3916	Chgs To Other Departments	.00	.00	.00	971.75	(971.75)	+++	2,915.25
Department 4320 - Vehicle Insurance Totals		\$0.00	\$0.00	\$0.00	\$971.75	(\$971.75)	+++	\$2,915.25
REVENUE TOTALS		\$550,000.00	\$0.00	\$550,000.00	\$49,489.07	\$500,510.93	9%	\$137,175.06
EXPENSE								
Department 4301 - Administrative Services								
6101	Legal Services	.00	.00	.00	11,974.77	(11,974.77)	+++	.00
6106	Contractual Services	.00	.00	.00	15,400.00	(15,400.00)	+++	989.11
6510	Meetings & Conferences	.00	.00	.00	.66	(.66)	+++	.00
Department 4301 - Administrative Services Totals		\$0.00	\$0.00	\$0.00	\$27,375.43	(\$27,375.43)	+++	\$989.11
Department 4312 - Worker's Comp Insurance								
6451	Worker's Comp. Insurance	150,000.00	.00	150,000.00	300,421.00	(150,421.00)	200	232,470.00
Department 4312 - Worker's Comp Insurance Totals		\$150,000.00	\$0.00	\$150,000.00	\$300,421.00	(\$150,421.00)	200%	\$232,470.00
Department 4314 - Unemployment Reserve								
6461	Unemployment Insurance	50,000.00	.00	50,000.00	5,495.00	44,505.00	11	.00
Department 4314 - Unemployment Reserve Totals		\$50,000.00	\$0.00	\$50,000.00	\$5,495.00	\$44,505.00	11%	\$0.00
Department 4316 - Liability Insurance								
6401	General Liability	560,000.00	.00	560,000.00	255,002.00	304,998.00	46	405,068.00
6421	Boiler Insurance	.00	.00	.00	3,777.00	(3,777.00)	+++	3,525.00
6499	Earthquake & Flood Insurance	170,000.00	.00	170,000.00	198,908.90	(28,908.90)	117	194,166.70
Department 4316 - Liability Insurance Totals		\$730,000.00	\$0.00	\$730,000.00	\$457,687.90	\$272,312.10	63%	\$602,759.70
Department 4317 - Other Insurance								
6472	Other Ins./Employee Bond	1,800.00	.00	1,800.00	1,772.00	28.00	98	.00
6499	Earthquake & Flood Insurance	.00	.00	.00	7,157.50	(7,157.50)	+++	7,114.75
Department 4317 - Other Insurance Totals		\$1,800.00	\$0.00	\$1,800.00	\$8,929.50	(\$7,129.50)	496%	\$7,114.75
Department 4318 - Property Damage/Fire Ins								

Budget Performance Report

Fiscal Year to Date 09/30/13

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
6411	Property Damage Ins.	20,000.00	.00	20,000.00	76,323.22	(56,323.22)	382	17,398.33
	Department 4318 - Property Damage/Fire Ins Totals	\$20,000.00	\$0.00	\$20,000.00	\$76,323.22	(\$56,323.22)	382%	\$17,398.33
	Department 4320 - Vehicle Insurance							
6473	Vehicle Insurance	16,000.00	.00	16,000.00	15,785.00	215.00	99	15,983.00
	Department 4320 - Vehicle Insurance Totals	\$16,000.00	\$0.00	\$16,000.00	\$15,785.00	\$215.00	99%	\$15,983.00
	Department 7710 - Interfund Transactions							
8501	Transfers Out	272,620.00	.00	272,620.00	272,620.00	.00	100	.00
8510	Transfer To General Fund	.00	.00	.00	.00	.00	+++	25,003.00
	Department 7710 - Interfund Transactions Totals	\$272,620.00	\$0.00	\$272,620.00	\$272,620.00	\$0.00	100%	\$25,003.00
	EXPENSE TOTALS	\$1,240,420.00	\$0.00	\$1,240,420.00	\$1,164,637.05	\$75,782.95	94%	\$901,717.89
	Fund 430 - Risk Management Totals							
	REVENUE TOTALS	550,000.00	.00	550,000.00	49,489.07	500,510.93	9	137,175.06
	EXPENSE TOTALS	1,240,420.00	.00	1,240,420.00	1,164,637.05	75,782.95	94	901,717.89
	Fund 430 - Risk Management Totals	(\$690,420.00)	\$0.00	(\$690,420.00)	(\$1,115,147.98)	\$424,727.98		(\$764,542.83)

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 500 - Assessment Districts								
REVENUE								
Department 6162 - North Point Park								
3018	Property Tax Spec. Assess	5,645.00	.00	5,645.00	.00	5,645.00	0	.00
Department 6162 - North Point Park Totals		\$5,645.00	\$0.00	\$5,645.00	\$0.00	\$5,645.00	0%	\$0.00
Department 6163 - Loperena Storm Drain No 1								
3018	Property Tax Spec. Assess	2,832.00	.00	2,832.00	.00	2,832.00	0	.00
Department 6163 - Loperena Storm Drain No 1 Totals		\$2,832.00	\$0.00	\$2,832.00	\$0.00	\$2,832.00	0%	\$0.00
Department 6167 - Cloisters Park								
3018	Property Tax Spec. Assess	148,944.00	.00	148,944.00	.00	148,944.00	0	(3,569.06)
Department 6167 - Cloisters Park Totals		\$148,944.00	\$0.00	\$148,944.00	\$0.00	\$148,944.00	0%	(\$3,569.06)
REVENUE TOTALS		\$157,421.00	\$0.00	\$157,421.00	\$0.00	\$157,421.00	0%	(\$3,569.06)
EXPENSE								
Department 6162 - North Point Park								
5501	Grounds Maint. Supplies	.00	.00	.00	.00	.00	+++	80.28
6199	Other Professional Svc	5,645.00	.00	5,645.00	.00	5,645.00	0	7,969.00
6300	Utilities	.00	.00	.00	323.70	(323.70)	+++	429.80
Department 6162 - North Point Park Totals		\$5,645.00	\$0.00	\$5,645.00	\$323.70	\$5,321.30	6%	\$8,479.08
Department 6167 - Cloisters Park								
4110	Regular Pay	.00	.00	.00	.00	.00	+++	(860.63)
4910	Employer Paid Benefits	.00	.00	.00	224.74	(224.74)	+++	(850.59)
4999	Labor Costs Applied	.00	.00	.00	495.95	(495.95)	+++	290.72
5199	Misc. Operating Supplies	.00	.00	.00	49.27	(49.27)	+++	.00
5501	Grounds Maint. Supplies	.00	.00	.00	143.59	(143.59)	+++	.00
5502	Building Maint. Supplies	.00	.00	.00	22.93	(22.93)	+++	.00
6106	Contractual Services	148,944.00	.00	148,944.00	17,890.00	131,054.00	12	8,505.00
6300	Utilities	.00	.00	.00	6,954.89	(6,954.89)	+++	5,372.19
6411	Property Damage Ins.	.00	.00	.00	25.00	(25.00)	+++	75.00
6473	Vehicle Insurance	.00	.00	.00	.00	.00	+++	150.00
Department 6167 - Cloisters Park Totals		\$148,944.00	\$0.00	\$148,944.00	\$25,806.37	\$123,137.63	17%	\$12,681.69
EXPENSE TOTALS		\$154,589.00	\$0.00	\$154,589.00	\$26,130.07	\$128,458.93	17%	\$21,160.77
Fund 500 - Assessment Districts Totals								
REVENUE TOTALS		157,421.00	.00	157,421.00	.00	157,421.00	0	(3,569.06)
EXPENSE TOTALS		154,589.00	.00	154,589.00	26,130.07	128,458.93	17	21,160.77
Fund 500 - Assessment Districts Totals		\$2,832.00	\$0.00	\$2,832.00	(\$26,130.07)	\$28,962.07		(\$24,729.83)

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 900 - Governmental Impact Fees								
REVENUE								
Department 3110 - City Manager's Office								
3950	Impact Fees	.00	.00	.00	8,336.15	(8,336.15)	+++	5,354.01
Department 3110 - City Manager's Office Totals		\$0.00	\$0.00	\$0.00	\$8,336.15	(\$8,336.15)	+++	\$5,354.01
Department 4110 - Police Department								
3950	Impact Fees	.00	.00	.00	2,689.08	(2,689.08)	+++	1,727.10
Department 4110 - Police Department Totals		\$0.00	\$0.00	\$0.00	\$2,689.08	(\$2,689.08)	+++	\$1,727.10
Department 4210 - Fire Department								
3950	Impact Fees	.00	.00	.00	2,957.99	(2,957.99)	+++	1,899.81
Department 4210 - Fire Department Totals		\$0.00	\$0.00	\$0.00	\$2,957.99	(\$2,957.99)	+++	\$1,899.81
Department 5230 - Street Maintenance								
3950	Impact Fees	.00	.00	.00	12,369.78	(12,369.78)	+++	7,944.66
Department 5230 - Street Maintenance Totals		\$0.00	\$0.00	\$0.00	\$12,369.78	(\$12,369.78)	+++	\$7,944.66
Department 5235 - Storm Drain/Creek Maint.								
3950	Impact Fees	.00	.00	.00	537.84	(537.84)	+++	345.42
Department 5235 - Storm Drain/Creek Maint. Totals		\$0.00	\$0.00	\$0.00	\$537.84	(\$537.84)	+++	\$345.42
Department 6160 - R & P Parks Division								
3950	Impact Fees	.00	.00	.00	8,190.39	(8,190.39)	+++	5,317.65
Department 6160 - R & P Parks Division Totals		\$0.00	\$0.00	\$0.00	\$8,190.39	(\$8,190.39)	+++	\$5,317.65
REVENUE TOTALS		\$0.00	\$0.00	\$0.00	\$35,081.23	(\$35,081.23)	+++	\$22,588.65
Fund 900 - Governmental Impact Fees Totals								
REVENUE TOTALS		.00	.00	.00	35,081.23	(35,081.23)	+++	22,588.65
EXPENSE TOTALS		.00	.00	.00	.00	.00	+++	.00
Fund 900 - Governmental Impact Fees Totals		\$0.00	\$0.00	\$0.00	\$35,081.23	(\$35,081.23)		\$22,588.65
Fund 904 - Park Fee Fund								
EXPENSE								
Department 6160 - R & P Parks Division								
6106	Contractual Services	.00	.00	.00	5,350.00	(5,350.00)	+++	.00
Department 6160 - R & P Parks Division Totals		\$0.00	\$0.00	\$0.00	\$5,350.00	(\$5,350.00)	+++	\$0.00
EXPENSE TOTALS		\$0.00	\$0.00	\$0.00	\$5,350.00	(\$5,350.00)	+++	\$0.00
Fund 904 - Park Fee Fund Totals								
REVENUE TOTALS		.00	.00	.00	.00	.00	+++	.00
EXPENSE TOTALS		.00	.00	.00	5,350.00	(5,350.00)	+++	.00
Fund 904 - Park Fee Fund Totals		\$0.00	\$0.00	\$0.00	(\$5,350.00)	\$5,350.00		\$0.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 915 - Capital Projects Fund								
REVENUE								
Department 1111 - Undistributed/Non-Dept.								
3710	Interest Income	.00	.00	.00	4.61	(4.61)	+++	12.53
Department 1111 - Undistributed/Non-Dept. Totals		\$0.00	\$0.00	\$0.00	\$4.61	(\$4.61)	+++	\$12.53
Department 7710 - Interfund Transactions								
3801	Transfers In	.00	.00	.00	.00	.00	+++	293,379.92
Department 7710 - Interfund Transactions Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$293,379.92
Department 8444 - Fire Station 53 Admin								
3304	USDA/FEMA Grant Funding	.00	.00	.00	(1,449,000.00)	1,449,000.00	+++	.00
3990	Other Misc. Revenues	.00	.00	.00	.00	.00	+++	2,960.81
Department 8444 - Fire Station 53 Admin Totals		\$0.00	\$0.00	\$0.00	(\$1,449,000.00)	\$1,449,000.00	+++	\$2,960.81
REVENUE TOTALS		\$0.00	\$0.00	\$0.00	(\$1,448,995.39)	\$1,448,995.39	+++	\$296,353.26
EXPENSE								
Department 8137 - New World Upgrades								
6105	Consulting Services	.00	.00	.00	2,509.71	(2,509.71)	+++	.00
6125	Professional Development	.00	.00	.00	1,402.20	(1,402.20)	+++	.00
6514	Travel Expense	.00	.00	.00	540.00	(540.00)	+++	.00
Department 8137 - New World Upgrades Totals		\$0.00	\$0.00	\$0.00	\$4,451.91	(\$4,451.91)	+++	\$0.00
Department 8213 - Parks Renovation								
6106	Contractual Services	.00	.00	.00	16,520.00	(16,520.00)	+++	.00
Department 8213 - Parks Renovation Totals		\$0.00	\$0.00	\$0.00	\$16,520.00	(\$16,520.00)	+++	\$0.00
Department 8216 - Traffic Calming								
4910	Employer Paid Benefits	.00	.00	.00	151.48	(151.48)	+++	.00
4999	Labor Costs Applied	.00	.00	.00	1,526.13	(1,526.13)	+++	.00
5199	Misc. Operating Supplies	.00	.00	.00	1,243.53	(1,243.53)	+++	.00
6106	Contractual Services	.00	.00	.00	32,839.25	(32,839.25)	+++	.00
Department 8216 - Traffic Calming Totals		\$0.00	\$0.00	\$0.00	\$35,760.39	(\$35,760.39)	+++	\$0.00
Department 8230 - MB Blvd/Quintana Intersec								
6104	Engineering Services	.00	.00	.00	.00	.00	+++	1,112.50
Department 8230 - MB Blvd/Quintana Intersec Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$1,112.50
Department 8313 - Morro Creek Trail/Bridge								
4910	Employer Paid Benefits	.00	.00	.00	5,346.14	(5,346.14)	+++	.00
4999	Labor Costs Applied	.00	.00	.00	12,768.93	(12,768.93)	+++	.00
6105	Consulting Services	.00	.00	.00	1,141.26	(1,141.26)	+++	.00
Department 8313 - Morro Creek Trail/Bridge Totals		\$0.00	\$0.00	\$0.00	\$19,256.33	(\$19,256.33)	+++	\$0.00
Department 8444 - Fire Station 53 Admin								
4910	Employer Paid Benefits	.00	.00	.00	162.55	(162.55)	+++	1,155.65
4999	Labor Costs Applied	.00	.00	.00	467.62	(467.62)	+++	3,739.07
6105	Consulting Services	.00	.00	.00	.00	.00	+++	28,347.67
6106	Contractual Services	.00	.00	.00	.00	.00	+++	257,321.41
6514	Travel Expense	.00	.00	.00	.00	.00	+++	36.79
Department 8444 - Fire Station 53 Admin Totals		\$0.00	\$0.00	\$0.00	\$630.17	(\$630.17)	+++	\$290,600.59

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Department 9614 - Pavement Management Plan								
4910	Employer Paid Benefits	.00	.00	.00	541.79	(541.79)	+++	1,339.27
4999	Labor Costs Applied	.00	.00	.00	2,998.89	(2,998.89)	+++	3,288.37
Department 9614 - Pavement Management Plan Totals		\$0.00	\$0.00	\$0.00	\$3,540.68	(\$3,540.68)	+++	\$4,627.64
Department 9909 - Misc. City Bike Paths								
4910	Employer Paid Benefits	.00	.00	.00	750.15	(750.15)	+++	.00
4999	Labor Costs Applied	.00	.00	.00	1,835.85	(1,835.85)	+++	.00
6104	Engineering Services	.00	.00	.00	12,461.67	(12,461.67)	+++	.00
Department 9909 - Misc. City Bike Paths Totals		\$0.00	\$0.00	\$0.00	\$15,047.67	(\$15,047.67)	+++	\$0.00
EXPENSE TOTALS		\$0.00	\$0.00	\$0.00	\$95,207.15	(\$95,207.15)	+++	\$296,340.73
Fund 915 - Capital Projects Fund Totals								
REVENUE TOTALS		.00	.00	.00	(1,448,995.39)	1,448,995.39	+++	296,353.26
EXPENSE TOTALS		.00	.00	.00	95,207.15	(95,207.15)	+++	296,340.73
Fund 915 - Capital Projects Fund Totals		\$0.00	\$0.00	\$0.00	(\$1,544,202.54)	\$1,544,202.54		\$12.53

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 924 - State Park Marina								
REVENUE								
Department 8107 - St Park Marina Dredging								
3440	Harbor Leases	60,000.00	.00	60,000.00	18,024.73	41,975.27	30	17,283.94
	Department 8107 - St Park Marina Dredging Totals	\$60,000.00	\$0.00	\$60,000.00	\$18,024.73	\$41,975.27	30%	\$17,283.94
	REVENUE TOTALS	\$60,000.00	\$0.00	\$60,000.00	\$18,024.73	\$41,975.27	30%	\$17,283.94
EXPENSE								
Department 6510 - Harbor Department								
6106	Contractual Services	.00	.00	.00	.00	.00	+++	271,135.99
	Department 6510 - Harbor Department Totals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$271,135.99
Department 8107 - St Park Marina Dredging								
6106	Contractual Services	.00	.00	.00	1,892.25	(1,892.25)	+++	.00
8999	Capital Project Budget	377,170.00	.00	377,170.00	.00	377,170.00	0	.00
	Department 8107 - St Park Marina Dredging Totals	\$377,170.00	\$0.00	\$377,170.00	\$1,892.25	\$375,277.75	1%	\$0.00
	EXPENSE TOTALS	\$377,170.00	\$0.00	\$377,170.00	\$1,892.25	\$375,277.75	1%	\$271,135.99
Fund 924 - State Park Marina Totals								
	REVENUE TOTALS	60,000.00	.00	60,000.00	18,024.73	41,975.27	30	17,283.94
	EXPENSE TOTALS	377,170.00	.00	377,170.00	1,892.25	375,277.75	1	271,135.99
	Fund 924 - State Park Marina Totals	(\$317,170.00)	\$0.00	(\$317,170.00)	\$16,132.48	(\$333,302.48)		(\$253,852.05)
Fund 941 - Affordable Housing In-Lieu Fund								
REVENUE								
Department 1111 - Undistributed/Non-Dept.								
3432	Housing In-Lieu	.00	.00	.00	4,515.27	(4,515.27)	+++	1,641.26
3710	Interest Income	500.00	.00	500.00	.00	500.00	0	.00
3990	Other Misc. Revenues	.00	.00	.00	25,000.00	(25,000.00)	+++	.00
	Department 1111 - Undistributed/Non-Dept. Totals	\$500.00	\$0.00	\$500.00	\$29,515.27	(\$29,015.27)	5903%	\$1,641.26
	REVENUE TOTALS	\$500.00	\$0.00	\$500.00	\$29,515.27	(\$29,015.27)	5903%	\$1,641.26
EXPENSE								
Department 7710 - Interfund Transactions								
8501	Transfers Out	63,000.00	.00	63,000.00	63,000.00	.00	100	.00
	Department 7710 - Interfund Transactions Totals	\$63,000.00	\$0.00	\$63,000.00	\$63,000.00	\$0.00	100%	\$0.00
	EXPENSE TOTALS	\$63,000.00	\$0.00	\$63,000.00	\$63,000.00	\$0.00	100%	\$0.00
Fund 941 - Affordable Housing In-Lieu Fund Totals								
	REVENUE TOTALS	500.00	.00	500.00	29,515.27	(29,015.27)	5903	1,641.26
	EXPENSE TOTALS	63,000.00	.00	63,000.00	63,000.00	.00	100	.00
	Fund 941 - Affordable Housing In-Lieu Fund Totals	(\$62,500.00)	\$0.00	(\$62,500.00)	(\$33,484.73)	(\$29,015.27)		\$1,641.26

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 301 - Transit Fund								
REVENUE								
Department 5261 - MB Transit								
3231	LTF Transit	260,434.00	.00	260,434.00	.00	260,434.00	0	.00
3234	DAR STA	18,436.00	.00	18,436.00	.00	18,436.00	0	.00
3453	Van Farebox Receipts	19,000.00	.00	19,000.00	4,881.10	14,118.90	26	5,059.18
Department 5261 - MB Transit Totals		\$297,870.00	\$0.00	\$297,870.00	\$4,881.10	\$292,988.90	2%	\$5,059.18
Department 5265 - Trolley								
3231	LTF Transit	60,100.00	.00	60,100.00	.00	60,100.00	0	.00
3453	Van Farebox Receipts	15,200.00	.00	15,200.00	8,471.70	6,728.30	56	9,742.50
3499	Other Rev/Current Svc	5,000.00	.00	5,000.00	.00	5,000.00	0	.00
3730	Rental Income	2,000.00	.00	2,000.00	250.00	1,750.00	12	.00
Department 5265 - Trolley Totals		\$82,300.00	\$0.00	\$82,300.00	\$8,721.70	\$73,578.30	11%	\$9,742.50
REVENUE TOTALS		\$380,170.00	\$0.00	\$380,170.00	\$13,602.80	\$366,567.20	4%	\$14,801.68
EXPENSE								
Department 5261 - MB Transit								
5110	Fuel Oil & Lubricants	22,000.00	.00	22,000.00	2,017.01	19,982.99	9	6,643.48
5301	General Office Supplies	50.00	.00	50.00	.00	50.00	0	.00
5504	Machinery/Equip/Supplies	3,300.00	.00	3,300.00	341.74	2,958.26	10	718.04
6103	Financial Audits	1,500.00	.00	1,500.00	.00	1,500.00	0	.00
6106	Contractual Services	123,500.00	.00	123,500.00	20,993.30	102,506.70	17	10,043.88
6107	Promotion & Advertising	4,500.00	.00	4,500.00	.00	4,500.00	0	441.00
6160	Vehicle Inspections	100.00	.00	100.00	100.00	.00	100	100.00
6300	Utilities	1,200.00	.00	1,200.00	670.90	529.10	56	684.29
6519	Association Membership	375.00	.00	375.00	.00	375.00	0	.00
6604	Outside Vehicle Repair/Maint	.00	.00	.00	200.00	(200.00)	+++	.00
6741	Misc. Bank Charges	50.00	.00	50.00	.00	50.00	0	.00
Department 5261 - MB Transit Totals		\$156,575.00	\$0.00	\$156,575.00	\$24,322.95	\$132,252.05	16%	\$18,630.69
Department 5265 - Trolley								
5110	Fuel Oil & Lubricants	13,000.00	.00	13,000.00	3,059.75	9,940.25	24	5,654.08
5504	Machinery/Equip/Supplies	2,000.00	.00	2,000.00	2,997.44	(997.44)	150	25.50
6106	Contractual Services	45,500.00	.00	45,500.00	21,085.86	24,414.14	46	11,150.34
6107	Promotion & Advertising	2,000.00	.00	2,000.00	.00	2,000.00	0	.00
Department 5265 - Trolley Totals		\$62,500.00	\$0.00	\$62,500.00	\$27,143.05	\$35,356.95	43%	\$16,829.92
Department 7710 - Interfund Transactions								
8501	Transfers Out	79,775.00	.00	79,775.00	6,647.00	73,128.00	8	19,943.00
Department 7710 - Interfund Transactions Totals		\$79,775.00	\$0.00	\$79,775.00	\$6,647.00	\$73,128.00	8%	\$19,943.00
EXPENSE TOTALS		\$298,850.00	\$0.00	\$298,850.00	\$58,113.00	\$240,737.00	19%	\$55,403.61
Fund 301 - Transit Fund Totals								
REVENUE TOTALS		380,170.00	.00	380,170.00	13,602.80	366,567.20	4	14,801.68
EXPENSE TOTALS		298,850.00	.00	298,850.00	58,113.00	240,737.00	19	55,403.61
Fund 301 - Transit Fund Totals		\$81,320.00	\$0.00	\$81,320.00	(\$44,510.20)	\$125,830.20		(\$40,601.93)

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 311 - Water Revenue Fund								
REVENUE								
Department 5240 - Water								
3454	Water Services	3,400,000.00	.00	3,400,000.00	826,335.43	2,573,664.57	24	780,478.50
3455	Water NSF Fees	.00	.00	.00	25.00	(25.00)	+++	75.00
3456	Water Reconnection Fees	.00	.00	.00	1,234.00	(1,234.00)	+++	765.00
3459	Water Service Application	.00	.00	.00	2,700.00	(2,700.00)	+++	3,250.00
3496	Mitigation Fees	15,000.00	.00	15,000.00	2,587.94	12,412.06	17	6,064.17
3631	Penalties	50,000.00	.00	50,000.00	14,075.34	35,924.66	28	14,649.13
3905	Bad Debts Recovery	.00	.00	.00	129.67	(129.67)	+++	128.35
3990	Other Misc. Revenues	.00	.00	.00	780.00	(780.00)	+++	.00
Department 5240 - Water Totals		\$3,465,000.00	\$0.00	\$3,465,000.00	\$847,867.38	\$2,617,132.62	24%	\$805,410.15
Department 7710 - Interfund Transactions								
3802	Intrafund Revenue Trans.	250,755.00	.00	250,755.00	.00	250,755.00	0	.00
Department 7710 - Interfund Transactions Totals		\$250,755.00	\$0.00	\$250,755.00	\$0.00	\$250,755.00	0%	\$0.00
REVENUE TOTALS		\$3,715,755.00	\$0.00	\$3,715,755.00	\$847,867.38	\$2,867,887.62	23%	\$805,410.15
EXPENSE								
Department 3510 - Accounting & Treasury								
5305	Forms Printing	2,500.00	.00	2,500.00	.00	2,500.00	0	470.87
6106	Contractual Services	16,750.00	.00	16,750.00	.00	16,750.00	0	2,578.43
6220	Postage	1,500.00	.00	1,500.00	.00	1,500.00	0	12.40
6640	Maintenance Contracts	375.00	.00	375.00	367.89	7.11	98	.00
Department 3510 - Accounting & Treasury Totals		\$21,125.00	\$0.00	\$21,125.00	\$367.89	\$20,757.11	2%	\$3,061.70
Department 5240 - Water								
4110	Regular Pay	401,850.00	.00	401,850.00	99,571.06	302,278.94	25	94,505.12
4120	Overtime Pay	30,000.00	.00	30,000.00	4,555.91	25,444.09	15	2,978.67
4310	Part-Time Pay	40,000.00	.00	40,000.00	2,221.84	37,778.16	6	7,910.57
4515	Standby Pay	15,000.00	.00	15,000.00	3,255.00	11,745.00	22	3,115.00
4599	Other Pay	15,000.00	.00	15,000.00	1,924.50	13,075.50	13	1,798.28
4910	Employer Paid Benefits	206,811.00	.00	206,811.00	56,659.48	150,151.52	27	55,987.26
4999	Labor Costs Applied	209,178.00	.00	209,178.00	15,228.43	193,949.57	7	11,730.29
5109	Uniforms/Safety Equipment	500.00	.00	500.00	1,247.06	(747.06)	249	.00
5110	Fuel Oil & Lubricants	20,000.00	.00	20,000.00	1,702.92	18,297.08	9	4,349.17
5175	Computer Operating Supp.	3,000.00	.00	3,000.00	162.50	2,837.50	5	.00
5199	Misc. Operating Supplies	25,000.00	.00	25,000.00	1,404.29	23,595.71	6	1,291.54
5502	Building Maint. Supplies	70,000.00	.00	70,000.00	27,401.43	42,598.57	39	8,624.34
5503	Rolling Stock Supplies	500.00	.00	500.00	.00	500.00	0	.00
5504	Machinery/Equip/Supplies	250.00	.00	250.00	(1,354.75)	1,604.75	-542	106.44
5969	Water Conservation Rebate	5,000.00	.00	5,000.00	900.00	4,100.00	18	.00
6101	Legal Services	.00	.00	.00	1,317.80	(1,317.80)	+++	.00
6105	Consulting Services	50,000.00	.00	50,000.00	8,667.27	41,332.73	17	1,030.65
6106	Contractual Services	100,000.00	.00	100,000.00	7,036.80	92,963.20	7	17,194.48

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
6125	Professional Development	2,500.00	.00	2,500.00	300.00	2,200.00	12	.00
6131	State Water Contract	2,250,000.00	.00	2,250,000.00	1,399,491.02	850,508.98	62	850,691.80
6160	Vehicle Inspections	100.00	.00	100.00	.00	100.00	0	.00
6161	Licenses & Permits	20,000.00	.00	20,000.00	220.00	19,780.00	1	715.95
6162	Mandated Fees/Inspections	10,000.00	.00	10,000.00	.00	10,000.00	0	.00
6199	Other Professional Svc	1,000.00	.00	1,000.00	.00	1,000.00	0	387.64
6220	Postage	1,500.00	.00	1,500.00	98.38	1,401.62	7	300.93
6300	Utilities	100,000.00	.00	100,000.00	18,315.93	81,684.07	18	21,018.07
6401	General Liability	48,067.00	.00	48,067.00	3,930.92	44,136.08	8	11,792.76
6411	Property Damage Ins.	1,151.00	.00	1,151.00	94.17	1,056.83	8	282.51
6472	Other Ins./Employee Bond	125.00	.00	125.00	10.42	114.58	8	31.26
6473	Vehicle Insurance	854.00	.00	854.00	71.17	782.83	8	213.51
6499	Earthquake & Flood Insurance	20,451.00	.00	20,451.00	1,727.40	18,723.60	8	5,033.61
6510	Meetings & Conferences	2,500.00	.00	2,500.00	600.00	1,900.00	24	100.00
6513	Meals & Lodging	200.00	.00	200.00	.00	200.00	0	.00
6514	Travel Expense	2,500.00	.00	2,500.00	.00	2,500.00	0	1,375.17
6519	Association Membership	3,000.00	.00	3,000.00	196.00	2,804.00	7	118.48
6602	Outside Structural Repair	5,000.00	.00	5,000.00	.00	5,000.00	0	.00
6604	Outside Vehicle Repair/Maint	2,000.00	.00	2,000.00	375.98	1,624.02	19	1,725.70
6710	Notices & Publications	10,000.00	.00	10,000.00	203.56	9,796.44	2	.00
6720	Medical Examinations	500.00	.00	500.00	95.00	405.00	19	.00
6741	Misc. Bank Charges	3,000.00	.00	3,000.00	386.99	2,613.01	13	1,028.44
6811	Auto & Truck Rental	5,000.00	.00	5,000.00	.00	5,000.00	0	263.35
6812	Space Rental	25,000.00	.00	25,000.00	20,521.63	4,478.37	82	20,400.00
8711	Non Capital Asset Expense	.00	.00	.00	.00	.00	+++	15,593.48
8750	Bad Debts Written Off	.00	.00	.00	1,136.07	(1,136.07)	+++	788.46
8760	UM Customer Adjustments	.00	.00	.00	8,514.70	(8,514.70)	+++	2,859.62
Department 5240 - Water Totals		\$3,706,537.00	\$0.00	\$3,706,537.00	\$1,688,190.88	\$2,018,346.12	46%	\$1,145,342.55
Department 7710 - Interfund Transactions								
8501	Transfers Out	276,341.00	.00	276,341.00	23,033.00	253,308.00	8	45,198.00
Department 7710 - Interfund Transactions Totals		\$276,341.00	\$0.00	\$276,341.00	\$23,033.00	\$253,308.00	8%	\$45,198.00
EXPENSE TOTALS		\$4,004,003.00	\$0.00	\$4,004,003.00	\$1,711,591.77	\$2,292,411.23	43%	\$1,193,602.25
Fund 311 - Water Revenue Fund Totals								
REVENUE TOTALS		3,715,755.00	.00	3,715,755.00	847,867.38	2,867,887.62	23	805,410.15
EXPENSE TOTALS		4,004,003.00	.00	4,004,003.00	1,711,591.77	2,292,411.23	43	1,193,602.25
Fund 311 - Water Revenue Fund Totals		(\$288,248.00)	\$0.00	(\$288,248.00)	(\$863,724.39)	\$575,476.39		(\$388,192.10)
Fund 921 - Water Capital Impv Fund								
REVENUE								
Department 7710 - Interfund Transactions								
3801	Transfers In	.00	.00	.00	.00	.00	+++	7,632.48
Department 7710 - Interfund Transactions Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$7,632.48

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
REVENUE TOTALS		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$7,632.48
EXPENSE								
Department 8425 - Blanca Pipeline								
8998	Budget Carryover	250,000.00	.00	250,000.00	.00	250,000.00	0	.00
Department 8425 - Blanca Pipeline Totals		\$250,000.00	\$0.00	\$250,000.00	\$0.00	\$250,000.00	0%	\$0.00
Department 8437 - Nutmeg Tank								
4910	Employer Paid Benefits	.00	.00	.00	476.11	(476.11)	+++	95.65
4999	Labor Costs Applied	.00	.00	.00	1,344.99	(1,344.99)	+++	258.40
6105	Consulting Services	.00	.00	.00	1,035.00	(1,035.00)	+++	437.50
8998	Budget Carryover	310,354.00	.00	310,354.00	.00	310,354.00	0	.00
8999	Capital Project Budget	750,000.00	.00	750,000.00	.00	750,000.00	0	.00
Department 8437 - Nutmeg Tank Totals		\$1,060,354.00	\$0.00	\$1,060,354.00	\$2,856.10	\$1,057,497.90	0%	\$791.55
Department 8464 - Desal Energy Recovery Sys								
4910	Employer Paid Benefits	.00	.00	.00	884.61	(884.61)	+++	1,398.80
4999	Labor Costs Applied	.00	.00	.00	2,419.06	(2,419.06)	+++	3,147.13
5199	Misc. Operating Supplies	.00	.00	.00	94.66	(94.66)	+++	.00
6105	Consulting Services	.00	.00	.00	10,990.95	(10,990.95)	+++	2,295.00
6106	Contractual Services	.00	.00	.00	253,725.62	(253,725.62)	+++	.00
8998	Budget Carryover	797,349.00	.00	797,349.00	.00	797,349.00	0	.00
8999	Capital Project Budget	500,000.00	.00	500,000.00	.00	500,000.00	0	.00
Department 8464 - Desal Energy Recovery Sys Totals		\$1,297,349.00	\$0.00	\$1,297,349.00	\$268,114.90	\$1,029,234.10	21%	\$6,840.93
Department 9604 - Master Plan Improv								
8999	Capital Project Budget	350,000.00	.00	350,000.00	.00	350,000.00	0	.00
Department 9604 - Master Plan Improv Totals		\$350,000.00	\$0.00	\$350,000.00	\$0.00	\$350,000.00	0%	\$0.00
Department 9704 - Chorro Creek Stream Gauge								
8998	Budget Carryover	205,660.00	.00	205,660.00	.00	205,660.00	0	.00
8999	Capital Project Budget	250,000.00	.00	250,000.00	.00	250,000.00	0	.00
Department 9704 - Chorro Creek Stream Gauge Totals		\$455,660.00	\$0.00	\$455,660.00	\$0.00	\$455,660.00	0%	\$0.00
EXPENSE TOTALS		\$3,413,363.00	\$0.00	\$3,413,363.00	\$270,971.00	\$3,142,392.00	8%	\$7,632.48
Fund 921 - Water Capital Impv Fund Totals								
REVENUE TOTALS		.00	.00	.00	.00	.00	+++	7,632.48
EXPENSE TOTALS		3,413,363.00	.00	3,413,363.00	270,971.00	3,142,392.00	8	7,632.48
Fund 921 - Water Capital Impv Fund Totals		(\$3,413,363.00)	\$0.00	(\$3,413,363.00)	(\$270,971.00)	(\$3,142,392.00)		\$0.00
Fund 951 - Water Accumulation Fund								
REVENUE								
Department 1111 - Undistributed/Non-Dept.								
3710	Interest Income	10,000.00	.00	10,000.00	.00	10,000.00	0	.00
Department 1111 - Undistributed/Non-Dept. Totals		\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$10,000.00	0%	\$0.00
Department 5205 - Public Services Admin								
3455	Water NSF Fees	.00	.00	.00	16.00	(16.00)	+++	48.00
Department 5205 - Public Services Admin Totals		\$0.00	\$0.00	\$0.00	\$16.00	(\$16.00)	+++	\$48.00

Budget Performance Report

Fiscal Year to Date 09/30/13

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Department 5240 - Water								
3950	Impact Fees	.00	.00	.00	9,526.00	(9,526.00)	+++	3,911.00
Department 5240 - Water Totals		\$0.00	\$0.00	\$0.00	\$9,526.00	(\$9,526.00)	+++	\$3,911.00
REVENUE TOTALS		\$10,000.00	\$0.00	\$10,000.00	\$9,542.00	\$458.00	95%	\$3,959.00
EXPENSE								
Department 7710 - Interfund Transactions								
8410	Intrafund Expense Trans.	250,755.00	.00	250,755.00	.00	250,755.00	0	7,632.48
8540	TRFR To Capital Imp Fund	1,850,000.00	.00	1,850,000.00	.00	1,850,000.00	0	.00
Department 7710 - Interfund Transactions Totals		\$2,100,755.00	\$0.00	\$2,100,755.00	\$0.00	\$2,100,755.00	0%	\$7,632.48
EXPENSE TOTALS		\$2,100,755.00	\$0.00	\$2,100,755.00	\$0.00	\$2,100,755.00	0%	\$7,632.48
Fund 951 - Water Accumulation Fund Totals								
REVENUE TOTALS		10,000.00	.00	10,000.00	9,542.00	458.00	95	3,959.00
EXPENSE TOTALS		2,100,755.00	.00	2,100,755.00	.00	2,100,755.00	0	7,632.48
Fund 951 - Water Accumulation Fund Totals		(\$2,090,755.00)	\$0.00	(\$2,090,755.00)	\$9,542.00	(\$2,100,297.00)		(\$3,673.48)

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 054 - Sewer Equip. Replacement								
REVENUE								
Department 7710 - Interfund Transactions								
3801	Transfers In	.00	.00	.00	115,000.00	(115,000.00)	+++	25,000.00
3802	Intrafund Revenue Trans.	115,000.00	.00	115,000.00	.00	115,000.00	0	.00
Department 7710 - Interfund Transactions Totals		<u>\$115,000.00</u>	<u>\$0.00</u>	<u>\$115,000.00</u>	<u>\$115,000.00</u>	<u>(\$0.00)</u>	<u>100%</u>	<u>\$25,000.00</u>
REVENUE TOTALS		\$115,000.00	\$0.00	\$115,000.00	\$115,000.00	(\$0.00)	100%	\$25,000.00
Fund 054 - Sewer Equip. Replacement Totals								
REVENUE TOTALS		115,000.00	.00	115,000.00	115,000.00	.00	100	25,000.00
EXPENSE TOTALS		.00	.00	.00	.00	.00	+++	.00
Fund 054 - Sewer Equip. Replacement Totals		<u>\$115,000.00</u>	<u>\$0.00</u>	<u>\$115,000.00</u>	<u>\$115,000.00</u>	<u>\$0.00</u>		<u>\$25,000.00</u>
Fund 321 - Sewer Revenue Fund								
REVENUE								
Department 5251 - Wastewater Collection								
3452	Sewer Services	3,675,000.00	.00	3,675,000.00	895,145.37	2,779,854.63	24	785,642.07
3631	Penalties	25,000.00	.00	25,000.00	5,904.34	19,095.66	24	5,800.15
3730	Rental Income	19,000.00	.00	19,000.00	9,351.94	9,648.06	49	9,198.90
Department 5251 - Wastewater Collection Totals		<u>\$3,719,000.00</u>	<u>\$0.00</u>	<u>\$3,719,000.00</u>	<u>\$910,401.65</u>	<u>\$2,808,598.35</u>	<u>24%</u>	<u>\$800,641.12</u>
REVENUE TOTALS		\$3,719,000.00	\$0.00	\$3,719,000.00	\$910,401.65	\$2,808,598.35	24%	\$800,641.12
EXPENSE								
Department 3510 - Accounting & Treasury								
5305	Forms Printing	2,500.00	.00	2,500.00	.00	2,500.00	0	470.87
6106	Contractual Services	16,750.00	.00	16,750.00	.00	16,750.00	0	2,578.39
6220	Postage	1,500.00	.00	1,500.00	.00	1,500.00	0	12.40
6640	Maintenance Contracts	375.00	.00	375.00	367.88	7.12	98	.00
Department 3510 - Accounting & Treasury Totals		<u>\$21,125.00</u>	<u>\$0.00</u>	<u>\$21,125.00</u>	<u>\$367.88</u>	<u>\$20,757.12</u>	<u>2%</u>	<u>\$3,061.66</u>
Department 5251 - Wastewater Collection								
4110	Regular Pay	353,734.00	.00	353,734.00	77,746.66	275,987.34	22	63,903.91
4120	Overtime Pay	10,000.00	.00	10,000.00	253.84	9,746.16	3	738.59
4310	Part-Time Pay	2,500.00	.00	2,500.00	2,869.33	(369.33)	115	3,114.05
4515	Standby Pay	12,775.00	.00	12,775.00	3,150.00	9,625.00	25	3,185.00
4599	Other Pay	2,700.00	.00	2,700.00	1,754.40	945.60	65	1,407.26
4910	Employer Paid Benefits	175,162.00	.00	175,162.00	40,837.20	134,324.80	23	34,446.13
4999	Labor Costs Applied	191,436.00	.00	191,436.00	15,525.62	175,910.38	8	10,864.31
5109	Uniforms/Safety Equipment	10,000.00	.00	10,000.00	1,684.92	8,315.08	17	.00
5110	Fuel Oil & Lubricants	15,000.00	.00	15,000.00	1,833.87	13,166.13	12	3,406.21
5120	Chemical Supplies	8,000.00	.00	8,000.00	983.69	7,016.31	12	925.88
5175	Computer Operating Supp.	4,000.00	.00	4,000.00	162.50	3,837.50	4	1,616.25
5199	Misc. Operating Supplies	12,500.00	.00	12,500.00	13,737.92	(1,237.92)	110	6,263.68
5301	General Office Supplies	1,500.00	.00	1,500.00	.00	1,500.00	0	.00
5305	Forms Printing	.00	.00	.00	29.30	(29.30)	+++	.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
5502	Building Maint. Supplies	10,000.00	.00	10,000.00	23,241.21	(13,241.21)	232	.00
5503	Rolling Stock Supplies	1,000.00	.00	1,000.00	.00	1,000.00	0	.00
5504	Machinery/Equip/Supplies	25,000.00	.00	25,000.00	838.08	24,161.92	3	3.94
5530	Small Tools	2,000.00	.00	2,000.00	.00	2,000.00	0	.00
6105	Consulting Services	70,000.00	.00	70,000.00	876.11	69,123.89	1	.00
6106	Contractual Services	170,000.00	.00	170,000.00	3,370.44	166,629.56	2	5,795.18
6125	Professional Development	2,500.00	.00	2,500.00	2,276.00	224.00	91	.00
6161	Licenses & Permits	5,000.00	.00	5,000.00	220.00	4,780.00	4	.00
6199	Other Professional Svc	6,000.00	.00	6,000.00	34.86	5,965.14	1	.00
6220	Postage	1,250.00	.00	1,250.00	98.38	1,151.62	8	300.92
6300	Utilities	25,000.00	.00	25,000.00	4,311.39	20,688.61	17	2,786.56
6401	General Liability	28,841.00	.00	28,841.00	2,358.58	26,482.42	8	7,075.74
6411	Property Damage Ins.	576.00	.00	576.00	47.08	528.92	8	141.24
6472	Other Ins./Employee Bond	75.00	.00	75.00	6.25	68.75	8	18.75
6473	Vehicle Insurance	488.00	.00	488.00	40.67	447.33	8	122.01
6499	Earthquake & Flood Insurance	.00	.00	.00	739.90	(739.90)	+++	2,177.67
6510	Meetings & Conferences	4,000.00	.00	4,000.00	2,629.00	1,371.00	66	100.00
6511	Mileage Reimbursement	500.00	.00	500.00	.00	500.00	0	.00
6513	Meals & Lodging	1,500.00	.00	1,500.00	.00	1,500.00	0	651.44
6514	Travel Expense	500.00	.00	500.00	.00	500.00	0	77.51
6519	Association Membership	2,000.00	.00	2,000.00	87.00	1,913.00	4	118.48
6601	Outside Equip. Repair/Mat	20,000.00	.00	20,000.00	.00	20,000.00	0	.00
6602	Outside Structural Repair	.00	.00	.00	712.63	(712.63)	+++	.00
6604	Outside Vehicle Repair/Maint	2,500.00	.00	2,500.00	.00	2,500.00	0	.00
6640	Maintenance Contracts	80,000.00	.00	80,000.00	.00	80,000.00	0	.00
6710	Notices & Publications	.00	.00	.00	203.55	(203.55)	+++	.00
6720	Medical Examinations	1,000.00	.00	1,000.00	.00	1,000.00	0	95.00
6741	Misc. Bank Charges	4,000.00	.00	4,000.00	386.99	3,613.01	10	1,028.45
6810	Equipment Rental	2,500.00	.00	2,500.00	.00	2,500.00	0	.00
7302	Equipment Acquisition	.00	.00	.00	228.69	(228.69)	+++	.00
8721	Payment To Other Agency	2,863,450.00	.00	2,863,450.00	.00	2,863,450.00	0	840.00
8750	Bad Debts Written Off	.00	.00	.00	1,093.23	(1,093.23)	+++	808.58
8760	UM Customer Adjustments	.00	.00	.00	2,408.94	(2,408.94)	+++	799.42
Department 5251 - Wastewater Collection Totals		\$4,128,987.00	\$0.00	\$4,128,987.00	\$206,778.23	\$3,922,208.77	5%	\$152,812.16
Department 7710 - Interfund Transactions								
8410	Intrafund Expense Trans.	584,353.00	.00	584,353.00	.00	584,353.00	0	.00
8501	Transfers Out	.00	.00	.00	13,726.00	(13,726.00)	+++	40,409.00
8510	Transfer To General Fund	164,701.00	.00	164,701.00	.00	164,701.00	0	.00
Department 7710 - Interfund Transactions Totals		\$749,054.00	\$0.00	\$749,054.00	\$13,726.00	\$735,328.00	2%	\$40,409.00
EXPENSE TOTALS		\$4,899,166.00	\$0.00	\$4,899,166.00	\$220,872.11	\$4,678,293.89	5%	\$196,282.82
Fund 321 - Sewer Revenue Fund Totals								
REVENUE TOTALS		3,719,000.00	.00	3,719,000.00	910,401.65	2,808,598.35	24	800,641.12

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
EXPENSE TOTALS		4,899,166.00	.00	4,899,166.00	220,872.11	4,678,293.89	5	196,282.82
Fund	321 - Sewer Revenue Fund Totals	(\$1,180,166.00)	\$0.00	(\$1,180,166.00)	\$689,529.54	(\$1,869,695.54)		\$604,358.30
Fund	922 - Sewer Capital Impv Fund							
REVENUE								
Department	7710 - Interfund Transactions							
3802	Intrafund Revenue Trans.	.00	.00	.00	.00	.00	+++	44,716.51
	Department 7710 - Interfund Transactions Totals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$44,716.51
REVENUE TOTALS		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$44,716.51
EXPENSE								
Department	8024 - Embarcadero Rehab							
8999	Capital Project Budget	500,000.00	.00	500,000.00	.00	500,000.00	0	.00
	Department 8024 - Embarcadero Rehab Totals	\$500,000.00	\$0.00	\$500,000.00	\$0.00	\$500,000.00	0%	\$0.00
Department	8204 - L/S #1 Upgrade							
8999	Capital Project Budget	100,000.00	.00	100,000.00	.00	100,000.00	0	.00
	Department 8204 - L/S #1 Upgrade Totals	\$100,000.00	\$0.00	\$100,000.00	\$0.00	\$100,000.00	0%	\$0.00
Department	8208 - Section 3 Rehab							
8999	Capital Project Budget	250,000.00	.00	250,000.00	.00	250,000.00	0	.00
	Department 8208 - Section 3 Rehab Totals	\$250,000.00	\$0.00	\$250,000.00	\$0.00	\$250,000.00	0%	\$0.00
Department	8210 - Laural Easement Rehab							
8999	Capital Project Budget	200,000.00	.00	200,000.00	.00	200,000.00	0	.00
	Department 8210 - Laural Easement Rehab Totals	\$200,000.00	\$0.00	\$200,000.00	\$0.00	\$200,000.00	0%	\$0.00
Department	8228 - Reconstruct Lift St.#3							
4120	Overtime Pay	.00	.00	.00	.00	.00	+++	294.69
4910	Employer Paid Benefits	.00	.00	.00	.00	.00	+++	1,747.79
4999	Labor Costs Applied	.00	.00	.00	.00	.00	+++	6,393.18
5199	Misc. Operating Supplies	.00	.00	.00	.00	.00	+++	690.84
6105	Consulting Services	.00	.00	.00	.00	.00	+++	2,162.81
	Department 8228 - Reconstruct Lift St.#3 Totals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$11,289.31
Department	8310 - Reconstruct Lift ST. #2							
4120	Overtime Pay	.00	.00	.00	.00	.00	+++	821.95
4910	Employer Paid Benefits	.00	.00	.00	.00	.00	+++	2,194.85
4999	Labor Costs Applied	.00	.00	.00	.00	.00	+++	5,005.94
6105	Consulting Services	.00	.00	.00	.00	.00	+++	21,727.63
6106	Contractual Services	.00	.00	.00	.00	.00	+++	(6,484.09)
	Department 8310 - Reconstruct Lift ST. #2 Totals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$23,266.28
Department	8455 - No.Main Truck Line Replc							
8999	Capital Project Budget	32,994.00	.00	32,994.00	.00	32,994.00	0	.00
	Department 8455 - No.Main Truck Line Replc Totals	\$32,994.00	\$0.00	\$32,994.00	\$0.00	\$32,994.00	0%	\$0.00
Department	8460 - Manhole Cover Replacements							
4910	Employer Paid Benefits	.00	.00	.00	497.31	(497.31)	+++	.00
4999	Labor Costs Applied	.00	.00	.00	2,168.44	(2,168.44)	+++	.00
8999	Capital Project Budget	60,000.00	.00	60,000.00	.00	60,000.00	0	.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
	Department 8460 - Manhole Cover Replacements Totals	\$60,000.00	\$0.00	\$60,000.00	\$2,665.75	\$57,334.25	4%	\$0.00
	Department 9809 - Sewer Line Rehabilitation							
6106	Contractual Services	.00	.00	.00	.00	.00	+++	10,160.92
	Department 9809 - Sewer Line Rehabilitation Totals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$10,160.92
	EXPENSE TOTALS	\$1,142,994.00	\$0.00	\$1,142,994.00	\$2,665.75	\$1,140,328.25	0%	\$44,716.51
	Fund 922 - Sewer Capital Impv Fund Totals							
	REVENUE TOTALS	.00	.00	.00	.00	.00	+++	44,716.51
	EXPENSE TOTALS	1,142,994.00	.00	1,142,994.00	2,665.75	1,140,328.25	0	44,716.51
	Fund 922 - Sewer Capital Impv Fund Totals	(\$1,142,994.00)	\$0.00	(\$1,142,994.00)	(\$2,665.75)	(\$1,140,328.25)		\$0.00
	Fund 952 - Sewer Accumulation Fund							
	REVENUE							
	Department 1111 - Undistributed/Non-Dept.							
3710	Interest Income	20,000.00	.00	20,000.00	.00	20,000.00	0	.00
	Department 1111 - Undistributed/Non-Dept. Totals	\$20,000.00	\$0.00	\$20,000.00	\$0.00	\$20,000.00	0%	\$0.00
	Department 5251 - Wastewater Collection							
3950	Impact Fees	.00	.00	.00	17,487.00	(17,487.00)	+++	6,421.00
	Department 5251 - Wastewater Collection Totals	\$0.00	\$0.00	\$0.00	\$17,487.00	(\$17,487.00)	+++	\$6,421.00
	Department 7710 - Interfund Transactions							
3802	Intrafund Revenue Trans.	584,353.00	.00	584,353.00	.00	584,353.00	0	.00
	Department 7710 - Interfund Transactions Totals	\$584,353.00	\$0.00	\$584,353.00	\$0.00	\$584,353.00	0%	\$0.00
	REVENUE TOTALS	\$604,353.00	\$0.00	\$604,353.00	\$17,487.00	\$586,866.00	3%	\$6,421.00
	EXPENSE							
	Department 7710 - Interfund Transactions							
8410	Intrafund Expense Trans.	115,000.00	.00	115,000.00	115,000.00	.00	100	44,716.51
8501	Transfers Out	.00	.00	.00	.00	.00	+++	25,000.00
8540	TRFR To Capital Imp Fund	1,110,000.00	.00	1,110,000.00	.00	1,110,000.00	0	.00
	Department 7710 - Interfund Transactions Totals	\$1,225,000.00	\$0.00	\$1,225,000.00	\$115,000.00	\$1,110,000.00	9%	\$69,716.51
	EXPENSE TOTALS	\$1,225,000.00	\$0.00	\$1,225,000.00	\$115,000.00	\$1,110,000.00	9%	\$69,716.51
	Fund 952 - Sewer Accumulation Fund Totals							
	REVENUE TOTALS	604,353.00	.00	604,353.00	17,487.00	586,866.00	3	6,421.00
	EXPENSE TOTALS	1,225,000.00	.00	1,225,000.00	115,000.00	1,110,000.00	9	69,716.51
	Fund 952 - Sewer Accumulation Fund Totals	(\$620,647.00)	\$0.00	(\$620,647.00)	(\$97,513.00)	(\$523,134.00)		(\$63,295.51)

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 055 - Harbor Equip. Replacement								
REVENUE								
Department 7710 - Interfund Transactions								
3801	Transfers In	.00	.00	.00	.00	.00	+++	31,000.00
3802	Intrafund Revenue Trans.	30,000.00	.00	30,000.00	30,000.00	.00	100	.00
Department 7710 - Interfund Transactions Totals		<u>\$30,000.00</u>	<u>\$0.00</u>	<u>\$30,000.00</u>	<u>\$30,000.00</u>	<u>\$0.00</u>	<u>100%</u>	<u>\$31,000.00</u>
REVENUE TOTALS		\$30,000.00	\$0.00	\$30,000.00	\$30,000.00	\$0.00	100%	\$31,000.00
EXPENSE								
Department 6510 - Harbor Department								
7202	Trucks	30,000.00	.00	30,000.00	32,849.92	(2,849.92)	109	.00
7205	Vessels	.00	.00	.00	102,529.89	(102,529.89)	+++	.00
Department 6510 - Harbor Department Totals		<u>\$30,000.00</u>	<u>\$0.00</u>	<u>\$30,000.00</u>	<u>\$135,379.81</u>	<u>(\$105,379.81)</u>	<u>451%</u>	<u>\$0.00</u>
EXPENSE TOTALS		\$30,000.00	\$0.00	\$30,000.00	\$135,379.81	(\$105,379.81)	451%	\$0.00
Fund 055 - Harbor Equip. Replacement Totals								
REVENUE TOTALS		30,000.00	.00	30,000.00	30,000.00	.00	100	31,000.00
EXPENSE TOTALS		30,000.00	.00	30,000.00	135,379.81	(105,379.81)	451	.00
Fund 055 - Harbor Equip. Replacement Totals		<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>(\$105,379.81)</u>	<u>\$105,379.81</u>		<u>\$31,000.00</u>
Fund 331 - Harbor Operating Fund								
REVENUE								
Department 1104 - Harbor Nature Conservancy Grant								
3303	Fed Grant Other Govt Svc	.00	.00	.00	15,062.45	(15,062.45)	+++	25,000.00
Department 1104 - Harbor Nature Conservancy Grant Totals		<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$15,062.45</u>	<u>(\$15,062.45)</u>	<u>+++</u>	<u>\$25,000.00</u>
Department 1201 - NFWF Plan/Dev Grant								
3303	Fed Grant Other Govt Svc	.00	.00	.00	11,142.66	(11,142.66)	+++	67,500.00
Department 1201 - NFWF Plan/Dev Grant Totals		<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$11,142.66</u>	<u>(\$11,142.66)</u>	<u>+++</u>	<u>\$67,500.00</u>
Department 6510 - Harbor Department								
3391	Other Grant Public Svc	.00	.00	.00	.00	.00	+++	7,921.00
3401	Sale of Copies & Books	50.00	.00	50.00	.00	50.00	0	19.25
3437	Live Aboard Services	5,500.00	.00	5,500.00	.00	5,500.00	0	3,293.70
3439	Other Harbor Services	17,000.00	.00	17,000.00	1,376.00	15,624.00	8	3,106.19
3440	Harbor Leases	1,311,397.00	.00	1,311,397.00	(228,265.15)	1,539,662.15	-17	320,519.38
3441	North T-Pier Dockage	25,565.00	.00	25,565.00	(3,902.10)	29,467.10	-15	(456.21)
3442	South T-Pier Dockage	45,000.00	.00	45,000.00	(4,432.27)	49,432.27	-10	(16,443.89)
3443	Mooring Rental	85,000.00	.00	85,000.00	594.60	84,405.40	1	54,119.05
3444	Slip Rental	85,000.00	.00	85,000.00	946.57	84,053.43	1	45,574.87
3445	Slip Transient Sublease	55,000.00	.00	55,000.00	(3,213.40)	58,213.40	-6	(9,502.62)
3447	Floating Dockage Rental	7,000.00	.00	7,000.00	(21.60)	7,021.60	0	1,346.97
3469	Special Events	1,000.00	.00	1,000.00	.00	1,000.00	0	.00
3499	Other Rev/Current Svc	800.00	.00	800.00	.00	800.00	0	782.00
3919	Auctioned Property	1,000.00	.00	1,000.00	923.00	77.00	92	.00
3990	Other Misc. Revenues	1,500.00	.00	1,500.00	355.04	1,144.96	24	861.70

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
3991	Cash Variations	.00	.00	.00	(60.00)	60.00	+++	.00
	Department 6510 - Harbor Department Totals	\$1,640,812.00	\$0.00	\$1,640,812.00	(\$235,699.31)	\$1,876,511.31	-14%	\$411,141.39
	Department 8479 - Launch Ramp Parking							
3499	Other Rev/Current Svc	27,000.00	.00	27,000.00	10,785.00	16,215.00	40	9,411.00
	Department 8479 - Launch Ramp Parking Totals	\$27,000.00	\$0.00	\$27,000.00	\$10,785.00	\$16,215.00	40%	\$9,411.00
	REVENUE TOTALS	\$1,667,812.00	\$0.00	\$1,667,812.00	(\$198,709.20)	\$1,866,521.20	-12%	\$513,052.39
	EXPENSE							
	Department 1104 - Harbor Nature Conservancy Grant							
4310	Part-Time Pay	.00	.00	.00	576.00	(576.00)	+++	10,948.00
4910	Employer Paid Benefits	.00	.00	.00	57.31	(57.31)	+++	(123.84)
6101	Legal Services	.00	.00	.00	2,554.12	(2,554.12)	+++	412.50
	Department 1104 - Harbor Nature Conservancy Grant Totals	\$0.00	\$0.00	\$0.00	\$3,187.43	(\$3,187.43)	+++	\$11,236.66
	Department 1201 - NFWF Plan/Dev Grant							
4310	Part-Time Pay	.00	.00	.00	9,564.80	(9,564.80)	+++	1,176.00
4910	Employer Paid Benefits	.00	.00	.00	579.69	(579.69)	+++	693.01
6105	Consulting Services	.00	.00	.00	18,882.00	(18,882.00)	+++	2,760.00
	Department 1201 - NFWF Plan/Dev Grant Totals	\$0.00	\$0.00	\$0.00	\$29,026.49	(\$29,026.49)	+++	\$4,629.01
	Department 6510 - Harbor Department							
4110	Regular Pay	490,419.00	.00	490,419.00	117,158.10	373,260.90	24	103,211.10
4120	Overtime Pay	3,000.00	.00	3,000.00	1,863.08	1,136.92	62	1,026.30
4310	Part-Time Pay	65,000.00	.00	65,000.00	18,604.50	46,395.50	29	19,394.41
4515	Standby Pay	12,775.00	.00	12,775.00	(6,720.00)	19,495.00	-53	2,905.00
4599	Other Pay	3,000.00	.00	3,000.00	(95.19)	3,095.19	-3	2,311.71
4910	Employer Paid Benefits	295,802.00	.00	295,802.00	65,587.81	230,214.19	22	59,957.97
5105	First Aide Supplies	1,000.00	.00	1,000.00	101.72	898.28	10	.00
5108	Communication Supplies	1,500.00	.00	1,500.00	615.70	884.30	41	94.85
5109	Uniforms/Safety Equipment	3,500.00	.00	3,500.00	6,383.89	(2,883.89)	182	1,163.57
5110	Fuel Oil & Lubricants	23,000.00	.00	23,000.00	3,680.55	19,319.45	16	4,897.13
5125	Repairs/Maint. Materials	1,000.00	.00	1,000.00	226.80	773.20	23	.00
5175	Computer Operating Supp.	7,500.00	.00	7,500.00	.00	7,500.00	0	.00
5199	Misc. Operating Supplies	750.00	.00	750.00	183.60	566.40	24	128.20
5301	General Office Supplies	2,700.00	.00	2,700.00	316.42	2,383.58	12	993.14
5304	Periodical/Subscriptions	200.00	.00	200.00	.00	200.00	0	.00
5305	Forms Printing	1,500.00	.00	1,500.00	957.35	542.65	64	109.91
5501	Grounds Maint. Supplies	3,000.00	.00	3,000.00	575.20	2,424.80	19	1,222.17
5502	Building Maint. Supplies	2,000.00	.00	2,000.00	247.83	1,752.17	12	58.29
5503	Rolling Stock Supplies	500.00	.00	500.00	.00	500.00	0	360.00
5504	Machinery/Equip/Supplies	15,000.00	.00	15,000.00	3,947.08	11,052.92	26	5,372.38
5530	Small Tools	1,500.00	.00	1,500.00	605.56	894.44	40	670.65
6102	Legislative Analyst	8,400.00	.00	8,400.00	.00	8,400.00	0	.00
6105	Consulting Services	1,000.00	.00	1,000.00	.00	1,000.00	0	.00
6106	Contractual Services	10,000.00	.00	10,000.00	16,400.00	(6,400.00)	164	3,998.53
6107	Promotion & Advertising	2,500.00	.00	2,500.00	.00	2,500.00	0	2,251.98

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
6125	Professional Development	3,000.00	.00	3,000.00	536.00	2,464.00	18	475.70
6199	Other Professional Svc	1,500.00	.00	1,500.00	2,039.98	(539.98)	136	328.18
6201	Telephone	4,500.00	.00	4,500.00	1,142.36	3,357.64	25	1,032.52
6220	Postage	1,000.00	.00	1,000.00	298.71	701.29	30	352.97
6300	Utilities	200.00	.00	200.00	.00	200.00	0	.00
6301	Electricity	23,000.00	.00	23,000.00	3,749.82	19,250.18	16	3,727.94
6302	Natural Gas	700.00	.00	700.00	68.69	631.31	10	128.38
6303	Water	20,000.00	.00	20,000.00	7,052.41	12,947.59	35	7,188.32
6305	Disposal	47,000.00	.00	47,000.00	11,565.14	35,434.86	25	17,815.08
6401	General Liability	51,272.00	.00	51,272.00	4,193.00	47,079.00	8	12,579.00
6411	Property Damage Ins.	16,307.00	.00	16,307.00	1,287.08	15,019.92	8	3,839.88
6472	Other Ins./Employee Bond	134.00	.00	134.00	11.17	122.83	8	33.51
6473	Vehicle Insurance	610.00	.00	610.00	50.83	559.17	8	152.49
6510	Meetings & Conferences	3,000.00	.00	3,000.00	.00	3,000.00	0	300.00
6519	Association Membership	2,600.00	.00	2,600.00	97.50	2,502.50	4	1,670.00
6601	Outside Equip. Repair/Mat	40,000.00	.00	40,000.00	7,115.13	32,884.87	18	13,863.75
6602	Outside Structural Repair	8,500.00	.00	8,500.00	.00	8,500.00	0	11,087.09
6603	Outside Ground Repair	1,000.00	.00	1,000.00	.00	1,000.00	0	.00
6604	Outside Vehicle Repair/Maint	1,000.00	.00	1,000.00	.00	1,000.00	0	.00
6640	Maintenance Contracts	1,500.00	.00	1,500.00	849.00	651.00	57	564.00
6710	Notices & Publications	500.00	.00	500.00	118.80	381.20	24	70.24
6741	Misc. Bank Charges	3,000.00	.00	3,000.00	185.44	2,814.56	6	1,964.70
6750	Business Equipment Rental	2,000.00	.00	2,000.00	49.63	1,950.37	2	547.85
6810	Equipment Rental	500.00	.00	500.00	167.30	332.70	33	124.66
8110	Interest Expense	44,111.00	.00	44,111.00	44,111.03	(.03)	100	48,018.84
8130	Principal Repayment	90,748.00	.00	90,748.00	90,747.97	.03	100	86,840.16
Department 6510 - Harbor Department Totals		\$1,324,228.00	\$0.00	\$1,324,228.00	\$406,076.99	\$918,151.01	31%	\$422,832.55
Department 6511 - Harbor Lifeguards								
4120	Overtime Pay	400.00	.00	400.00	231.19	168.81	58	256.13
4310	Part-Time Pay	37,000.00	.00	37,000.00	22,767.18	14,232.82	62	22,166.12
4910	Employer Paid Benefits	8,748.00	.00	8,748.00	4,463.28	4,284.72	51	4,222.56
5105	First Aide Supplies	500.00	.00	500.00	.00	500.00	0	.00
5109	Uniforms/Safety Equipment	750.00	.00	750.00	200.44	549.56	27	.00
5199	Misc. Operating Supplies	500.00	.00	500.00	49.81	450.19	10	61.08
Department 6511 - Harbor Lifeguards Totals		\$47,898.00	\$0.00	\$47,898.00	\$27,711.90	\$20,186.10	58%	\$26,705.89
Department 7710 - Interfund Transactions								
8410	Intrafund Expense Trans.	10,000.00	.00	10,000.00	.00	10,000.00	0	.00
8501	Transfers Out	276,986.00	.00	276,986.00	23,497.00	253,489.00	8	70,495.00
8510	Transfer To General Fund	5,000.00	.00	5,000.00	.00	5,000.00	0	.00
Department 7710 - Interfund Transactions Totals		\$291,986.00	\$0.00	\$291,986.00	\$23,497.00	\$268,489.00	8%	\$70,495.00
Department 8479 - Launch Ramp Parking								
5501	Grounds Maint. Supplies	500.00	.00	500.00	264.60	235.40	53	.00
5504	Machinery/Equip/Supplies	700.00	.00	700.00	.00	700.00	0	.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
6106	Contractual Services	2,000.00	.00	2,000.00	326.17	1,673.83	16	1,422.36
6300	Utilities	500.00	.00	500.00	35.09	464.91	7	80.08
6741	Misc. Bank Charges	.00	.00	.00	72.61	(72.61)	+++	188.71
Department 8479 - Launch Ramp Parking Totals		\$3,700.00	\$0.00	\$3,700.00	\$698.47	\$3,001.53	19%	\$1,691.15
EXPENSE TOTALS		\$1,667,812.00	\$0.00	\$1,667,812.00	\$490,198.28	\$1,177,613.72	29%	\$537,590.26
Fund 331 - Harbor Operating Fund Totals								
REVENUE TOTALS		1,667,812.00	.00	1,667,812.00	(198,709.20)	1,866,521.20	-12	513,052.39
EXPENSE TOTALS		1,667,812.00	.00	1,667,812.00	490,198.28	1,177,613.72	29	537,590.26
Fund 331 - Harbor Operating Fund Totals		\$0.00	\$0.00	\$0.00	(\$688,907.48)	\$688,907.48		(\$24,537.87)
Fund 923 - Harbor Capital Impv Fund								
EXPENSE								
Department 8002 - TOT Audits								
6103	Financial Audits	.00	.00	.00	12,125.00	(12,125.00)	+++	.00
8998	Budget Carryover	24,820.00	.00	24,820.00	.00	24,820.00	0	.00
8999	Capital Project Budget	10,000.00	.00	10,000.00	.00	10,000.00	0	.00
Department 8002 - TOT Audits Totals		\$34,820.00	\$0.00	\$34,820.00	\$12,125.00	\$22,695.00	35%	\$0.00
Department 8005 - Slip Repairs								
6106	Contractual Services	.00	.00	.00	2,116.00	(2,116.00)	+++	.00
Department 8005 - Slip Repairs Totals		\$0.00	\$0.00	\$0.00	\$2,116.00	(\$2,116.00)	+++	\$0.00
Department 8006 - Anchor Park Pier								
8998	Budget Carryover	19,175.00	.00	19,175.00	.00	19,175.00	0	.00
Department 8006 - Anchor Park Pier Totals		\$19,175.00	\$0.00	\$19,175.00	\$0.00	\$19,175.00	0%	\$0.00
Department 8106 - Harbor Storage Yard								
6602	Outside Structural Repair	.00	.00	.00	462.50	(462.50)	+++	.00
Department 8106 - Harbor Storage Yard Totals		\$0.00	\$0.00	\$0.00	\$462.50	(\$462.50)	+++	\$0.00
Department 8413 - Infrastructure Repairs & Maint.								
8998	Budget Carryover	657,875.00	.00	657,875.00	.00	657,875.00	0	.00
Department 8413 - Infrastructure Repairs & Maint. Totals		\$657,875.00	\$0.00	\$657,875.00	\$0.00	\$657,875.00	0%	\$0.00
Department 8432 - Beach Street Slips								
8999	Capital Project Budget	340,000.00	.00	340,000.00	.00	340,000.00	0	.00
Department 8432 - Beach Street Slips Totals		\$340,000.00	\$0.00	\$340,000.00	\$0.00	\$340,000.00	0%	\$0.00
Department 8435 - Boat Repair/Storage Yard								
8998	Budget Carryover	65,362.00	.00	65,362.00	.00	65,362.00	0	.00
Department 8435 - Boat Repair/Storage Yard Totals		\$65,362.00	\$0.00	\$65,362.00	\$0.00	\$65,362.00	0%	\$0.00
Department 8452 - Harbor Portable Office								
8999	Capital Project Budget	10,000.00	.00	10,000.00	.00	10,000.00	0	.00
Department 8452 - Harbor Portable Office Totals		\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$10,000.00	0%	\$0.00
EXPENSE TOTALS		\$1,127,232.00	\$0.00	\$1,127,232.00	\$14,703.50	\$1,112,528.50	1%	\$0.00
Fund 923 - Harbor Capital Impv Fund Totals								
REVENUE TOTALS		.00	.00	.00	.00	.00	+++	.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
	EXPENSE TOTALS	1,127,232.00	.00	1,127,232.00	14,703.50	1,112,528.50	1	.00
Fund 923	Harbor Capital Impv Fund Totals	(\$1,127,232.00)	\$0.00	(\$1,127,232.00)	(\$14,703.50)	(\$1,112,528.50)		\$0.00
Fund 953	Harbor Accumulation Fund							
	REVENUE							
Department 1111	Undistributed/Non-Dept.							
3710	Interest Income	1,000.00	.00	1,000.00	.00	1,000.00	0	.00
	Department 1111 - Undistributed/Non-Dept. Totals	\$1,000.00	\$0.00	\$1,000.00	\$0.00	\$1,000.00	0%	\$0.00
Department 7710	Interfund Transactions							
3802	Intrafund Revenue Trans.	10,000.00	.00	10,000.00	.00	10,000.00	0	.00
	Department 7710 - Interfund Transactions Totals	\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$10,000.00	0%	\$0.00
	REVENUE TOTALS	\$11,000.00	\$0.00	\$11,000.00	\$0.00	\$11,000.00	0%	\$0.00
	EXPENSE							
Department 7710	Interfund Transactions							
8410	Intrafund Expense Trans.	30,000.00	.00	30,000.00	30,000.00	.00	100	.00
8501	Transfers Out	.00	.00	.00	.00	.00	+++	31,000.00
8540	TRFR To Capital Imp Fund	360,000.00	.00	360,000.00	.00	360,000.00	0	.00
	Department 7710 - Interfund Transactions Totals	\$390,000.00	\$0.00	\$390,000.00	\$30,000.00	\$360,000.00	8%	\$31,000.00
	EXPENSE TOTALS	\$390,000.00	\$0.00	\$390,000.00	\$30,000.00	\$360,000.00	8%	\$31,000.00
Fund 953	Harbor Accumulation Fund Totals							
	REVENUE TOTALS	11,000.00	.00	11,000.00	.00	11,000.00	0	.00
	EXPENSE TOTALS	390,000.00	.00	390,000.00	30,000.00	360,000.00	8	31,000.00
Fund 953	Harbor Accumulation Fund Totals	(\$379,000.00)	\$0.00	(\$379,000.00)	(\$30,000.00)	(\$349,000.00)		(\$31,000.00)

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 599 - MB/CS Waste Water Fund								
REVENUE								
Department 5255 - Wastewater Treatment								
3499	Other Rev/Current Svc	3,649,267.00	.00	3,649,267.00	.00	3,649,267.00	0	.00
Department 5255 - Wastewater Treatment Totals		\$3,649,267.00	\$0.00	\$3,649,267.00	\$0.00	\$3,649,267.00	0%	\$0.00
REVENUE TOTALS		\$3,649,267.00	\$0.00	\$3,649,267.00	\$0.00	\$3,649,267.00	0%	\$0.00
EXPENSE								
Department 5255 - Wastewater Treatment								
4110	Regular Pay	507,147.00	.00	507,147.00	119,405.18	387,741.82	24	118,691.24
4120	Overtime Pay	10,000.00	.00	10,000.00	3,028.17	6,971.83	30	1,950.01
4515	Standby Pay	12,775.00	.00	12,775.00	3,115.00	9,660.00	24	3,150.00
4599	Other Pay	600.00	.00	600.00	150.02	449.98	25	150.02
4910	Employer Paid Benefits	292,590.00	.00	292,590.00	62,431.97	230,158.03	21	62,890.36
4999	Labor Costs Applied	.00	.00	.00	378.33	(378.33)	+++	.00
5101	Janitorial Supplies	1,250.00	.00	1,250.00	790.05	459.95	63	224.20
5105	First Aide Supplies	500.00	.00	500.00	.00	500.00	0	46.87
5108	Communication Supplies	1,000.00	.00	1,000.00	.00	1,000.00	0	.00
5109	Uniforms/Safety Equipment	12,000.00	.00	12,000.00	3,412.95	8,587.05	28	4,634.77
5110	Fuel Oil & Lubricants	5,000.00	.00	5,000.00	254.01	4,745.99	5	424.91
5112	Lab Supplies	16,500.00	.00	16,500.00	842.55	15,657.45	5	5,451.78
5120	Chemical Supplies	130,000.00	.00	130,000.00	24,267.03	105,732.97	19	20,944.60
5125	Repairs/Maint. Materials	1,500.00	.00	1,500.00	.00	1,500.00	0	.00
5175	Computer Operating Supp.	2,500.00	.00	2,500.00	.00	2,500.00	0	89.42
5199	Misc. Operating Supplies	1,500.00	.00	1,500.00	230.81	1,269.19	15	60.36
5301	General Office Supplies	2,500.00	.00	2,500.00	.00	2,500.00	0	693.97
5302	Copying Supplies	.00	.00	.00	86.51	(86.51)	+++	.00
5303	Books & Manuals	100.00	.00	100.00	.00	100.00	0	74.00
5501	Grounds Maint. Supplies	2,500.00	.00	2,500.00	334.78	2,165.22	13	.00
5502	Building Maint. Supplies	12,000.00	.00	12,000.00	.00	12,000.00	0	.00
5504	Machinery/Equip/Supplies	90,000.00	.00	90,000.00	50,346.79	39,653.21	56	30,718.57
5530	Small Tools	2,000.00	.00	2,000.00	1,223.61	776.39	61	.00
6103	Financial Audits	6,000.00	.00	6,000.00	.00	6,000.00	0	.00
6104	Engineering Services	50,000.00	.00	50,000.00	.00	50,000.00	0	4,500.00
6105	Consulting Services	25,000.00	.00	25,000.00	.00	25,000.00	0	.00
6106	Contractual Services	211,000.00	.00	211,000.00	.00	211,000.00	0	.00
6125	Professional Development	2,500.00	.00	2,500.00	1,457.30	1,042.70	58	1,250.00
6160	Vehicle Inspections	250.00	.00	250.00	.00	250.00	0	.00
6161	Licenses & Permits	6,000.00	.00	6,000.00	.00	6,000.00	0	.00
6162	Mandated Fees/Inspections	35,000.00	.00	35,000.00	307.00	34,693.00	1	140.00
6199	Other Professional Svc	1,500.00	.00	1,500.00	2,035.74	(535.74)	136	259.31
6201	Telephone	2,000.00	.00	2,000.00	393.33	1,606.67	20	454.47
6220	Postage	.00	.00	.00	.00	.00	+++	4.35
6300	Utilities	.00	.00	.00	659.73	(659.73)	+++	.00

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
6301	Electricity	120,000.00	.00	120,000.00	27,689.40	92,310.60	23	26,339.44
6302	Natural Gas	5,000.00	.00	5,000.00	322.62	4,677.38	6	389.64
6303	Water	7,500.00	.00	7,500.00	884.70	6,615.30	12	1,341.15
6305	Disposal	600.00	.00	600.00	132.81	467.19	22	191.91
6307	Disposal of Sludge	12,500.00	.00	12,500.00	242.42	12,257.58	2	.00
6399	Other Utilities	12,000.00	.00	12,000.00	1,775.37	10,224.63	15	1,692.98
6401	General Liability	51,272.00	.00	51,272.00	4,193.00	47,079.00	8	12,579.00
6411	Property Damage Ins.	1,151.00	.00	1,151.00	94.17	1,056.83	8	282.51
6472	Other Ins./Employee Bond	134.00	.00	134.00	11.17	122.83	8	33.51
6473	Vehicle Insurance	244.00	.00	244.00	20.33	223.67	8	60.99
6499	Earthquake & Flood Insurance	169,154.00	.00	169,154.00	14,030.20	155,123.80	8	40,867.98
6502	Shipping & Moving	2,500.00	.00	2,500.00	1,105.48	1,394.52	44	1,126.31
6514	Travel Expense	1,500.00	.00	1,500.00	.00	1,500.00	0	.00
6519	Association Membership	500.00	.00	500.00	.00	500.00	0	.00
6601	Outside Equip. Repair/Mat	221,000.00	.00	221,000.00	8,168.91	212,831.09	4	10,499.42
6602	Outside Structural Repair	20,000.00	.00	20,000.00	.00	20,000.00	0	.00
6604	Outside Vehicle Repair/Maint	2,500.00	.00	2,500.00	.00	2,500.00	0	803.86
6710	Notices & Publications	.00	.00	.00	203.55	(203.55)	+++	.00
6810	Equipment Rental	2,500.00	.00	2,500.00	.00	2,500.00	0	.00
7102	Buildings & Structures	1,040,000.00	.00	1,040,000.00	.00	1,040,000.00	0	.00
8721	Payment To Other Agency	36,000.00	.00	36,000.00	.00	36,000.00	0	.00
Department 5255 - Wastewater Treatment Totals		\$3,149,267.00	\$0.00	\$3,149,267.00	\$334,024.99	\$2,815,242.01	11%	\$353,011.91
Department 8312 - WWTP Relocation & Trmt Altern								
4910	Employer Paid Benefits	.00	.00	.00	2,852.18	(2,852.18)	+++	.00
4999	Labor Costs Applied	.00	.00	.00	8,897.15	(8,897.15)	+++	.00
5199	Misc. Operating Supplies	.00	.00	.00	573.00	(573.00)	+++	.00
6105	Consulting Services	500,000.00	.00	500,000.00	33,981.17	466,018.83	7	.00
Department 8312 - WWTP Relocation & Trmt Altern Totals		\$500,000.00	\$0.00	\$500,000.00	\$46,303.50	\$453,696.50	9%	\$0.00
EXPENSE TOTALS		\$3,649,267.00	\$0.00	\$3,649,267.00	\$380,328.49	\$3,268,938.51	10%	\$353,011.91
Fund 599 - MB/CS Waste Water Fund Totals								
REVENUE TOTALS		3,649,267.00	.00	3,649,267.00	.00	3,649,267.00	0	.00
EXPENSE TOTALS		3,649,267.00	.00	3,649,267.00	380,328.49	3,268,938.51	10	353,011.91
Fund 599 - MB/CS Waste Water Fund Totals		\$0.00	\$0.00	\$0.00	(\$380,328.49)	\$380,328.49		(\$353,011.91)
Fund 930 - WWTP Capital Impv Fund								
EXPENSE								
Department 1103 - WWTP Project Management								
6105	Consulting Services	.00	.00	.00	.00	.00	+++	18,005.99
Department 1103 - WWTP Project Management Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$18,005.99
Department 1105 - WWTP CA Coastal Comm Appeal Proc								
4910	Employer Paid Benefits	.00	.00	.00	.00	.00	+++	5,135.27
4999	Labor Costs Applied	.00	.00	.00	.00	.00	+++	13,959.09

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
5110	Fuel Oil & Lubricants	.00	.00	.00	.00	.00	+++	135.59
5199	Misc. Operating Supplies	.00	.00	.00	.00	.00	+++	31.23
6106	Contractual Services	.00	.00	.00	.00	.00	+++	12,500.00
6510	Meetings & Conferences	.00	.00	.00	.00	.00	+++	202.77
6513	Meals & Lodging	.00	.00	.00	.00	.00	+++	907.17
Department 1105 - WWTP CA Coastal Comm Appeal Proc		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$32,871.12
Department 8011 - Digester #2 Clean/Coat								
5199	Misc. Operating Supplies	.00	.00	.00	13,445.27	(13,445.27)	+++	.00
8999	Capital Project Budget	250,000.00	.00	250,000.00	.00	250,000.00	0	.00
Department 8011 - Digester #2 Clean/Coat Totals		\$250,000.00	\$0.00	\$250,000.00	\$13,445.27	\$236,554.73	5%	\$0.00
Department 8112 - WWTP MMRP								
4910	Employer Paid Benefits	.00	.00	.00	1,309.16	(1,309.16)	+++	.00
4999	Labor Costs Applied	.00	.00	.00	4,421.85	(4,421.85)	+++	.00
6105	Consulting Services	.00	.00	.00	2,913.90	(2,913.90)	+++	.00
Department 8112 - WWTP MMRP Totals		\$0.00	\$0.00	\$0.00	\$8,644.91	(\$8,644.91)	+++	\$0.00
Department 8214 - Chlorine Bldg Rehab								
8999	Capital Project Budget	40,000.00	.00	40,000.00	.00	40,000.00	0	.00
Department 8214 - Chlorine Bldg Rehab Totals		\$40,000.00	\$0.00	\$40,000.00	\$0.00	\$40,000.00	0%	\$0.00
Department 8433 - WWTP Upgrade Design								
4910	Employer Paid Benefits	.00	.00	.00	54.97	(54.97)	+++	698.37
4999	Labor Costs Applied	.00	.00	.00	162.69	(162.69)	+++	1,654.80
6104	Engineering Services	.00	.00	.00	.00	.00	+++	366.00
Department 8433 - WWTP Upgrade Design Totals		\$0.00	\$0.00	\$0.00	\$217.66	(\$217.66)	+++	\$2,719.17
Department 8462 - WWTP Environmental Permit								
4910	Employer Paid Benefits	.00	.00	.00	.00	.00	+++	(147.54)
4999	Labor Costs Applied	.00	.00	.00	.00	.00	+++	(232.92)
Department 8462 - WWTP Environmental Permit Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	(\$380.46)
Department 8468 - Headworks Maint								
8999	Capital Project Budget	500,000.00	.00	500,000.00	.00	500,000.00	0	.00
Department 8468 - Headworks Maint Totals		\$500,000.00	\$0.00	\$500,000.00	\$0.00	\$500,000.00	0%	\$0.00
Department 8476 - Chlorine Tank Equip Replace								
8999	Capital Project Budget	200,000.00	.00	200,000.00	.00	200,000.00	0	.00
Department 8476 - Chlorine Tank Equip Replace Totals		\$200,000.00	\$0.00	\$200,000.00	\$0.00	\$200,000.00	0%	\$0.00
Department 9509 - Interstate Pump/Valve Project								
5199	Misc. Operating Supplies	.00	.00	.00	1,254.51	(1,254.51)	+++	.00
8999	Capital Project Budget	50,000.00	.00	50,000.00	.00	50,000.00	0	.00
Department 9509 - Interstate Pump/Valve Project Totals		\$50,000.00	\$0.00	\$50,000.00	\$1,254.51	\$48,745.49	3%	\$0.00
EXPENSE TOTALS		\$1,040,000.00	\$0.00	\$1,040,000.00	\$23,562.35	\$1,016,437.65	2%	\$53,215.82
Fund 930 - WWTP Capital Impv Fund Totals								
REVENUE TOTALS		.00	.00	.00	.00	.00	+++	.00
EXPENSE TOTALS		1,040,000.00	.00	1,040,000.00	23,562.35	1,016,437.65	2	53,215.82
Fund 930 - WWTP Capital Impv Fund Totals		(\$1,040,000.00)	\$0.00	(\$1,040,000.00)	(\$23,562.35)	(\$1,016,437.65)		(\$53,215.82)

CITY OF MORRO BAY
QUARTERLY PORTFOLIO PERFORMANCE
9/30/2013

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
LAIF	LOCAL AGENCY INVESTMENT FUND	\$ 624,120	\$ 624,120	0.257%	DAILY	DAILY	1
MONEY MARKET ACCOUNT:							
MM	RABOBANK - MONEY MARKET	5,838,909	5,838,909	0.257%	DAILY	DAILY	1
SWEEP	RABOBANK - SWEEP	974,570	974,570	0.010%	DAILY	DAILY	1
MM	SANTA BARBARA BANK & TRUST	2,003,612	2,003,612	0.450%	DAILY	DAILY	1
MM	FOOTHILL SECURITIES	37,458	37,458	0.010%	DAILY	DAILY	1
AGENCY INVESTMENTS HELD BY SUTTER SECURITIES:							
3133XU2S1	FEDERAL HOME LOAN BANK	500,000	515,360	3.350%	6/24/2009	6/26/2014	269
3134G3TJ9	FEDERAL HOME LOAN BANK	500,004	502,430	1.350%	3/14/2012	3/28/2017	1,275
3133ECGC2	FEDERAL FARM CREDIT BANK	500,004	490,125	1.080%	2/20/2013	2/26/2018	1,610
3136G1KD0	FEDERAL NATIONAL MORTGAGE ASSN	493,254	484,700	1.000%	6/13/2013	4/30/2018	1,673
CERTIFICATES OF DEPOSIT:							
4122703616	BEAL BANK	250,000	250,000	1.250%	11/8/2011	11/8/2013	39
16011	WORLD'S FOREMOST BANK	100,000	100,000	5.400%	11/20/2008	11/20/2013	51
71 013310 2	BROADWAY BANK	250,000	250,000	1.450%	1/13/2012	1/13/2015	470
	SANTA BARBARA BANK & TRUST	249,000	249,000	1.000%	11/14/2012	11/14/2015	775
02005QT94	ALLY BANK	250,004	250,004	0.900%	12/5/2012	12/7/2015	798
4656	FIRST CHOICE	250,000	250,000	1.100%	12/15/2012	12/14/2015	805
11413176	OPUS BANK	250,000	250,000	0.900%	12/20/2012	12/20/2015	811
	STERLING BANK & TRUST	200,000	200,000	1.100%	1/22/2013	1/22/2016	844
38143AXT7	GOLDMAN SACHS BANK	250,004	250,004	1.400%	8/1/2012	8/1/2016	1,036
814602 - 814604	TRIUMPH SAVINGS BANK (3)	250,000	250,000	1.916%	1/11/2012	1/11/2017	1,199
50007651	UNITED CENTRAL BANK	249,000	249,000	1.920%	1/11/2012	1/11/2017	1,199
	DISCOVER BANK	250,000	250,000	2.000%	9/11/2013	9/11/2018	1,807
		<u>\$ 14,269,939</u>	<u>\$ 14,269,292</u>				

% OF LIQUID PORTFOLIO HOLDINGS	WEIGHTED AVERAGE RATE OF EARNINGS	WEIGHTED AVERAGE MATURITY
66.424%	0.713%	338

QUARTERLY PERFORMANCE COMPARISON - PORTFOLIO VS LAIF

	9/30/2012	12/31/2012	3/31/2013	6/30/2013	9/30/2013
Portfolio - weighted average rate of earnings	0.850%	0.926%	0.757%	0.703%	0.713%
LAIF - quarterly earnings rate	0.358%	0.358%	0.285%	0.285%	0.257%
Portfolio over (under) LAIF	0.492%	0.568%	0.472%	0.472%	0.456%

Portfolio holdings as of the first quarter ended September 30, 2013, are in compliance with the current Investment Policy. With 66.424% of the portfolio held in liquid instruments, the cash needs of the City will be met.

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
G/L Account Number: 001-3110 6106 Contractual Services							Fiscal Year To Date:		0.00
8/8/2013	2014-00000066	JE	AP	A/P Invoice Entry	Accounts Payable		\$24.80		24.80
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
0066052	DocuTeam	Administration Document Storage			8/1/2013	Check	142611	\$24.80	24.80
							Total:		24.80
Month Total: August 2013							\$0.00	\$0.00	24.80
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$24.80		49.60
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
0067229	DocuTeam	Admin Document Storage Aug 13			9/1/2013	Check	142979	\$24.80	24.80
							Total:		24.80
Month Total: September 2013							\$0.00	\$0.00	49.60
Account Total: Contractual Services							\$0.00	\$0.00	49.60
Department Total: City Manager's Office							\$0.00	\$0.00	49.60
G/L Account Number: 001-3140 6106 Contractual Services							Fiscal Year To Date:		0.00
8/8/2013	2014-00000066	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,733.89		1,733.89
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
0066056	DocuTeam	Personell Document Storage			8/1/2013	Check	142611	\$33.89	33.89
10022	Avery & Associates	Labor Relations Aug 2013			8/1/2013	Check	142589	\$1,700.00	1,700.00
							Total:		1,733.89
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,215.67		2,949.56
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
10028	Avery & Associates	Labor Relations Expenses - July 2013			8/1/2013	Check	142718	\$1,215.67	1,215.67
							Total:		1,215.67
Month Total: August 2013							\$0.00	\$0.00	2,949.56
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,768.14		4,717.70
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
10052	Avery & Associates	Labor Relations for Sept 13			9/1/2013	Check	142955	\$1,700.00	1,700.00
0067233	DocuTeam	Personnel Document Storage Aug 13			9/1/2013	Check	142979	\$68.14	68.14
							Total:		1,768.14
Month Total: September 2013							\$0.00	\$0.00	4,717.70
Account Total: Contractual Services							\$0.00	\$0.00	0.00
Department Total: Human Resources							\$0.00	\$0.00	4,717.70
G/L Account Number: 001-3171 6105 Consulting Services							Fiscal Year To Date:		0.00

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
7/11/2013	2014-00000018	JE	AP	A/P Invoice Entry	Accounts Payable		\$4,868.75		4,868.75
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
429	Morro Bay Chamber Of			Economic Development July 13	6/28/2013	Check	142336	\$4,868.75	4,868.75
								Total:	4,868.75
				Month Total: July 2013			\$0.00	\$0.00	4,868.75
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$4,868.75		9,737.50
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
430	Morro Bay Chamber Of			Economic Development Aug 13	8/8/2013	Check	142778	\$4,868.75	4,868.75
								Total:	4,868.75
				Month Total: August 2013			\$0.00	\$0.00	9,737.50
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$4,868.75		14,606.25
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
432	Morro Bay Chamber Of			Economic Development Aug 13	9/5/2013	Check	143030	\$4,868.75	4,868.75
								Total:	4,868.75
				Month Total: September 2013			\$0.00	\$0.00	14,606.25
				Account Total: Consulting Services			\$0.00	\$0.00	0.00
				Department Total: Chamber of Comm - Economic Dev			\$0.00	\$0.00	14,606.25
G/L Account Number: 001-3210 6101 Legal Services								Fiscal Year To Date:	0.00
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$546.00		546.00
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
July 13	Stradling Yocca Carlson &			Outside legal counsel: Affordable Housing	8/22/2013	Check	143069	\$546.00	546.00
								Total:	546.00
				Month Total: September 2013			\$0.00	\$0.00	546.00
				Account Total: Legal Services			\$0.00	\$0.00	546.00
G/L Account Number: 001-3210 6106 Contractual Services								Fiscal Year To Date:	0.00
8/8/2013	2014-00000066	JE	AP	A/P Invoice Entry	Accounts Payable		\$44.64		44.64
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
0066053	DocuTeam			City Attorney Document Storage	8/1/2013	Check	142611	\$44.64	44.64
								Total:	44.64
				Month Total: August 2013			\$0.00	\$0.00	44.64
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$44.64		89.28
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
0067230	DocuTeam			Attorney Document Storage Aug 13	9/1/2013	Check	142979	\$44.64	44.64

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
								Total:	44.64
Month Total: September 2013							\$0.00	\$0.00	89.28
Account Total: Contractural Services							\$0.00	\$0.00	89.28
Department Total: City Attorney							\$0.00	\$0.00	635.28
G/L Account Number: 001-3510 6101 Legal Services								Fiscal Year To Date:	0.00
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$285.00		285.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
169366	BURKE, WILLIAMS &	Professional Services Aug 13			8/29/2013	Check	142958	\$342.00	285.00
							Total:		285.00
Month Total: September 2013							\$0.00	\$0.00	285.00
Account Total: Legal Services							\$0.00	\$0.00	285.00
G/L Account Number: 001-3510 6103 Financial Audits								Fiscal Year To Date:	0.00
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$25,830.00		25,830.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
1767	PRESSLEY &	Audit Services thru March 13			9/6/2013	Check	143048	\$47,700.00	25,830.00
							Total:		25,830.00
Month Total: September 2013							\$0.00	\$0.00	25,830.00
Account Total: Financial Audits							\$0.00	\$0.00	25,830.00
G/L Account Number: 001-3510 6105 Consulting Services								Fiscal Year To Date:	0.00
9/5/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,230.00		1,230.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
0021181-IN	HDL SOFTWARE LLC	Sales Tax Audit 1st Qtr 2013			8/16/2013	Check	142888	\$1,230.00	1,230.00
							Total:		1,230.00
Month Total: September 2013							\$0.00	\$0.00	1,230.00
Account Total: Consulting Services							\$0.00	\$0.00	1,230.00
G/L Account Number: 001-3510 6106 Contractural Services								Fiscal Year To Date:	0.00
7/11/2013	2014-00000018	JE	AP	A/P Invoice Entry	Accounts Payable		\$122.05		122.05
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
13892016	Great America Leasing	Postage Machine Lease July 13			6/28/2013	Check	142323	\$122.05	122.05
							Total:		122.05
7/25/2013	2014-00000045	JE	AP	A/P Invoice Entry	Accounts Payable		\$34.95		157.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
RI101603351	FRANCOTYP-POSTALIA	Postage Meter Lease July 2013			7/3/2013	Check	142522	\$34.95	34.95
							Total:		34.95

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
Month Total: July 2013							\$0.00	\$0.00	157.00
8/8/2013	2014-00000066	JE	AP	A/P Invoice Entry	Accounts Payable		\$338.40		495.40
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
0066054	DocuTeam			Finance Document Storage	8/1/2013	Check	142611	\$216.35	216.35
14012570	Great America Leasing			Postage Machine Lease Aug 2013	7/29/2013	Check	142621	\$122.05	122.05
								Total:	338.40
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$34.95		530.35
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
RI101642870	FRANCOTYP-POSTALIA			Postage Meter Lease Aug 2013	8/4/2013	Check	142754	\$34.95	34.95
								Total:	34.95
Month Total: August 2013							\$0.00	\$0.00	530.35
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$382.35		912.70
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
14145563	Great America Leasing			Postage Machine Lease Sept 13	8/29/2013	Check	143002	\$122.05	122.05
0067231	DocuTeam			Finance Document Storage Aug 13	9/1/2013	Check	142979	\$225.35	225.35
RI101675401	FRANCOTYP-POSTALIA			Postage Meter Lease Sept 13	9/5/2013	Check	142995	\$34.95	34.95
								Total:	382.35
Month Total: September 2013							\$0.00	\$0.00	912.70
Account Total: Contractural Services							\$0.00	\$0.00	912.70
Department Total: Accounting & Treasury							\$0.00	\$0.00	28,257.70
G/L Account Number: 001-3520 6105 Consulting Services								Fiscal Year To Date:	0.00
7/31/2013	2014-00000235	JE	GL	Reverse JE 1316-13	JE 725-14			\$718.75	-718.75
Month Total: July 2013							\$0.00	\$0.00	-718.75
8/8/2013	2013-00000956	JE	AP	A/P Invoice Entry	Accounts Payable		\$718.75		0.00
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
CMB1308	Gemma Systems			Remote Support Q2 2013	7/15/2013	Check	142678	\$718.75	718.75
								Total:	718.75
8/8/2013	2014-00000066	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,710.00		1,710.00
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
CMB1311	Gemma Systems			Install New Server at Fire	7/22/2013	Check	142617	\$1,000.00	1,000.00
CMB1310	Gemma Systems			Travel Expense	7/26/2013	Check	142617	\$290.00	290.00
CMB1309	Gemma Systems			Set up/Test new Fire Server	7/15/2013	Check	142617	\$420.00	420.00
								Total:	1,710.00
Month Total: August 2013							\$0.00	\$0.00	1,710.00

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
Account Total: Consulting Services							\$0.00	\$0.00	1,710.00
G/L Account Number: 001-3520 6106 Contractural Services									
7/25/2013	2014-00000045	JE	AP	A/P Invoice Entry	Accounts Payable		\$6,814.50		6,814.50
								Fiscal Year To Date:	0.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
90019990	Novacoast	Maintenance 2013/14			6/28/2013	Check	142548	\$6,814.50	6,814.50
								Total:	6,814.50
Month Total: July 2013							\$0.00	\$0.00	6,814.50
Account Total: Contractural Services							\$0.00	\$0.00	6,814.50
Department Total: Information Services							\$0.00	\$0.00	8,524.50
G/L Account Number: 001-4110 6106 Contractural Services									
8/8/2013	2014-00000066	JE	AP	A/P Invoice Entry	Accounts Payable		\$30.00		30.00
								Fiscal Year To Date:	0.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
0066057	DocuTeam	Police shredding services			8/1/2013	Check	142611	\$30.00	30.00
								Total:	30.00
Month Total: August 2013							\$0.00	\$0.00	30.00
Account Total: Contractural Services							\$0.00	\$0.00	30.00
Department Total: Police Department							\$0.00	\$0.00	30.00
G/L Account Number: 001-4210 6104 Engineering Services									
8/19/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$650.00		650.00
								Fiscal Year To Date:	0.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
15198	COLLINGS & ASSOCIATES	Plan Review, Permit 29942 & 29949			7/31/2013	Check	142733	\$650.00	650.00
								Total:	650.00
Month Total: August 2013							\$0.00	\$0.00	650.00
9/16/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$650.00		1,300.00
								Fiscal Year To Date:	0.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
15254	COLLINGS & ASSOCIATES	Engineering Services Permit #29930 & 29752			8/30/2013	Check	142972	\$650.00	650.00
								Total:	650.00
Month Total: September 2013							\$0.00	\$0.00	1,300.00
Account Total: Engineering Services							\$0.00	\$0.00	1,300.00
G/L Account Number: 001-4210 6106 Contractural Services									
7/22/2013	2014-00000045	JE	AP	A/P Invoice Entry	Accounts Payable		\$114.00		114.00
								Fiscal Year To Date:	0.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
11487	ALPHA FIRE SPRINKLER	Fire Alarm System Testing & Inspection			7/1/2013	Check	142490	\$114.00	114.00
								Total:	114.00

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
Month Total: July 2013							\$0.00	\$0.00	114.00
8/5/2013	2014-00000066	JE	AP	A/P Invoice Entry	Accounts Payable		\$357.98		471.98
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
MBFD-0713-1	Depth Perceptions Diving	SCBA Hydro Test			7/25/2013	Check	142609	\$357.98	357.98
							Total:		357.98
Month Total: August 2013							\$0.00	\$0.00	471.98
9/3/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$5,212.50		5,684.48
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
15400-C	Multi Medical Systems	Semi Annual Maint. Contract - De-Fibs Coverage			5/1/2013	Check	142909	\$217.50	217.50
940007	Affiliated Computer Services	Contract Re-Newal 09/01/13 thru 08/13/2014			8/15/2013	Check	142845	\$1,035.00	1,035.00
13290	TargetSolutions	Premier Membership 07/25/13 thru 07/24/2014			8/22/2013	Check	142934	\$3,960.00	3,960.00
							Total:		5,212.50
Month Total: September 2013							\$0.00	\$0.00	5,684.48
Account Total: Contractural Services							\$0.00	\$0.00	5,684.48
Department Total: Fire Department							\$0.00	\$0.00	6,984.48
G/L Account Number: 001-5205 6105 Consulting Services								Fiscal Year To Date:	0.00
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$4,500.00		4,500.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
38059	PMC	Sea Level Rise Grant App.6-29-2013-7-26-2013			8/7/2013	Check	142791	\$4,500.00	4,500.00
							Total:		4,500.00
Month Total: August 2013							\$0.00	\$0.00	4,500.00
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$5,750.00		10,250.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
9/30/13	JOHN FENNACY	Planning Commission Qtrly Pymt			9/30/2013	Check	142989	\$150.00	150.00
9/30/13	Richard Grantham	Planning Commission Qtrly Pymt			9/30/2013	Check	143001	\$150.00	150.00
9/30/13	Michael Lucas	Planning Commission Qtrly Pymt			9/30/2013	Check	143024	\$150.00	150.00
9/30/13	Mehmet E Solu	Planning Commission Qtrly Pymt			9/30/2013	Check	143065	\$150.00	150.00
9/30/13	Robert Tefft	Planning Commission Qtrly Pymt			9/30/2013	Check	143071	\$150.00	150.00
38198	PMC	Morro Bay On Call Services-Climate Ready Grant			9/6/2013	Check	143046	\$5,000.00	5,000.00
							Total:		5,750.00
Month Total: September 2013							\$0.00	\$0.00	10,250.00
Account Total: Consulting Services							\$0.00	\$0.00	10,250.00
G/L Account Number: 001-5205 6106 Contractural Services								Fiscal Year To Date:	0.00
7/11/2013	2014-00000017	JE	AP	A/P Invoice Entry	Accounts Payable		\$75.00		75.00

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
11444	Alpha Fire & Security Alarm			Monitoring Security Alarm System	7/1/2013	Check	142309	\$75.00	75.00
								Total:	75.00
7/25/2013	2014-00000045	JE	AP	A/P Invoice Entry	Accounts Payable		\$7,874.87		7,949.87
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
89326536	Ricoh USA, Inc			Pub. Svcs. Copier 6/29/13-7/28/13	7/4/2013	Check	142554	\$600.87	600.87
PS 6/30/13	CULLIGAN			P/S R.O. Service - July 13	6/30/2013	Check	142511	\$28.00	28.00
46130	American Microimaging, Inc			1 Year Coverage Period Beginning 7/29	6/25/2013	Check	142492	\$7,246.00	7,246.00
								Total:	7,874.87
				Month Total: July 2013			\$0.00	\$0.00	7,949.87
8/8/2013	2014-00000066	JE	AP	A/P Invoice Entry	Accounts Payable		\$54.96		8,004.83
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
PS Aug 2013	Charter Communications			Publ Serv Internet from 8/3-9/2	7/23/2013	Check	142597	\$26.96	26.96
Aug 13 PS	CULLIGAN			PS RO Service	7/31/2013	Check	142603	\$28.00	28.00
								Total:	54.96
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,014.98		9,019.81
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
MB13-07	California Code Check Inc			Jul2013-CASp Code Consulting	7/31/2013	Check	142721	\$200.00	200.00
0066058	DocuTeam			Storage 7/1/2012-7/31/2013	8/1/2013	Check	142739	\$214.11	214.11
90512854	Ricoh USA, Inc			Pub Serv Copier 7/29-8/38/13	8/2/2013	Check	142797	\$600.87	600.87
								Total:	1,014.98
				Month Total: August 2013			\$0.00	\$0.00	9,019.81
9/5/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$11.00		9,030.81
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
PS Aug. 1, 2013	Charter Communications			Phone Service	8/1/2013	Check	142863	\$5.50	5.50
PS-Aug2013	Charter Communications			Phone Service	8/19/2013	Check	142863	\$5.50	5.50
								Total:	11.00
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$2,831.77		11,862.58
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
0067235	DocuTeam			Storage: 8/1/2013-8/31/2013	9/1/2013	Check	142979	\$214.11	214.11
MB13-08	California Code Check Inc			Aug 2013 CASp Code Consulting	8/30/2013	Check	142962	\$200.00	200.00
PS-Sept2013	Charter Communications			PS 9/03-10/2/13	8/23/2013	Check	142965	\$13.48	13.48
PS083113	Culligan Water Condition			PS Sept 2013	8/31/2013			\$28.00	28.00
90717953	Ricoh USA, Inc			PublicServices 8/29/13-9/28/13	9/4/2013	Check	143054	\$2,376.18	2,376.18

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
							Total:		2,831.77
Month Total: September 2013							\$0.00	\$0.00	11,862.58
Account Total: Contractual Services							\$0.00	\$0.00	11,862.58
Department Total: Public Services Admin							\$0.00	\$0.00	22,112.58
G/L Account Number: 001-5230 6106 Contractual Services								Fiscal Year To Date:	0.00
9/5/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$4,752.12		4,752.12
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
44328	SP Maintenance Services Inc	sweeping services July 8 - Aug 7, 2013			8/8/2013	Check	142931	\$4,752.12	4,752.12
							Total:		4,752.12
Month Total: September 2013							\$0.00	\$0.00	4,752.12
Account Total: Contractual Services							\$0.00	\$0.00	0.00
Department Total: Street Maintenance							\$0.00	\$0.00	4,752.12
G/L Account Number: 001-5232 6106 Contractual Services								Fiscal Year To Date:	0.00
9/5/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$7,175.00		7,175.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
4266	Coastal Tree Experts	tree trimming & removals			8/23/2013	Check	142865	\$8,675.00	7,175.00
							Total:		7,175.00
Month Total: September 2013							\$0.00	\$0.00	7,175.00
Account Total: Contractual Services							\$0.00	\$0.00	0.00
Department Total: Street Trees							\$0.00	\$0.00	7,175.00
G/L Account Number: 001-5234 6106 Contractual Services								Fiscal Year To Date:	0.00
9/5/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$175.00		175.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
1307	Lee Wilson Electric Inc	traffic signal maintenance - July 2013			8/16/2013	Check	142904	\$175.00	175.00
							Total:		175.00
Month Total: September 2013							\$0.00	\$0.00	175.00
Account Total: Contractual Services							\$0.00	\$0.00	0.00
Department Total: Street Lighting							\$0.00	\$0.00	175.00
G/L Account Number: 001-5235 6106 Contractual Services								Fiscal Year To Date:	0.00
9/5/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,663.73		1,663.73
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
382139A	FGL Enviromental	Bacti Analysis			8/16/2013	Check	142880	\$98.00	98.00
382138A	FGL Enviromental	Bacti Analysis			8/16/2013	Check	142880	\$294.00	294.00
1800207373	CA Dept of Corrections and	CMC work crew			8/6/2013	Check	142858	\$1,173.90	1,173.90
1800207374	CA Dept of Corrections and	CMC work crew benefits			8/6/2013	Check	142858	\$97.83	97.83

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
								Total:	1,663.73
Month Total: September 2013							\$0.00	\$0.00	1,663.73
Account Total: Contractual Services							\$0.00	\$0.00	0.00
Department Total: Storm Drain/Creek Maint.							\$0.00	\$0.00	1,663.73
G/L Account Number: 001-6110 6106 Contractual Services								Fiscal Year To Date:	0.00
8/8/2013	2014-00000066	JE	AP	A/P Invoice Entry	Accounts Payable		\$238.50		238.50
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
July 2013	Modeana Lamphier	Total receipts for July 2013			8/1/2013	Check	142637	\$238.50	238.50
							Total:		238.50
Month Total: August 2013							\$0.00	\$0.00	238.50
Account Total: Contractual Services							\$0.00	\$0.00	0.00
Department Total: R & P Administration							\$0.00	\$0.00	238.50
G/L Account Number: 001-6125 6106 Contractual Services								Fiscal Year To Date:	0.00
8/8/2013	2014-00000066	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,246.10		1,246.10
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
July 2013	39+ Dance Club	85% of total receipts for July 2013			8/1/2013	Check	142577	\$1,246.10	1,246.10
							Total:		1,246.10
Month Total: August 2013							\$0.00	\$0.00	1,246.10
Account Total: Contractual Services							\$0.00	\$0.00	0.00
Department Total: Dance 39+							\$0.00	\$0.00	1,246.10
G/L Account Number: 001-6130 6106 Contractual Services								Fiscal Year To Date:	0.00
7/22/2013	2014-00000045	JE	AP	A/P Invoice Entry	Accounts Payable		\$5,467.80		5,467.80
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
Rock2PierRun2013	Eternal Timing	race timing			7/15/2013	Check	142516	\$4,274.81	4,274.81
6756	HARVEY'S HONEYHUTS	rock to pier run toilets			6/4/2013	Check	142526	\$1,192.99	1,192.99
							Total:		5,467.80
Month Total: July 2013							\$0.00	\$0.00	5,467.80
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$311.30		5,779.10
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
4155536	Morro Bay Garbage	Rock to Pier garbage service			8/1/2013	Check	142780	\$106.89	106.89
139576	Oasis Equipment Rental	100 chairs - Rock to Pier			7/11/2013	Check	142783	\$100.00	100.00
Sweeny 7/13	Rabobank Visa Card	Credit Card Charges			7/30/2013	Check	142795	\$1,028.61	104.41
							Total:		311.30
Month Total: August 2013							\$0.00	\$0.00	5,779.10

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
9/16/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$100.00		5,879.10
Invoice Number	Vendor		Description	Invoice Date	Payment Type	Payment Number	Amount		Distribution Amount
428	Coastal Iron Works		re-weld aluminum bracket onto soccer goal	9/11/2013	Check	142970	\$100.00		100.00
							Total:		100.00
			Month Total: September 2013				\$0.00	\$0.00	5,879.10
			Account Total: Contractural Services				\$0.00	\$0.00	0.00
			Department Total: Rec & Parks Sports				\$0.00	\$0.00	5,879.10
G/L Account Number: 001-6140 6106 Contractural Services								Fiscal Year To Date:	0.00
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,109.31		1,109.31
Invoice Number	Vendor		Description	Invoice Date	Payment Type	Payment Number	Amount		Distribution Amount
Gallardo A. 7/13	Rabobank Visa Card		Credit Card Charges	7/30/2013	Check	142795	\$471.07		463.32
Waters 7/13	Rabobank Visa Card		Credit Card Charges	7/30/2013	Check	142795	\$2,678.53		645.99
							Total:		1,109.31
			Month Total: August 2013				\$0.00	\$0.00	1,109.31
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$330.00		1,439.31
Invoice Number	Vendor		Description	Invoice Date	Payment Type	Payment Number	Amount		Distribution Amount
Waters 8/13	Rabobank Visa Card		Credit Card Charges	8/30/2013	Check	143050	\$1,148.86		330.00
							Total:		330.00
			Month Total: September 2013				\$0.00	\$0.00	1,439.31
			Account Total: Contractural Services				\$0.00	\$0.00	0.00
			Department Total: R & P Youth Services				\$0.00	\$0.00	1,439.31
G/L Account Number: 001-6150 6106 Contractural Services								Fiscal Year To Date:	0.00
7/22/2013	2014-00000045	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,015.00		1,015.00
Invoice Number	Vendor		Description	Invoice Date	Payment Type	Payment Number	Amount		Distribution Amount
945	Heacock Elevator Co		monthly maintenance July 2013	7/16/2013	Check	142528	\$65.00		65.00
7972	ACTION ROOTER		hydrojet sewer lines @ Rock restroom	7/2/2013	Check	142485	\$950.00		950.00
							Total:		1,015.00
			Month Total: July 2013				\$0.00	\$0.00	1,015.00
9/3/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$300.00		1,315.00
Invoice Number	Vendor		Description	Invoice Date	Payment Type	Payment Number	Amount		Distribution Amount
203436	LD Quality Carpet Care		clean offices & meeting room - P.D.	8/28/2013	Check	142903	\$300.00		300.00
							Total:		300.00
			Month Total: September 2013				\$0.00	\$0.00	1,315.00
			Account Total: Contractural Services				\$0.00	\$0.00	0.00

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
Department Total: R & P City Facilities							\$0.00	\$0.00	1,315.00
G/L Account Number: 001-6160 6106 Contractural Services									
9/5/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,500.00		1,500.00
								Fiscal Year To Date:	0.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
4266	Coastal Tree Experts	tree trimming & removals			8/23/2013	Check	142865	\$8,675.00	1,500.00
								Total:	1,500.00
Month Total: September 2013							\$0.00	\$0.00	1,500.00
Account Total: Contractural Services							\$0.00	\$0.00	0.00
Department Total: R & P Parks Division							\$0.00	\$0.00	1,500.00
G/L Account Number: 001-6210 6106 Contractural Services									
9/5/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$175.00		175.00
								Fiscal Year To Date:	0.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
DUNES3	I am a Plumber Looking For	cleared roots from main line - Dunes rental			8/11/2013	Check	142892	\$131.25	175.00
								Total:	175.00
Month Total: September 2013							\$0.00	\$0.00	175.00
Account Total: Contractural Services							\$0.00	\$0.00	0.00
Department Total: Property Management							\$0.00	\$0.00	175.00
Fund Total: General Fund							\$0.00	\$0.00	111,476.95
G/L Account Number: 003-5230 6106 Contractural Services									
9/3/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$490.00		490.00
								Fiscal Year To Date:	0.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
4253	Don Pierce Trucking	asphalt delivery			8/29/2013	Check	142873	\$490.00	490.00
								Total:	490.00
Month Total: September 2013							\$0.00	\$0.00	490.00
Account Total: Contractural Services							\$0.00	\$0.00	0.00
Department Total: Street Maintenance							\$0.00	\$0.00	490.00
Fund Total: Sales & Use Tax Measure Q							\$0.00	\$0.00	490.00
G/L Account Number: 301-5261 6106 Contractural Services									
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$10,496.65		10,496.65
								Fiscal Year To Date:	0.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
320713-1	MV Transportation, Inc	July 2013 Morro Bay Fixed Route			8/6/2013	Check	142782	\$10,496.65	10,496.65
								Total:	10,496.65
Month Total: August 2013							\$0.00	\$0.00	10,496.65
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$10,496.65		20,993.30

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
320813-1	MV Transportation, Inc			Monthly Fixed Route	9/6/2013	Check	143036	\$10,496.65	10,496.65
				Month Total: September 2013			\$0.00	\$0.00	20,993.30
				Account Total: Contractural Services			\$0.00	\$0.00	0.00
				Department Total: MB Transit			\$0.00	\$0.00	20,993.30
G/L Account Number: 301-5265 6106 Contractural Services								Fiscal Year To Date:	0.00
8/22/2013	2014-0000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$10,533.01		10,533.01
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
320713-02	MV Transportation, Inc			July 2013 Fixed Monthly Mgmt Fee - Trolley	8/6/2013	Check	142782	\$10,533.01	10,533.01
				Month Total: August 2013			\$0.00	\$0.00	10,533.01
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$10,552.85		21,085.86
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
320813-03	MV Transportation, Inc			Kids Camp Charter	9/6/2013	Check	143036	\$216.40	216.40
320813-02	MV Transportation, Inc			Fixed Monthly Management Fee- MB Trolley	9/6/2013	Check	143036	\$10,336.45	10,336.45
				Month Total: September 2013			\$0.00	\$0.00	21,085.86
				Account Total: Contractural Services			\$0.00	\$0.00	0.00
				Department Total: Trolley			\$0.00	\$0.00	21,085.86
				Fund Total: Transit Fund			\$0.00	\$0.00	42,079.16
G/L Account Number: 311-5240 6101 Legal Services								Fiscal Year To Date:	0.00
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$759.70		759.70
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
20130822	Cleath-Harris Geologists, Inc			Semi-Monthly Stream flow Monitoring	9/6/2013	Check	142968	\$759.70	759.70
				Month Total: August 2013			\$0.00	\$0.00	759.70
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$558.10		1,317.80
				Project: P0237.8442 - Nitrate Study, Nitrate Study					
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
22604	Ellison, Schneider & Harris,			Outside legal counsel: SWRCB Petitions	7/31/2013	Check	142982	\$278.10	278.10
257284	MUSICK PEELER &			Outside legal counsel: Nitrates	9/9/2013	Check	143035	\$280.00	280.00
				Month Total: September 2013			\$0.00	\$0.00	1,317.80
				Account Total: Legal Services			\$0.00	\$0.00	1,317.80
G/L Account Number: 311-5240 6105 Consulting Services								Fiscal Year To Date:	0.00

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$7,151.33		7,151.33
	Project: P0237.8442 - Nitrate Study, Nitrate Study								
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
20130726	Cleath-Harris Geologists, Inc			July 2013 Stream Flow Monitoring	8/9/2013	Check	142730	\$793.45	793.45
726	Water Systems Consulting			On-Demand Construction Management Services	7/31/2013	Check	142819	\$6,357.88	6,357.88
								Total:	7,151.33
				Month Total: August 2013			\$0.00	\$0.00	7,151.33
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,515.94		8,667.27
	Project: P0237.8442 - Nitrate Study, Nitrate Study								
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
744	Water Systems Consulting			On-Demand Construction Management	8/31/2013	Check	143081	\$1,515.94	1,515.94
								Total:	1,515.94
				Month Total: September 2013			\$0.00	\$0.00	8,667.27
				Account Total: Consulting Services			\$0.00	\$0.00	8,667.27
G/L Account Number: 311-5240 6106 Contractural Services								Fiscal Year To Date:	0.00
7/25/2013	2014-00000045	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,441.00		1,441.00
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
382441A	FGL Enviromental			Bacti Analysis	7/11/2013	Check	142520	\$80.00	80.00
382442A	FGL Enviromental			Organic Analysis	7/18/2013	Check	142520	\$644.00	644.00
382443A	FGL Enviromental			Bacti Analysis/Inorganic Analysis	7/11/2013	Check	142520	\$637.00	637.00
382539A	FGL Enviromental			Bacti Analysis	7/16/2013	Check	142520	\$80.00	80.00
								Total:	1,441.00
				Month Total: July 2013			\$0.00	\$0.00	1,441.00
8/8/2013	2014-00000066	JE	AP	A/P Invoice Entry	Accounts Payable		\$2,900.00		4,341.00
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
905	N BRENT KNOWLES			Replacement of driveway due to water leak and	7/24/2013	Check	142634	\$2,900.00	2,900.00
								Total:	2,900.00
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$320.00		4,661.00
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
382631A	FGL Enviromental			Bacti Analysis	7/25/2013	Check	142752	\$80.00	80.00
382706A	FGL Enviromental			Bacti Analysis	7/30/2013	Check	142752	\$80.00	80.00
382807A	FGL Enviromental			Bacti Analysis	8/31/2013	Check	142752	\$80.00	80.00
382879A	FGL Enviromental			Bacti Analysis	8/14/2013	Check	142752	\$80.00	80.00
								Total:	320.00

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
Month Total: August 2013							\$0.00	\$0.00	4,661.00
9/5/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,440.80		6,101.80
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
382880A	FGL Enviromental			Bacti & Inorganic Analysis	8/16/2013	Check	142880	\$589.00	589.00
382915A	FGL Enviromental			Bacti Analysis	8/16/2013	Check	142880	\$57.00	57.00
382971A	FGL Enviromental			Inorganic Analysis	8/16/2013	Check	142880	\$12.00	12.00
382988A	FGL Enviromental			Bacti Analysis	8/16/2013	Check	142880	\$80.00	80.00
382989A	FGL Enviromental			Bacti & Inorganic Analysis	8/16/2013	Check	142880	\$44.00	44.00
Aug 2013 -Water	Charter Communications			Phone Service-Water	8/1/2013	Check	142863	\$658.80	658.80
								Total:	1,440.80
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$723.00		6,824.80
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
383071A	FGL Enviromental			Bacti Analysis	8/29/2013	Check	142992	\$80.00	80.00
383129A	FGL Enviromental			Bacti Analysis/Inorganic Analysis	8/30/2013	Check	142992	\$44.00	44.00
383135A	FGL Enviromental			Bacti Analysis	8/29/2013	Check	142992	\$57.00	57.00
383136A	FGL Enviromental			Bacti Analysis	8/29/2013	Check	142992	\$80.00	80.00
383178A	FGL Enviromental			Bacti Analysis/Inorganic Analysis	9/5/2013	Check	142992	\$44.00	44.00
383195A	FGL Enviromental			Bacti Analysis	9/11/2013	Check	142992	\$20.00	20.00
383197A	FGL Enviromental			Bacti Analysis	9/11/2013	Check	142992	\$80.00	80.00
208741	KIS Communications Inc			Server for New World eSuite App	8/1/2013	Check	143020	\$636.00	318.00
								Total:	723.00
Month Total: September 2013							\$0.00	\$0.00	6,824.80
Account Total: Contractural Services							\$0.00	\$0.00	6,824.80
Department Total: Water							\$0.00	\$0.00	
Fund Total: Water Revenue Fund							\$0.00	\$0.00	16,809.87
G/L Account Number: 321-5251 6106 Contractural Services								Fiscal Year To Date:	0.00
7/11/2013	2014-00000018	JE	AP	A/P Invoice Entry	Accounts Payable		\$25.00		25.00
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
Coll 6/30/13	CULLIGAN			Collections RO Service 7-1/7/31/13	6/30/2013	Check	142320	\$25.00	25.00
								Total:	25.00
Month Total: July 2013							\$0.00	\$0.00	25.00
8/8/2013	2014-00000066	JE	AP	A/P Invoice Entry	Accounts Payable		\$25.00		50.00
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
Aug 2013 Coll	CULLIGAN			Collections RO Service	7/31/2013	Check	142603	\$25.00	25.00
								Total:	25.00

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,954.24		2,004.24
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
4827	ALPHA ELECTRICAL			Service Call 7/24,7/25,7/26,&7/29 Lift Station 2	7/29/2013	Check	142709	\$1,954.24	1,954.24
								Total:	1,954.24
				Month Total: August 2013			\$0.00	\$0.00	2,004.24
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$343.00		2,347.24
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
Coll.083113	CULLIGAN			Monthly Water Service for Collections-09/01-	8/31/2013	Check	142974	\$25.00	25.00
208741	KIS Communications Inc			Server for New World eSuite App	8/1/2013	Check	143020	\$636.00	318.00
								Total:	343.00
				Month Total: September 2013			\$0.00	\$0.00	2,347.24
				Account Total: Contractural Services			\$0.00	\$0.00	0.00
				Department Total: Wastewater Collection			\$0.00	\$0.00	2,347.24
				Fund Total: Sewer Revenue Fund			\$0.00	\$0.00	2,347.24
G/L Account Number: 331-1104 6101 Legal Services								Fiscal Year To Date:	0.00
9/5/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$2,554.12		2,554.12
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
33420	Cox, Wooton, Griffin, Hansen			CQB.Gen/3005 July 13	7/31/2013	Check	142869	\$2,554.12	2,554.12
								Total:	2,554.12
				Month Total: September 2013			\$0.00	\$0.00	2,554.12
				Account Total: Legal Services			\$0.00	\$0.00	2,554.12
G/L Account Number: 331-1104 6105 Consulting Services								Fiscal Year To Date:	0.00
7/31/2013	2014-00000235	JE	GL	Reverse JE 1316-13	JE 725-14			\$653.00	-653.00
				Month Total: July 2013			\$0.00	\$0.00	-653.00
8/8/2013	2013-00000956	JE	AP	A/P Invoice Entry	Accounts Payable		\$653.00		0.00
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
1001	South Bay Wild			June 2013 PFMC Meeting/Representing	7/24/2013	Check	142695	\$653.00	653.00
								Total:	653.00
				Month Total: August 2013			\$0.00	\$0.00	0.00
				Account Total: Consulting Services			\$0.00	\$0.00	0.00
				Department Total: Harbor Nature Conservancy Grant			\$0.00	\$0.00	2,554.12
G/L Account Number: 331-1201 6105 Consulting Services								Fiscal Year To Date:	0.00
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$10,000.00		10,000.00

Project: G0135.NFWF - Commercial Fishing Studies, Commercial Fishing Studies

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
July2013	Ecotrust			NFWF Grant - Phase 1 Consultation	7/30/2013	Check	142742	\$10,000.00	10,000.00
				Month Total: August 2013			\$0.00	\$0.00	10,000.00
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$8,882.00		18,882.00
				Project: G0135.NFWF - Commercial Fishing Studies, Commercial Fishing Studies					
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
1723	Lisa Wise Consulting, Inc			Fishing Sustainability Plan July 13	8/21/2013	Check	143023	\$8,882.00	8,882.00
				Month Total: September 2013			\$0.00	\$0.00	18,882.00
				Account Total: Consulting Services			\$0.00	\$0.00	18,882.00
				Department Total: NFWF Plan/Dev Grant			\$0.00	\$0.00	18,882.00
G/L Account Number: 331-6510 6106 Contractural Services								Fiscal Year To Date:	0.00
7/25/2013	2014-00000045	JE	AP	A/P Invoice Entry	Accounts Payable		\$12,000.00		12,000.00
				Project: P0015.8413 - North T-Pier, Maintenance Repairs					
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
391-02-06	Shoreline Engineering Inc			North T-Pier Engineering	7/8/2013	Check	142562	\$12,000.00	12,000.00
				Month Total: July 2013			\$0.00	\$0.00	12,000.00
8/8/2013	2014-00000066	JE	AP	A/P Invoice Entry	Accounts Payable		\$4,400.00		16,400.00
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
1315-1	REESE WATER & LAND			Southern Lease Site Surveying	7/30/2013	Check	142658	\$4,400.00	4,400.00
				Month Total: August 2013			\$0.00	\$0.00	16,400.00
				Account Total: Contractural Services			\$0.00	\$0.00	16,400.00
				Department Total: Harbor Department			\$0.00	\$0.00	16,400.00
G/L Account Number: 331-8479 6106 Contractural Services								Fiscal Year To Date:	0.00
7/25/2013	2014-00000045	JE	AP	A/P Invoice Entry	Accounts Payable		\$75.00		75.00
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
181698	Digital Payment			Aug 2013 EMS Services	7/1/2013	Check	142513	\$75.00	75.00
				Month Total: July 2013			\$0.00	\$0.00	75.00
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$101.17		176.17
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
183112	Digital Payment			Shipping on Bill Cleaners LR Pkg Luke	7/30/2013	Check	142738	\$26.17	26.17
183449	Digital Payment			Sep EMS Services	8/1/2013	Check	142738	\$75.00	75.00
							Total:		101.17
Month Total: August 2013							\$0.00	\$0.00	176.17
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$75.00		251.17
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
185095	Digital Payment			Oct EMS Services	9/1/2013	Check	142978	\$75.00	75.00
							Total:		75.00
Month Total: September 2013							\$0.00	\$0.00	251.17
Account Total: Contractual Services							\$0.00	\$0.00	251.17
Department Total: Launch Ramp Parking							\$0.00	\$0.00	251.17
Fund Total: Harbor Operating Fund							\$0.00	\$0.00	38,087.29
G/L Account Number: 430-4301 6101 Legal Services								Fiscal Year To Date:	0.00
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$11,974.77		11,974.77
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
169366	BURKE, WILLIAMS &			Professional Services Aug 13	8/29/2013	Check	142958	\$342.00	57.00
17491	FERGUSON, PRAET &			Martinez v CMB Investigation	9/11/2013	Check	142991	\$11,917.77	11,917.77
							Total:		11,974.77
Month Total: September 2013							\$0.00	\$0.00	11,974.77
Account Total: Legal Services							\$0.00	\$0.00	11,974.77
Department Total: Administrative Services							\$0.00	\$0.00	11,974.77
Fund Total: Risk Management							\$0.00	\$0.00	11,974.77
G/L Account Number: 500-6167 6106 Contractual Services								Fiscal Year To Date:	0.00
8/8/2013	2014-00000066	JE	AP	A/P Invoice Entry	Accounts Payable		\$6,455.62		6,455.62
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
21742	K D Janni Landscaping Inc			Landscape Maintenance Cloisters	7/31/2013	Check	142632	\$6,455.62	6,455.62
							Total:		6,455.62
Month Total: August 2013							\$0.00	\$0.00	6,455.62
9/5/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$5,229.38		11,685.00
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
21813	K D Janni Landscaping Inc			annual painting - Cloisters fence & bathroom	8/13/2013	Check	142901	\$3,000.00	3,000.00
21825	K D Janni Landscaping Inc			change order pavers @ Cloisters	8/26/2013	Check	142901	\$2,229.38	2,229.38
							Total:		5,229.38
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$6,205.00		17,890.00

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
21972	K D Janni Landscaping Inc			Landscape Maintenance - Cloisters	9/30/2013	Check	143016	\$6,205.00	6,205.00
				Month Total: September 2013			\$0.00	\$0.00	17,890.00
				Account Total: Contractural Services			\$0.00	\$0.00	17,890.00
				Department Total: Cloisters Park			\$0.00	\$0.00	17,890.00
				Fund Total: Assessment Districts			\$0.00	\$0.00	17,890.00
G/L Account Number: 599-5255 6105 Consulting Services								Fiscal Year To Date:	0.00
7/25/2013	2014-00000045	JE	AP	A/P Invoice Entry	Accounts Payable		\$3,156.85		3,156.85
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
324-121	Marine Research Specialist			Completed Task for Base Agreement FY	6/30/2013	Check	142534	\$22,258.85	3,156.85
				Total:					3,156.85
7/31/2013	2014-00000235	JE	GL	Reverse JE 1316-13	JE 725-14			\$3,156.85	0.00
				Month Total: July 2013			\$0.00	\$0.00	0.00
				Account Total: Consulting Services			\$0.00	\$0.00	0.00
G/L Account Number: 599-5255 6106 Contractural Services								Fiscal Year To Date:	0.00
7/25/2013	2014-00000045	JE	AP	A/P Invoice Entry	Accounts Payable		\$19,102.00		19,102.00
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
324-121	Marine Research Specialist			Completed Task for Base Agreement FY	6/30/2013	Check	142534	\$22,258.85	19,102.00
				Total:					19,102.00
7/31/2013	2014-00000235	JE	GL	Reverse JE 1316-13	JE 725-14			\$19,102.00	0.00
				Month Total: July 2013			\$0.00	\$0.00	0.00
				Account Total: Contractural Services			\$0.00	\$0.00	0.00
				Department Total: Wastewater Treatment			\$0.00	\$0.00	0.00
G/L Account Number: 599-8312 6105 Consulting Services								Fiscal Year To Date:	0.00
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$15,886.37		15,886.37
				Project: P0234.8312 - WWTP Facility, Relocation & Treatment Alternatives					
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
38	JOHN RICKENBACH			New WWTP, Stakeholder Prep & Int: 7/6-8/31/13	8/7/2013	Check	142770	\$15,886.37	15,886.37
				Month Total: August 2013			\$0.00	\$0.00	15,886.37
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$18,094.80		33,981.17
				Project: P0234.8312 - WWTP Facility, Relocation & Treatment Alternatives					
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
40	JOHN RICKENBACH			Morro Bay New WRF Project 8/5/13-9/8/13	9/10/2013	Check	143014	\$18,094.80	18,094.80

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
								Total:	18,094.80
Month Total: September 2013							\$0.00	\$0.00	33,981.17
Account Total: Consulting Services							\$0.00	\$0.00	33,981.17
Department Total: WWTP Relocation & Trmt Altern							\$0.00	\$0.00	33,981.17
Fund Total: MB/CS Waste Water Fund							\$0.00	\$0.00	33,981.17
G/L Account Number: 904-6160 6106 Contractural Services								Fiscal Year To Date:	0.00
9/16/2013	2014-0000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$5,350.00		5,350.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
1018	Estero Bay Sustainable	Teen Center solar installation			9/3/2013	Check	142984	\$5,350.00	5,350.00
								Total:	5,350.00
Month Total: September 2013							\$0.00	\$0.00	5,350.00
Account Total: Contractural Services							\$0.00	\$0.00	5,350.00
Department Total: R & P Parks Division							\$0.00	\$0.00	5,350.00
Fund Total: Park Fee Fund							\$0.00	\$0.00	5,350.00
G/L Account Number: 915-8137 6105 Consulting Services								Fiscal Year To Date:	0.00
9/5/2013	2014-0000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$2,509.71		2,509.71
Project: P0073.NGEN - Finance Software Replacement, New World Upgrades									
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
029581	NEW WORLD SYSTEMS	Travel for HR next Gen Upgrade			7/31/2013	Check	142910	\$2,509.71	2,509.71
								Total:	2,509.71
Month Total: September 2013							\$0.00	\$0.00	2,509.71
Account Total: Consulting Services							\$0.00	\$0.00	0.00
Department Total: New World Upgrades							\$0.00	\$0.00	2,509.71
G/L Account Number: 915-8213 6106 Contractural Services								Fiscal Year To Date:	0.00
8/8/2013	2014-0000066	JE	AP	A/P Invoice Entry	Accounts Payable		\$16,520.00		16,520.00
Project: G0067.WTRF - City Parks Maintenance, Waterfront Parks Improvement									
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
071813	Williams Concrete & Gen Eng	Resurfacing of basketball court at City Park			7/18/2013	Check	142669	\$16,520.00	16,520.00
								Total:	16,520.00
Month Total: August 2013							\$0.00	\$0.00	16,520.00
Account Total: Contractural Services							\$0.00	\$0.00	0.00
Department Total: Parks Renovation							\$0.00	\$0.00	16,520.00
G/L Account Number: 915-8216 6106 Contractural Services								Fiscal Year To Date:	0.00
9/19/2013	2014-0000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$32,839.25		32,839.25
Project: P0276.SJ14 - Traffic Calming, San Jacinto									

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
Williams082913	Williams Concrete & Gen Eng			San Jacinto A. D A. Improvements	8/29/2013	Check	143082	\$32,839.25	32,839.25
				Month Total: September 2013			\$0.00	\$0.00	32,839.25
				Account Total: Contractural Services			\$0.00	\$0.00	0.00
				Department Total: Traffic Calming			\$0.00	\$0.00	32,839.25
G/L Account Number: 915-8313 6105 Consulting Services								Fiscal Year To Date:	0.00
9/5/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,138.18		1,138.18
				Project: P0054.CITY - Morro Creek Trail/Bridge Project, City Matching Funds					
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
6257	Althouse & Meade Inc			Morro Bay Pedesterian-Botanicla Survey Report	8/9/2013	Check	142849	\$665.00	665.00
6258	Althouse & Meade Inc			Morro Bay Pedersterian Bridge-Wet Land	8/9/2013	Check	142849	\$473.18	473.18
				Month Total: September 2013			\$0.00	\$0.00	1,138.18
				Account Total: Consulting Services			\$0.00	\$0.00	0.00
				Department Total: Morro Creek Trail/Bridge			\$0.00	\$0.00	1,141.26
G/L Account Number: 915-9909 6104 Engineering Services								Fiscal Year To Date:	0.00
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$3.08		1,141.26
				Project: P0054.CITY - Morro Creek Trail/Bridge Project, City Matching Funds					
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
164427	ASAP Reprographics			Scan & Email, copies	9/10/2013	Check	142952	\$3.08	3.08
				Month Total: September 2013			\$0.00	\$0.00	3.08
				Account Total: Consulting Services			\$0.00	\$0.00	0.00
				Department Total: Morro Creek Trail/Bridge			\$0.00	\$0.00	1,141.26
G/L Account Number: 915-9909 6104 Engineering Services								Fiscal Year To Date:	0.00
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$3,406.00		3,406.00
				Project: G0080.BTA3 - Bike Path Development, MB - Cayucos Gap Closure					
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
35535	Wallace Group			Morro Bay to Cayucos Gap Closures	8/14/2013	Check	142818	\$3,406.00	3,406.00
				Month Total: August 2013			\$0.00	\$0.00	3,406.00
				Account Total: Engineering Services			\$0.00	\$0.00	0.00
				Department Total: Morro Creek Trail/Bridge			\$0.00	\$0.00	1,141.26
G/L Account Number: 915-9909 6104 Engineering Services								Fiscal Year To Date:	0.00
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$9,055.67		12,461.67
				Project: G0080.BTA3 - Bike Path Development, MB - Cayucos Gap Closure					
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
35737	Wallace Group			Morro Bay to Cayucos Gap Closures	9/11/2013	Check	143080	\$9,055.67	9,055.67
				Month Total: September 2013			\$0.00	\$0.00	12,461.67
				Account Total: Engineering Services			\$0.00	\$0.00	12,461.67

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
Department Total: Misc. City Bike Paths							\$0.00	\$0.00	12,461.67
Fund Total: Capital Projects Fund							\$0.00	\$0.00	65,471.89
G/L Account Number: 921-8437 6105 Consulting Services								Fiscal Year To Date:	0.00
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,035.00		1,035.00
Project: P0231.8437 - Nutmeg Tank, Nutmeg Tank									
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
55000	Cannon Associates	Nutmeg Water 7/1-7/31/13			7/31/2013	Check	142724	\$1,035.00	1,035.00
								Total:	1,035.00
Month Total: August 2013							\$0.00	\$0.00	1,035.00
Account Total: Consulting Services							\$0.00	\$0.00	1,035.00
Department Total: Nutmeg Tank							\$0.00	\$0.00	1,035.00
G/L Account Number: 921-8464 6105 Consulting Services								Fiscal Year To Date:	0.00
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$10,990.95		10,990.95
Project: P0257.8464 - Desal Plant, Emergency Recovery Upgrade									
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
4126	Sun Pacific	Desal meeting/Walk thru project			9/6/2013	Check	143070	\$270.00	270.00
9.2012.04	Golden State Labor	2012 Water Plant Improvements			9/1/2003	Check	142998	\$1,782.00	1,782.00
MB-2012-002-001	Michael K Nunley & Associates, Inc	2012 City Water Treatment Plant Improvements			8/1/2013	Check	143025	\$2,298.75	2,298.75
MB-2012-002-002	Michael K Nunley & Associates, Inc	2012 City Water Treatment Plant Improvements			9/9/2013	Check	143025	\$6,640.20	6,640.20
								Total:	10,990.95
Month Total: September 2013							\$0.00	\$0.00	10,990.95
Account Total: Consulting Services							\$0.00	\$0.00	10,990.95
G/L Account Number: 921-8464 6106 Contractural Services								Fiscal Year To Date:	0.00
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$90,776.87		90,776.87
Project: P0257.8464 - Desal Plant, Emergency Recovery Upgrade									
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
213100-003	Specialty Construction	Desal Plant Improvements 7/31/2013			7/31/2013	Check	142806	\$90,776.87	90,776.87
								Total:	90,776.87
Month Total: August 2013							\$0.00	\$0.00	90,776.87
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$162,948.75		253,725.62
Project: P0257.8464 - Desal Plant, Emergency Recovery Upgrade									
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
213100-04	Specialty Construction	2012 City Water Treatment Plant Improvements			9/6/2013	Check	143066	\$162,948.75	162,948.75

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
							Total:		162,948.75
Month Total: September 2013							\$0.00	\$0.00	253,725.62
Account Total: Contractual Services							\$0.00	\$0.00	253,725.62
Department Total: Desal Energy Recovery Sys							\$0.00	\$0.00	264,716.57
Fund Total: Water Capital Impv Fund							\$0.00	\$0.00	265,751.57
G/L Account Number: 922-8228 6105 Consulting Services								Fiscal Year To Date:	0.00
7/25/2013	2014-00000041	JE	AP	A/P Invoice Entry	Accounts Payable		\$876.11		876.11
Project: P0080.8228 - Collections Dept Improvements, Lift Station #3 Reconstruction									
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
June5013	Wallace Group	Lift station #3			7/15/2013	Check	142481	\$876.11	876.11
							Total:		876.11
Month Total: July 2013							\$0.00	\$0.00	876.11
Account Total: Consulting Services							\$0.00	\$0.00	876.11
G/L Account Number: 922-8228 6106 Contractual Services								Fiscal Year To Date:	0.00
7/25/2013	2014-00000041	JE	AP	A/P Invoice Entry	Accounts Payable		\$811.20		811.20
Project: P0080.8228 - Collections Dept Improvements, Lift Station #3 Reconstruction									
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
CMU-11-2012-1783	Calif Dept of Industrial Relations	Morro Bay Lift Station 3 and SSFM Upgrade			6/25/2013	Check	142435	\$811.20	811.20
							Total:		811.20
Month Total: July 2013							\$0.00	\$0.00	811.20
Account Total: Contractual Services							\$0.00	\$0.00	811.20
Department Total: Reconstruct Lift St.#3							\$0.00	\$0.00	1,687.31
Fund Total: Sewer Capital Impv Fund							\$0.00	\$0.00	1,687.31
G/L Account Number: 923-8002 6103 Financial Audits								Fiscal Year To Date:	0.00
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$12,125.00		12,125.00
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
1767	PRESSLEY &	Audit Services thru March 13			9/6/2013	Check	143048	\$47,700.00	12,125.00
							Total:		12,125.00
Month Total: September 2013							\$0.00	\$0.00	12,125.00
Account Total: Financial Audits							\$0.00	\$0.00	12,125.00
Department Total: TOT Audits							\$0.00	\$0.00	12,125.00
G/L Account Number: 923-8005 6106 Contractual Services								Fiscal Year To Date:	0.00
7/25/2013	2014-00000045	JE	AP	A/P Invoice Entry	Accounts Payable		\$3,820.00		3,820.00
Project: P0101.SLAU - Harbor Slip Repairs/Maintenance, South Launch Ramp Repairs									

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance	
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount	
1049	Bettencourt Electric			South Launch Ramp Repairs	7/7/2013	Check	142496	\$3,820.00	3,820.00	
								Total:	3,820.00	
7/31/2013	2014-00000235	JE	GL	Reverse JE 1316-13	JE 725-14			\$3,820.00	0.00	
	Project: P0101.SLAU - Harbor Slip Repairs/Maintenance, South Launch Ramp Repairs									
	Month Total: July 2013									
							\$0.00	\$0.00	0.00	
8/22/2013	2014-00000094	JE	AP	A/P Invoice Entry	Accounts Payable		\$2,116.00		2,116.00	
	Project: P0101.SLAU - Harbor Slip Repairs/Maintenance, South Launch Ramp Repairs									
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount	
13-188	LAND/SEA INTERFACE			South Launch Ramp Slip Repairs	8/8/2013	Check	142773	\$2,116.00	2,116.00	
								Total:	2,116.00	
	Month Total: August 2013									
							\$0.00	\$0.00	2,116.00	
							\$0.00	\$0.00	2,116.00	
							\$0.00	\$0.00	2,116.00	
							\$0.00	\$0.00	14,241.00	
G/L Account Number: 924-8107 6106 Contractual Services									Fiscal Year To Date:	0.00
7/31/2013	2014-00000235	JE	GL	Reverse JE 1316-13	JE 725-14			\$1,011.00	-1,011.00	
	Project: P0026.8107 - State Park Marina, Dredging									
	Month Total: July 2013									
							\$0.00	\$0.00	-1,011.00	
8/8/2013	2013-00000956	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,011.00		0.00	
	Project: P0026.8107 - State Park Marina, Dredging									
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount	
34633	Anchor Qea			SPM Dredging Project 06/01/13-06/30/13	7/24/2013	Check	142673	\$1,011.00	1,011.00	
								Total:	1,011.00	
	Month Total: August 2013									
							\$0.00	\$0.00	0.00	
9/5/2013	2014-00000119	JE	AP	A/P Invoice Entry	Accounts Payable		\$1,892.25		1,892.25	
	Project: P0026.8107 - State Park Marina, Dredging									
Invoice Number	Vendor			Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount	
34881	Anchor Qea			SPM Dredging Project 07/01/13-07/31/13	8/20/2013	Check	142850	\$1,892.25	1,892.25	
								Total:	1,892.25	
	Month Total: September 2013									
							\$0.00	\$0.00	1,892.25	
							\$0.00	\$0.00	1,892.25	
							\$0.00	\$0.00	1,892.25	
							\$0.00	\$0.00	1,892.25	
G/L Account Number: 930-8112 6105 Consulting Services									Fiscal Year To Date:	0.00

City of Morro Bay
Accumulated Transaction Listing

From Date: 7/1/2013 - To Date: 9/30/2013

G/L Date	Journal	Journal Type	Sub Ledger	Description	Source	Reference	Debit Amount	Credit Amount	Actual Balance
9/19/2013	2014-00000139	JE	AP	A/P Invoice Entry	Accounts Payable		\$2,913.90		2,913.90
Project: P0233.MMRP - WWTP Facility (JPA), Major Maint & Repair Plan									
Invoice Number	Vendor	Description			Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount
MB-2013-001	Michael K Nunley &	Morro Bay WWTP MMRP Services from Aug. 1-			9/5/2013	Check	143025	\$2,913.90	2,913.90
							Total:		2,913.90
Month Total: September 2013							\$0.00	\$0.00	2,913.90
Account Total: Consulting Services							\$0.00	\$0.00	2,913.90
Department Total: WWTP MMRP							\$0.00	\$0.00	2,913.90
Fund Total: WWTP Capital Impv Fund							\$0.00	\$0.00	2,913.90
Grand Total:							\$0.00	\$0.00	632,444.37

CITY OF MORRO
LIST OF CONTACTORS AS OF SEPTEMBER 30, 2013

INVOICE #	VENDOR NAME	DESCRIPTION OF SERVICES	INVOICE DATE	CHECK NUMBER	AMOUNT	TOTAL VENDOR
July 2013	39+ Dance Club	85% of total receipts for July 2013	8/1/2013	142577	\$ 1,246.10	\$ 1,246.10
7972	ACTION ROOTER	hydrojet sewer lines @ Rock restroom	7/2/2013	142485	\$ 950.00	\$ 950.00
940007	Affiliated Computer Services	Contract Re-Newal 09/01/13 thru 08/13/2014	8/15/2013	142845	\$ 1,035.00	\$ 1,035.00
4827	ALPHA ELECTRICAL SERVICE	Service Call 7/24,7/25,7/26,&7/29 Lift Station 2 incorrect readi	7/29/2013	142709	\$ 1,954.24	\$ 1,954.24
11444	Alpha Fire & Security Alarm Corp	Monitoring Security Alarm System	7/1/2013	142309	\$ 75.00	\$ 75.00
11487	ALPHA FIRE SPRINKLER CORP	Fire Alarm System Testing & Inspection	7/1/2013	142490	\$ 114.00	\$ 114.00
6257	Althouse & Meade Inc	Morro Bay Pedesterian-Botanicka Survey Report	8/9/2013	142849	\$ 665.00	
6258	Althouse & Meade Inc	Morro Bay Pedersterian Bridge-Wet Land Delineation	8/9/2013	142849	\$ 473.18	\$ 1,138.18
46130	American Microimaging, Inc	1 Year Coverage Period Beginning 7/29	6/25/2013	142492	\$ 7,246.00	\$ 7,246.00
34881	Anchor Qea	SPM Dredging Project 07/01/13-07/31/13	8/20/2013	142850	\$ 1,892.25	\$ 1,892.25
164427	ASAP Reprographics	Scan & Email, copies	9/10/2013	142952	\$ 3.08	\$ 3.08
10022	Avery & Associates	Labor Relations Aug 2013	8/1/2013	142589	\$ 1,700.00	
10028	Avery & Associates	Labor Relations Expenses - July 2013	8/1/2013	142718	\$ 1,215.67	
10052	Avery & Associates	Labor Relations for Sept 13	9/1/2013	142955	\$ 1,700.00	\$ 4,615.67
169366	BURKE, WILLIAMS & SORENSEN, LLP	Professional Services Aug 13	8/29/2013	142958	\$ 285.00	
169366	BURKE, WILLIAMS & SORENSEN, LLP	Professional Services Aug 13	8/29/2013	142958	\$ 57.00	\$ 342.00
1800207373	CA Dept of Corrections and Rehabilitation	CMC work crew	8/6/2013	142858	\$ 1,173.90	
1800207374	CA Dept of Corrections and Rehabilitation	CMC work crew benefits	8/6/2013	142858	\$ 97.83	\$ 1,271.73
CMU-11-2012-1783	Calif Dept of Industrial Relations	Morro Bay Lift Station 3 and SSFM Upgrade	6/25/2013	142435	\$ 811.20	\$ 811.20
MB13-07	California Code Check Inc	Jul2013-CASp Code Consulting	7/31/2013	142721	\$ 200.00	
MB13-08	California Code Check Inc	Aug 2013 CASp Code Consulting	8/30/2013	142962	\$ 200.00	\$ 400.00
55000	Cannon Associates	Nutmeg Water 7/1-7/31/13	7/31/2013	142724	\$ 1,035.00	\$ 1,035.00
PS Aug 2013	Charter Communications	Publ Serv Internet from 8/3-9/2	7/23/2013	142597	\$ 26.96	
PS Aug. 1, 2013	Charter Communications	Phone Service	8/1/2013	142863	\$ 5.50	
PS-Aug2013	Charter Communications	Phone Service	8/19/2013	142863	\$ 5.50	
PS-Sept2013	Charter Communications	PS 9/03-10/2/13	8/23/2013	142965	\$ 13.48	
Aug 2013 -Water	Charter Communications	Phone Service-Water	8/1/2013	142863	\$ 658.80	\$ 710.24
20130822	Cleath-Harris Geologists, Inc	Semi-Monthly Stream flow Monitoring	9/6/2013	142968	\$ 759.70	
20130726	Cleath-Harris Geologists, Inc	July 2013 Stream Flow Monitoring	8/9/2013	142730	\$ 793.45	\$ 1,553.15
428	Coastal Iron Works	re-weld aluminum bracket onto soccer goal	9/11/2013	142970	\$ 100.00	\$ 100.00
4266	Coastal Tree Experts	tree trimming & removals	8/23/2013	142865	\$ 7,175.00	
4266	Coastal Tree Experts	tree trimming & removals	8/23/2013	142865	\$ 1,500.00	\$ 8,675.00
15198	COLLINGS & ASSOCIATES LLC	Plan Review, Permit 29942 & 29949	7/31/2013	142733	\$ 650.00	
15254	COLLINGS & ASSOCIATES LLC	Engineering Services Permit #29930 & 29752	8/30/2013	142972	\$ 650.00	\$ 1,300.00

CITY OF MORRO
LIST OF CONTACTORS AS OF SEPTEMBER 30, 2013

INVOICE #	VENDOR NAME	DESCRIPTION OF SERVICES	INVOICE DATE	CHECK NUMBER	AMOUNT	TOTAL VENDOR
33420	Cox, Wooton, Griffin, Hansen & Poulos LLP	CQB.Gen/3005 July 13	7/31/2013	142869	\$ 2,554.12	\$ 2,554.12
PS 6/30/13	CULLIGAN	P/S R.O. Service - July 13	6/30/2013	142511	\$ 28.00	
Aug 13 PS	CULLIGAN	PS RO Service	7/31/2013	142603	\$ 28.00	
Coll 6/30/13	CULLIGAN	Collections RO Service 7-1/7/31/13	6/30/2013	142320	\$ 25.00	
Aug 2013 Coll	CULLIGAN	Collections RO Service	7/31/2013	142603	\$ 25.00	
Coll.083113	CULLIGAN	Monthly Water Service for Collections-09/01-09/30	8/31/2013	142974	\$ 25.00	
PS083113	Culligan Water Condition	PS Sept 2013	8/31/2013		\$ 28.00	\$ 159.00
MBFD-0713-1	Depth Perceptions Diving Service	SCBA Hydro Test	7/25/2013	142609	\$ 357.98	\$ 357.98
181698	Digital Payment Technologies Corp	Aug 2013 EMS Services	7/1/2013	142513	\$ 75.00	
183112	Digital Payment Technologies Corp	Shipping on Bill Cleaners LR Pkg Luke	7/30/2013	142738	\$ 26.17	
183449	Digital Payment Technologies Corp	Sep EMS Services	8/1/2013	142738	\$ 75.00	
185095	Digital Payment Technologies Corp	Oct EMS Services	9/1/2013	142978	\$ 75.00	\$ 251.17
0066052	DocuTeam	Administration Document Storage	8/1/2013	142611	\$ 24.80	
0067229	DocuTeam	Admin Document Storage Aug 13	9/1/2013	142979	\$ 24.80	
0066056	DocuTeam	Personell Document Storage	8/1/2013	142611	\$ 33.89	
0067233	DocuTeam	Personnel Document Storage Aug 13	9/1/2013	142979	\$ 68.14	
0066053	DocuTeam	City Attorney Document Storage	8/1/2013	142611	\$ 44.64	
0067230	DocuTeam	Attorney Document Storage Aug 13	9/1/2013	142979	\$ 44.64	
0066054	DocuTeam	Finance Document Storage	8/1/2013	142611	\$ 216.35	
0067231	DocuTeam	Finance Document Storage Aug 13	9/1/2013	142979	\$ 225.35	
0066057	DocuTeam	Police shredding services	8/1/2013	142611	\$ 30.00	
0066058	DocuTeam	Storage 7/1/2012-7/31/2013	8/1/2013	142739	\$ 214.11	
0067235	DocuTeam	Storage: 8/1/2013-8/31/2013	9/1/2013	142979	\$ 214.11	\$ 1,140.83
4253	Don Pierce Trucking	asphalt delivery	8/29/2013	142873	\$ 490.00	\$ 490.00
July2013	Ecotrust	NFWF Grant - Phase 1 Consultation	7/30/2013	142742	\$ 10,000.00	\$ 10,000.00
22604	Ellison, Schneider & Harris, LLP	Outside legal counsel: SWRCB Petitions	7/31/2013	142982	\$ 278.10	\$ 278.10
1018	Estero Bay Sustainable Solutions	Teen Center solar installation	9/3/2013	142984	\$ 5,350.00	\$ 5,350.00
Rock2PierRun2013	Eternal Timing	race timing	7/15/2013	142516	\$ 4,274.81	\$ 4,274.81
17491	FERGUSON, PRAET & SHERMAN	Martinez v CMB Investigation	9/11/2013	142991	\$ 11,917.77	\$ 11,917.77
382139A	FGL Enviromental	Bacti Analysis	8/16/2013	142880	\$ 98.00	
382138A	FGL Enviromental	Bacti Analysis	8/16/2013	142880	\$ 294.00	
382441A	FGL Enviromental	Bacti Analysis	7/11/2013	142520	\$ 80.00	
382442A	FGL Enviromental	Organic Analysis	7/18/2013	142520	\$ 644.00	
382443A	FGL Enviromental	Bacti Analysis/Inorganic Analysis	7/11/2013	142520	\$ 637.00	
382539A	FGL Enviromental	Bacti Analysis	7/16/2013	142520	\$ 80.00	
382631A	FGL Enviromental	Bacti Analysis	7/25/2013	142752	\$ 80.00	
382706A	FGL Enviromental	Bacti Analysis	7/30/2013	142752	\$ 80.00	
382807A	FGL Enviromental	Bacti Analysis	8/31/2013	142752	\$ 80.00	
382879A	FGL Enviromental	Bacti Analysis	8/14/2013	142752	\$ 80.00	
382880A	FGL Enviromental	Bacti & Inorganic Analysis	8/16/2013	142880	\$ 589.00	
382915A	FGL Enviromental	Bacti Analysis	8/16/2013	142880	\$ 57.00	
382971A	FGL Enviromental	Inorganic Analysis	8/16/2013	142880	\$ 12.00	

CITY OF MORRO
LIST OF CONTACTORS AS OF SEPTEMBER 30, 2013

INVOICE #	VENDOR NAME	DESCRIPTION OF SERVICES	INVOICE DATE	CHECK NUMBER	AMOUNT	TOTAL VENDOR
382988A	FGL Enviromental	Bacti Analysis	8/16/2013	142880	\$ 80.00	
382989A	FGL Enviromental	Bacti & Inorganic Analysis	8/16/2013	142880	\$ 44.00	
383071A	FGL Enviromental	Bacti Analysis	8/29/2013	142992	\$ 80.00	
383129A	FGL Enviromental	Bacti Analysis/Inorganic Analysis	8/30/2013	142992	\$ 44.00	
383135A	FGL Enviromental	Bacti Analysis	8/29/2013	142992	\$ 57.00	
383136A	FGL Enviromental	Bacti Analysis	8/29/2013	142992	\$ 80.00	
383178A	FGL Enviromental	Bacti Analysis/Inorganic Analysis	9/5/2013	142992	\$ 44.00	
383195A	FGL Enviromental	Bacti Analysis	9/11/2013	142992	\$ 20.00	
383197A	FGL Enviromental	Bacti Analysis	9/11/2013	142992	\$ 80.00	\$ 3,340.00
RI101603351	FRANCOTYP-POSTALIA INC	Postage Meter Lease July 2013	7/3/2013	142522	\$ 34.95	
RI101642870	FRANCOTYP-POSTALIA INC	Postage Meter Lease Aug 2013	8/4/2013	142754	\$ 34.95	
RI101675401	FRANCOTYP-POSTALIA INC	Postage Meter Lease Sept 13	9/5/2013	142995	\$ 34.95	\$ 104.85
CMB1311	Gemma Systems	Install New Server at Fire	7/22/2013	142617	\$ 1,000.00	
CMB1310	Gemma Systems	Travel Expense	7/26/2013	142617	\$ 290.00	
CMB1309	Gemma Systems	Set up/Test new Fire Server	7/15/2013	142617	\$ 420.00	\$ 1,710.00
9.2012.04	Golden State Labor Compliance LLC	2012 Water Plant Improvements	9/1/2003	142998	\$ 1,782.00	\$ 1,782.00
13892016	Great America Leasing	Postage Machine Lease July 13	6/28/2013	142323	\$ 122.05	
14012570	Great America Leasing	Postage Machine Lease Aug 2013	7/29/2013	142621	\$ 122.05	
14145563	Great America Leasing	Postage Machine Lease Sept 13	8/29/2013	143002	\$ 122.05	\$ 366.15
6756	HARVEY'S HONEYHUTS	rock to pier run toilets	6/4/2013	142526	\$ 1,192.99	\$ 1,192.99
0021181-IN	HDL SOFTWARE LLC	Sales Tax Audit 1st Qtr 2013	8/16/2013	142888	\$ 1,230.00	\$ 1,230.00
945	Heacock Elevator Co	monthly maintenance July 2013	7/16/2013	142528	\$ 65.00	\$ 65.00
DUNES3	I am a Plumber Looking For Work	cleared roots from main line - Dunes rental	8/11/2013	142892	\$ 175.00	\$ 175.00
9/30/13	JOHN FENNACY	Planning Commission Qrterly Pymt	9/30/2013	142989	\$ 150.00	\$ 150.00
38	JOHN RICKENBACH	New WWTP, Stakeholder Prep & Int: 7/6-8/31/13	8/7/2013	142770	\$ 15,886.37	
40	JOHN RICKENBACH	Morro Bay New WRF Project 8/5/13-9/8/13	9/10/2013	143014	\$ 18,094.80	\$ 33,981.17
21742	K D Janni Landscaping Inc	Landscape Maintenance Cloisters	7/31/2013	142632	\$ 6,455.62	
21813	K D Janni Landscaping Inc	annual painting - Cloisters fence & bathroom	8/13/2013	142901	\$ 3,000.00	
21825	K D Janni Landscaping Inc	change order pavers @ Cloisters	8/26/2013	142901	\$ 2,229.38	
21972	K D Janni Landscaping Inc	Landscape Maintenance - Cloisters	9/30/2013	143016	\$ 6,205.00	\$ 17,890.00
208741	KIS Communications Inc	Server for New World eSuite App	8/1/2013	143020	\$ 318.00	
208741	KIS Communications Inc	Server for New World eSuite App	8/1/2013	143020	\$ 318.00	\$ 636.00
13-188	LAND/SEA INTERFACE	South Launch Ramp Slip Repairs	8/8/2013	142773	\$ 2,116.00	\$ 2,116.00
203436	LD Quality Carpet Care	clean offices & meeting room - P.D.	8/28/2013	142903	\$ 300.00	\$ 300.00
1307	Lee Wilson Electric Inc	traffic signal maintenance - July 2013	8/16/2013	142904	\$ 175.00	\$ 175.00
1723	Lisa Wise Consulting, Inc	Fishing Sustainability Plan July 13	8/21/2013	143023	\$ 8,882.00	\$ 8,882.00
9/30/13	Mehmet E Solu	Planning Commission Qtrly Pymt	9/30/2013	143065	\$ 150.00	\$ 150.00

CITY OF MORRO
LIST OF CONTACTORS AS OF SEPTEMBER 30, 2013

INVOICE #	VENDOR NAME	DESCRIPTION OF SERVICES	INVOICE DATE	CHECK NUMBER	AMOUNT	TOTAL VENDOR
MB-2012-002-001	Michael K Nunley & Associates, Inc	2012 City Water Treatment Plant Improvements	8/1/2013	143025	\$ 2,298.75	
MB-2012-002-002	Michael K Nunley & Associates, Inc	2012 City Water Treatment Plant Improvements	9/9/2013	143025	\$ 6,640.20	
MB-2013-001	Michael K Nunley & Associates, Inc	Morro Bay WWTP MMRP Services from Aug. 1- Aug. 31	9/5/2013	143025	\$ 2,913.90	\$ 11,852.85
9/30/13	Michael Lucas	Planning Commission Qtrly Pymt	9/30/2013	143024	\$ 150.00	\$ 150.00
July 2013	Modeana Lamphier	Total receipts for July 2013	8/1/2013	142637	\$ 238.50	\$ 238.50
429	Morro Bay Chamber Of Commerce	Economic Development July 13	6/28/2013	142336	\$ 4,868.75	
430	Morro Bay Chamber Of Commerce	Economic Development Aug 13	8/8/2013	142778	\$ 4,868.75	
432	Morro Bay Chamber Of Commerce	Economic Development Aug 13	9/5/2013	143030	\$ 4,868.75	\$ 14,606.25
4155536	Morro Bay Garbage	Rock to Pier garbage service	8/1/2013	142780	\$ 106.89	\$ 106.89
15400-C	Multi Medical Systems	Semi Annual Maint. Contract - De-Fibs Coverage begins 5-1-13	5/1/2013	142909	\$ 217.50	\$ 217.50
257284	MUSICK PEELER & GARRETT LLP	Outside legal counsel: Nitrates	9/9/2013	143035	\$ 280.00	\$ 280.00
320713-1	MV Transportation, Inc	July 2013 Morro Bay Fixed Route	8/6/2013	142782	\$ 10,496.65	
320813-1	MV Transportation, Inc	Monthly Fixed Route	9/6/2013	143036	\$ 10,496.65	
320713-02	MV Transportation, Inc	July 2013 Fixed Monthly Mgmt Fee - Trolley	8/6/2013	142782	\$ 10,533.01	
320813-03	MV Transportation, Inc	Kids Camp Charter	9/6/2013	143036	\$ 216.40	
320813-02	MV Transportation, Inc	Fixed Monthly Management Fee- MB Trolley	9/6/2013	143036	\$ 10,336.45	\$ 42,079.16
905	N BRENT KNOWLES	Replacement of driveway due to water leak and repair	7/24/2013	142634	\$ 2,900.00	\$ 2,900.00
029581	NEW WORLD SYSTEMS CORP	Travel for HR next Gen Upgrade	7/31/2013	142910	\$ 2,509.71	\$ 2,509.71
90019990	Novacoast	Maintenance 2013/14	6/28/2013	142548	\$ 6,814.50	\$ 6,814.50
139576	Oasis Equipment Rental	100 chairs - Rock to Pier	7/11/2013	142783	\$ 100.00	\$ 100.00
38059	PMC	Sea Level Rise Grant App.6-29-2013-7-26-2013	8/7/2013	142791	\$ 4,500.00	
38198	PMC	Morro Bay On Call Services-Climate Ready Grant	9/6/2013	143046	\$ 5,000.00	\$ 9,500.00
1767	PRESSLEY & ASSOCIATES, INC	Audit Services thru March 13	9/6/2013	143048	\$ 25,830.00	
1767	PRESSLEY & ASSOCIATES, INC	Audit Services thru March 13	9/6/2013	143048	\$ 12,125.00	\$ 37,955.00
Sweeny 7/13	Rabobank Visa Card	Credit Card Charges	7/30/2013	142795	\$ 104.41	
Gallardo A. 7/13	Rabobank Visa Card	Credit Card Charges	7/30/2013	142795	\$ 463.32	
Waters 7/13	Rabobank Visa Card	Credit Card Charges	7/30/2013	142795	\$ 645.99	
Waters 8/13	Rabobank Visa Card	Credit Card Charges	8/30/2013	143050	\$ 330.00	\$ 1,543.72
1315-1	REESE WATER & LAND SURVEY	Southern Lease Site Surveying	7/30/2013	142658	\$ 4,400.00	\$ 4,400.00
9/30/13	Richard Grantham	Planning Commission Qtrly Pymt	9/30/2013	143001	\$ 150.00	\$ 150.00
89326536	Ricoh USA, Inc	Pub. Svcs. Copier 6/29/13-7/28/13	7/4/2013	142554	\$ 600.87	
90512854	Ricoh USA, Inc	Pub Serv Copier 7/29-8/38/13	8/2/2013	142797	\$ 600.87	
90717953	Ricoh USA, Inc	PublicServices 8/29/13-9/28/13	9/4/2013	143054	\$ 2,376.18	\$ 3,577.92
9/30/13	Robert Tefft	Planning Commission Qtrly Pymt	9/30/2013	143071	\$ 150.00	\$ 150.00

CITY OF MORRO
LIST OF CONTACTORS AS OF SEPTEMBER 30, 2013

INVOICE #	VENDOR NAME	DESCRIPTION OF SERVICES	INVOICE DATE	CHECK NUMBER	AMOUNT	TOTAL VENDOR
391-02-06	Shoreline Engineering Inc	North T-Pier Engineering	7/8/2013	142562	\$ 12,000.00	\$ 12,000.00
44328	SP Maintenance Services Inc	sweeping services July 8 - Aug 7, 2013	8/8/2013	142931	\$ 4,752.12	\$ 4,752.12
213100-003	Specialty Construction	Desal Plant Improvements 7/31/2013	7/31/2013	142806	\$ 90,776.87	
213100-04	Specialty Construction	2012 City Water Treatment Plant Improvements	9/6/2013	143066	\$ 162,948.75	\$ 253,725.62
July 13	Stradling Yocca Carlson & Rauth	Outside legal counsel: Affordable Housing	8/22/2013	143069	\$ 546.00	\$ 546.00
4126	Sun Pacific	Desal meeting/Walk thru project	9/6/2013	143070	\$ 270.00	\$ 270.00
13290	TargetSolutions	Premier Membership 07/25/13 thru 07/24/2014	8/22/2013	142934	\$ 3,960.00	\$ 3,960.00
35535	Wallace Group	Morro Bay to Cayucos Gap Closures	8/14/2013	142818	\$ 3,406.00	
35737	Wallace Group	Morro Bay to Cayucos Gap Closures	9/11/2013	143080	\$ 9,055.67	
June5013	Wallace Group	Lift station #3	7/15/2013	142481	\$ 876.11	\$ 13,337.78
726	Water Systems Consulting Inc	On-Demand Construction Management Services Rendered from 7-1-201	7/31/2013	142819	\$ 6,357.88	
744	Water Systems Consulting Inc	On-Demand Construction Management	8/31/2013	143081	\$ 1,515.94	\$ 7,873.82
071813	Williams Concrete & Gen Eng	Resurfacing of basketball court at City Park	7/18/2013	142669	\$ 16,520.00	
Williams082913	Williams Concrete & Gen Eng	San Jacinto A. D A. Improvements	8/29/2013	143082	\$ 32,839.25	\$ 49,359.25
TOTAL					\$ 632,444.37	\$ 632,444.37



AGENDA NO: A-14
MEETING DATE: November 12, 2013

Staff Report

TO: Honorable Mayor and City Council DATE: November 7, 2013
FROM: Rob Livick, PE/PLS - Public Services Director/City Engineer
SUBJECT: Status Report of a Major Maintenance & Repair Plan (MMRP) for the Existing Wastewater Treatment Plan

RECOMMENDATION

Staff recommends that this report be received and filed.

ALTERNATIVES

As no action is requested, there are no recommended alternatives.

FISCAL IMPACT

No fiscal impact at this time as a result of this report. Fiscal impact is addressed through the budget process.

DISCUSSION

This staff report is intended to provide an update on the development of the MMRP for the WWTP. At the February 14th JPA meeting the Council and District Board approved of the development of an MMRP and made the following motion:

- Direct staff to prepare a time sensitive and prioritized MMRP for the WWTP with an anticipated rolling 2 year budget;
- That the JPA solicit proposals from a qualified firm, or firms, to provide technical advice and analysis on an as needed basis as determined by Morro Bay’s Public Services Director and Cayucos Sanitary District Manager;
- And that the Morro Bay Public Services Director and Cayucos Sanitary District Manager report back to the JPA on a semi-annual basis on the progress and costs associated with the MMRP.

Development of a MMRP will assist the City and District in projecting the budgeting of expenditures required to keep the current plant operating in compliance with regulatory requirements.

Staff’s primary focus has continued to be on the next Fiscal Year and the projects contained within the FY 13/14 WWTP budget that was adopted by both the City and District. The adopted budget contains

Prepared by: RL/BK/RS Dept. Review: RL
City Manager Review: _____
City Attorney’s Review: _____

\$1.04M in funding for MMRP projects presented during the budget hearing at the JPA meeting. Staff is currently working on developing and refining an implementation schedule for the projects funded in the FY 13/14 budget. An outline of the desired repair time frames and key project milestones has been identified and the schedule will be finalized after peer review with our technical support team.

Staffs primary focus for the month of October was centered on the cleaning of digester #2 and development of an implementation schedule for the maintenance and repair tasks required to bring the digester back on-line and fully operational. During late September and early October, plant staff completed extensive preparations required to take the digester off-line prior to cleaning. The digester cleaning contractor arrived on Oct 14th and completed the cleaning process on October 18th. The material removed from the digester was screened and dewatered. The dewatered solids will be stored in the sludge drying beds for further drying before being hauled to an off-site compost facility.

On October 22nd staff from NV5 (NV5 is a lab specializing in structural testing procedures) performed non-destructive testing of digester #2, digester #1, and the chlorine contact tank. They also took core samples at strategic locations on digester #2 and the chlorine contact tank for further analysis. They also performed tests on various piping components to determine the level of corrosion present. On October 31st, staff met with Mr. Mike Nunley to discuss the preliminary testing results and to discuss an implementation schedule for performing the required repairs. There was also discussion about which work tasks would be performed in-house and which would require a contractor to complete. It should be noted that some of the analyses being performed by NV5 will take between four to six weeks to complete, and the work plan may need to be adjusted depending upon the outcome of the tests.

Staff has continued to conduct detailed discussions with various equipment representatives to further refine the types of equipment that will best suit the site specific parameters of the existing plant. Progress on the influent screens and chlorine contact tank are discussed below.

A. Influent Screens: Staff has continued to assess various procurement options for the purchase and installation of influent screens at the headworks. Staff has prepared procurement timelines for 3 options while the use of a negotiated specialty equipment procurement would be the most advantageous approach so the City Attorney is reviewing a 1993 Attorney General opinion to determine if this option is feasible for a General Law City. Staff has therefore opted to focus current efforts on using a standard Public Works Construction Contract bid package. Equipment evaluation has continued to be centered on a review of the various influent screen types and will continue to include tours of various treatment facilities to observe equipment in the field and get feedback from the operations staff. Discussions have also continued on various options for removing the screened debris from the lower level of the headworks once they are removed from the waste stream. Staff expects to conduct a peer review of the MMRP and complete an equipment evaluation review panel to preselect a short list of qualified equipment vendors this month.

B. Chlorine Contact Repairs: Staff is continuing to assess various procurement options for the purchase and installation of the required equipment for the chlorine contact tank. Staff is working with the various vendors

on the chlorine tank project to identify the preferred equipment and to develop a strategy for implementing the repairs. During the repair period, the tank will have to be bypassed and plant staff is continuing to work on a strategy for maintaining disinfection and dechlorination during the repair process. This will require the use of temporary tanks to bypass the existing tank in order to keep the plant within regulatory compliance. The testing discussed above will help solidify the work plan for the chlorine contact tank.

In addition, staff has made arrangements to have staff from Black & Veatch (B&V) to assess the plants electrical system and update the Electrical Facilities Overview from the Facility Master Plan (Appendix H of the Facility Master Plan dated September 2007). The electrical engineer from B&V is scheduled to be on-site on November 12 and 13 to tour the facility. This assessment of the electrical system will assist staff with putting together a work plan for any recommended repairs and maintenance procedures for the plant's electrical system.

CONCLUSION

Staff will continue to bring a status report on the development of the MMRP at City Council meetings on a monthly basis.



AGENDA NO: A-15

MEETING DATE: 11/12/2013

Staff Report

TO: Honorable Mayor and City Council Members **DATE:** November 6, 2013

FROM: Susan Slayton, Administrative Services Director

SUBJECT: Review of Draft Request for Proposal for Interim City Attorney

RECOMMENDATION

City Council to review the draft Request for Proposal (RFP) for Interim City Attorney, suggest/recommend changes and direct staff accordingly.

ALTERNATIVES

Since this is a time-sensitive issue, it would be best to move forward, if possible, with the draft presented after incorporating changes made at this meeting

FISCAL IMPACT

There is no fiscal impact at this time.

SUMMARY

As directed at the October 25th City Council meeting, staff is presenting a draft RFP for Interim City Attorney services. Any changes made at this meeting will be incorporated into the final document and issued as soon as possible.

CONCLUSION

Staff has included a draft of the RFP for Interim City Attorney services for City Council's review. All changes made will be incorporated into this document, and depending on the number and significance of the changes, the RFP will be released on either November 13 or 14, 2013.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____



City of Morro Bay

Request for Proposal

Interim City Attorney

Issue date: November 13, 2013

Deadline for submittal: Tuesday, December 3, 2013

Contact person: Andrea Lueker, City Manager
(805) 772-6205
alueker@morro-bay.ca.us

I. GENERAL INFORMATION

A. Introduction

The City of Morro Bay invites qualified municipal law firms and attorneys (Proposer) to submit written proposals to provide Interim City Attorney services for the City as identified in this Request for Proposal (RFP). As Interim City Attorney, the selected firm or individual(s) will be expected to provide a wide range of legal services to the City. The Interim City Attorney will be selected by, and serves at the pleasure of, the City Council, and will work closely with the City Council, City Manager and other City staff. The initial term of the Interim City Attorney is anticipated to be six (6) months.

B. Proposed Time Schedule

Release of RFP	November 13/14, 2013
Deadline for written questions	November 21, 2013
Responses to questions posted on the website	November 25, 2013
Deadline for proposals	December 3, 2013, 5pm
Evaluation completion	December 4-9, 2013
City Council selection for interviews	December 10, 2013
Interviews	December 16-20, 2013
Contract award	December 2013/January 2014

C. Submittal Guidelines

Proposers, who are interested in submitting an RFP for Interim City Attorney, shall submit one (1) original unbound RFP, marked "ORIGINAL," one electronic version, in pdf format, on a CD or "thumb-drive," and seven (7) bound copies, marked "COPY," on or before the deadline for proposals date indicated above. The envelope shall be addressed as follows:

Andrea Lueker, City Manager
City of Morro Bay Interim City Attorney RFP
595 Harbor St.
Morro Bay, CA 93442

Proposals may be submitted by US Mail, other delivery services, or delivered in person to the address above, but must be received by 5:00 pm on Tuesday, December 3, 2013. Only proposals delivered to City Hall in the format as stated in this RFP will be considered; facsimile or electronic proposals will not be accepted. Please note that City Hall is closed from Thursday, November 28 through Sunday, December 1, 2013. During this time, should there be any inquiries, please email City Manager Andrea Lueker at alueker@morro-bay.ca.us.

D. Reservation of Rights

This RFP does not commit the City to enter into an agreement. Further, it does not obligate the City of Morro Bay to accept or execute an agreement for any expressed or implied services. The City reserves the right to:

1. Reject any and all proposals received, and to accept or reject any item(s) herein.
2. To waive irregularities if such would serve the best interests of the City as determined by the City Council.
3. To request additional information for purposes of clarification.
4. To accept or negotiate any modification to any proposal following the deadline for receipt of all proposals.
5. Terminate this RFP process at any time.
6. Modify, clarify, or interpret the RFP by sending an addendum to Proposers that originally received or requested an RFP, along with posting that addendum on the website. Any such addendum shall become part of the RFP and of any contract awarded.
7. Allow Proposer(s) to make modifications to the proposal already submitted to the City by submitting a written request to withdraw the proposal in order to make the modifications. It is the responsibility of each Proposer to ensure that modified proposals are resubmitted in accordance with the RFP submittal deadline.
8. Allow Proposer(s) to withdraw the proposal by submitting an email or written request to Andrea Lueker, City Manager, requesting to withdraw. Withdrawal requests must be made prior to 4:00 pm on Tuesday, December 3, 2013, in which event the proposal will be returned to the Proposer.

E. Acceptance of Conditions

The firm or attorney selected to provide City Attorney services shall be an independent contractor. All persons employed by a firm, in accordance with a contract resulting from the RFP, will be employees of the firm, and not employees of the City.

The City is not liable for any costs incurred by Proposers before entering into a formal contract. Costs for developing the proposal or any other such expenses incurred by Proposers in responding to the RFP are entirely the responsibility of the Proposers, and shall not be reimbursed in any manner by the City.

The City requires all Proposers to comply with all applicable federal and state laws. All Proposers are required to comply with equal opportunity policies. The City of Morro Bay's programs, services, employment opportunities, and volunteer positions and contracts are open to all person regardless of race, creed, color, ethnicity, national origin, religion, sex, sexual orientation, gender expression, age, physical or mental ability, veteran status, military obligations, marital status or any other basis prohibited by state and/or federal law relating to discrimination in employment.

The successful contractor will be required to obtain a City of Morro Bay Business License prior to commencing work, and maintain active status of that license throughout the relationship with the City. Information regarding the application and fees for a business license may be obtained by calling (805) 772-6261.

Any questions regarding the RFP should be directed to Andrea Lueker, City Manager, by email (alueker@morro-bay.ca.us) or by phone (805-772-6205).

F. City of Morro Bay

Incorporated in 1964, Morro Bay is a general law City located on California's Central Coast, halfway between San Francisco and Los Angeles on Scenic Highway 1. With a population just over 10,000, the City has the City Council/Manager form of government. Morro Bay enjoys a temperate year-round climate, which makes it an ideal location for a variety of recreational activities. The atmosphere offers residents the peaceful tranquility of a coastal fishing village within close proximity to metropolitan areas.

Morro Bay is a full-service City, including police and fire protection, a vast array of recreation programs, local transportation, planning and permit processing, water utility, public works, sewer and storm drain maintenance, street maintenance, park maintenance, harbor, and other general and administrative governmental services. Our Harbor Department manages tidelands that were granted to the City upon its incorporation, and leases out these lands to private businesses.

The City Council is comprised of five (5) members elected at large. The Mayor is elected for a two (2) year term and the other four members serve four (4) year terms. The City Council meets on the second and fourth Tuesdays of the month at 6:00pm.

Additional information can be found on the City of Morro Bay website: www.morro-bay.ca.us.

G. Submittal Deadline

Tuesday, December 3, 2013 at 5:00 p.m.

II. SCOPE OF SERVICES

The anticipated Scope of Services will include, but are not limited to the following (see Attachment A for additional information about the office of the City Attorney):

General Legal Services

1. Attend all closed, regular and special City Council meetings, all appeals held before the Planning Commission, and such meetings of other Boards, Committees and Commissions of the City as may be specified by the City Council majority and as needed.

2. Provide general legal services, routine legal assistance, advice and consultation to the City Council and City staff relating to the Meyers-Milias-Brown Act, general municipal and public law issues, potential tort liability and risk management.
3. Except where conflict of interest rules require otherwise, supervise and coordinate the activities of all other counsel retained by the City or working on behalf of the City.
4. Provide legal advice, telephone, email and personal consultations with members of the City Council and City staff.
5. Review and/or prepare legal opinions, staff reports, Ordinances, Resolutions, agreements, contracts, forms, notices, certificates, deeds, leases, and other documents required by the City.
6. Perform legal work pertaining to land use issues, including, but not limited to, property transactions (e.g., acquisitions, disposals), public improvements, easements, dedications and right-of-way vacations.
7. Monitor pending and current state and federal legislation and court decisions, as appropriate, and provide written updates on those that have the potential to affect the City. Provide suggested action or changes in operations or procedures to assure compliance.
8. Consult with the City Council and City staff as needed, render legal advice and opinions (both oral and written), and perform such other or additional general legal services as may be requested by the City, acting by and through the City Council or the City Manager.
9. Enforce City codes, zoning regulations and building standards through administrative and judicial actions.
10. Provide training and guidance with regard to the requirements of the Meyers-Milias-Brown Act, Open Meeting Law (Brown Act -Government Code 54550 et seq, Conflict of Interest (AB1234), CEQA, the Public Elections Code, the Public Records Act and other legal requirements imposed by statute and common law.
11. Advise the Council on municipal government legal matters, including the Meyers-Milias-Brown Act and parliamentary procedures for running meetings.
12. Provide attorney(s) on-site office hours, 25 per week as scheduled by the City Council, and attend weekly Department Head staff meetings as well as post City Council Department Head staff meetings.
13. Have experience with Coastal issues, including working with the California Coastal Commission as well as other regulatory agencies.
14. Perform all duties of the office of City Attorney as provided in the Morro Bay Municipal Code (see Attachment A).
15. Promptly return all calls and e-mails from the City Council and City staff.
16. Communicate with the press.

Litigation Services

1. Represent the City in civil litigation brought on behalf of or against the City, as directed by the City Council.
2. Provide litigation services to the City in any and all matters assigned by the City.
3. Prosecute misdemeanor and infraction violations of the City Municipal Code

Other Specialized Legal Services as Requested

1. Provide legal services pertaining to labor, employment, pension law (the City is a member of CaIPERS), public retirement systems, and personnel matters.
2. Advice regarding taxes, assessments, fees, Proposition 218, and other financial advice.
3. Environmental Legal Services other than routine review of negative declarations, environmental impact reports and other project-level environmental documentation.
4. Real Estate services, other than routine review of escrow documents, title reports and contracts of sale.
5. Advice regarding insurance coverage matters, such as advice and representation regarding coverage disputes.
6. Advice regarding water law and regulations.
7. Other specialized services as requested by the City.

It is expected that the Proposer will have in-house capabilities to advise, and if necessary, initiate and defend litigation pertaining to the Public Records Act, Meyers-Milias-Brown Act, election law, general liability, risk management, environmental law, including CEQA and NPDES, contracts and franchises, real estate, land use, human resources/labor relations, construction defects and code compliance.

The Interim City Attorney is required to attend two Council meetings per month held on the 2nd and 4th Tuesdays of each month and all appeals held before the Planning Commission; in addition, the Interim City Attorney is expected to be available to attend other closed, regular and special meetings, as needed.

III. PROPOSAL FORM AND CONTENT

A. Proposal Submittal

All pages of the proposal must be numbered consecutively. The proposal must be organized in accordance with the list of proposal contents. The proposal must provide specific and succinct responses to all questions and requests for information.

Proposers must address the Scope of Services in Section II. Proposals and the fee schedule must be valid and binding for ninety (90) days following the proposal due date, and may become part of the agreement with the City.

B. Letter of Transmittal

Include a cover letter signed by the attorney or a duly authorized representative of the firm. The cover letter must include name, address, telephone number and e-mail address of the Proposer submitting the proposal. In addition, the name, title, address, telephone number, fax number and e-mail address of the person or persons who are authorized to represent the Proposer, and to whom any and all correspondence should be directed, shall be included.

C. Table of Contents

Include clear identification of the submitted material by section and by page number.

D. Summary

Summarize key provisions of the proposal. Provide a statement describing why the Proposer is qualified to perform this work, the name(s) of individual(s) who would serve as the Interim City Attorney.

E. Statement of Understanding

Include a detailed statement of understanding of the legal services to be provided to Morro Bay. If there are services listed in the RPF that the Proposer will not be able to provide, please address such in your response.

F. Background and Experience (see Attachment A)

1. Official name and address, and specify the type of entity (sole proprietorship, partnership, LLC, corporation, etc.)
2. Describe background and history; include number of years in business. Describe the expertise that is able to be provided to the City; if a recognized area of expertise exists, please describe that expertise (i.e., Land Use, Personnel, Public Pension law, Code Enforcement, Public Finance, Bonds, etc.)
3. Describe experience advising municipalities with voter-approved initiatives.
4. Describe experience advising municipalities, regarding bond covenants and complying with bond covenants.
5. List the location of the office that would serve the City of Morro Bay.
6. Identify support staff services available (clerical support, paralegals, other non-attorney staff.)

G. Approach to Legal Services

1. Describe your view of the role of the Interim City Attorney.
2. Describe how you track and manage legal costs.
3. Describe how, as Interim City Attorney, you would work with the City Council and participate in City Council and other meetings.
4. Describe your or your firm's practices regarding professional development, training, and keeping current with the law and legal matters affecting clients.
5. If Proposer is a firm, describe the methodology used to determine the delegation of City assignments within the firm; for example, is the individual identified as the "Interim City Attorney" responsible for personally handling, drafting, and preparing all City matters, or will work be delegated to less senior staff.
6. List specialty services you do not provide. For any specialty services you do not directly provide, describe how you propose the City receive such services. If you propose to use a subcontractor, please name the firm, if possible, and the principal attorney(s) from the firm who would provide service to the City.

H. Proposed Attorney(s)

Name the person who will be designated as the Interim City Attorney, and provide the following:

1. Certificates or licenses, including the date of admission to the State Bar of California.
2. Description of education, including names of educational institutions, degrees conferred, and year of each degree.
3. Professional background and professional associations.
4. Experience with, and knowledge of, the law relating to general law cities, including, but not limited to, Meyers-Milias-Brown Act, land use and planning, environmental law, including the California Environmental Quality Act, General Plans, code enforcement, labor relations/personnel law, and other areas of municipal law.
5. Specific areas of expertise and training.
6. If Proposer is a firm, provide names and qualifications, including years of experience, of other attorneys in the firm who would be able to provide legal services in support of the primary attorney.

I. References and Potential Conflicts of Interest

1. Provide contact information for five municipal clients for which services have been provided by the designated attorney in the last three years; please include the contact person's name, agency, phone and e-mail address for the purpose of conducting reference checks.

2. List all public clients for whom you or your firm currently provides, or has provided, services for the past five (5) years. Indicate the services provided. For those past clients who are no longer represented by you or your firm, provide an explanation regarding the reason why they are no longer represented by you or your firm. Identify any foreseeable or potential conflicts of interest that could result from representation with any current clients, and the manner in which you or your firm would propose to resolve such conflicts.
3. For the person designated as Interim City Attorney, list all public clients that this individual presently represent, along with the meeting dates and times for each governing body.
4. List all private clients of you or your firm, and identify any foreseeable or potential conflicts of interest that could result from such representation and the manner in which you or your firm would propose to resolve such conflicts.
5. If the firm or individual, or any of the attorneys employed by the firm, have been sued by cities and/or other clients for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, please provide information on the nature of the incident, the date the matter was resolved, and the results.

J. Compensation and Reimbursement

Describe your or your firm's general billing approach

1. Is work that is applicable to a number of clients billed 100% to each client, or is the cost shared between clients?
2. If the costs are shared between clients, what is the method used to divide the costs?
3. In what time increment is work billed?
4. If a work product was completed for another client, and the City of Morro Bay requests similar work product, how is Morro Bay billed for the work product?

Describe how you or your firm intends to charge for legal services for the three categories of legal services described in Section II (General Legal Services, Litigation Services and Other Specialized Legal Services). Please include, in a table format, hourly rates for all personnel that could be utilized in your performance as Interim City Attorney, and ensure that these rates will be binding for the term of the contract and costs that you would expect to be reimbursed for, as well as any markup

Describe how you or your firm would provide services on a monthly retainer basis. Include information regarding:

1. The number of hours of General Legal Services per month that would be included in the retainer.
2. Describe what occurs when the City requires fewer or more hours of General Legal Service in a given month.

3. Identify whether the retainer includes all of the services in Section II, "General Legal Services"; and whether there are additional services you or your firm would include in the retainer.
4. Identify which services would not be included in your proposed retainer, and which you consider to be Specialized Legal Services, which would be billed in addition to retainer services. Identify the rate for these non-retainer services. If an hourly rate basis is used for Litigation Services and Other Specialized Legal Services, please state the hourly rates for the Interim City Attorney and any other attorneys or paralegals assisting such person in providing services. Provide this information in a table format.

If a separate individual or firm is proposed as a subcontractor to Proposer, specify the hourly rates for each type of service to be provided as well as the rates for any items which would be billed separately. Also provide information regarding the principal attorney(s) and firms that would provide such service(s).

Specify which items, if any, are billed separately and at what rate. Such items might include postage, duplicating/printing, etc. Specify if any overhead or administrative charge is added to billings for these items.

K. Agreement

As the successful Proposer is expected to enter into an agreement with the City, please provide a proposed form of agreement for the services.

In addition to indemnification and hold harmless language, the agreement should include a requirement for professional errors and omissions insurance in an amount of not less than \$1,000,000 per occurrence, and \$2,000,000 aggregate, general liability insurance in an amount of not less than \$1,000,000 per occurrence, and \$2,000,000 in aggregate, automobile liability insurance in an amount of not less than \$1,000,000 per accident, and workers' compensation insurance as required by State law.

The Proposer chosen will name the City as a Certificate Holder for all of the above named insurance policies.

The City shall be named as Additional Insured for the general liability as well as the automobile liability (including Non-owned Auto) insurance coverage.

All coverage must be provided by an insurance company authorized to do business in the State of California, with a rating of at least AVII in the latest edition of Best's Insurance Guide.

L. Additional Information

In this section, provide any other information the Proposer believes is applicable to the evaluation of the proposal or your qualifications for providing the proposed legal

services. You may use this section to address those aspects of your services that distinguish you and your firm from others.

IV. REVIEW AND SELECTION PROCESS

A. Process

- The City Council will appoint a 3-member subcommittee (two City Council members and the City Manager or her Department Head designee to provide an initial review and ranking of the proposals.
- The results of the sub-committee review and ranking will be presented for discussion at the December 10, 2013 City Council meeting and the City Council will determine those firms/individuals to interview.
- During the week of December 16-20, 2013, the City Council will hold interviews in a Special City Council meeting for the top candidates. The top firms/individuals may be asked to provide a brief presentation as part of their interview.
- Following the interviews, and at a subsequent City Council meeting, the City Council will choose a firm/individual and award the contract.

B. Evaluation Criteria

The following information will be considered during the evaluation process:

1. Experience and qualifications identified in the Proposal.
2. Complete and clear response to requested matters in the Proposal.
3. Adequate local availability, support to the Council and staff, and range of services offered.
4. Demonstration of workload capacity and level of experience of the designated Interim City Attorney.
5. Professional reputation for providing high-quality services and ability to work cooperatively with the City Council and staff.
6. Service orientation and creativeness in finding solutions to legal issues.
7. Demonstrates an understanding of Morro Bay.
8. Communication skills.
9. Depth and breadth of experience and expertise in the practice of law, most specifically in municipal law.
10. Demonstrated expertise in land use and zoning law as it relates to municipalities with voter approved slow growth initiatives.
11. Demonstrates sound judgment, integrity, and reliability as determined by the references provided.
12. Capability to perform legal services promptly and in a manner that permits the City Council and staff to meet established deadlines and to operate in an effective and efficient manner.
13. Degree of availability for quick response to inquiries that arise out of day-to-day operations, questions, or problems.
14. Cost of providing services. Note that while cost is important, it is not necessarily the most critical factor in evaluating a Proposal.

15. Other qualifications/criteria as deemed appropriate by the City Council.

V. CONCLUSION

While the City of Morro Bay expects that the proposing individual or firm shall have the breadth of experience to serve a full-service municipality and/or the ability to retain the necessary staff in each of the legal disciplines as outlined in the above proposal, it is not the intention of the City of Morro Bay to limit prospective respondents to large size law firms. Smaller entities, with the acumen to select outside special counsel to fulfill the needs of the City and also be cognizant of managing costs, are encouraged to respond to this request for proposal.

DRAFT

AGENDA NO: A-16

MEETING DATE: 11/12/2013

**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DECLARING NOVEMBER, 2013 AS**

“NATIONAL HOSPICE MONTH”

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

WHEREAS, last year, approximately **1,600,000** terminally ill patients and their families relied on end-of-life care provided by the 5,500 volunteer and licensed hospice agencies located in communities throughout the United States; and

WHEREAS, hospice care allows patients and families the opportunity to receive professional medical services, pain and symptom control, and emotional and spiritual support without hospitalization; and

WHEREAS, hospice creates a compassionate atmosphere, where patients are able to die with dignity, wherever they call home, surrounded and supported by loved ones, familiar friends, and committed caregivers; and

WHEREAS, professional and compassionate hospice staff and volunteers - including physicians, nurses, social workers, bereavement counselors, spiritual counselors, therapists, home health aides, hospice musicians and trained in-home volunteers - provide comprehensive care and attend to the particular needs and wishes of each individual and family members and friends who also receive counseling and bereavement care that help them cope with a loss; and

WHEREAS, providing hospice care reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every stage of human life deserves to be treated with the utmost respect and care; and

WHEREAS, **Central Coast Hospice, Dignity Health Hospice, Hospice of San Luis Obispo County and Wilshire Hospice** provide hospice care and bereavement counseling, respectively, to over **8,500** individuals each year within the County of San Luis Obispo; and

WHEREAS, this observance is an opportunity to encourage, honor, and support the professionals, volunteers, and family caregivers who take on the challenge of caring for patients, friends, family, and loved ones at the end of life.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Morro Bay does hereby proclaim November 2013 as “**National Hospice Month**” and encourages citizens to increase their awareness of the importance and availability of hospice services within San Luis Obispo County.

IN WITNESS WHEREOF I have hereunto
set my hand and caused the seal of the City
of Morro Bay to be affixed this 12th day of
November, 2013

JAMIE L. IRONS, Mayor
City of Morro Bay, California



AGENDA NO: A-17

MEETING DATE: November 12, 2013

Staff Report

TO: Honorable Mayor and City Council **DATE:** November 6, 2013
FROM: Anne M. Russell, Interim City Attorney
SUBJECT: Approval of Resolution No. 57-13 Confirming the Expiration Date of Tentative Tract Map 2859 and Availability of Water and Sewer (Relating to 2783 Coral Avenue in Morro Bay, California)

RECOMMENDATION

Adopt Resolution 57-13 confirming the expiration date of Tentative Tract Map 2859 and availability of water and sewer (relating to 2783 Coral Avenue in Morro Bay, California)

FISCAL IMPACT

Approval of the Resolution allows the escrow for the sale of the City-owned property at the corner of Coral Avenue and San Jacinto Street in Morro Bay, California for \$935,000 to proceed forward.

DISCUSSION

The City obtained ownership of the property at the southeast corner (SEC) Coral Avenue and San Jacinto Street in September 1996. At the time of the dedication, the property was a possible site for an additional fire station.

In 2005, the City Council determined that alternative sites were better suited for a fire station. Therefore, pursuant to Government Code section 37421 and Resolution No. 30-05, the City notified the citizens of its intention to sell the City-owned property referenced above.

At the July 25, 2005 Council Meeting, having received no protests to the sale of the property, the City Council authorized staff to proceed with procuring a buyer for the property.

From 2005 to 2008, the City tried to market the property for sale on its own but received no acceptable offers. In 2008-2009, the City contracted with Morro Bay Realty to represent the City in marketing and negotiating the property. Unfortunately, the City again received no acceptable offers.

At the March 12, 2013 City Council meeting, Council authorized staff to solicit proposals for real estate contract services to assist in the sale. At the April 23, 2013 City Council meeting, Council selected Ciano Realty to provide real estate contract services to assist the sale of the property.

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

With the assistance of Ciano Realty, Broc Assets made an offer on the property. On October 22, 2013, by Resolution 52-13, the Council approved the Purchase Agreement attached to Resolution No. 52-13, for a sale of the property at 2783 Coral Avenue, Morro Bay, California to Broc Associates for \$935,000.

Paragraph 8(e) of the Purchase Agreement, as a condition precedent to buyer's obligation to close escrow, required the City to confirm in an Open Session Meeting prior to the close of escrow that Tentative Tract Map 2859 had been extended until November 13, 2016 and that potable water and sewer would be available for the six lots during the life of the tentative map. A review of the file indicates that the Council approved the Tentative Tract Map on November 13, 2007, with an expiration date two years later. A series of bills passed by the State Legislature, codified into Government Code Sections 66452.21(a), 66452.22, 66452.23, and 66452.24, extended the expiration dates of certain tentative maps by 1, 2, 2, and 2 years respectively. Tract Map 2783 fell into the class of extended tract maps and its expiration date is extended to November 13, 2016.

With regard to the availability of water and sewer, staff spoke with the broker for the buyer. The City does not issue will-serve letters. The City Attorney's office added language addressing the possibility of water shortages, acts of god or other catastrophe that might impact the City's ability to provide water which the buyer's broker felt would be acceptable.

CONCLUSION

Staff recommends that you adopt Resolution No. 57-13 confirming the expiration date of Tentative Tract Map 2859 and availability of water and sewer (relating to 2783 Coral Avenue in Morro Bay, California) to enable the sale to proceed.

RESOLUTION NO. 57-13

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
CONFIRMING THE EXPIRATION DATE OF TENTATIVE
TRACT MAP 2859 AND AVAILABILITY OF WATER AND SEWER
(RELATING TO 2783 CORAL AVENUE IN MORRO BAY, CALIFORNIA)**

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

WHEREAS, the City obtained ownership of the vacant lot real property located at South East Corner (SEC) Coral/San Jacinto Street, Lot 124, Tract 1996 with a street address of 2783 Coral Avenue, Morro Bay, California in September 1996 (the “property”); and

WHEREAS, said property was dedicated to the City as a possible site for a fire substation. Subsequently, the City has determined that the property at SEC Coral Avenue and San Jacinto Street, Lot 124, Tract 1996 is not suited for a fire substation and better locations exist for a fire substation; and

WHEREAS, the City designated the real properties at the SEC Coral/San Jacinto Street, Lot 124, Tract 1996 with a street address of 2783 Coral Avenue, Morro Bay, California for sale at the Open Session Council Meeting on July 11, 2005 and held a public hearing on July 25, 2005, and after receiving no protests passed and adopted Resolution 30-05 by a unanimous vote; and

WHEREAS, pursuant to Government Code section 37421, and Resolution No. 30-05, the City notified its citizens of its intention to sell City-owned properties located at the SEC Coral/San Jacinto Street, Lot 124, Tract 1996 with a street address of 2783 Coral Avenue, Morro Bay, California; and

WHEREAS, by Resolution 52-13 in Open Session Council Meeting on October 22, 2013, City approved a Real Estate Agreement with Broc Assets, Inc., a California Corporation (“Buyer”) for purchase of the property by Buyer for \$935,000.00 (the Purchase Agreement”), and

WHEREAS, paragraph 8(e) of the purchase agreement, as a condition precedent to the Buyer’s obligation to close, requires the City to confirm in an Open Session Meeting prior to the close of escrow that Tract Map 2859 has been extended until November 13, 2016, and that potable water and sewer services for each of the six lots are and shall be available during the life of the tract map.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay does hereby confirm that Tentative Tract Map 2859 for the property was approved by the City Council on November 13, 2007, and was originally set to expire November 13, 2009. SB 1185 (Government Code Section 66452.21(a)) extended the Tract Map until November 13, 2010, AB 33 (Government Code Section 66452.22) extended the Tract Map until November 13, 2012, AB 208 (Government Code Section 66452.23) extended the Tract Map until November 13, 2014,

and AB 116 (Government Code Section 66452.24 extended the Tract Map until November 13, 2016. Barring an act of god, catastrophe, or severe water shortage, potable water and services for each of the six lots of the property are available during the life of the Tract Map.

PASSED AND ADOPTED by the City Council, City of Morro Bay at a regular meeting thereof held on the 12th day of November 2013, by the following vote:

AYES:

NOES:

ABSENT:

JAMIE L. IRONS, Mayor

ATTEST:

JAMIE BOUCHER, City Clerk



AGENDA NO: B-1

MEETING DATE: November 12, 2013

Staff Report

TO: Honorable Mayor and City Council **DATE:** November 6, 2013
FROM: Rob Livick, PE/PLS –Director of Public Services/City Engineer
SUBJECT: Review of the Draft Options Report for the NEW Water Reclamation Facility (WRF)

RECOMMENDATION

Staff recommends City Council receive the report and presentation, take public testimony, and provide any recommendations or comments to staff and the Rickenbach team for incorporation into the final document. Additionally, provide direction to staff regarding the holding of an additional Options Report Workshop on Saturday November 23, 2013.

ALTERNATIVE

Staff does not recommend any alternatives action.

FISCAL IMPACT

The preliminary cost estimates for the development, design, permitting and construction of a new WRF range from \$90 to \$160 million depending on the site. These costs include a 30-percent contingency and a 30-percent allowance for engineering, environmental review, permitting and other required “soft costs”. At this point in the process this is as accurate as we can estimate costs. Once a site is selected and preliminary engineering is performed, then the cost estimates can be refined.

Should the Council provide direction to hold a second options workshop, the cost would not exceed \$3,200 and is well within the approved budget for the study.

DISCUSSION

Project Planning has begun for the NEW Water Reclamation Facility (WRF). The City has developed a tentative schedule for the preliminary work effort for the WRF. This planning effort charts a path of site selection and other important community decisions that are needed to see the WRF project move forward with success. The Council's goal is to make these decisions by the end of 2013.

We are now at a major point in the preliminary work effort for the planning of the WRF project; the public release of the draft Options Report. The purpose of this report is to provide information to assist the community through the City Council in making the decision about an appropriate location

Prepared By: RL

Dept Review: RL

City Manager Review: _____

City Attorney Review: _____

to build a new WRF that will ultimately replace the City's existing Wastewater Treatment Plant. The plan also addresses treatment technology, the use and disposal of biosolids, reclamation and disposal options.

The report is based on a review of existing technical studies and recent public input. When collectively considered in the context of newly developed technical information, will allow the community to understand the rationale contained in the report recommendations.

The report has been reviewed by the Public Works Advisory Board at their November 4, 2013 meeting, where they took public input and provided comments to staff that were relayed to the Rickenbach team. The comments from the Board and public provided included:

- Sticker Shock regarding the \$90-160 million potential cost of the new facility.
- The "Tri W" site analysis didn't study 400 acres in valley East of the power lines.
- The Maino property in Land Trust.
- The Report is easy to follow.
- Why did the report not look at the feasibility of the community of paying for the new WRF?
- What is the feasibility of property acquisition?
- There are significant cultural issues with power plant site.
- Has staff or the consultant contacted property owners, especially Dynegy about property?
- How will potential odor issues be addressed?

On November 5, 2013 a second public workshop was conducted and was attended by approximately 50 Morro Bay residents. In that meeting, Mr. Rickenbach and his team, Michael Nunley, PE and Debbie Rudd, outlined the process, the report and the goals of this preliminary planning effort. During the second half of the meeting questions and comments were taken from the audience, which will ultimately inform the process. At the end of the meeting, Ms. Rudd led the group in the Community Feedback Exercise. All of the Workshop Materials and Draft Options Report have been posted to the City's website for the availability to the public.

Last week staff received, via City Council, two requests to hold a WRF workshop on a Saturday. The Saturday meeting would accommodate those who either work in the evenings or are otherwise unable to attend an evening meeting.

There are several considerations for holding the Saturday meeting:

1. Based on our contract with John Rickenbach, an additional meeting will add the *not to exceed* amount of \$3,200 to the Rickenbach team scope.
2. The consultant team believes that a Saturday meeting will attract a different audience, but people are busy on the weekends as well as during the week. The audience may be small.
3. The schedule has been out for quite some time, yet we have only received two requests for a Saturday meeting.
4. The Options report meeting was be televised, the report is available on line; and comments can be submitted through the web site, via email, snail mail or verbally at our offices.

Should the Council provide direction to hold a Saturday workshop, the Rickenback team could hold this additional workshop during the morning of Saturday, November 23, 2013 without affecting the schedule to present the final Options report to City Council on December 10, 2013.

CONCLUSION

The Options Report provides an analysis for the selection of a NEW WRF project site based upon the goals that the community has expressed. The Council should take public testimony, and provide any recommendations or comments to staff who will forward to the consultant team for incorporation into the final report that will be presented to City Council at their December 10, 2013 meeting.

ATTACHMENTS

1. WRF Draft Options Report – Presentation Slides from the November 5, 2013 Workshop
For the complete report go to: http://www.morrobay.ca.us/documents/9/39/269/WRF%20Draft%20Options%20Report%2010_29_13_20131029152571480.pdf
2. Workshop Input Worksheet



City of Morro Bay
New Water Reclamation Facility Project
FIRST PUBLIC DRAFT Options Report

Community Workshop #2
November 5, 2013

Introductions

John Rickenbach, AICP – Project Manager

Debbie Rudd, AICP, LEED – RRM Design Group

Mike Nunley, PE – MKN Associates


Purpose of this Study

Purpose of the Overall Effort

- Public Outreach to Identify Issues and Priorities
- Confirm Goals for the New WRF
- Translate Public Input into an Analysis of Sites
- Report Findings to the City Council

Purpose of this Workshop

- Summarize DRAFT Options Report Findings
- Describe Key Issues
- Describe Pros and Cons of Each Site
- Take Public Input – Course Corrections?



What We've Heard From You (So Far)

Previous Public Input Opportunities

- Stakeholder Interviews (July 2013)
- Public Workshop #1 (August 2013)
- Technical Presentation (September 2013)
- Review of Input from Past Studies

What Have You Told Us?

- Wide Variety of Concerns – Polarized Perspectives
- Cost and Environmental Issues are roughly equal
- Keeping Costs Low was the Number 1 Issue
- Minimize Visual Impacts
- Reclaim the Wastewater

What We've Heard: Major Themes

- Tertiary Treatment is Important
- Reclamation is a Key Goal
- Cost vs. Environmental Protection – no clear priority
- Do It Right
- Look for Partners (if it is in the City's interest)
- Use Appropriate Treatment Technologies
- Keep the Site Selection Process Open and Transparent

What We've Heard: Specific Issues

- Keeping User Costs Low – most common response
- Protect Visual Resources
- Reclaim the Wastewater (Recharge? Agriculture? Habitat?)
- Communicate the Costs and Benefits
- Use the Right Technology for the Long Haul
- Look for Partner Agencies (if it is in the City's interest)
- Address a Variety of Environmental Concerns

Translating Public Input into the Options Report

Goals for the New WRF

- Produce Tertiary Treated Wastewater
- Reclaim Wastewater for a Variety of Purposes
- Allow for Onsite Composting
- Design for Energy Recovery
- Design to treat for Contaminants of Emerging Concern
- Design for Other City Functions?

Table 1. Summary of Stated Community Priorities (August 2013 Workshop)

Major Issue	People Citing “High” Importance (green dots)	People Saying Issue Should not be Considered (red dots)	Relative Priority of Major Issue (percentage weight) ¹	Most Common Sub-Issues Cited ²
Cost	64	4	30.2%	<ul style="list-style-type: none"> • Keep Costs Low (73) • Communicate Costs and Benefits (23) • Identify Income Streams (23) • Identify Funding Sources (21) • Balance Cost and Technology (15) • Phase Costs—Design for Upgrades (9)
Environmental	65	8	28.6%	<ul style="list-style-type: none"> • Avoid Visual Impacts (31) • Improve Ocean Water Quality (14) • Protect and Enhance Habitat (13) • Minimize Carbon Footprint (12) • Avoid Coastal Hazards (12) • Avoid Cultural Resources (11)
Engineering/Design	54	0	27.1%	<ul style="list-style-type: none"> • Recharge the Aquifer (33) • Include Composting Function (16) • Make it “Reclamation Ready” (15) • Methane Capture (11) • Tertiary Treatment Needed (10) • Use Latest Effective Technology (10)
Logistics	28	0	14.1%	<ul style="list-style-type: none"> • Coordinate Early with Partners (18) • Build as Soon as Possible (17) • Update JPA with Cayucos (17) • Location is Important (16) • Identify Design Concepts Now (11) • Do It Right the First Time (10)

¹ Percentage of net positive citations (green dots minus red dots for each issue as compared to all dots placed on posters). Note that each person was given three green dots and one red dot. If they felt strongly about an issue, they could place more than one dot on a given issue. This was intended to measure the relative importance of each issue.

² Figure in parentheses indicates the number of times cited on posters. Each person was given 15 green dots to place among the many sub-issues listed on the posters. People were not required to use all their dots.

Table 2. Summary of Issues and Weighting Used in This Report

Major Issue	Sub-Issue within Major Issue	Relative Weight (1-10; 10 highest)	Relative Weight Converted to % within Major Issue	Total Weight (% Issue Weight x % Sub-Issue Weight)
Environmental: 28.6%				
	Avoid Coastal Hazards	8	10.7%	3.1%
	Avoid Steep Slopes and High Elevation	3	4.0%	1.1%
	Promote Public Access/Recreation	5	6.7%	1.9%
	Minimize Visual (and other proximity) Impacts	10	13.3%	3.8%
	Sustainable Use of Public Resources	10	13.3%	3.8%
	Avoid Environmentally Sensitive Habitat Areas	8	10.7%	3.1%
	Avoid Cultural Resources	7	9.3%	2.7%
	Avoid Agricultural Resources	8	10.7%	3.1%
	Promote Coastal Dependent Development	6	8.0%	2.3%
	Minimize Carbon Footprint	7	9.3%	2.7%
	Minimize Traffic	3	4.0%	1.1%
	<i>Subtotal all Environmental Issues</i>		100.0%	28.6%
Logistics: 14.1%				
	Complies with NPDES Permit Requirements	10	27.8%	3.9%
	Minimizes Project Implementation Schedule	8	22.2%	3.1%
	Ease of Property or Right-of-Way Acquisition	7	19.4%	2.7%
	Configuration and/or Expandability of the Site	8	22.2%	3.1%
	Multi-Agency Use Potential	3	8.3%	1.2%
	<i>Subtotal all Logistics Issues</i>		100.0%	14.1%
Engineering and Design: 27.1%				
	Minimizes Distance for City Collection System	7	21.2%	5.8%
	Minimizes Distance to Direct or Indirect Reuse	7	21.2%	5.8%
	Ability to Use a Range of Treatment Technologies	8	24.2%	6.6%
	Ability to Include Multiple Functions	4	12.1%	3.3%
	Ability to Remove Contaminants of Emerging Concern	2	6.1%	1.6%
	Potential to Generate Energy and Revenue	5	15.2%	4.1%
	<i>Subtotal all Engineering and Design Issues</i>		100.0%	27.1%
Cost: 30.2%				
	Minimizes Capital Costs	6	26.1%	7.9%
	Minimizes Operating Costs	7	30.4%	9.2%
	Minimizes User Cost (increases to monthly bills)	10	43.5%	13.1%
	<i>Subtotal all Cost Issues</i>		100.0%	30.2%
All Issues: 100%				100.0%
<p><i>Note: As a sample calculation, the weighting for "Avoid Coastal Hazards" was derived as follows. The factor weight (8) was converted to a relative weight among all environmental sub-issues (by dividing 8 by the combined total of all weights of all environmental sub-issues, or 8/75, or 10.7%). This was then multiplied by the weight of the Environmental issue category (28.6%) relative to the other major issues (such as cost and logistics) to get a total weight among all factors. In this case, the calculation is $0.107 \times 0.286 = 0.0306$, or 3.1%.</i></p>				

Options Report Study Sites

How We Identified the Sites

- Started with the 17 Sites Previously Considered
- A Fresh Look at the Fatal Flaw Analysis
 - 100-Year Flood or Dam Inundation
 - Prime Agricultural Soils with Production Potential
 - Environmentally Sensitive Habitat (ESHA)
 - High Elevation (New Fatal Flaw Criterion)
- Eliminated Some Sites; Combined or Expanded Others
- Existing WWTP Site Eliminated for Flood and Coastal Concerns
- 7 Sites Remain

2013 Options Report Study Sites

- Site A - Chevron
- Site B – Morro Valley
- Site C – Chorro Valley
- Site D – CMC Wastewater Site
- Site E – Power Plant Site (southern portion)
- Site F – Panorama Site
- Site G – Giannini Property

Options Report Study Sites

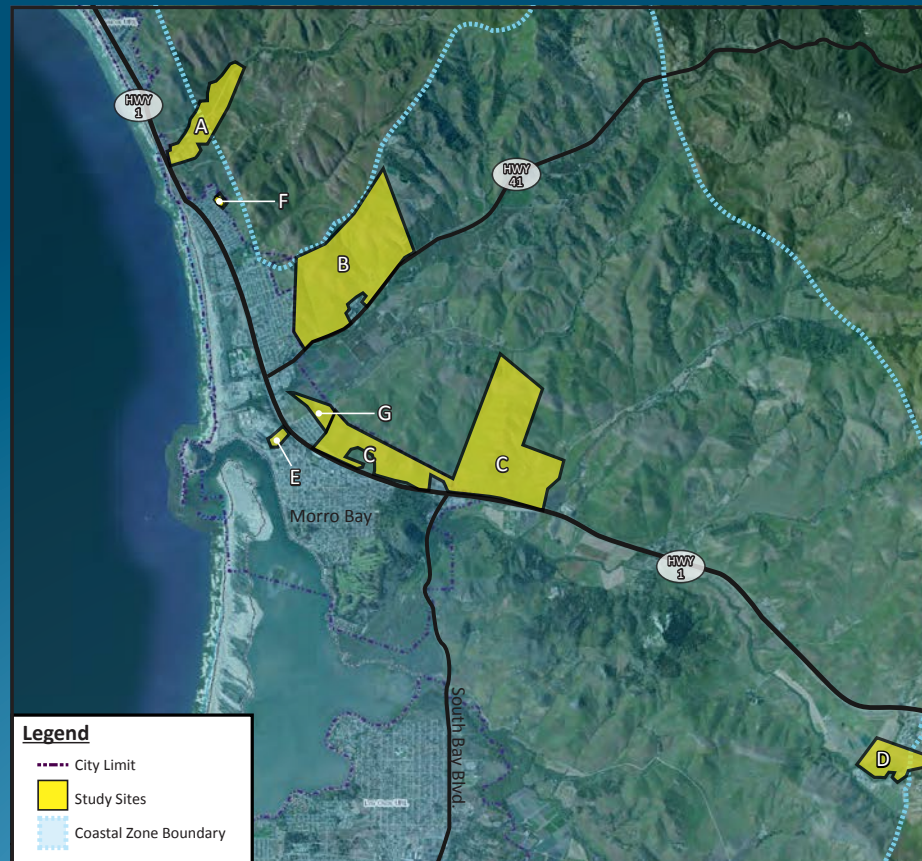


Figure 1: Overview of Study Sites



Note: Map data obtained from County Assessor's mapping database

0 0.4 0.8mi

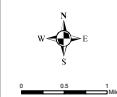
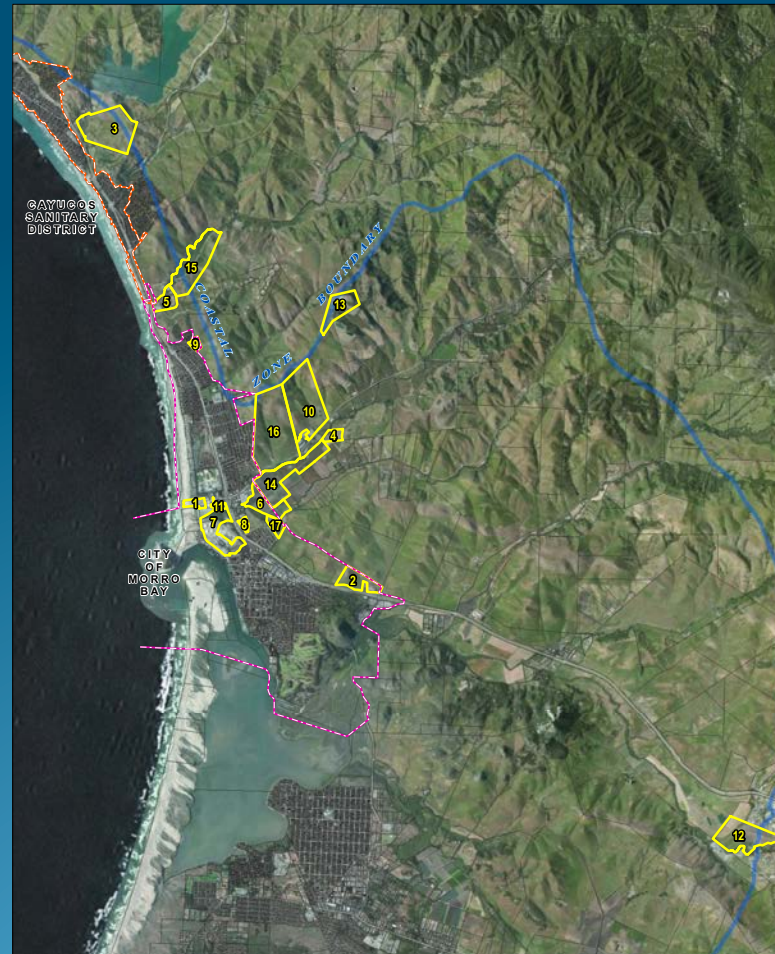


Study Sites Legend

Site A (Chevron)
Site B (Morro Valley)
Site C (Chorro Valley)
Site D (CMC Wastewater Site)

Site E (Power Plant - southern portion of property)
Site F (Panorama)
Site G (Giannini)

Original 2011 Rough Screening Study Sites



Map #	Site Name	Map #	Site Name
1	Current WWTP Site	9	Panorama Street Site
2	Chorro Valley Site	10	Rancho Colma Site
3	White Rock Site	11	Libe Kester Park Site
4	Highway 41 / Madonna Property	12	California Men's Colony (CMC) Wastewater Facility Site
5	Chevron Oil Facility	13	Power Plant Hillside Tank Farm Site
6	Hayashi or Glanera Properties	14	Additional Highway 41 Properties (Multiple APNs)
7	Power Plant Site	15	1/2 Mile Up Tono Creek Road (Chevron Facility Hillside Site)
8	PG&E / City Property	16	1 Mile Up Atascadero Road (Righetti Property)
		17	APN 008-401-011 (Additional Glanera Property)

City of Morro Bay
Sanitary District Service Area

Cayucos Sanitary
District Service Area

Figure 1

DUDEK

Alternative Sites

MORRO BAY-CAYUCOS SANITARY DISTRICT WASTEWATER TREATMENT PLANT UPGRADE

Site A – Chevron

(160 acres; 4 parcels)

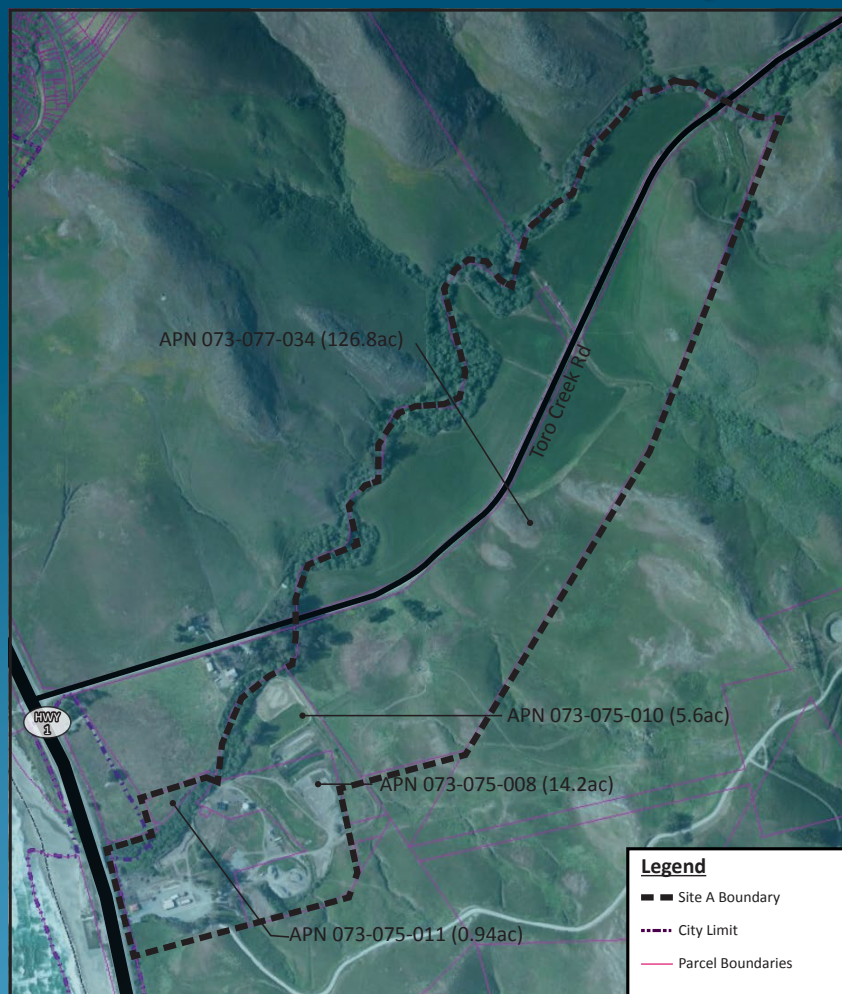


Figure 2: Site A - Chevron Site Boundaries



Note: Map data obtained from County Assessor's mapping database

0 300 600ft



Site B – Morro Valley

(663 acres; 4 parcels)

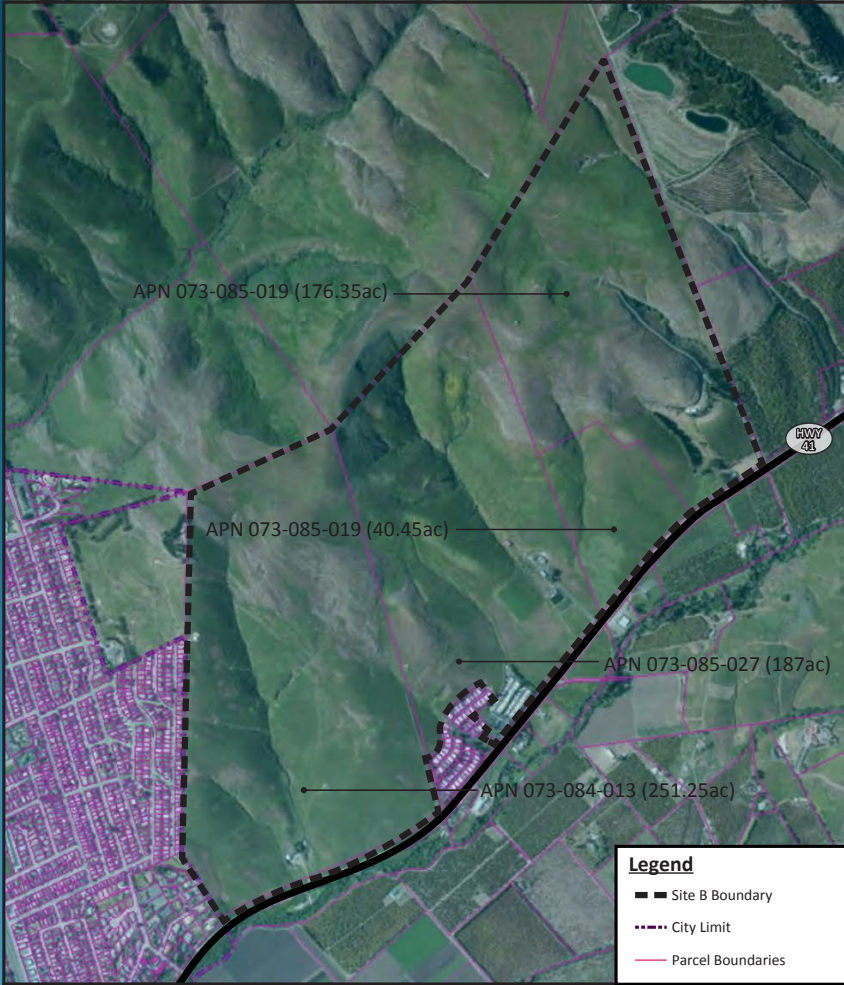


Figure 3: Site B - Morro Valley Site Boundaries



Note: Map data obtained from County Assessor's mapping database

0 500 1,000ft



Site C – Chorro Valley

(783 acres; 5 parcels)



Figure 4: Site C - Chorro Valley Site Boundaries



Note: Map data obtained from County Assessor's mapping database

0 500 1000ft



Site D – CMC Wastewater Site

(119 acres; 1 parcel)



Figure 5: Site D - CMC Wastewater Site Boundaries



Note: Map data obtained from County Assessor's mapping database

0 300 600ft



Site E – Power Plant Site (southern portion)

(12-acre portion of a 93-acre parcel)



Figure 6: Site E - Power Plant Site Boundaries



Note: Map data obtained from County Assessor's mapping database

0 75 150ft



Site F – Panorama Site

(9 acres; 1 parcel)

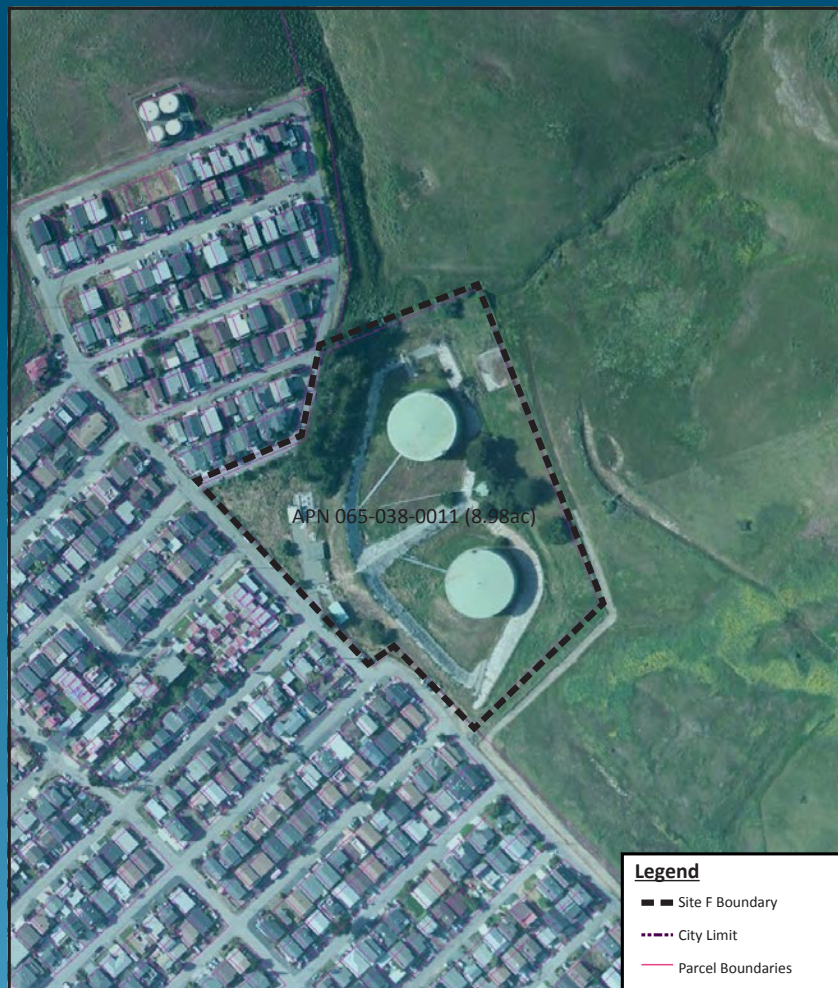


Figure 7: Site F - Panorama Site Boundaries



Note: Map data obtained from County Assessor's mapping database

0 75 150ft



Site G – Giannini Property

(36 acres; 1 parcel)



Figure 8: Site G - Giannini Property Site Boundaries



Note: Map data obtained from County Assessor's mapping database

0 150 300ft



Site Analysis and Results

Options Report Sites – Overall Rank

1. Site E – Power Plant Site (8.07)
2. Site B – Morro Valley (7.72)
3. Site C – Chorro Valley (7.01)
4. Site G – Giannini Property (6.92)
5. Site A – Chevron (6.85)
6. Site F – Panorama (6.44)
7. Site D – CMC Wastewater Site (5.01)

Site Ranking – If Cost Is Not an Issue

1. Site B – Morro Valley (5.70)
2. Site C – Chorro Valley (5.47)
3. Site E – Power Plant Site (5.36)
4. Site G – Giannini Property (5.21)
5. Site A – Chevron (5.04)
6. Site F – Panorama (4.72)
7. Site D – CMC Wastewater Site (4.50)

Site Ranking – Environmental Issues Only

1. Site B – Morro Valley (2.23)
2. Site E – Power Plant Site (2.10)
3. Site C – Chorro Valley (2.04)
3. Site G – Giannini Property (2.04)
5. Site A – Chevron (1.94)
6. Site D – CMC Wastewater Site (1.93)
7. Site F – Panorama (1.85)

Site E – Power Plant Site

Score: 8.07

Rank: 1

- Advantages

- Lowest Cost; Central Location
- Outside Flood and Tsunami Zone
- Not Visible from Shore or Highway 1
- Vacant Industrial Site
- No Agriculture or ESHA

- Challenges

- Across from homes on Scott Street (odors? views?)
- Cultural Resources
- Possible Site Remediation



Site B – Morro Valley

Score: 7.72

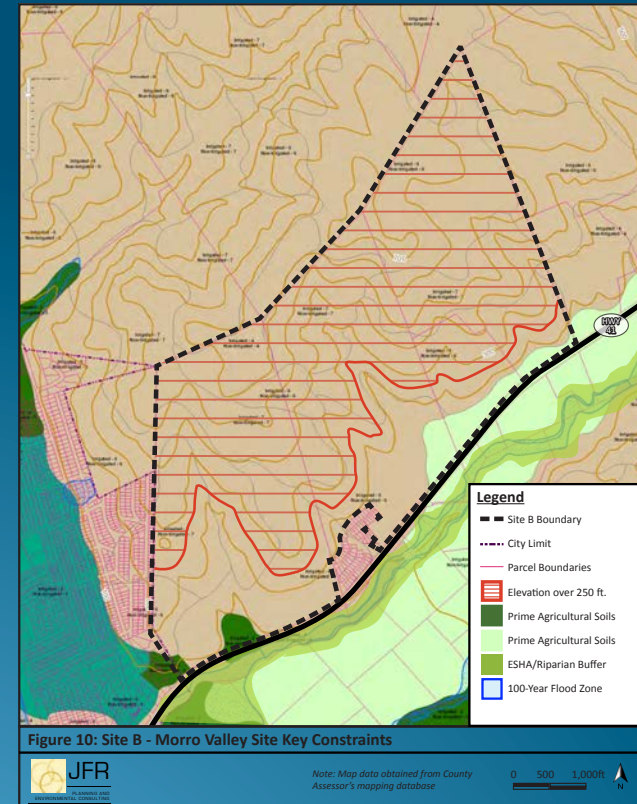
Rank: 2

- Advantages

- Ranked highest for Environmental
- Relatively Lower Cost
- Excellent Proximity to Reclamation
- Large properties—flexible design
- Flood Zone, ESHA can be avoided

- Challenges

- Distance up Highway 41 Increases Costs
- Prime Ag Soils in certain areas
- Visibility from Highway 41 to avoid high elevation



Site C – Chorro Valley

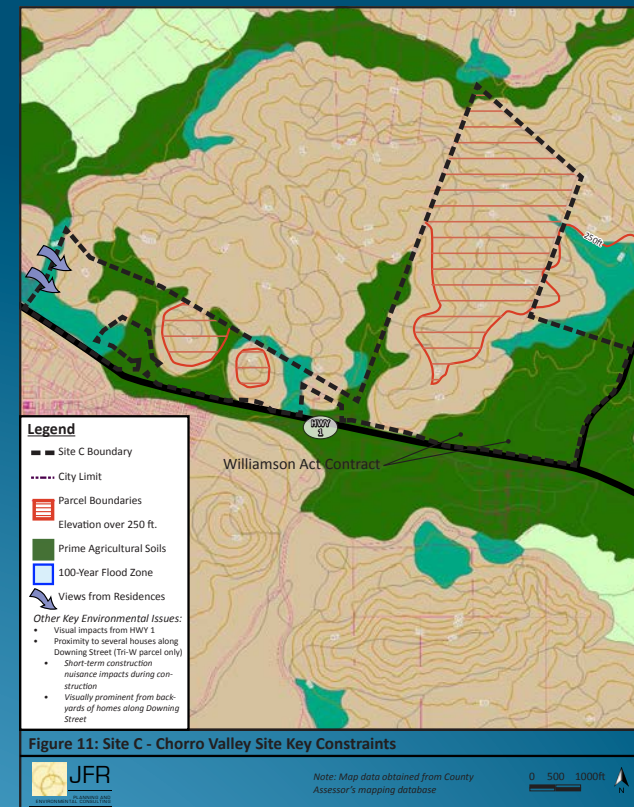
Score: 7.01
Rank: 3

- Advantages

- Near Chorro Creek (Reclamation)
- Location Minimizes Coastal Issues
- Some Ag Irrigation Potential
- Flood Zone, ESHA can be avoided

- Challenges

- Distance from City Increases Costs
- Prime Ag Soils in many areas
- Visibility from Highway 1 to avoid high elevation
- Visibility from nearby homes possible

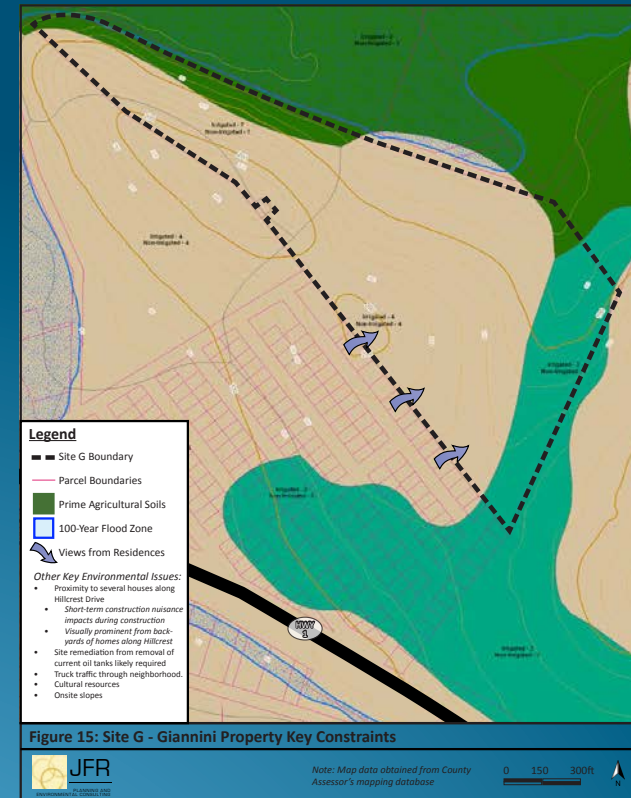


Site G – Giannini Property

Score: 6.92

Rank: 4

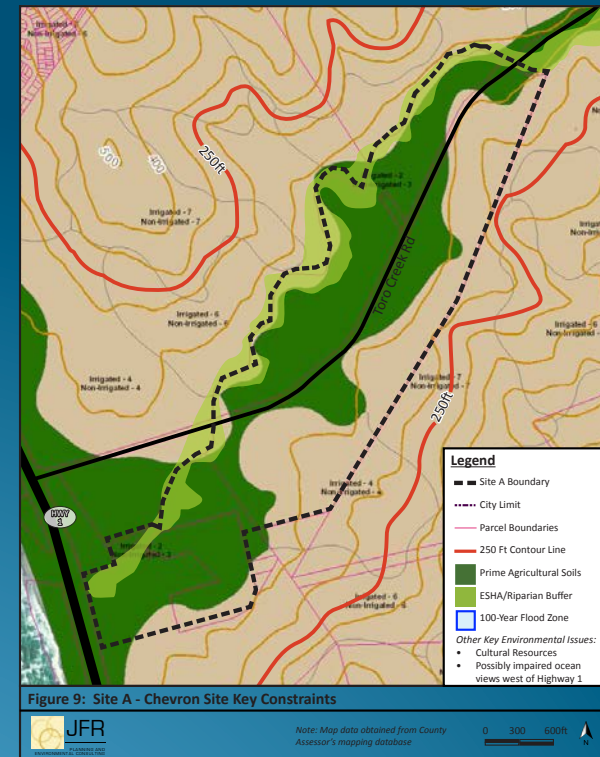
- Advantages
 - Good Ag Reclamation Potential
 - Location Minimizes Coastal Issues
 - Flood Zone can be avoided
 - No ESHA
 - Relatively Lower Cost
- Challenges
 - Possible neighborhood traffic
 - Cultural Resources; some Prime Ag
 - Sloping site creates design challenges
 - Proximity to homes unless built downslope



Site A – Chevron

Score: 6.85
Rank: 5

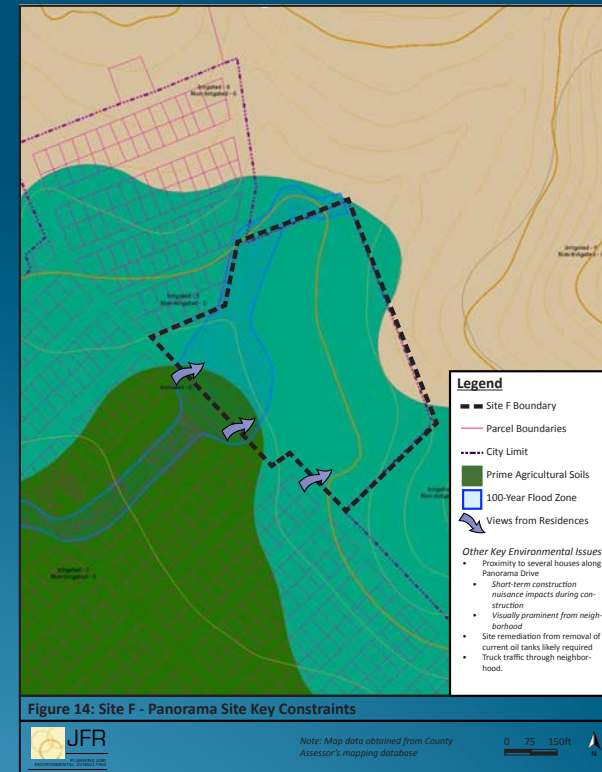
- Advantages
 - Existing Industrial Site
 - No Neighbors
 - Highway Proximity
- Challenges
 - Far from Reclamation Opportunities
 - Prime Ag, ESHA, Cultural Resources
 - Visual Impacts
 - Relatively Higher Cost



Site F – Panorama

Score: 6.44
Rank: 6

- Advantages
 - Already in City
 - Industrial Site
 - No coastal proximity issues
- Challenges
 - Small site; design challenges
 - Neighborhood traffic
 - Relatively Higher Cost
 - Site likely needs clean up (oil tanks)
 - Far from reclamation opportunities
 - Proximity to homes (views, odors)
 - 100-Year Flood Zone on a third of site

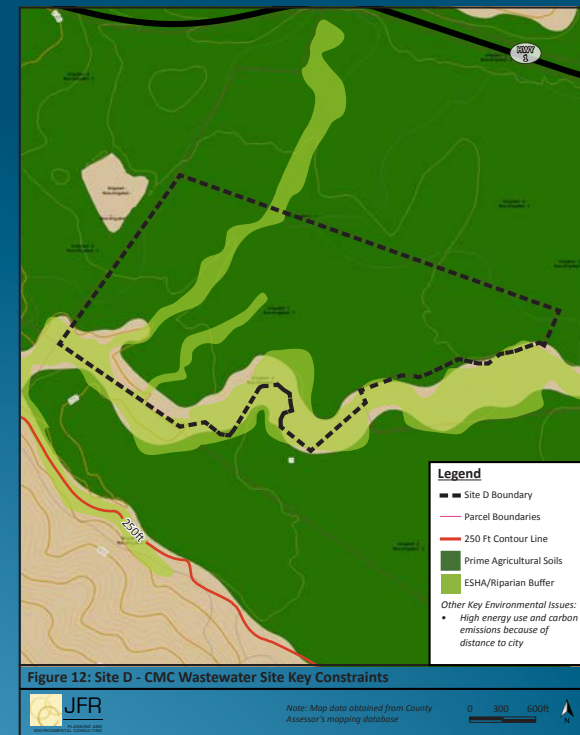


Site D – CMC Wastewater Site

Score: 5.01

Rank: 7

- Advantages
 - Possible shared reclamation potential with CMC
 - No neighbors
 - No coastal proximity issues
 - Good access to Highway 1
 - Partly outside of Coastal Zone
- Challenges
 - Extremely High Cost – Distance to City
 - Non-Production Prime Soils must be addressed
 - Possible challenges in working with State Dept. of Corrections
 - Distance to City Means High Energy (and GHG) Costs
 - Limited Potential to serve other City needs
 - Riparian habitat areas must be avoided



A Word About Cost

- All Sites Will be Costly
- Power Plant will be lowest; CMC will be highest
- Rough Cost Estimates in Report
 - Intended to show a rough order of magnitude
 - Useful to show relative costs from site to site
 - Are not based on detailed design
 - Reflect a mid-point in a wide range
 - Could change up or down depending on design

Where Do We Go from Here?

More Feedback from You Tonight

- Questions and Answers
- “Report Card” on how well we reflected your concerns

Beyond This Workshop

- City Council Workshop (November 12, 2013)
- Revise First Draft into a Second Draft Report
- Present Second Draft to City Council (December 10)
- City Council Actions
 - Final Input on Second Draft Report
 - Confirm WRF Project Goals
 - Choose a Site
 - Direct Staff to Identify and Begin Due Diligence Steps
- Staff to Report back and engage public through process

Later Goals

- Reach Agreement with Property Owners
- Identify and Conduct Needed Technical Studies for Site
- Hire Design Engineer
- Project Design
 - This will relate to cost, site and facility purpose
 - Technology used must be consistent with these goals
- Funding, Site Acquisition, CEQA, Permitting, Construction



We Welcome Your Feedback!

Planning-Level Cost Ranges

Key Points

- Cost ranges (+/-25%) are based on our interpretation of City goals
- “Onsite” plant and biosolids costs assumed to be same for all sites
- Project cost opinions will be developed as part of subsequent planning and design work
- Opinions in the Options Report relevant only for comparing sites
- Compare raw wastewater conveyance, recycled water facilities, and wet weather disposal costs
 - These are the only costs that vary among alternatives

	Site A	Site B	Site C	Site D	Site E	Site F	Site G
Major Cost Component	Midpoint of Cost Range	Midpoint of Cost Range	Midpoint of Cost Range	Midpoint of Cost Range	Midpoint of Cost Range	Midpoint of Cost Range	Midpoint of Cost Range
Raw Wastewater Pumping and Conveyance	\$9,450,000	\$9,450,000	\$10,675,000	\$26,250,000	\$3,150,000	\$8,575,000	\$7,700,000
Tertiary Treatment Plant with Disinfection and Solids Handling Facilities	\$32,960,000	\$32,960,000	\$32,960,000	\$32,960,000	\$32,960,000	\$32,960,000	\$32,960,000
Advanced Treatment, Pumping, and Conveyance for Recycled Water Users	\$21,258,500	\$15,408,500	\$19,958,500	\$29,058,500	\$17,358,500	\$20,608,500	\$19,958,500
"Wet Weather" Disposal Pumping and Conveyance	\$4,387,500	\$4,387,500	\$3,737,500	\$12,187,500	\$1,267,500	\$3,737,500	\$3,087,500
Estimated Construction Cost Subtotal	\$68,056,000	\$62,206,000	\$67,331,000	\$100,456,000	\$54,736,000	\$65,881,000	\$63,706,000
Construction Contingency	\$20,416,800	\$18,661,800	\$20,199,300	\$30,136,800	\$16,420,800	\$19,764,300	\$19,111,800
Admin, Design, Management	\$20,416,800	\$18,661,800	\$20,199,300	\$30,136,800	\$16,420,800	\$19,764,300	\$19,111,800
Estimated Construction Cost Total	\$110,000,000	\$100,000,000	\$110,000,000	\$160,000,000	\$90,000,000	\$110,000,000	\$100,000,000

Morro Bay New Water Reclamation Facility Project
Community Feedback Exercise, November 5, 2013
Issues and Weighting Used in the Options Report

Project Issues	Relative Weight (1-10; 10 highest)	Too High	Too Low	Just Right	Comments on Ratings
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Environmental: 28.6%

Avoid Coastal Hazards	8				
Avoid Steep Slopes and High Elevation	3				
Promote Public Access/Recreation	5				
Minimize Visual (and other proximity) Impacts	10				
Sustainable Use of Public Resources	10				
Avoid Environmentally Sensitive Habitat Areas	8				
Avoid Cultural Resources	7				
Avoid Agricultural Resources	8				
Promote Coastal Dependent Development	6				
Minimize Carbon Footprint	7				
Minimize Traffic	3				

Logistics: 14.1%

Complies with NPDES Permit Requirements	10				
Minimizes Project Implementation Schedule	8				
Ease of Property or Right-of-Way Acquisition	7				
Configuration and/or Expandability of the Site	8				
Multi-Agency Use Potential	3				

Engineering and Design: 27.1%

Minimizes Distance for City Collection System	7				
Minimizes Distance to Direct or Indirect Reuse	7				
Ability to Use a Range of Treatment Technologies	8				
Ability to Include Multiple Functions	4				
Ability to Remove Contaminants of Emerging Concern	2				
Potential to Generate Energy and Revenue	5				

Cost: 30.2%

Minimizes Capital Costs	6				
Minimizes Operating Costs	7				
Minimizes User Cost (increases to monthly bills)	10				

All Issues: 100%



AGENDA NO: B-2

MEETING DATE: November 12, 2013

Staff Report

TO: Honorable Mayor and City Council **DATE:** November 8, 2013

FROM: Cindy Jacinth, Associate Planner

SUBJECT: Amendment of Conditional Use Permit #UP0-342 and Adoption of Amended Mitigated Negative Declaration for 901-915 and 945 (waterside Embarcadero)

RECOMMENDATION

Staff recommends the City Council conditionally approve the project by adopting a motion to include:

- 1) Approve and adopt the amended Mitigated Negative Declaration (SCH#2012091063) in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et. Seq.) and adopt the findings included as Exhibit "A", including findings required by the California Environmental Quality Act (CEQA) and
- 2) Concept Plan Approval of the amendment of Conditional Use Permit #UP0-342 subject to the Findings included as Exhibit "A" and the Conditions of Approval as included as Exhibit "B"

ALTERNATIVES

Alternative 1. The City Council may move to approve the staff recommendation with modified conditions.

Alternative 2. The City Council may move to deny the request to amend Conditional Use Permit #UP0-342 and not certify the amended Mitigated Negative Declaration. Should the Council choose this option, staff recommends the Council agendaize for a future meeting, the discussion and approval of an amended Harbor lease for the Applicant that would be consistent with the denial of this amendment request.

FISCAL IMPACT

There will be no impact to the general fund as the applicant has paid the required fees dictated by the City Master Fee Schedule for amendment to a Planning permit and amendment to the environmental document. These fees offset staff time from various City Divisions reviewing the project, revising the environmental document, and preparing the staff report and noticing.

SUMMARY

Prepared by: <u>CJ</u>	Dept. Review: <u>RL/KW</u>
City Manager Review: _____	
City Attorney's Review: _____	

The Applicant is requesting an amendment to their Conditional Use Permit for their Concept Plan for the Held Harbor Center proposing various waterside and landside improvements as specified below and as further detailed in the Planning Commission staff report attached as Exhibit E. The Held Harbor Center located at 901-915 Embarcadero was issued Conditional Use Permit (#UP0-342) on December 11, 2012 by City Council after receiving Planning Commission approval at its November 7, 2012 meeting.

BACKGROUND

At its regular meeting on October 16, 2013 the Planning Commission conditionally approved the request to amend Conditional Use Permit #UP0-342 to allow various land and waterside improvements which include the following:

1. Modify water lease sites 93W-95W and 96W increasing 93W-95W by 2400 square feet and decreasing 96W by 2400 square feet.
2. Decrease the existing 1,676 square foot retail building by 232 square feet for a total of 1,444 square feet.
3. Increase the size of the new 201 square foot ADA compliant public restroom by 42 square feet for a total of 243 square feet.
4. Decrease the size of the 850 square foot glass court by 121 square feet for a total of 729 square feet for a net increase of 97 square feet over existing.
5. Decrease the size of the new retail space by 56 square feet from 590 square feet to 534 square feet.
6. Increase the 1,196 square foot walkway by 83 square feet for a total of 1,279 square feet.
7. No changes are proposed to the approved 284 square foot outdoor dining area.

Waterside improvements include the construction of a head float with four finger style docks, 13 new piles, and a gangway with landing and security gate which includes:

8. Increase floating dock area from 248 linear feet to 318 linear feet for a net increase of 70 linear feet.
9. A change in the location and amount of pilings to be installed. The original project had 8 new (main & bumper) pilings. The amended project proposes 13 (main & bumper) pilings which are new and/or sleeved.
10. A change in the location and amount of pilings to be removed/or sleeved. The original proposal had 5 pilings proposed for removal/abandonment, the project now proposes 3 pilings be sleeved and the remaining 2 pilings be removed/abandoned.

After receiving City approvals in 2012 for its concept plan, the Applicant submitted the project to the California Coastal Commission for a coastal development permit. During the course of the coastal development permit processing, initial comments were received from Coastal staff to the applicant which primarily requested modifications to the project including changes to the original view deck which partially covered a portion of existing Eelgrass bed.

During this same time the neighboring lease site (96W), occupied by the business, Rocca's, was working with the City to modify its lease agreement in order to develop an alternate lease site

plan due to the small size of the lease size and corresponding financial infeasibility. In conversation with the City Harbor Department, the Applicant has agreed to include a portion of 96W into the lease agreement for 93W-95W which would allow the Applicant to expand its dock project. The proposed project is a result of negotiations between the Applicant and the City of Morro Bay.

The resulting changes to the lease line boundaries between 95W and 96W coupled with the requested modifications from the Coastal Commission resulted in a new project description that necessitated both an amendment to the Applicant's approved conditional use permit (#UP0-342) and also the Mitigated Negative Declaration.

DISCUSSION/ANALYSIS

This proposal was heard at the October 16, 2013 Planning Commission. During this hearing the applicant spoke and indicated they had two requests, one to phase the project and the other to modify Fire condition number 10 to clarify the responsibilities of the applicant. It was the decision of the Planning Commission to forward a favorable recommendation to the City Council to conditionally approve the amendment to UP0-342 with the requested phasing and directing staff to work with the Fire on condition number 10.

Planning, Harbor and Fire Department staff met to clarify the proposed Fire conditions in order to ensure fire safety on the wharf. Fire Department modified their conditions of approval in a memo dated November 8, 2013 which modifies condition number 10 by deleting paragraph d. The revised conditions are incorporated into this conditional use permit.

Lease Areas: The adjustment of the lease site boundary for 93W-95W as originally proposed was approved by City Council, via adoption of Resolution 42-13 on July 9, 2013. The Applicant's proposal to modify water lease sites 93W-95W and 96W to increase 93W-95W by 2,405 square feet and decrease 96W by 640 square feet is agendized for approval at the November 12, 2013 Council meeting. The additional area added to sites 93W-95W is through moving the northwesterly boundary bayward. The lease site 96W is the water lease site located behind Rocca's restaurant at 945 Embarcadero.

Project Phasing: The Applicant has requested to phase the work described in the project. The Applicant's existing Master Lease with the City requires completion of all phases of the proposed project, but does not reflect the new additional docks to be constructed as part of the lease site boundary amendment between 93W-95W and 96W. Additionally, phasing the project will allow the Applicant to minimize or avoid any construction impact to surrounding businesses during the busy summer months. Staff has conditioned the project to submit a detailed phasing plan with the precise plan submittal. A precise phasing plan will ensure that both the city and applicant is aware of which improvement and/or conditions will need to be satisfied to receive a final on that phase.

Parking: Staff reviewed the proposed amendment for impacts to parking in order to determine if the proposed changes would require either additional parking or in lieu fees. Both the data of the proposed changes and also the historical information determined that the requested

amendment to the Conditional Use Permit will result in one more parking space need. The net changes to the project resulted in the following parking changes. The original proposal required 37 parking spaces. The addition of docks coupled with the decrease in retail space results in a parking demand of 38 spaces. The project has a documented parking credit of 41 spaces; therefore there remains a credit of 3 spaces.

Environmental Review: Due to the change in project description, there were environmental issues not addressed in the original environmental document including a change in the project boundary. Pursuant to the California Environmental Quality Act (CEQA), an amendment of the previously certified Initial Study-Mitigated Negative Declaration (MND) was prepared and circulated for public comment. The environmental impacts identified in the MND that were analyzed and mitigated to less than significant with the mitigation measures incorporated into the project were Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology and Noise. Each of these issue areas were analyzed for setting, impact and mitigation to levels of less than significant. The mitigations are incorporated as conditions to the project.

No comments were received either during or after the public comment period which was August 29, 2013 to September 27, 2013.

Local Coastal Plan/General Plan/Waterfront Master Plan:

The request for amendment to the Conditional Use Permit was reviewed in relationship to the original Conditional Use Permit examining it for consistency and any resultant effects including environmental issues. The proposed amendment request is consistent with the original proposal. Pursuant to the Precise Plan requirements as detailed at MBMC 17.40.030, the Applicant will be required to submit for Precise Plan approval to the Planning Commission as well as submit to the City evidence of a coastal development permit prior to issuance of a building permit.

As further described in the Planning Commission staff report dated October 10, 2013, the project was reviewed for consistency with Waterfront Master Plan design guidelines, General Plan, and Local Coastal Plan (LCP) consistency. Based on these guidelines, the project meets the following:

- Existing view corridors will remain and change of glassed in corridor to a public walkway will increase pedestrian access.
- The existing structure is 17.1 feet in height and the proposed additions are consistent with the existing building heights and under the 25 foot maximum height limitation. The Council approval on December 11, 2012 included a condition that the Applicant to reduce the façade height on the west two-thirds of the building. The Applicant has modified their project to incorporate this change.
- The building lot coverage for this zoning is 90 percent of the land portion of the properties. The 2012 approved Conditional Use Permit proposed lot coverage at 60.4 percent and with the proposed 2,400 square foot expansion of the new water lease area, lot coverage, excluding the floating dock or gangway, is reduced to 47.9 percent.
- The proposed additions and building changes will assist in continuing the fishing village

- atmosphere and would increase the physical and visual cohesiveness for the area.
- The project preserves and enhances existing viewsheds of the bay by providing additional opportunities to view the bay and makes a positive contribution to the working fishing village character and quality of the Embarcadero area.
 - The project is consistent with area wide design compatibility by adding to a continuous pedestrian linkage along the waterfront, and linking the proposed additions to the architectural character of the neighboring buildings.
 - The project enhances water dependent uses by replacing lost dockage that can be used for general berthing. The project is not replacing dockage for sport fishing uses; however, the project is not within Measure D guidelines and sport fishing is an allowed use south of Beach Street.

The proposed uses are consistent with the existing use. The upgrade of existing facilities and proposed dock project is consistent with upgrades along the Embarcadero. The dock improvements, proposal for walkway improvements, general public seating area, new retail, ADA-compliant public bathrooms will result in increased visitor access in this visitor-serving area which is consistent with both the policies of the Local Coastal Plan and the California Coastal Act.

CONCLUSION

The proposed project, as conditioned, would be consistent with all applicable development standards of the Zoning Ordinance, and applicable provisions of the General Plan and Local Coastal Plan, and Waterfront Master Plan. No modifications or exceptions to City development requirements are proposed. All existing conditions of UP0-342 will be incorporated and will remain in full force and effect.

Exhibits:

Exhibit A – Findings for approval

Exhibit B – Revised Conditions of Approval for Conditional Use Permit #UP0-342

Exhibit C – Visual Simulations, existing and proposed

Exhibit D – Planning Commission Staff Report for 10/16/2013 meeting

Exhibit E – Planning Commission Minutes for 10/16/2013 meeting

EXHIBIT A: FINDINGS

Amended UP0-342 Held Harbor Center Project; 901-915 Embarcadero and 945 (waterside) Embarcadero

Request for amendment to Conditional Use Permit #UP0-342 to make various waterside and landside improvements including modifications and additional construction that would result in a total floor area of 6,852 sf (6,623-sf main floor, 229-sf upper floor) and increase of total walkway area from 1,196 sf to 1,279 sf. The modifications include actions of constructing a new 534 square foot retail unit, remodel and enlarge two existing restrooms from 201 sf to 243 sf, convert glass court outdoor dining to general public seating to decrease glass court from 850 sf to 729 sf, enlarge existing harbor walkway from 1,196 to 1,279 sf, install floating docks with slips and gangway, restripe existing parking spaces and minor building façade improvements.

The proposed marine related improvements include the construction of a head float with four finger style docks, 13 new piles, and a gangway with landing and security gate. The project will result in the disturbance of approximately 7,357 sf (0.17 acre) including approximately 434 sf (building), 723 sf (walkway), and up to 6,200 sf for sidewalk removal and replacement. No cut or fill is proposed.

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. CP0-342 is subject to a Mitigated Negative Declaration based upon potentially significant impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology and Noise. With the implementation of required conditions of approval included in the Mitigated Negative Declaration (SCH#2012091063), the environmental impact of the proposed development will be less than significant.

- B. Changes have been incorporated into the project which avoid or substantially lessen the significant environmental effect, and have been included as conditions of approval, given herein as Exhibit B.

Waterfront Master Plan Findings

- A. The proposed project makes a positive contribution to the visual accessibility to the bay and rock while increasing visitor serving and waterfront activities:
 - a. As conditioned, meets the Waterfront Master Plan's height limit and maximum building coverage, bulk, and scale requirements in that the proposed project does not exceed the maximum height allowed and articulation breaks up the bulk and scale.

- b. In the case of granting height greater than 17 feet for the proposed additions, the proposed project also provides significant public benefit pursuant to the Planned Development Overlay zone requirements in that the proposed project provides pedestrian access to the proposed bay front lateral access, two public American with Disabilities Act (ADA) compliant restrooms, establishes wider sidewalks to increase pedestrian circulation, creates a view corridor where no such corridor currently exists, adds landscaping, and redevelops land and water lease sites that currently have visually unappealing, aging structures or lack facilities.
- c. The proposed project provides the amenities identified in the Waterfront Master Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography in that the design provides a wide public view corridor, public lateral access and pedestrian amenities.
- d. The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero area in that the new project will add to the pedestrian orientation while maintaining the commercial fishing character of the Embarcadero.
- e. The design recognizes the pedestrian orientation of the Embarcadero and provides an interesting and varied frontage that will enhance the pedestrian experience in that the new building will open up to the passing pedestrians along the Harbor Walk and draws individual's attention to the natural beauty of the bay.
- f. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function and the uses proposed in that the new structure will provide more horizontal and vertical articulation, and the public will be invited into the space via a new view corridor from the Harbor Walk and will be directed through the glassed in corridor to the Harbor Walk by access signage. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings and provides a visual and pedestrian transition to its immediate neighbor in that the existing and new construction of both the building additions, restrooms and new walkways is in keeping with the architectural style, massing, materials, scale, and use of its surroundings.

Conditional Use Permit Findings

- A. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working along the Embarcadero in that the proposed Harbor Center is a permitted use within the zoning district applicable to the project site and said structure, walkway, restroom, and dockage improvements comply with all applicable project conditions and City regulations.
- B. The project will not be injurious or detrimental to property and improvements along the Embarcadero and the general welfare of the City in that the proposed Harbor Center improvements will provide additional public benefit and is consistent with the character of the existing development.

C. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the City in that the Harbor Center improvements are a permitted use within the zoning district applicable to the project site and said structure complies with all applicable project conditions and City regulations.

EXHIBIT B

CONDITIONS OF APPROVAL

As modified on November 8, 2013

Amended UP0-342 Held Harbor Center Project; 901-915 Embarcadero

Request for amendment to Conditional Use Permit #UP0-342 to make various waterside and landside improvements including modifications and additional construction that would result in a total floor area of 6,852 sf (6,623-sf main floor, 229-sf upper floor) and increase of total walkway area from 1,196 sf to 1,279 sf. The modifications include actions of constructing a new 534 square foot retail unit, remodel and enlarge two existing restrooms from 201 sf to 243 sf, convert glass court outdoor dining to general public seating to decrease glass court from 850 sf to 729 sf, enlarge existing harbor walkway from 1,196 to 1,279 sf, install floating docks with slips and gangway, restripe existing parking spaces and minor building façade improvements.

The proposed marine related improvements include the construction of a head float with four finger style docks, 13 new piles, and a gangway with landing and security gate. The project will result in the disturbance of approximately 7,357 sf (0.17 acre) including approximately 434 sf (building), 723 sf (walkway), and up to 6,200 sf for sidewalk removal and replacement. No cut or fill is proposed.

STANDARD CONDITIONS

1. Permit: This permit is granted for the land described in the staff report referenced above, and all attachments thereto, dated October 10, 2013, for the project depicted on the attached plans labeled "Exhibit E", dated May 30, 2013, on file with the Public Services Department, as modified by these conditions of approval.
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 Public Services 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 Public Services 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 herein shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services 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 associated with the building improvements, 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.

FIRE CONDITIONS (Revised November 8, 2013)

9. Fire Safety During Construction and Demolition. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations (CFC Chapter 14). Compliance with NFPA 241 is required for items not specifically addressed herein.
10. Fire Sprinkler Coverage. Sprinkler coverage shall be extended to include the following areas, pursuant to Morro Bay Municipal Code (Sections 14.08.090):
 - a. New retail unit (590 sf.), extend coverage.

- b. Restroom remodel (216 sf.), extend coverage.
- c. Glass court addition (218 sf.) and Janitor Storage room, extend coverage.

11. Fire Protection for Wharves and Docks. Firefighting appliances and equipment shall be provided and maintained in an operable manner for all commercially operated marinas and dock facilities, as specified by ordinances of the city, and all installations shall be subject to the approval of the chief of the fire department. (MBMC Sections 14.08.090 (K) and 14.52.060)

- a. Fire Protection Equipment-Standpipes. Marinas and boatyards shall be equipped throughout with standpipe systems, in accordance with NFPA 303. Systems shall be provided with hose connections located such that no point on the marina pier or float system exceeds 150 feet from a standpipe hose connection. (CFC 4504.2) **Applicant shall provide an Automatic wet-Class III Standpipe System for protection of the floating dock system.**

Applicant must submit plans for the Standpipe system and hose cabinet, in accordance with NFPA 13, to Public Services Department for review.

12. Knox Key Box-Where Required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. (CFC 506.1)

- a. Number of Boxes and Locations. The applicant shall provide two (3) exterior mounted boxes, one located on the Embarcadero frontage, **the west side (waterside) of the structure or security gate**, and one Knox Remote Electrical Power Shutdown Station (4506 series), to be located next to the Trash/Utility Room (south side).

BUILDING DIVISION CONDITIONS

13. Building Permit Application: Prior to construction, the applicant shall submit a complete application to the building department and obtain the required building permit.

PUBLIC WORKS CONDITIONS

14. The sidewalk along the south side of the building shall have four feet clear sidewalk at all times; any doorways or obstructions shall not be allowed to encroach into the four foot pedestrian sidewalk. The existing light pole can be relocated into a parking lot bulb out between parking stalls or removed and replaced with a light source which doesn't obstruct the four foot pedestrian sidewalk.

15. The parking stalls adjacent to the south side of the building shall be configured to be compact spaces (8½ ft wide by 18 ft long) with wheel stops. The last two parking stalls to the west can remain standard size (10 ft wide by 20 ft long). Shift the parking stall accordingly so that the first stall does not conflict with the radius of the handicap ramp.
16. All sidewalks surrounding the building shall be replaced with standard concrete, and the handicap ramp at the corner shall be replaced to meet current ADA regulations.
17. Map exhibits and legal descriptions depicting the revised boundaries of Lease 93W-95W must be prepared and stamped by a licensed professional Land Surveyor as a condition of the CUP amendment.

PLANNING DIVISION CONDITIONS

18. Original Conditions of UP0-342: All original conditions of UP0-342 approved by City Council on December 11, 2012 shall be incorporated by reference as if fully stated herein and shall remain in full force and effect.
19. Lease Area: Prior to commencement of any activities within the proposed lease expansion area, the owner or designee shall obtain approval from the City to expand the water lease to include a portion of 96W, consistent with the plans shown on Exhibit E, dated May 30, 2013.
20. Precise Plan: Upon approval of the City Council of the concept plan, a precise plan of development shall be submitted to the planning commission consistent with code section 17.040.030G.
21. Precise Plan Sheet: All conditions of approval, including the required MND mitigation measures shall be included in the precise plan, as a separate sheet attached to the plan set.
22. Environmental Fees: Within four days of certification of the Mitigated Negative Declaration, the applicant shall submit a check made payable to the County Clerk for the following fees: \$2,156.25 for the California Department of Fish and Wildlife, plus the \$50 County Clerk filing fee for the Notice of Completion, for a total of 2206.25. The City of Morro Bay shall file the Notice of Completion with the County Clerk to comply with state requirements.
23. Signage: The applicant shall provide a signage program, including coastal access signs, as part of the precise plan by submitting application for a sign permit to the Planning Division.
24. Architectural Design and Color Palette: The applicant shall submit a design for the

awnings and new building addition, and a color palette for the overall project at the precise plan stage.

25. Phasing: The applicant shall construct the project in three phases as stated below. No final shall be granted for any phase unless all public amenities have been completed such as, but not limited to, public seating, parking improvements, walkway, and public access. The applicant shall submit prior to Precise Plan approval a detailed phasing schedule to be approved with the Precise Plan which includes the scope of work for each phase and completion timeline in order to minimize impact to the waterfront from Memorial Day to Labor Day.
- a. Phase 1: November 2014- May 2015: Commence construction of sidewalks, siding, marquee, and work on the street side(s) of project.
 - b. Phase 2: November 2015-May 2016: Commence construction of Harbor Walk, new retail unit and reconfiguration of the restroom.
 - c. Phase 3: November 2016-May 2017: Commence construction of all docks and gangway.

ENVIRONMENTAL CONDITIONS

Conditions: The environmental mitigation measures have been incorporated as conditions as follows below. In addition, the applicant shall conduct the required monitoring as established for each mitigation measure and confirm compliance with these conditions to the satisfaction of the Environmental Coordinator.

- AES/mm-1 Prior to issuance of precise plan approval or if no precise plan is needed a building permit, a comprehensive lighting plan (photometric plan) shall be submitted for review and approval by the Planning Division of the Public Services Department. The lighting plan shall be prepared using guidance and best practices endorsed by the International Dark Sky Association. The lighting plan shall address all aspects of the lighting, including but not limited to all buildings, infrastructure, parking and driveways, paths, floating dock, safety, and signage. The lighting plan shall include the following at minimum:
- a) The location, type, and wattage of all light fixtures (including catalog sheets for each fixture) shall be illustrated and a maximum ten-foot by ten-foot grid of both the initial and maintained lighting levels on the site with the following information to be included:
 - b) Footcandle Distribution, plotting the light levels in footcandles on the ground, at the designated mounting heights for the proposed fixtures. Maximum illuminance levels should be expressed in footcandle measurements on a grid of the site showing footcandle readings in every five or ten-foot square. The grid shall include light contributions from all sources (i.e. pole mounted, wall mounted, sign, and street lights.) Show footcandle renderings five feet beyond the property lines.

- c) The maximum light intensity on a nonresidential site shall not exceed a maintained value of ten footcandles, when measured at finished grade.
- d) All exterior lighting shall be designed and located so that only the intended area is illuminated and off-site glare is prevented.
- e) All lighting shall be cutoff style fixtures that are directed downward to prevent glare on adjacent and surrounding areas (i.e., Morro Bay, sandspit), and shall be limited to the maximum extent feasible while still providing for public safety.
- f) Lights shall have solid sides and reflectors to further reduce lighting impacts, and shall be placed on a switch or timer to turn them off when not needed during the late evening.
- g) Boat dock lighting shall be designed to reduce brightness and prevent off-site glare.

AES/mm-2 Prior to issuance of a building permit, the applicant shall submit building plans and elevations for review and approval consistent with the following conditions:

- a) No highly reflective glazing or coatings shall be used on windows.
- b) All reflective exterior materials such as chrome, bright stainless steel, or glossy tile shall be used minimally to minimize new glare.
- c) All existing and newly installed wind screens shall be frosted, partially-frosted, or otherwise treated with visually permeable barriers that are designed to prevent bird strikes.

AQ/mm-1 Upon application for grading and building permits, the applicant shall submit plans including the following notes, and shall comply with the following standard mitigation measures for reducing diesel particulate matter (DPM) emissions from construction equipment as follows:

- (a) Maintain all construction equipment in proper tune according to manufacturer's specifications;
- (b) Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road); SLO County APCD CEQA Air Quality Handbook 20124-14
- (c) Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy duty diesel engines, and comply with the State off-Road Regulation;
- (d) Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;

- (e) Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- (f) All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- (g) Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- (h) Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- (i) Electrify equipment when feasible;
- (j) Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- (k) Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas(CNG), liquefied natural gas (LNG), propane or biodiesel. Best Available Control Technology (BACT) for Construction Equipment

AQ/mm-2

Upon application for grading and building permits, the applicant shall submit plans including the following notes, and shall comply with the following standard mitigation measures for reducing fugitive dust emissions such that they do not exceed the APCD's 20 percent opacity limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402) as follows:

- a. Reduce the amount of the disturbed area where possible;
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and 1 The value used to calculate off-site mitigation is based on the ARB approved Carl Moyer Grant Program and is updated on a periodic basis. The Carl Moyer cost effectiveness value as of 2009 is \$16,000 per ton. SLO County APCD CEQA Air Quality Handbook 2012
- f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

AQ/mm-3

Demolition of the existing onsite structures and/or infrastructure shall be conducted in compliance with applicable regulatory requirements, including the requirements stipulated in the National Emission Standard for Hazardous

Air Pollutants (40 CFR 61, Subpart M – asbestos NESHAP). These requirements include, but are not limited to, notification to the APCD, an asbestos survey conducted by a Certified Asbestos Inspector, and applicable removal and disposal requirements of identified asbestos containing materials. The applicant shall submit to the Planning Division documentation that they have complied with the above requirements prior to issuance of any type of building permit.

BIO/mm-1 Prior to issuance of building permits, the applicant shall submit construction plans demonstrating the following:

- a. The new overhanging boardwalk shall be constructed with grated or translucent material to allow sunlight to pass through to the water below.
- b. The support beams shall be minimized to the greatest extent possible in that they should be sized to support the boardwalk and not increased in size to address aesthetics or to provide utility runs.

BIO/mm-2 Prior to issuance of any building permit, the applicant shall submit construction plans demonstrating the following:

- a. All new docks shall be designed to avoid the known eelgrass beds and where located within areas of potential habitat be constructed with 2 foot wide grated or translucent material panels to allow sunlight to pass through to the water. These panels shall be placed at a minimum of every twenty feet or in all areas where there is no floatation and it will not compromise the structural stability of the docks.

BIO/mm-3 All Eelgrass beds shall be protected in perpetuity and no long-term shading of the area shall occur. No boat, kayak or any water vessel storage (mooring) shall be allowed. Interpretive signage shall be placed both landside and dockside (public boardwalk) explaining about Eelgrass, Eelgrass habitat and that water vessel mooring is prohibited. This language on the signs shall be review and approved by the Planning Division and installed prior to receiving a final on the building permit.

BIO/mm-4 The following actions shall be required to mitigate impacts to existing Eelgrass.

Eelgrass Surveys:

1. A pre-construction survey (conducted in accordance with the National Marine Fisheries Service (NMFS) Southern California Eelgrass Mitigation Policy) shall be submitted to the City’s Planning Division (Environmental Coordinator) for review prior to issuance of building permit.

A post-construction survey shall be conducted to identify direct construction impacts to existing eelgrass shall be submitted to the City’s Environmental Coordinator for review consistent with the guidelines of the Southern California Eelgrass Mitigation Policy (SCEMP). This post-construction

survey shall be performed within 30 days of completion of all water-side construction activities and prior to requesting a building permit final from the Planning Division.

Eelgrass Monitoring Plan:

2. The applicant shall submit an Eelgrass Monitoring Plan (EMP) to the City Environmental Coordinator for review and approval prior to requesting a final on the building permit from the Planning Division. The EMP shall, at a minimum, provide the following:

- a. Eelgrass Protection. All eelgrass beds identified in the project area shall be shown on a map in site plan view, and shall be protected as eelgrass habitat in perpetuity.
- b. Monitoring and Reporting. A monitoring report prepared in accordance with the Southern Eelgrass Mitigation Policy shall be submitted to the City Environmental Coordinator for review within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measures to offset such reduction within the eelgrass beds in the project area at a mitigation ratio basis consistent with the Southern California Eelgrass Mitigation Policy (SCEMP). The report shall also including annual monitoring for direct and indirect impacts to Eelgrass pursuant to SCEMP.

BIO/mm-5

A. Prior to issuance of building permits, the applicant shall submit documentation verifying that a U.S. Fish and Wildlife Service-approved biologist has been retained to monitor all construction within the water-lease areas.

B. The applicant shall submit a Monitoring Plan that shall be prepared by the retained biological monitor. The Plan shall include, but not be limited to the following:

- a. Prior to the issuance of a building permit, the monitor shall verify compliance with all BIO, GS, HYD, and N mitigation measures, conditions of approval, and regulatory permit conditions (as applicable).
- b. Biweekly monitoring reports shall be provided to the City, including a summary of the each day's activities, summary of any violations or inconsistencies with the mitigation measures/conditions of approval, any remediation actions undertaken by the applicant/construction manager, any verbal or written correspondence with regulatory agencies, and photo-documentation.
- c. In the event of a violation or inconsistency with a mitigation measure, condition of approval, and/or regulatory permit condition, the Plan shall

include a process for emergency reporting in the event of a violation, including a chain-of-command.

- e. The Plan shall identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area.

- BIO/mm-6 All work that disturbs the ocean floor (i.e., removal and installation of pilings) shall be monitored by a U.S. Fish and Wildlife Service-approved biologist to ensure that impacts to marine mammals are avoided. The approved biological monitor shall be present onsite during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter, or other marine mammal, could be affected by the project, even if the animal is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.
- BIO/mm-7 Prior to initiating any piling driving associated with the project, the applicant shall submit to the Planning Division prior to the issuance of a building permit, whether the project will utilize a vibratory hammer, conventional pile driving or water jetting method of construction. If conventional pile driving is utilized, the power to the pile driver should be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced.
- BIO/mm-8 Prior to issuance of grading and building permits, the applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife).
- CR/mm-1 In the event that intact and/or unique archaeological artifacts or historic or paleontological resources are encountered during grading, clearing, grubbing, and/or other construction activities associated with the proposed project involving ground disturbance, all work in the immediate vicinity of the find shall be stopped immediately, the onsite archaeological and Native American monitors shall be notified, and the resource shall be evaluated to ensure the discovery is adequately recorded, evaluated and, if significant, mitigated.
- GS/mm-1 Prior to issuance of grading and building permits, the applicant shall prepare a drainage and erosion control plan to reduce the potential for erosion and down-gradient sedimentation. Grading and construction plan shall include measures to prevent and avoid spills or spread of dangerous materials and clean-up procedures in the event of a spill, and measures to reduce rilling of

any stockpiled soils. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with the erosion control plan.

HAZ/mm-1

Prior to removal of the wood pilings, the applicant shall submit documentation to the Planning Division for review and approval identifying if the wood is “treated wood waste”. A licensed contractor with hazardous materials experience shall evaluate the wood to determine whether the wood is treated or untreated pursuant to the Department of Toxic Substances definition of “treated wood”. In the event the pilings are treated wood waste, the applicant shall dispose of the material at a hazardous waste landfill or qualified solid waste landfill. Documentation of the ultimate disposal of treated wood waste shall be submitted to the planning division prior to a final inspection of the building and prior to any occupation of the new construction.

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

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

HAZ/mm-2

Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis

Obispo Air Pollution Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations shall be followed during demolition activities. Any loose or peeling lead based paint shall be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations.

HAZ/mm-3 At minimum one oil only absorbent spill kit for a capacity of 21 gallons or greater shall be provided on the head float dock in case of accidental release of a hazardous material or liquid into the bay.

HAZ/mm-4 Signs shall be provided on all finger docks stating the location and hours of operation for all pump out facilities in the Morro Bay Harbor.

HYD/mm-1 Prior to issuance of grading and building permits, the applicant shall prepare a Construction Plan, which shall, at a minimum, include the following:

- a. Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas where construction activities and/or staging area to take place shall be minimized to the maximum extent feasible in order to have the least impact on public access and Morro Bay resources, including by using inland areas for staging and storing construction equipment and materials as feasible.
- b. Construction Methods. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from bay and public recreational use areas (including using unobtrusive fencing or equivalent measures to delineate construction areas).
- c. Construction Best Management Practices (BMPs). The Construction Plan shall identify the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including the following: 1) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to the bay; 2) land side equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bay, and all construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; 3) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash

receptacles during wet weather; remove all construction debris from the site); and 4) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of the day.

- d. Construction Site Documents. Copies of all permits and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and copies shall be available for public review upon request. All persons involved with the construction shall be briefed on the content and meaning of all issued permits and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- e. Construction Coordinator. The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies) and that their contact information (i.e., address, phone numbers, etc.) including at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary within 24 hours of receipt of the complaint or inquiry.

HYD/mm-2

Prior to issuance of building permits, the applicant shall submit plans including the following notes, which shall be implemented during installation of pilings. Pilings shall be constructed of steel and/or fiberglass and shall be implanted into the ocean floor with a pile driver or vibratory hammer, as opposed to jetting. The applicant shall comply with these conditions, as required or modified by the Coastal Commission.

- a. Material Containment. Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, wood preservatives, other chemicals, etc.) from entering the harbor or any other state waters. Where additional wood preservatives must be applied to cut wood surfaces, the materials, wherever feasible, shall be treated at an onshore location to preclude the possibility of spills into the harbor or other state waters. A designated staging area shall be used for refueling equipment and vehicles, mixing and storing materials, debris collection and disposal, and containing runoff from any materials that may be used or stockpiled during the project. A floating containment boom shall be placed around all active portions of a construction site where wood scraps or other

floatable debris could enter the water. For any work on or beneath fixed decks, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other material could fall in to the water. The floating boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean-up of foreign materials not properly contained.

- b. Piling Installation Procedures. The new pilings and piling sleeve shall be made from steel and/or fiberglass. Generally, the new pilings shall be installed according to the method that results in the least disturbance of bottom sediments. All piles will be driven into place with a vibratory hammer or piling hammer. If feasible, disturbed sediments shall be contained with a flexible skirt surrounding the driven pile. Construction barges shall be floating at all times and shall only operate at tides high enough so that the barge does not rest on the bottom of the bay.
- c. Procedures for Concrete Work. If pile installation, or any other portion of the operations and maintenance program, requires the pouring of concrete in, adjacent to, or over the water, the following methods shall be employed to prevent uncured concrete from entering the harbor or other state waters:
 - 1) Complete dewatering of the pour site, within a caisson or other barrier; the site to remain dewatered until the concrete is sufficiently cured to prevent any significant increases in the pH of adjacent waters; or,
 - 2) The tremie method, which involves placement of the form in water, inserting a plastic pipe down to the bottom of the form, and pumping concrete into the form so that the water is displaced towards the top of the form. If this method is selected, the displaced waters shall be pumped off and collected in a holding tank. The collected waters shall then be tested for pH, in accordance with the following California Department of Fish and Wildlife recommendations. If the pH is greater than 8.5, the water will be neutralized with sulfuric acid until the pH is between 8.5 and 6.5. This pH-balanced water can then be returned to the sea. However, any solids that settle out during the pH balancing process shall not be discharged to the marine environment.
 - 3) In each case involving such concrete pours in or near the harbor or other state waters, a separate wash out area shall be provided for

concrete trucks and for tools. The wash out area(s) shall be designed and located so that there will be no chance of concrete slurry or contaminated water runoff to the harbor or other state waters, nor into storm drains or gutters which empty into such bodies of water.

N/mm-1: Prior to issuance of grading and building permits, the applicant shall submit a Construction Plan, which shall include a pile driving or vibratory hammer plan and monitoring program (designed by a qualified acoustical engineer) designed to ensure that underwater noise generated by conventional pile driving or vibratory hammer activities are minimized to the maximum extent feasible and do not exceed limits required to ensure impacts to marine life are minimized pursuant to the NOAA Fisheries Interim Sound Threshold Guidance under the Marine Mammal Protection Act (MMPA):

NOAA Fisheries current in-water acoustic thresholds		Threshold
Level A	PTS (injury) conservatively based on TTS	190 dB rms for pinnipeds 180 dB rms for cetaceans
Level B	Behavioral disruption for impulsive noise (e.g. impact pile driving)	160 dB rms
Level B	Behavioral disruption for non-pulse noise (e.g. vibratory pile driving, drilling)	120 dB rms

Source:

http://www.nwr.noaa.gov/protected_species/marine_mammals/killer_whale/threshold_guidance.html

The construction plan shall provide for a hydro-acoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall also provide for additional acoustical best management practices to be applied if monitoring shows underwater noise above the limits then additional noise dampening measures such as alternative pile driving methods, sound shielding, and other noise attenuation devices shall be provided. As an alternative the applicant shall submit documentation from the hammer (either impact or vibratory) that the machinery cannot exceed the limits stated above. If applicant is able to document the noise levels are below those stated above no monitor shall be required.

VISUAL SIMULATIONS



VISUAL SIMULATIONS



VISUAL SIMULATIONS





AGENDA NO: B-1

MEETING DATE: October 16, 2013

Staff Report

TO: Planning Commissioners

DATE: October 10, 2013

FROM: Cindy Jacinth, Associate Planner

SUBJECT: Amendment of Conditional Use Permit #UP0-342 and Adoption of Amended Mitigated Negative Declaration for 901-915 and 945 (waterside) Embarcadero

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by adopting a motion including the following action(s):

- A. Adopt the amended Draft Mitigated Negative Declaration (SCH#2012091063) in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et. Seq.) and adopt the Findings included as Exhibit "A", including findings required by the California Environmental Quality Act (CEQA); and;
- B. Approve Amendment of Conditional Use Permit #UP0-342 subject to the Conditions included as Exhibit "B" and the site development plans dated May 30, 2013.

APPLICANT/ AGENT: Held Family Trust / Cathy Novak Consulting, Agent

LEGAL DESCRIPTION: 901-915 and 945 (water side) Embarcadero Road, immediately northwest of the intersection of Harbor Street and Embarcadero Road. Also known as land lease site 93, 94 and 95 and water lease sites 93W, 94W, 95W and 96W. APN #066-322-001

PROJECT SUMMARY:

The Applicant is requesting an amendment to their Conditional Use Permit for their Concept Plan for the Held Harbor Center. The Held Harbor Center located at 901-915 Embarcadero was issued a Conditional Use Permit on December 11, 2012 by City Council after receiving Planning Commission approval at its October 26, 2012 meeting. Presently, Applicant is proposing various amendments to previously issued Conditional Use Permit #UP0-342 regarding waterside and landside

Prepared By: _____

Department Review: _____

improvements.

The request for amendment to the Conditional Use Permit was reviewed in relationship to the original Conditional Use Permit examining it for consistency and any resultant effects including environmental issues. Because of the new project description and additional impacts not analyzed in the original environmental document, the Mitigated Negative Declaration was amended and re-circulated at the State Clearinghouse (SCH#2012091063) during the period of August 29, 2013 to September 27, 2013.

PROJECT BACKGROUND:

901-915 Embarcadero is on land lease site 93, 94 95 and water lease sites 93W, 94W and 95W and within the Waterfront/Harbor zone with Planned Development and S4 overlay (APN#066-322-001).

Currently on site there is a 6,418 square foot building on the land lease site (6,189sf main story, 229 sf upper storage area) and no dock facilities on the water lease site. On December 11, 2012, the City Council approved a conditional use permit for this project which allowed a new 590 square foot retail unit, remodel of the existing restroom and creation of an additional restroom meeting ADA standards, conversion of 132 square feet of the glass court dining into general public seating, enlargement of the existing harbor walkway by 640 square feet, addition of new harbor walkway and view deck, installation of floating docks and a gangway, adjustment of the water lease line by 4,310 square feet to accommodate the new floating docks (six berthing spaces) and adjustment of the land lease line by 93 square feet. The resultant building would be 7,219 square feet and the docks would be 248 linear feet.

The project was then submitted to the California Coastal Commission to receive a Coastal Development Permit. The Coastal Commission has requested a modification to the size of the building and walkway. These changes coupled with the applicant's desire to expand docks over into water lease site 96W which located behind situs address 945 Embarcadero has resulted in additional impacts not addressed in the original environmental document and therefore the need to amend the environmental in order to address the new project description as well as the new impacts created by the modifications.

PROJECT DESCRIPTION: The following project description details the requested changes from the approved UP0-342 and the project as amended by the Coastal Development Permit and the applicant's proposal to expand the proposed docks over what was known as water lease 96W at 945 Embarcadero.

1. Modify water lease sites 93W-95W and 96W increasing 93W-95W by 2400 square feet and decreasing 96W by 2400 square feet.
2. Decrease the existing 1,676 square foot retail building by 232 square feet for a total of 1,444 square feet.
3. Increase the size of the new 201 square foot ADA compliant public restroom by 42 square feet for a total of 243 square feet.

4. Decrease the size of the 850 square foot glass court by 121 square feet for a total of 729 square feet for a net increase of 97 square feet over existing.
5. Decrease the size of the new retail space by 56 square feet from 590 square feet to 534 square feet.
6. Increase the 1,196 square foot walkway by 83 square feet for a total of 1,279 square feet.
7. No changes are proposed to the approved 284 square foot outdoor dining area.
8. Increase floating dock area from 248 linear feet to 318 linear feet for a net increase of 70 linear feet.
9. A change in the location and amount of pilings to be installed. The original project had 8 new (main & bumper) pilings. The amended project proposes 13 (main & bumper) pilings which are new and/or sleeved.
10. A change in the location and amount of pilings to be remove/or sleeved. The original proposal had 5 pilings proposed for removal/abandonment, the project now proposes 3 pilings be sleeved and the remaining 2 pilings be removed/abandoned.
11. Net changes result in the following parking changes. Original proposal required 37 parking spaces. The addition of docks coupled with the decrease in retail space results in a parking demand of 38 spaces. The project has a documented parking credit of 41 spaces.

Landside Improvements:

The existing structure includes the Hofbrau restaurant, Crills II and Poppy retail stores, seating area and walkway. As proposed, the modifications and additional construction would result in a total floor area of 6,852 sf (6,623-sf main floor, 229-sf upper floor) and total walkway area of 1,279 sf. This includes the following actions:

1. Construct a new 534-square foot (sf) retail unit;
2. Remodel (ADA) and enlarge two existing restrooms to be 243 sf;
3. Convert the existing 632-sf glass court enclosed outdoor dining area to general public seating area of 729 sf;
4. Enlarge the existing harbor walkway from 556 sf to 1,279 sf;
5. Install 318 linear feet of floating docks with eight slips and a gangway;
6. Remove an existing aggregate sidewalk and replace with a concrete sidewalk to connect to an existing sidewalk;
7. Re-stripe seven existing parking spaces to provide five compact, two regular spaces; and
8. Construct two new posts to support an extension of the existing awning across the front of the building.

Waterside Improvements:

The proposed marine related improvements include the construction of a head float approximately 8 by 100 feet with four finger style docks (two will be 4 by 38 feet; one will be 5 by 38 feet; and one will be 4 by 37 feet). Also, the project is proposing a total of 13 main & bumper piles to provide both lateral and vertical support for both the floating docks and the Harbor Walk. Of the 13 new steel or fiberglass piles, four will support the finger dock end and three will be bumper piles. One pile will be located at the north end of the new head float. Four pilings located west of the Harbor Walk will have support beams at 16 feet on center to support the cantilevered Harbor Walk. The last

pile will be located west of the gangway.

The five existing wood pilings near the existing Harbor Walk that were originally proposed for removal are now proposed that two be removed/abandoned with the remaining three located west of the Hofbrau restaurant to be sleeved.

The pilings and docks will be constructed using a barge and crane. The applicant proposes to drive the piles by using either a vibratory hammer or a conventional pile driving hammer which the conventional pile driving hammer would be designed to ensure that underwater noise generated by pile driving activities is minimized to the maximum extent feasible and does not exceed (1) an accumulated 187 dB SEL as measured 5 meters from the source; and (2) peak dB above 208 dB as measured 10 meters from the source.

In addition, there will be a four foot by 33 ½-foot gangway installed to access the new docks. The proposed gangway entrance will have a four by six feet landing and a locked security gate.

The project will result in the disturbance of approximately 7,357 sf (0.17 acre) including approximately 434 sf (building), 723 sf (walkway), and up to 6,200 sf for sidewalk removal and replacement. No cut or fill is proposed.

Project Phasing

The applicant submitted a requested received September 25, 2013 to phase the work included in this permit. As discussed in the letter, the applicant's Master Lease with the City requires completion of all phases of the proposed project but does not reflect the new additional docks to be constructed at lease site 96W which is part of the lease site boundary amendment. The applicant is proposing that the construction of the docks at 96W coincide with construction of the docks at 93W -95W, but also to phase construction to minimize impact during the busy summer months thereby avoiding impact to the waterfront surrounding businesses.

Staff has reviewed the letter and has incorporated the phasing schedule in the Planning conditions with the requirement that a more detailed construction schedule be submitted with the Precise Plan approvals in order to ensure that the proposed amenities of the project are completed before final approval is granted to proceed to each next phase.

Lease Areas

The adjustment of the lease site boundary for 93W-95W as originally proposed was approved by City Council, via adoption of Resolution 42-13 on July 9, 2013.

Currently, the applicant is requesting to increase the lease site size of 93W-95W to incorporate 2400sf of water lease site 96W which would therefore decrease the remaining 96W site by 2400 sf. This is the water lease site located behind Rocca's restaurant at 945 Embarcadero. The amendment to the lease agreement is in progress. This lease line adjustment is scheduled for approval at the

EXHIBIT D

November 12, 2013 City Council meeting.

The project data that incorporates existing development, the approved 2012 Conditional Use Permit and the requested 2013 amendment to Conditional Use Permit #UP0-342 are itemized below:

PROJECT DATA #UP0-342			
	Existing	UP0-342 Approved 2012	Proposed Amendment 2013
<i>Total Land Lease</i>	6,210 sf	6,303 sf	No change
<i>Water Lease</i>	4,502 sf	8,812 sf	+2,400sf
Total Land and Water Lease	10,712 sf	15,115 sf	17,555
BUILDING			
Hofbrau & Crills	3,673sf	3,673 sf	No change
Poppy	1,676 sf	1,676 sf	1,444 sf
Office/Storage	229 sf	229 sf	No change
Restroom	208 sf	201sf	243 sf
Glass Court	632 sf	850 sf	729 sf
New Retail	-	590 sf	534 sf
Total Building	6,418 sf	7,219 sf	6,852 sf
Walkway	556 sf	1,196 sf	1,279 sf
Outdoor Dining	344 sf	284 sf	No change
Lot Coverage	77.8%	60.4%	47.9%
Floating Docks	0	248 ln ft.	82 ln. ft
Total Floating Dock		248 ln ft.	82 ln ft.
Pilings			
New (main & bumper)	0	8	13
Sleeved	0	0	3
Remove/Abandon	0	5	2
Parking			
Retail	9	11	10
Restaurant	19	19	19
Floating Dock/Sport fishing	8.5	7	9
Glass Court	2	(-2)	0

	Existing	UP0-342 Approved 2012	Proposed Amendment 2013
CUP 24-86	1.5	N/A	N/A
Total Parking Required	41	37	38
Remaining Parking Credit	--	--	3

BACKGROUND:

The proposal is within the Waterfront Master Plan and is within Planning Area 3: Embarcadero Visitor Area. This area encompasses the Embarcadero from Beach Street to South Street between the bluff and the waterfront. This portion of the Embarcadero contains the majority of the shopping and eating establishments as well as the most intense mix of pedestrian and automotive activity. It has what most visitors and residents consider a positive mix of shops, waterfront and pedestrian activity, combined with direct views of the bay, sand spit and Morro Rock. The Waterfront Master Plan includes guidance for development of Area 3, including observation and information areas explaining the natural wonders of the bay, lateral access along the bay front of commercial retail buildings that connect to lateral access components of adjacent buildings and or the stub street perpendicular to the building site, preservation of scenic vistas at street ends, with pedestrian amenities, lighting, haul-out improvements to existing facilities, bluff stabilization and beautification plans. The proposed project contains all of the elements requested in Area 3 proposals, including observation areas and signage, lateral access and connection to the Harbor Walk designed in consistency with adjacent portions of the Harbor Walk, access to stub street and preservation of visibility of the bay, and upgrade of building front to enhance visitor experience in this portion of the Embarcadero.

Waterfront Master Plan design guidelines have been established, and based on the guidelines, the project meets the following:

- Existing view corridors will remain and change of glassed in corridor to a public walkway will increase pedestrian access.
- The existing structure is 17.1 feet in height and the proposed additions are consistent with the existing building heights and under the 25 foot maximum height limitation.
- The building lot coverage for this zoning is 90 percent of the land portion of the properties. The 2012 approved conditional use permit proposed lot coverage at 60.4% and with the proposed 2,400 sf expansion of the new water lease area, lot coverage, excluding the floating dock or gangway, is reduced to 47.9%.
- The proposed additions and building changes will assist in continuing the fishing village atmosphere and would increase the physical and visual cohesiveness for the area.
- The project is consistent with area wide design compatibility by adding to a continuous pedestrian linkage along the waterfront, and linking the proposed additions to the architectural character of the neighboring buildings.
- The project preserves and enhances existing viewsheds of the bay by providing additional opportunities to view the bay and makes a positive contribution to the working fishing

village character and quality of the Embarcadero area.

- The project enhances water dependent uses by replacing lost dockage that can be used for general berthing. The project is not replacing dockage for sport fishing uses; however, the project is not within Measure D guidelines and sport fishing is an allowed use south of Beach Street.

ENVIRONMENTAL DETERMINATION:

An amendment of the original Initial Study-Mitigated Negative Declaration (MND) was prepared pursuant to the California Environmental Quality Act. The amended MND was submitted to the California State Clearinghouse (SCH#2012091063) for public and agency review on August 29, 2013 and the public review period ended on September 27, 2013. No comments were received by the California State Clearinghouse from noticed agencies and no written comments have been received to date from the public on the MND. A telephone inquiry was received on September 30, 2013 from the California Department of Fish and Wildlife Service (FWS) requesting additional time to make comments. Additional comment time was allowed to October 4, 2013 but no written or verbal comments from FWS were received. In addition, the Notice of Availability was published in the Tribune newspaper on August 30, 2013 and circulated locally as required by CEQA guidelines.

The environmental impacts identified in the MND that were mitigated to insignificance with the mitigation measures incorporated into the project by the applicant were Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology and Noise. Each of these issue areas were analyzed for setting, impact and mitigation to levels of less than significant. Attached as Exhibit C is a copy of the Initial Study/ Mitigated Negative Declaration.

PROJECT SETTING:

<u>Site Characteristics</u>	
Existing Use	Hofbrau restaurant, Poppy (retail), Crills II, restrooms, public walkway, view deck and parking area
Terrain	Flat; developed
Vegetation/Wildlife	Landscaping
Archaeological Resources	None known
Access	Restaurant entrance is from Embarcadero Road via existing parking lot

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Mixed Uses, Harbor
Base Zoning District	Harbor/Waterfront
Zoning Overlay District	Planned Development Overlay
Special Treatment Area	n/a
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Yes, Original Jurisdiction; Coastal Commission responsible for Coastal Development Permit

ANALYSIS:

Lease Areas: The proposed expansion of the lease area to incorporate a portion of 96W is under discussion with the City and will be presented for approval at the November 12, 2013 City Council meeting.

Proposed Uses: The proposed uses are consistent with the existing uses; the intent is to upgrade the existing facilities consistent with upgrades along the Embarcadero. The proposed walkway improvements upgrade the walkways to be consistent with the remainder of the Harbor Walk. The new walkway section ties into the existing Harbor Walk on the north. The proposed 534 square foot retail space is adjacent to the walkway addition and would serve as an attraction to visitors along the Harbor Walk and would visually tie in the existing uses along the harbor front. These improvements are consistent with the vision for the harbor front.

In addition, the proposal for walkway improvements, restroom improvements, signage and increased visitor access are consistent with increasing visitor serving uses mandated under the California Coastal Act.

Parking: Staff reviewed the proposed amendments for impacts to parking in order to determine if the proposed changes would require either additional parking or in lieu fees. Both the data of the proposed changes and also the historical information determined that the requested amendment to the Conditional Use Permit will result in one more parking space need. The total required existing parking spaces for the Held Harbor Center is 41. The 2012 approved Conditional Use Permit required 37 spaces. The new requirement is now 38 spaces which leaves a parking credit of 3 spaces. The increase of 1 space is due to the proposed increase in dockage combined with the reduction of retail space. This information is further itemized in the project table on page 5.

Consistency with Waterfront Master Plan

Based on the review of background data given above, the project is consistent with General Plan, Local Coastal Plan and Waterfront Master Plan goals, policies and implementation measures. The

proposed improvements will increase the visitor's enjoyment of the Harbor Walk, the waterfront and Embarcadero experience.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Telegram-Tribune newspaper on October 4, 2013, and all property owners of record within 300 feet of the project site were notified on this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION:

The applicant's request to phase construction of this project has been incorporated as conditions in order to ensure each phase is completed as proposed prior to proceeding to the subsequent phase. The water lease expansion that is part of the concept plan will require separate action by the City Council to amend lease site boundaries. The lease site amendment is scheduled to be on the November 12, 2013 agenda.

The proposed project, as conditioned, would be consistent with all applicable development standards of the Zoning Ordinance, and applicable provisions of the General Plan and Local Coastal Plan, and Waterfront Master Plan. No modifications or exceptions to City development requirements are proposed. All existing conditions of UPO-342 will be incorporated and will remain in full force and effect.

Attachments:

1. Exhibit A - Findings
2. Exhibit B - Conditions of Approval
3. Exhibit C - Mitigated Negative Declaration
4. Exhibit D - Plan Reductions
5. Exhibit E - Visual Simulations
6. Exhibit F - Phasing Letter received by Applicant's Agent dated 9/25/2013

EXHIBIT A: FINDINGS

Amended UP0-342 Held Harbor Center Project; 901-915 Embarcadero and 945 (waterside) Embarcadero

Request for amendment to Conditional Use Permit #UP0-342 to make various waterside and landside improvements including modifications and additional construction that would result in a total floor area of 6,852 sf (6,623-sf main floor, 229-sf upper floor) and increase of total walkway area from 1,196 sf to 1,279 sf. The modifications include actions of constructing a new 534 square foot retail unit, remodel and enlarge two existing restrooms from 201 sf to 243 sf, convert glass court outdoor dining to general public seating to decrease glass court from 850 sf to 729 sf, enlarge existing harbor walkway from 1,196 to 1,279 sf, install floating docks with slips and gangway, restripe existing parking spaces and minor building façade improvements.

The proposed marine related improvements include the construction of a head float with four finger style docks, 13 new piles, and a gangway with landing and security gate. The project will result in the disturbance of approximately 7,357 sf (0.17 acre) including approximately 434 sf (building), 723 sf (walkway), and up to 6,200 sf for sidewalk removal and replacement. No cut or fill is proposed.

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. CP0-342 is subject to a Mitigated Negative Declaration based upon potentially significant impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology and Noise. With the implementation of required conditions of approval included in the Mitigated Negative Declaration (SCH#2012091063), the environmental impact of the proposed development will be less than significant.
- B. Changes have been incorporated into the project which avoid or substantially lessen the significant environmental effect, and have been included as conditions of approval, given herein as Exhibit B.

Waterfront Master Plan Findings

- C. The proposed project makes a positive contribution to the visual accessibility to the bay and rock while increasing visitor serving and waterfront activities:
 - a. As conditioned, meets the Waterfront Master Plan's height limit and maximum building coverage, bulk, and scale requirements in that the proposed project does not exceed the maximum height allowed and articulation breaks up the bulk and scale.

- b. In the case of granting height greater than 17 feet for the proposed additions, the proposed project also provides significant public benefit pursuant to the Planned Development Overlay zone requirements in that the proposed project provides pedestrian access to the proposed bay front lateral access, two public American with Disabilities Act (ADA) compliant restrooms, establishes wider sidewalks to increase pedestrian circulation, creates a view corridor where no such corridor currently exists, adds landscaping, and redevelops land and water lease sites that currently have visually unappealing, aging structures or lack facilities.
- c. The proposed project provides the amenities identified in the Waterfront Master Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography in that the design provides a wide public view corridor, public lateral access and pedestrian amenities.
- d. The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero area in that the new project will add to the pedestrian orientation while maintaining the commercial fishing character of the Embarcadero.
- e. The design recognizes the pedestrian orientation of the Embarcadero and provides an interesting and varied frontage that will enhance the pedestrian experience in that the new building will open up to the passing pedestrians along the Harbor Walk and draws individual's attention to the natural beauty of the bay.
- f. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function and the uses proposed in that the new structure will provide more horizontal and vertical articulation, and the public will be invited into the space via a new view corridor from the Harbor Walk and will be directed through the glassed in corridor to the Harbor Walk by access signage. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings and provides a visual and pedestrian transition to its immediate neighbor in that the existing and new construction of both the building additions, restrooms and new walkways is in keeping with the architectural style, massing, materials, scale, and use of its surroundings.

Conditional Use Permit Findings

- A. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working along the Embarcadero in that the proposed Harbor Center is a permitted use within the zoning district applicable to the project site and said structure, walkway, restroom, and dockage improvements comply with all applicable project conditions and City regulations.
- B. The project will not be injurious or detrimental to property and improvements along the Embarcadero and the general welfare of the City in that the proposed Harbor Center improvements will provide additional public benefit and is consistent with the character of the existing development.
- C. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the City in that the Harbor Center improvements are a permitted use within the zoning

EXHIBIT D

district applicable to the project site and said structure complies with all applicable project conditions and City regulations.

EXHIBIT B

CONDITIONS OF APPROVAL

Amended UP0-342 Held Harbor Center Project; 901-915 Embarcadero

Request for amendment to Conditional Use Permit #UP0-342 to make various waterside and landside improvements including modifications and additional construction that would result in a total floor area of 6,852 sf (6,623-sf main floor, 229-sf upper floor) and increase of total walkway area from 1,196 sf to 1,279 sf. The modifications include actions of constructing a new 534 square foot retail unit, remodel and enlarge two existing restrooms from 201 sf to 243 sf, convert glass court outdoor dining to general public seating to decrease glass court from 850 sf to 729 sf, enlarge existing harbor walkway from 1,196 to 1,279 sf, install floating docks with slips and gangway, restripe existing parking spaces and minor building façade improvements.

The proposed marine related improvements include the construction of a head float with four finger style docks, 13 new piles, and a gangway with landing and security gate. The project will result in the disturbance of approximately 7,357 sf (0.17 acre) including approximately 434 sf (building), 723 sf (walkway), and up to 6,200 sf for sidewalk removal and replacement. No cut or fill is proposed.

STANDARD CONDITIONS

1. Permit: This permit is granted for the land described in the staff report referenced above, and all attachments thereto, dated October 10, 2013, for the project depicted on the attached plans labeled "Exhibit E", dated May 30, 2013, on file with the Public Services Department, as modified by these conditions of approval.
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 Public Services 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 Public Services 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 herein shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services 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 associated with the building improvements, 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.

FIRE CONDITIONS

9. Fire Safety During Construction and Demolition: This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations (CFC Chapter 14). Compliance with NFPA 241 is required for items not specifically addressed herein.
10. Fire Sprinkler Coverage: Sprinkler coverage shall be extended to include the following areas, pursuant to Morro Bay Municipal Code (Sections 14.08.090(J)(K).
 - a. Below the New View Deck and Walkway (and Existing Walkway if not presently protected), **provide and/or extend coverage.**

Applicant shall submit sprinkler plans, in accordance with NFPA 13, to Public Services Division for review.

11. Fire Protection for Wharves and Docks: Firefighting appliances and equipment shall be provided and maintained in an operable manner for all commercially operated marinas and dock facilities, as specified by ordinances of the City, and all installations shall be subject to the approval of the chief of the fire department (MBMC 14.08.090(K)).
12. Fire Protection Equipment-Standpipes. Marinas and boatyards shall be equipped throughout with standpipe systems, in accordance with NFPA 303. Systems shall be provided with hose connections located such that no point on the marina pier or float system exceeds 150 feet from a standpipe hose connection (CFC 4502.2). **A Class III Standpipe System shall be provided for protection of the waterside improvements and applicant shall submit plans to Public Services Department for review.**
13. Gangway Security Gate. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location (CFC 506.1). **Applicant shall provide a Knox Key Switch (Series 3501), to allow for emergency fire department access to the gangway and docks.**

BUILDING DIVISION CONDITIONS

14. Building Permit Application: Prior to construction, the applicant shall submit a complete application to the building department and obtain the required building permit.

PUBLIC WORKS CONDITIONS

15. The sidewalk along the south side of the building shall have four feet clear sidewalk at all times; any doorways or obstructions shall not be allowed to encroach into the four foot pedestrian sidewalk. The existing light pole can be relocated into a parking lot bulb out between parking stalls or removed and replaced with a light source which doesn't obstruct the four foot pedestrian sidewalk.
16. The parking stalls adjacent to the south side of the building shall be configured to be compact spaces (8½ ft wide by 18 ft long) with wheel stops. The last two parking stalls to the west can remain standard size (10 ft wide by 20 ft long). Shift the parking stall accordingly so that the first stall does not conflict with the radius of the handicap ramp.
17. All sidewalks surrounding the building shall be replaced with standard concrete, and the handicap ramp at the corner shall be replaced to meet current ADA regulations.
18. Map exhibits and legal descriptions depicting the revised boundaries of Lease 93W-95W must be prepared and stamped by a licensed professional Land Surveyor as a condition of the CUP amendment.

PLANNING DIVISION CONDITIONS

19. Original Conditions of UP0-342: All original conditions of UP0-342 approved by City Council on December 11, 2012 shall be incorporated by reference as if fully stated herein and shall remain in full force and effect.
20. Lease Area: Prior to commencement of any activities within the proposed lease expansion area, the owner or designee shall obtain approval from the City to expand the water lease to include a portion of 96W, consistent with the plans shown on Exhibit E, dated May 30, 2013.
21. Precise Plan: Upon approval of the City Council of the concept plan, a precise plan of development shall be submitted to the planning commission consistent with code section 17.040.030G.
22. Precise Plan Sheet: All conditions of approval, including the required MND mitigation measures shall be included in the precise plan, as a separate sheet attached to the plan set.
23. Environmental Fees: Within four days of certification of the Mitigated Negative Declaration, the applicant shall submit a check made payable to the County Clerk for the following fees: \$2,156.25 for the California Department of Fish and Wildlife, plus the \$50 County Clerk filing fee for the Notice of Completion, for a total of 2206.25. The City of Morro Bay shall file the Notice of Completion with the County Clerk to comply with state requirements.
24. Signage: The applicant shall provide a signage program, including coastal access signs, as part of the precise plan by submitting application for a sign permit to the Planning Division.
25. Architectural Design and Color Palette: The applicant shall submit a design for the awnings and new building addition, and a color palette for the overall project at the precise plan stage.
26. Phasing: The applicant shall construct the project in three phases as stated below. No final shall be granted for any phase unless all public amenities have been completed such as, but not limited to, public seating, parking improvements, walkway, and public access. The applicant shall submit prior to Precise Plan approval a detailed phasing schedule to be approved with the Precise Plan which includes the scope of work for each phase and completion timeline in order to minimize impact to the waterfront from Memorial Day to Labor Day.
 - a. Phase 1: November 2014- May 2015: Commence construction of sidewalks, siding, marquee, and work on the street side(s) of project.
 - b. Phase 2: November 2015-May 2016: Commence construction of Harbor Walk, new retail unit and reconfiguration of the restroom.
 - c. Phase 3: November 2016-May 2017: Commence construction of all docks and gangway.

ENVIRONMENTAL CONDITIONS

Conditions: The environmental mitigation measures have been incorporated as conditions as follows below. In addition, the applicant shall conduct the required monitoring as established for each mitigation measure and confirm compliance with these conditions to the satisfaction of the Environmental Coordinator.

- AES/mm-1 Prior to issuance of precise plan approval or if no precise plan is needed a building permit, a comprehensive lighting plan (photometric plan) shall be submitted for review and approval by the Planning Division of the Public Services Department. The lighting plan shall be prepared using guidance and best practices endorsed by the International Dark Sky Association. The lighting plan shall address all aspects of the lighting, including but not limited to all buildings, infrastructure, parking and driveways, paths, floating dock, safety, and signage. The lighting plan shall include the following at minimum:
- a) The location, type, and wattage of all light fixtures (including catalog sheets for each fixture) shall be illustrated and a maximum ten-foot by ten-foot grid of both the initial and maintained lighting levels on the site with the following information to be included:
 - b) Footcandle Distribution, plotting the light levels in footcandles on the ground, at the designated mounting heights for the proposed fixtures. Maximum illuminance levels should be expressed in footcandle measurements on a grid of the site showing footcandle readings in every five or ten-foot square. The grid shall include light contributions from all sources (i.e. pole mounted, wall mounted, sign, and street lights.) Show footcandle renderings five feet beyond the property lines.
 - c) The maximum light intensity on a nonresidential site shall not exceed a maintained value of ten footcandles, when measured at finished grade.
 - d) All exterior lighting shall be designed and located so that only the intended area is illuminated and off-site glare is prevented.
 - e) All lighting shall be cutoff style fixtures that are directed downward to prevent glare on adjacent and surrounding areas (i.e., Morro Bay, sandspit), and shall be limited to the maximum extent feasible while still providing for public safety.
 - f) Lights shall have solid sides and reflectors to further reduce lighting impacts, and shall be placed on a switch or timer to turn them off when not needed during the late evening.

- g) Boat dock lighting shall be designed to reduce brightness and prevent off-site glare.

AES/mm-2 Prior to issuance of a building permit, the applicant shall submit building plans and elevations for review and approval consistent with the following conditions:

- a) No highly reflective glazing or coatings shall be used on windows.
- b) All reflective exterior materials such as chrome, bright stainless steel, or glossy tile shall be used minimally to minimize new glare.
- c) All existing and newly installed wind screens shall be frosted, partially-frosted, or otherwise treated with visually permeable barriers that are designed to prevent bird strikes.

AQ/mm-1 Upon application for grading and building permits, the applicant shall submit plans including the following notes, and shall comply with the following standard mitigation measures for reducing diesel particulate matter (DPM) emissions from construction equipment as follows:

- (a) Maintain all construction equipment in proper tune according to manufacturer's specifications;
- (b) Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);SLO County APCD CEQA Air Quality Handbook 20124-14
- (c) Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy duty diesel engines, and comply with the State off-Road Regulation;
- (d) Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- (e) Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- (f) All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- (g) Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- (h) Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- (i) Electrify equipment when feasible;
- (j) Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- (k) Use alternatively fueled construction equipment on-site where feasible,

such as compressed natural gas(CNG), liquefied natural gas (LNG), propane or biodiesel. Best Available Control Technology (BACT) for Construction Equipment

AQ/mm-2

Upon application for grading and building permits, the applicant shall submit plans including the following notes, and shall comply with the following standard mitigation measures for reducing fugitive dust emissions such that they do not exceed the APCD's 20 percent opacity limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402) as follows:

- a. Reduce the amount of the disturbed area where possible;
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and 1 The value used to calculate off-site mitigation is based on the ARB approved Carl Moyer Grant Program and is updated on a periodic basis. The Carl Moyer cost effectiveness value as of 2009 is \$16,000 per ton. SLO County APCD CEQA Air Quality Handbook 2012
 - f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- a. Reduce the amount of the disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
 - c. All dirt stock pile areas should be sprayed daily as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;

- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

AQ/mm-3 Demolition of the existing onsite structures and/or infrastructure shall be conducted in compliance with applicable regulatory requirements, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40 CFR 61, Subpart M – asbestos NESHAP). These requirements include, but are not limited to, notification to the APCD, an asbestos survey conducted by a Certified Asbestos Inspector, and applicable removal and disposal requirements of identified asbestos containing materials. The applicant shall submit to the Planning Division documentation that they have complied with the above requirements prior to issuance of any type of building permit.

BIO/mm-1 Prior to issuance of building permits, the applicant shall submit construction plans demonstrating the following:

- a. The new overhanging boardwalk shall be constructed with grated or translucent material to allow sunlight to pass through to the water below.
- b. The support beams shall be minimized to the greatest extent possible in that they should be sized to support the boardwalk and not increased in size to address aesthetics or to provide utility runs.

- BIO/mm-2 Prior to issuance of any building permit, the applicant shall submit construction plans demonstrating the following:
- a. All new docks shall be designed to avoid the known eelgrass beds and where located within areas of potential habitat be constructed with 2 foot wide grated or translucent material panels to allow sunlight to pass through to the water. These panels shall be placed at a minimum of every twenty feet or in all areas where there is no floatation and it will not compromise the structural stability of the docks.
- BIO/mm-3 All Eelgrass beds shall be protected in perpetuity and no long-term shading of the area shall occur. No boat, kayak or any water vessel storage (mooring) shall be allowed. Interpretive signage shall be placed both landside and dockside (public boardwalk) explaining about Eelgrass, Eelgrass habitat and that water vessel mooring is prohibited. This language on the signs shall be review and approved by the Planning Division and installed prior to receiving a final on the building permit.
- BIO/mm-4 The following actions shall be required to mitigate impacts to existing Eelgrass.
- Eelgrass Surveys:
1. A pre-construction survey (conducted in accordance with the National Marine Fisheries Service (NMFS) Southern California Eelgrass Mitigation Policy) shall be submitted to the City's Planning Division (Environmental Coordinator) for review prior to issuance of building permit.
- A post-construction survey shall be conducted to identify direct construction impacts to existing eelgrass shall be submitted to the City's Environmental Coordinator for review consistent with the guidelines of the Southern California Eelgrass Mitigation Policy (SCEMP). This post-construction survey shall be performed within 30 days of completion of all water-side construction activities and prior to requesting a building permit final from the Planning Division.
- Eelgrass Monitoring Plan:
2. The applicant shall submit an Eelgrass Monitoring Plan (EMP) to the City Environmental Coordinator for review and approval prior to requesting a final on the building permit from the Planning Division. The EMP shall, at a minimum, provide the following:
 - a. Eelgrass Protection. All eelgrass beds identified in the project area shall be shown on a map in site plan view, and shall be protected as eelgrass habitat in perpetuity.
 - b. Monitoring and Reporting. A monitoring report prepared in accordance with the Southern Eelgrass Mitigation Policy shall be submitted to the City Environmental Coordinator for review within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report

identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measures to offset such reduction within the eelgrass beds in the project area at a mitigation ratio basis consistent with the Southern California Eelgrass Mitigation Policy (SCEMP). The report shall also including annual monitoring for direct and indirect impacts to Eelgrass pursuant to SCEMP.

BIO/mm-5

- A. Prior to issuance of building permits, the applicant shall submit documentation verifying that a U.S. Fish and Wildlife Service-approved biologist has been retained to monitor all construction within the water-lease areas.
- B. The applicant shall submit a Monitoring Plan that shall be prepared by the retained biological monitor. The Plan shall include, but not be limited to the following:
 - a. Prior to the issuance of a building permit, the monitor shall verify compliance with all BIO, GS, HYD, and N mitigation measures, conditions of approval, and regulatory permit conditions (as applicable).
 - b. Biweekly monitoring reports shall be provided to the City, including a summary of the each day's activities, summary of any violations or inconsistencies with the mitigation measures/conditions of approval, any remediation actions undertaken by the applicant/construction manager, any verbal or written correspondence with regulatory agencies, and photo-documentation.
 - c. In the event of a violation or inconsistency with a mitigation measure, condition of approval, and/or regulatory permit condition, the Plan shall include a process for emergency reporting in the event of a violation, including a chain-of-command.
 - e. The Plan shall identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area.

BIO/mm-6

All work that disturbs the ocean floor (i.e., removal and installation of pilings) shall be monitored by a U.S. Fish and Wildlife Service-approved biologist to ensure that impacts to marine mammals are avoided. The approved biological monitor shall be present onsite during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter, or other marine mammal, could be affected by the project, even if the animal is beyond the 100-foot boundary. All

construction crew employees shall be informed on the requirements of this condition.

- BIO/mm-7 Prior to initiating any piling driving associated with the project, the applicant shall submit to the Planning Division prior to the issuance of a building permit. whether the project will utilize a vibratory hammer, conventional pile driving or water jetting method of construction. If conventional pile driving is utilized, the power to the pile driver should be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced.
- BIO/mm-8 Prior to issuance of grading and building permits, the applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife).
- CR/mm-1 In the event that intact and/or unique archaeological artifacts or historic or paleontological resources are encountered during grading, clearing, grubbing, and/or other construction activities associated with the proposed project involving ground disturbance, all work in the immediate vicinity of the find shall be stopped immediately, the onsite archaeological and Native American monitors shall be notified, and the resource shall be evaluated to ensure the discovery is adequately recorded, evaluated and, if significant, mitigated.
- GS/mm-1 Prior to issuance of grading and building permits, the applicant shall prepare a drainage and erosion control plan to reduce the potential for erosion and down-gradient sedimentation. Grading and construction plan shall include measures to prevent and avoid spills or spread of dangerous materials and clean-up procedures in the event of a spill, and measures to reduce rilling of any stockpiled soils. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with the erosion control plan.
- HAZ/mm-1 Prior to removal of the wood pilings, the applicant shall submit documentation to the Planning Division for review and approval identifying if the wood is “treated wood waste”. A licensed contractor with hazardous materials experience shall evaluate the wood to determine whether the wood is treated or untreated pursuant to the Department of Toxic Substances definition of “treated wood”. In the event the pilings are treated wood waste, the applicant shall dispose of the material at a hazardous waste landfill or qualified solid waste landfill. Documentation of the ultimate disposal of treated wood waste shall be submitted to the planning division prior to a final inspection of the building and prior to any occupation of the new construction.

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

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

HAZ/mm-2 Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis Obispo Air Pollution Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations shall be followed during demolition activities. Any loose or peeling lead based paint shall be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations.

HAZ/mm-3 At minimum one oil only absorbent spill kit for a capacity of 21 gallons or greater shall be provided on the head float dock in case of accidental release of a hazardous material or liquid into the bay.

HAZ/mm-4 Signs shall be provided on all finger docks stating the location and hours of operation for all pump out facilities in the Morro Bay Harbor.

HYD/mm-1 Prior to issuance of grading and building permits, the applicant shall prepare a Construction Plan, which shall, at a minimum, include the following:

- a. Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas where construction activities

and/or staging area to take place shall be minimized to the maximum extent feasible in order to have the least impact on public access and Morro Bay resources, including by using inland areas for staging and storing construction equipment and materials as feasible.

- b. Construction Methods. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from bay and public recreational use areas (including using unobtrusive fencing or equivalent measures to delineate construction areas).
- c. Construction Best Management Practices (BMPs). The Construction Plan shall identify the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including the following: 1) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to the bay; 2) land side equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bay, and all construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; 3) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and 4) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of the day.
- d. Construction Site Documents. Copies of all permits and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and copies shall be available for public review upon request. All persons involved with the construction shall be briefed on the content and meaning of all issued permits and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- e. Construction Coordinator. The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies) and that their contact information (i.e., address, phone numbers, etc.) including at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction

coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary within 24 hours of receipt of the complaint or inquiry.

HYD/mm-2

Prior to issuance of building permits, the applicant shall submit plans including the following notes, which shall be implemented during installation of pilings. Pilings shall be constructed of steel and/or fiberglass and shall be implanted into the ocean floor with a pile driver or vibratory hammer, as opposed to jetting. The applicant shall comply with these conditions, as required or modified by the Coastal Commission.

- a. **Material Containment.** Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, wood preservatives, other chemicals, etc.) from entering the harbor or any other state waters. Where additional wood preservatives must be applied to cut wood surfaces, the materials, wherever feasible, shall be treated at an onshore location to preclude the possibility of spills into the harbor or other state waters. A designated staging area shall be used for refueling equipment and vehicles, mixing and storing materials, debris collection and disposal, and containing runoff from any materials that may be used or stockpiled during the project. A floating containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. For any work on or beneath fixed decks, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other material could fall in to the water. The floating boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean-up of foreign materials not properly contained.
- b. **Piling Installation Procedures.** The new pilings and piling sleeve shall be made from steel and/or fiberglass. Generally, the new pilings shall be installed according to the method that results in the least disturbance of bottom sediments. All piles will be driven into place with a vibratory hammer or piling hammer. If feasible, disturbed sediments shall be contained with a flexible skirt surrounding the driven pile. Construction barges shall be floating at all times and shall only operate at tides high enough so that the barge does not rest on the bottom of the bay.

- c. Procedures for Concrete Work. If pile installation, or any other portion of the operations and maintenance program, requires the pouring of concrete in, adjacent to, or over the water, the following methods shall be employed to prevent uncured concrete from entering the harbor or other state waters:
- 1) Complete dewatering of the pour site, within a caisson or other barrier; the site to remain dewatered until the concrete is sufficiently cured to prevent any significant increases in the pH of adjacent waters; or,
 - 2) The tremie method, which involves placement of the form in water, inserting a plastic pipe down to the bottom of the form, and pumping concrete into the form so that the water is displaced towards the top of the form. If this method is selected, the displaced waters shall be pumped off and collected in a holding tank. The collected waters shall then be tested for pH, in accordance with the following California Department of Fish and Wildlife recommendations. If the pH is greater than 8.5, the water will be neutralized with sulfuric acid until the pH is between 8.5 and 6.5. This pH-balanced water can then be returned to the sea. However, any solids that settle out during the pH balancing process shall not be discharged to the marine environment.
 - 3) In each case involving such concrete pours in or near the harbor or other state waters, a separate wash out area shall be provided for concrete trucks and for tools. The wash out area(s) shall be designed and located so that there will be no chance of concrete slurry or contaminated water runoff to the harbor or other state waters, nor into storm drains or gutters which empty into such bodies of water.

N/mm-1: Prior to issuance of grading and building permits, the applicant shall submit a Construction Plan, which shall include a pile driving or vibratory hammer plan and monitoring program (designed by a qualified acoustical engineer) designed to ensure that underwater noise generated by conventional pile driving or vibratory hammer activities are minimized to the maximum extent feasible and do not exceed limits required to ensure impacts to marine life are minimized pursuant to the NOAA Fisheries Interim Sound Threshold Guidance under the Marine Mammal Protection Act (MMPA):

NOAA Fisheries current in-water acoustic thresholds	Threshold
Level A PTS (injury) conservatively based on TTS	190 dB rms for pinnipeds 180 dB rms for cetaceans
Level B Behavioral disruption for impulsive noise (e.g. impact pile driving)	160 dB rms

EXHIBIT D

Level B Behavioral disruption for non-pulse noise (e.g. vibratory pile driving, drilling)	120 dB rms
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Source:

http://www.nwr.noaa.gov/protected_species/marine_mammals/killer_whale/threshold_guidance.html

The construction plan shall provide for a hydro-acoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall also provide for additional acoustical best management practices to be applied if monitoring shows underwater noise above the limits then additional noise dampening measures such as alternative pile driving methods, sound shielding, and other noise attenuation devices shall be provided. As an alternative the applicant shall submit documentation from the hammer (either impact or vibratory) that the machinery cannot exceed the limits stated above. If applicant is able to document the noise levels are below those stated above no monitor shall be required.

City of Morro Bay
PUBLIC SERVICES DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442
805-772-6261

P u b l i c N o t i c e o f A v a i l a b i l i t y
D o c u m e n t T y p e : M i t i g a t e d N e g a t i v e D e c l a r a t i o n

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT
CITY OF MORRO BAY
AUGUST 2013

The City has determined that the following proposal qualifies for a

Negative Declaration **Mitigated Negative Declaration.**

PROJECT TITLE: Held Harbor Center Conditional Use Permit

PROJECT LOCATION: 901-915 and 945 (water side) Embarcadero Road, immediately northwest of the intersection of Harbor Street and Embarcadero Road, within the City of Morro Bay. Also known as land lease site 93, 94 and 95 and water lease sites 93W, 94W, 95W and 96W.

CITY: Morro Bay **COUNTY:** San Luis Obispo

CASE NO.: UP0-342 Amended

PROJECT BACKGROUND:

901-915 Embarcadero is on land lease site 93, 94 95 and water lease sites 93W, 94W and 95W and within the Waterfront/Harbor zone with Planned Development and S4 overlay (APN#066-322-001).

Currently on site there is a 6,418 square foot building on the land lease site (6,189sf main story, 229 sf upper storage area) and no dock facilities on the water lease site. On December 11, 2012, the City of Morro Bay approved an amendment to this project providing for a new 590 square foot retail unit, remodel the existing restroom and creation of an additional restroom meeting ADA standards, conversion of 132 square feet of the glass court dining into general public seating, enlargement of the existing harbor walkway by 640 square feet, addition of new harbor walkway and view deck, installation of floating docks and a gangway, adjustment of the water lease line by 4,310 square feet to accommodate the new floating docks (six berthing spaces) and adjustment of the land lease line by 93 square feet. The resultant building would be 7,219 square feet and the docks would be 248 linear feet.

The project was submitted to the California Coastal Commission to receive a Coastal Development Permit. The Coastal Commission has requested a modification to the size of the building and walkway. These changes coupled with the applicant's desire to expand docks over into water lease 96W resulted in additional impacts not addressed in the original environmental document and

therefore the need to amend the environmental addressing the new project description as well as the new impacts created by the modifications .

PROJECT DESCRIPTION: The following project description details the changes from the approved UP0-342 and project modifications recommended by the California Coastal Commission and the applicant's proposal to expand the proposed docks over what was known as water lease 96W.

1. Modify water lease sites 93w-95W and 96W increasing 93W-95W by 2400 square feet and decreasing 96W by 2400 square feet.
2. Decrease the existing 1,676 square foot retail building by 232 square feet for a total of 1,444 square feet.
3. Increase the size of the new 208 square foot ADA compliant public restroom by 42 square feet for a total of 232 square feet.
4. Decrease the size of the 850 square foot glass court by 121 square feet for a total of 729 square feet for a net increase of 97 square feet over existing.
5. Decrease the size of the new retail space by 56 square feet from 590 square feet to 534 square feet.
6. Increase the 1,196 square foot walkway by 83 square feet for a total of 1,279 square feet.
7. No changes are proposed to the approved 284 square foot outdoor dining area.
8. Increase floating dock area from 248 linear feet to 318 linear feet, a net increase of 70 linear feet.
9. A change in the location and amount of pilings to be installed The original project had 8 new (main & bumper) pilings. The amended project proposes 13 (main & bumper) pilings which are new and/or sleeved.
10. A change in the location and amount of pilings to be remove/or sleeved The original proposal had 5 pilings proposed for removal/abandonment, the project now proposes 3 pilings be sleeved and the remaining 2 pilings be removed/abandoned.
11. Net changes result in the following parking changes. Original proposal required 37 parking spaces. The addition of docks coupled with the decrease in retail space results in a parking demand of 38 spaces. The project has a documented parking credit of 40 spaces.

The existing structure includes the Hofbrau restaurant, Crills II and Poppy retail stores, seating area and walkway. As proposed, the modifications and additional construction would result in a total floor area of 6,852 sf (6,623-sf main floor, 229-sf upper floor) and total walkway area of 1,279 sf. This includes the following actions: 1) construct a new 534-square foot (sf) retail unit; 2) remodel (ADA) and enlarge two existing restrooms to be 243 sf; 3) convert the existing 632-sf glass court enclosed outdoor dining area to general public seating area of 729 sf; 4) enlarge the existing harbor walkway from 556 sf to 1,279 sf; 5) install 318 linear feet of floating docks with eight slips and a gangway; 6) remove an existing aggregate sidewalk and replace with a concrete sidewalk to connect to an existing sidewalk; 7) re-stripe seven existing parking spaces to provide five compact, two regular spaces; and 8) construct two new posts to support an extension of the existing awning across the front of the building.

The proposed marine related improvements include the construction of a head float approximately 8 by 100 feet with four finger style docks (two will be 4 by 38 feet; one will be 5 by 38 feet; and one will be 4 by 37 feet). Also, the project is proposing a total of 13 main & bumper piles to provide both lateral and vertical support for both the floating docks and the Harbor Walk. Of the 13 new

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

steel or fiberglass piles, four will support the finger dock end and three will be bumper piles. One pile will be located at the north end of the new head float. Four pilings located west of the Harbor Walk will have support beams at 16 feet on center to support the cantilevered Harbor Walk. The last pile will be located west of the gangway.

The five existing wood pilings near the existing Harbor Walk that were originally proposed for removal are now proposed that two be removed/abandoned with the remaining three located west of the Hofbrau restaurant to be sleeved.

The pilings and docks will be constructed using a barge and crane. The applicant proposes to drive the piles by using either a vibratory hammer or a conventional pile driving hammer which the conventional pile driving hammer would be designed to ensure that underwater noise generated by pile driving activities is minimized to the maximum extent feasible and does not exceed (1) an accumulated 187 dB SEL as measured 5 meters from the source; and (2) peak dB above 208 dB as measured 10 meters from the source.

In addition, there will be a four foot by 33 ½-foot gangway installed to access the new docks. The proposed gangway entrance will have a four by six feet landing and a locked security gate.

The project will result in the disturbance of approximately 7,357 sf (0.17 acre) including approximately 434 sf (building), 723 sf (walkway), and up to 6,200 sf for sidewalk removal and replacement. No cut or fill is proposed.

The proposed project is located on the west side of Embarcadero Road, directly northwest of Harbor Street, within the City of Morro Bay. The project is within the Waterfront/Harbor zone with a Planned Development Overlay (WF PD/S.4). Surrounding land uses include visitor serving and retail land uses to the south, north, and east, and Morro Bay to the west. The project site is currently developed by the Hofbrau restaurant, indoor and outdoor seating areas, Poppy retail shop, restrooms, public walkway and view deck, and parking area.

LEAD AGENCY: City of Morro Bay

CONTACT PERSON: Cindy Jacinth

TELEPHONE: (805) 772-6577

ADDRESS WHERE DOCUMENT MAY BE OBTAINED:

Public Services Department
955 Shasta Avenue
Morro Bay, California 93442
(805) 772-6261

PUBLIC REVIEW PERIOD: Begins: August 30, 2013 to September 30, 2013.

Anyone interested in this matter is invited to comment on the document by written response or contacting the Public Services Department.



Cindy Jacinth, Associate Planner

Signature

<p align="center">City of Morro Bay PUBLIC SERVICES DEPARTMENT 955 SHASTA AVENUE ♦ MORRO BAY, CA 93442 805-772-6261</p>

**D R A F T M I T I G A T E D N E G A T I V E D E C L A R A T I O N
 (A M E N D E D)**

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT
 CITY OF MORRO BAY
 955 Shasta Avenue
 Morro Bay, California 93442
 805-772-6261

The State of California and the City of Morro Bay require, prior to the approval of any project, which is not exempt under CEQA, that a determination be made whether or not that project may have any significant effects on the environment. In the case of the project described below, the City has determined that the proposal qualifies for a Mitigated Negative Declaration.

CASE NO.: UPO-342 Amended

PROJECT TITLE: Held Harbor Center

PROJECT LOCATION: 901-915 and 945 (water side) Embarcadero Road, immediately west of the intersection of Harbor Street and Embarcadero Road, within the City of Morro Bay.

APPLICANT / PROJECT SPONSOR:

Applicant:
 Held Family Trust
 P.O. Box 225
 Cayucos, CA 93430
 T 805.995.2773

Applicant's Representative:
 Cathy Novak
 P.O. Box 296
 Morro Bay, CA 93443
 T 805.772.9499

PROJECT BACKGROUND:

901-915 Embarcadero is on land lease site 93, 94 95 and water lease sites 93W, 94W and 95W and within the Waterfront/Harbor zone with Planned Development and S4 overlay (APN#066-322-001).

EXHIBIT D

Currently on site there is a 6,418 square foot building on the land lease site (6,189sf main story, 229 sf upper storage area) and no dock facilities on the water lease site. On December 11, 2012, the City of Morro Bay approved an amendment to this project providing for a new 590 square foot retail unit, remodel the existing restroom and creation of an additional restroom meeting ADA standards, conversion of 132 square feet of the glass court dining into general public seating, enlargement of the existing harbor walkway by 640 square feet, addition of new harbor walkway and view deck, installation of floating docks and a gangway, adjustment of the water lease line by 4,310 square feet to accommodate the new floating docks (six berthing spaces) and adjustment of the land lease line by 93 square feet. The resultant building would be 7,219 square feet and the docks would be 248 linear feet.

The project was submitted to the California Coastal Commission to receive a Coastal Development Permit. The Coastal Commission has requested a modification to the size of the building and walkway. These changes coupled with the applicant's desire to expand docks over into water lease 96W resulted in additional impacts not addressed in the original environmental document and therefore the need to amend the environmental addressing the new project description as well as the new impacts created by the modifications.

PROJECT DESCRIPTION: The following project description details the changes from the approved UPO-342 and the project as amended by the Coastal Development Permit and the applicant's proposal to expand the proposed docks over what was known as water lease 96W.

1. Modify water lease sites 93w-95W and 96W increasing 93W-95W by 2400 square feet and decreasing 96W by 2400 square feet.
2. Decrease the existing 1,676 square foot retail building by 232 square feet for a total of 1,444 square feet.
3. Increase the size of the new 208 square foot ADA compliant public restroom by 42 square feet for a total of 232 square feet.
4. Decrease the size of the 850 square foot glass court by 121 square feet for a total of 729 square feet for a net increase of 97 square feet over existing.
5. Decrease the size of the new retail space by 56 square feet from 590 square feet to 534 square feet.
6. Increase the 1,196 square foot walkway by 83 square feet for a total of 1,279 square feet.
7. No changes are proposed to the approved 284 square foot outdoor dining area.
8. Increase floating dock area from 248 linear feet to 318 linear feet, a net increase of 70 linear feet.
9. A change in the location and amount of pilings to be installed. The original project had 8 new (main & bumper) pilings. The amended project proposes 13 (main & bumper) pilings which are new and/or sleeved.
10. A change in the location and amount of pilings to be remove/or sleeved. The original proposal had 5 pilings proposed for removal/abandonment, the project now proposes 3 pilings be sleeved and the remaining 2 pilings be removed/abandoned.
11. Net changes result in the following parking changes. Original proposal required 37 parking spaces. The addition of docks coupled with the decrease in retail space results in a parking demand of 38 spaces. The project has a documented parking credit of 41 spaces.

EXHIBIT D

The existing structure includes the Hofbrau restaurant, Crills II and Poppy retail stores, seating area and walkway. As proposed, the modifications and additional construction would result in a total floor area of 6,852 sf (6,623-sf main floor, 229-sf upper floor) and total walkway area of 1,279 sf. This includes the following actions: 1) construct a new 534-square foot (sf) retail unit; 2) remodel (ADA) and enlarge two existing restrooms to be 243 sf; 3) convert the existing 632-sf glass court enclosed outdoor dining area to general public seating area of 729 sf; 4) enlarge the existing harbor walkway from 556 sf to 1,279 sf; 5) install 318 linear feet of floating docks with eight slips and a gangway; 6) remove an existing aggregate sidewalk and replace with a concrete sidewalk to connect to an existing sidewalk; 7) re-stripe seven existing parking spaces to provide five compact, two regular spaces; and 8) construct two new posts to support an extension of the existing awning across the front of the building.

The proposed marine related improvements include the construction of a head float approximately 8 by 100 feet with four finger style docks (two will be 4 by 38 feet; one will be 5 by 38 feet; and one will be 4 by 37 feet). Also, the project is proposing a total of 13 main & bumper piles to provide both lateral and vertical support for both the floating docks and the Harbor Walk. Of the 13 new steel or fiberglass piles, four will support the finger dock end and three will be bumper piles. One pile will be located at the north end of the new head float. Four pilings located west of the Harbor Walk will have support beams at 16 feet on center to support the cantilevered Harbor Walk. The last pile will be located west of the gangway.

The five existing wood pilings near the existing Harbor Walk that were originally proposed for removal are now proposed that two be removed/abandoned with the remaining three located west of the Hofbrau restaurant to be sleeved.

The pilings and docks will be constructed using a barge and crane. The applicant proposes to drive the piles by using either a vibratory hammer or a conventional pile driving hammer which the conventional pile driving hammer would be designed to ensure that underwater noise generated by pile driving activities is minimized to the maximum extent feasible and does not exceed (1) an accumulated 187 dB SEL as measured 5 meters from the source; and (2) peak dB above 208 dB as measured 10 meters from the source.

In addition, there will be a four foot by 33 ½-foot gangway installed to access the new docks. The proposed gangway entrance will have a four by six feet landing and a locked security gate.

The project will result in the disturbance of approximately 7,357 sf (0.17 acre) including approximately 434 sf (building), 723 sf (walkway), and up to 6,200 sf for sidewalk removal and replacement. No cut or fill is proposed.

The proposed project is located on the west side of Embarcadero Road, directly northwest of Harbor Street, within the City of Morro Bay. The project is within the Waterfront/Harbor zone with a Planned Development Overlay (WF PD/S.4). Surrounding land uses include visitor serving and retail land uses to the south, north, and east, and Morro Bay to the west. The project site is currently developed by the Hofbrau restaurant, indoor and outdoor seating areas, Poppy retail shop, restrooms, public walkway and view deck, and parking area.

FINDINGS OF THE LEAD AGENCY: The City of Morro Bay

It has been found that the project described above will not have a significant effect on the environment. The Initial Study includes the reasons in support of this finding. Mitigation measures are required to assure that there will not be a significant effect to the environment; these are described in the attached Initial Study and Checklist and have been included as conditions of approval. In addition, the City finds that this document reflects the independent judgment of the City of Morro Bay as lead agency.

That this environmental document has been prepared directly by, or under contract to the City of Morro Bay. The preparation of this document may include information or comments submitted by a person(s). The comments may have been submitted in any format and have been considered by the City and may have been included, in whole or in part, in this report.

The City declares that this document has been submitted to the State Clearinghouse as required by CEQA for public review and comment.



City of Morro Bay
PUBLIC SERVICES DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442
805-772-6261

INITIAL STUDY AND CHECKLIST

I. PROJECT INFORMATION

Project Title:	<u>Held Harbor Center</u>		
Case Number:	<u>UP0-342</u>		
LEAD AGENCY:	<u>City of Morro Bay</u>	Phone:	<u>(805) 772-6261</u>
	<u>955 Shasta Ave</u>	Fax:	<u>(805) 772-6268</u>
	<u>Morro Bay, CA 93442</u>		
Project Sponsor:	<u>Held Family Trust</u>	Phone:	<u>(805) 995-2773</u>
	<u>P.O. Box 225</u>	Fax:	
	<u>Cayucos, CA 93430</u>		
Project Landowner:	<u>City of Morro Bay (State Grant)</u>	Phone:	<u>(805) 772-6205</u>
	<u>595 Harbor Street</u>	Fax:	
	<u>Morro Bay, CA 93442</u>		
Project Agent:	<u>Cathy Novak</u>	Phone:	<u>(805) 772-9499</u>
	<u>P.O. Box 296</u>	Fax:	
	<u>Morro Bay, CA 93443</u>		

PROJECT BACKGROUND:

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EXHIBIT D

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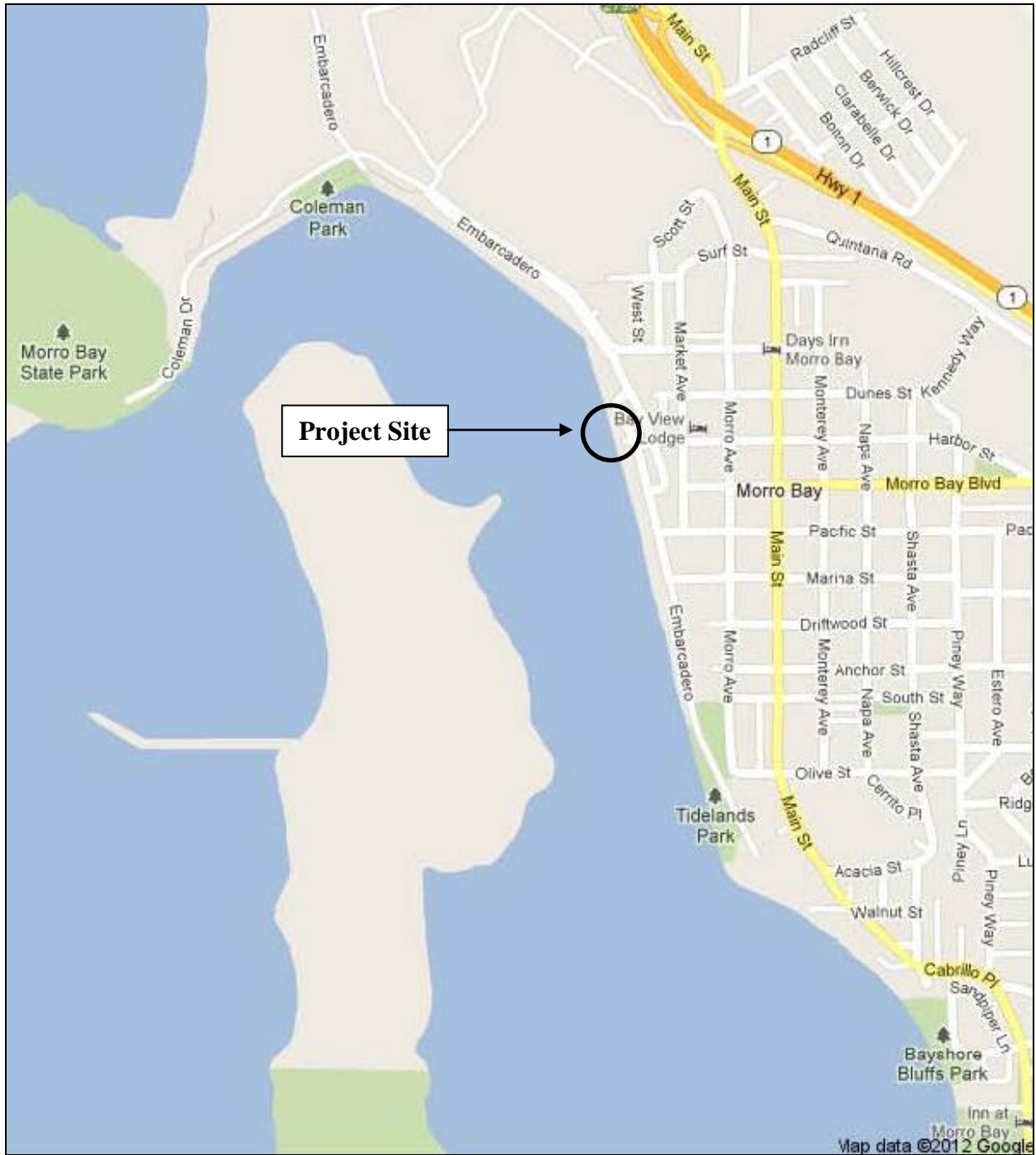
Project Location:	901-915 and 945 (water side) Embarcadero Road, immediately north west of the intersection of Harbor Street and Embarcadero Road, within the City of Morro Bay. Also reference as lease sites 93, 94, 95, and 93w, 94w, 95w and 96w
Assessor Parcel Number(s)	066-322-001
General Plan Designation:	Mixed Uses (Harbor)
Zoning Designation:	Waterfront (WF) and Harbor (H)
Overlay:	Planned Development S.4, Design Criteria
Surrounding Zoning and Land Uses	
North	Waterfront (WF); restaurant, small public park area
South	Waterfront (WF); public parking, retail shops
West	Harbor (H); Morro Bay, docks
East	Visitor-Serving Commercial (C-VS); retail shops

EXHIBIT D

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

X California Coastal Commission: Coastal Development Permit

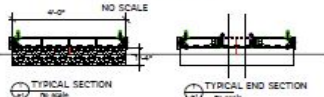
VICINITY MAP



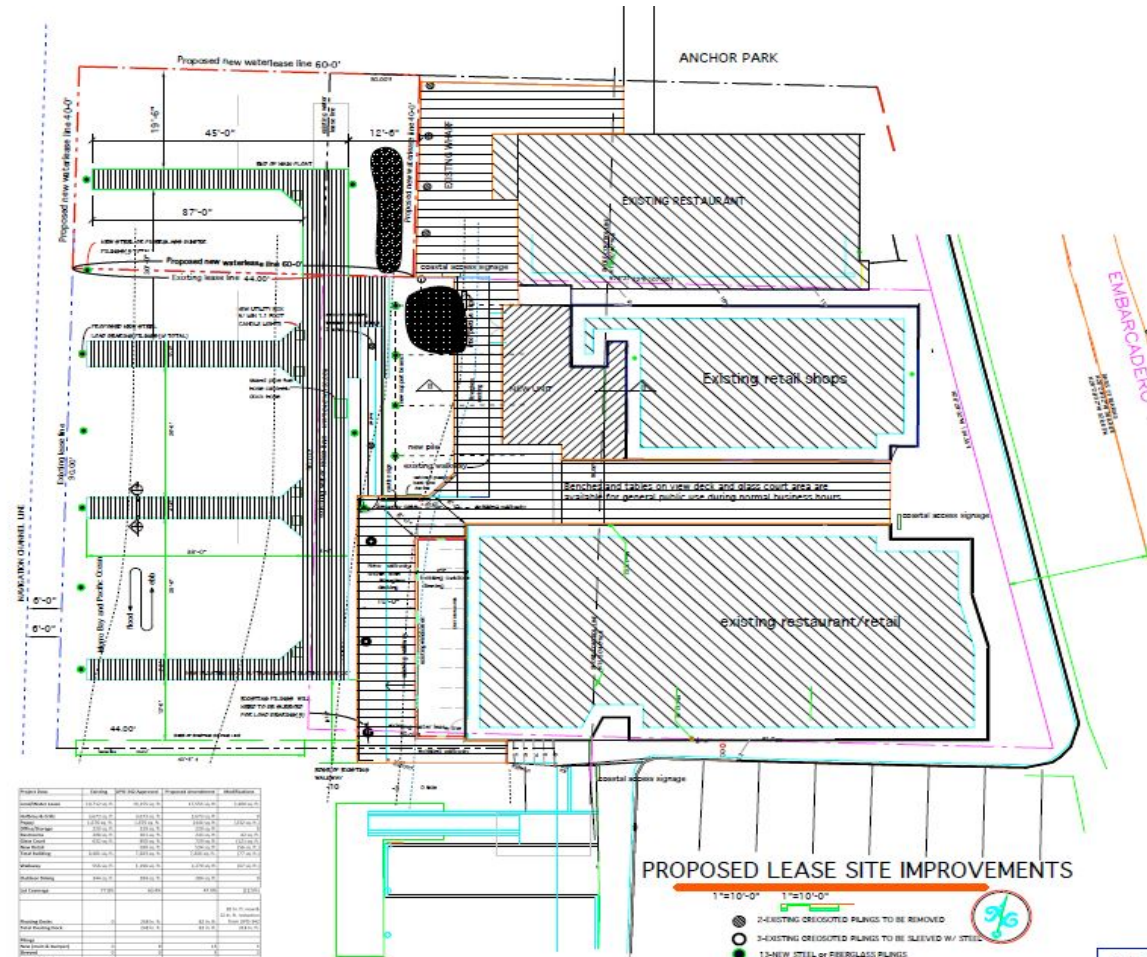
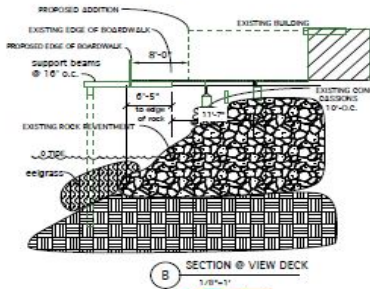
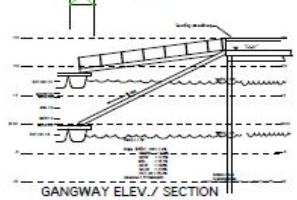
SITE PLAN



VICINITY AERIAL MAP



FLOATING DOCK SECTION



Item No.	Quantity	Unit	Proposed	Approved	Availability
1	1	sq ft	1000	1000	1000
2	1	sq ft	1000	1000	1000
3	1	sq ft	1000	1000	1000
4	1	sq ft	1000	1000	1000
5	1	sq ft	1000	1000	1000
6	1	sq ft	1000	1000	1000
7	1	sq ft	1000	1000	1000
8	1	sq ft	1000	1000	1000
9	1	sq ft	1000	1000	1000
10	1	sq ft	1000	1000	1000
11	1	sq ft	1000	1000	1000
12	1	sq ft	1000	1000	1000
13	1	sq ft	1000	1000	1000
14	1	sq ft	1000	1000	1000
15	1	sq ft	1000	1000	1000
16	1	sq ft	1000	1000	1000
17	1	sq ft	1000	1000	1000
18	1	sq ft	1000	1000	1000
19	1	sq ft	1000	1000	1000
20	1	sq ft	1000	1000	1000
21	1	sq ft	1000	1000	1000
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24	1	sq ft	1000	1000	1000
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37	1	sq ft	1000	1000	1000
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39	1	sq ft	1000	1000	1000
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41	1	sq ft	1000	1000	1000
42	1	sq ft	1000	1000	1000
43	1	sq ft	1000	1000	1000
44	1	sq ft	1000	1000	1000
45	1	sq ft	1000	1000	1000
46	1	sq ft	1000	1000	1000
47	1	sq ft	1000	1000	1000
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49	1	sq ft	1000	1000	1000
50	1	sq ft	1000	1000	1000

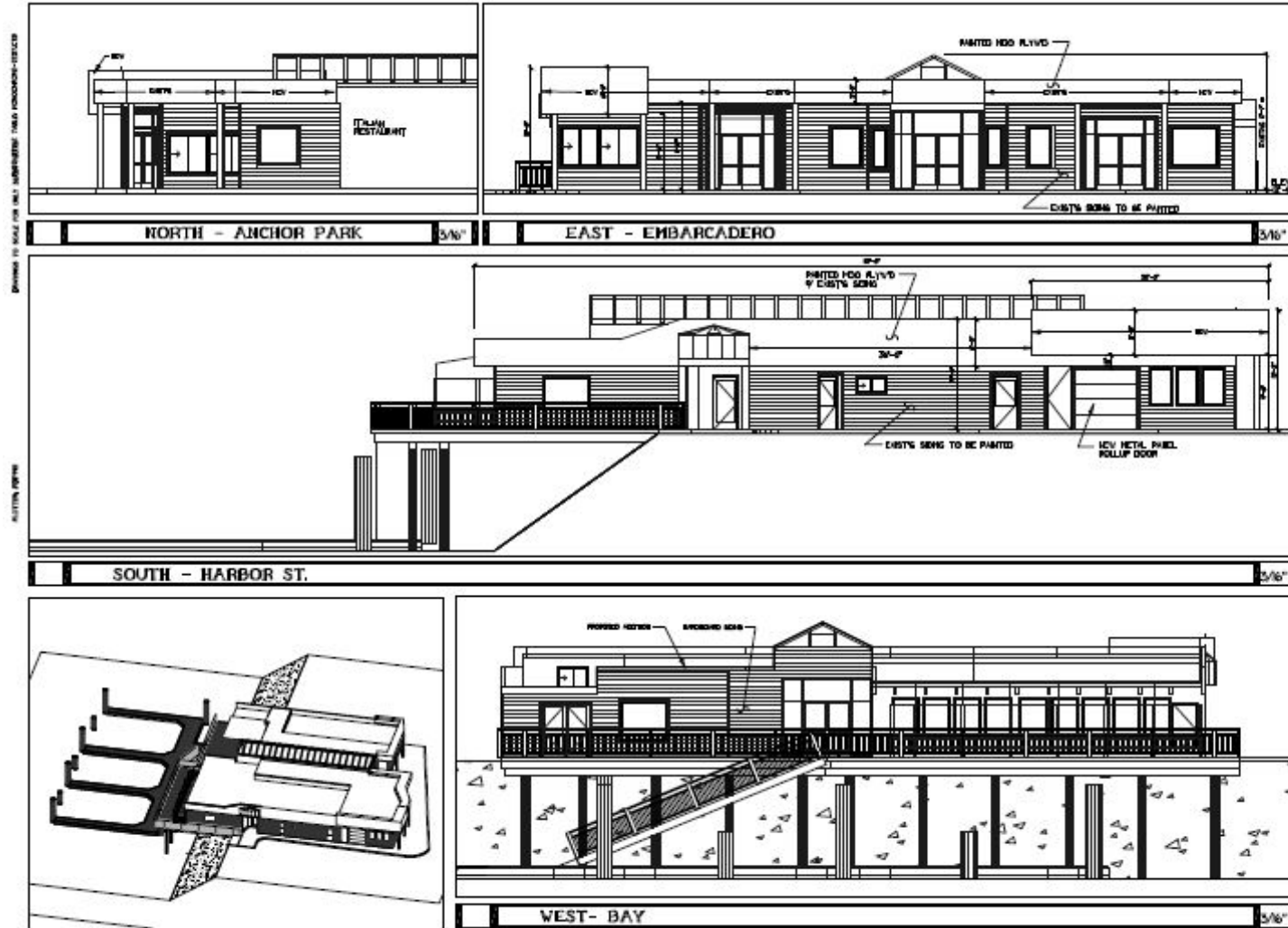
PROJECT DATA

COASTAL ACCESS PUBLIC BOARDWALK
HARBOR CENTER
HARBOR CENTER
HARBOR CENTER

SHEET SCHEDULE

A-1	PROPOSED LEASE SITE IMPROVEMENTS
A-2	PLOT PLAN
A-3	OVERLAY OF LEASE IMPROVEMENTS
A-4	ORIGINAL APPROVED LEASE SITE PLAN
A-5	PROPOSED FLOOR PLAN
A-6	AREA PLAN

ELEVATIONS



FIELD PROPERTIES HARBOR CENTER 905 EMBARCADERO, MARIN COUNTY, CA 94943	LAND/SEA INTERFACE LAND TO LAND LAND TO WATER	REVISIONS 1/16/2018	DRAWING NO. A-7
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VISUAL SIMULATIONS



VISUAL SIMULATIONS



VISUAL SIMULATIONS



II. ENVIRONMENTAL SETTING AND IMPACTS

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated", as indicated by the Environmental Checklist:

X	1. Aesthetics		10. Land Use/Planning
	2. Agricultural Resources		11. Mineral Resources
X	3. Air Quality	X	12. Noise
X	4. Biological Resources		13. Population/Housing
X	5. Cultural Resources		14. Public Services
X	6. Geology/Soils		15. Recreation
	7. Greenhouse Gas Emissions		16. Transportation/Circulation
X	8. Hazards/Hazardous Materials		17. Utility/Service Systems
X	9. Hydrology/Water Quality	X	18. Mandatory Findings of Significance

Environmental Setting: The project site is located on the edge of the bay, on the west side of the Embarcadero immediately northwest of Harbor Street. The existing structure, walkway, and pier posts are located on land lease site 93, 94 and 95 and water lease sites 93W, 94W and 95 W.

A portion of the project site is zoned Waterfront (WF) and the portion of the project site over the water is zoned Harbor (H). The stated purpose of the WF district is “to provide for the continued mixture of visitor-serving commercial and recreational and harbor-dependent land uses in appropriate waterfront areas...” Within the “WF” district, uses listed in Section 17.24.120 Visitor Serving Commercial, are allowable provided a Conditional Use Permit (CUP) is secured (Zoning Ordinance Section 17.24.170). Among those uses are motel, restaurant, marine related shops, and specialty retail boutiques, consistent with the existing and proposed uses. In addition, there are General Plan and Local Coastal Plan policies that promote the existing and proposed use of the site for visitor serving commercial and recreational uses. The intent of the H zone is primarily for harbor and navigable ways designations for those uses that need water in order to function, or as an accessory use to a land base/shore facility. The existing uses on site include the Hofbrau restaurant, Crills II and Poppy retail shop. Indoor and outdoor seating is provided, in addition to a wooden walkway along the building. A small parking area is located adjacent to the structure (to the south), and an adjacent restaurant and small park are located to the north. Retail and commercial uses are located to the east along the Embarcadero. Other land uses in the immediate area include similar restaurants, shops, walkways, viewing platforms, and access to boat slips. A portion of the building cantilevers over the water and the H Zone District, as such it is consider legal nonconforming, however, new encroachments would need to meet the intent of the H zone.

Sensitive resources within and adjacent to the project site includes an approximately 129-sf patch of eelgrass (*Zostera marina*) located within the area proposed for the boardwalk extension and floating dock, and a 151-sf strip within the area of the proposed new water lease site area. The remaining area proposed for the existing and expanded water lease could be considered potential habitat for eelgrass. Eelgrass is not an endangered species; however this species is recognized as a Special Aquatic Site per Clean Air Act Section 404(b)(1) guidelines, and is protected under the federal “no-net loss” policy for wetlands. As discussed further in Section 4 Biological Resources, eelgrass and other sea grass ecosystems are protected due to their important role in the lifecycles of other species.

<u>Surrounding Land Use</u>			
North:	Waterfront (WF); restaurant, small public park area	East:	Visitor-Serving Commercial (C-VS); retail shops
South:	Waterfront (WF); public parking, retail shops	West:	Harbor (H); Morro Bay, docks

Determination: (To be completed by the Lead Agency)

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measure that are imposed upon the proposed project, nothing further is required.

Cindy Jacinth
Signature

8/26/13
Date

Cindy Jacinth, Associate Planner
Printed Name

City of Morro Bay
For

III. ENVIRONMENTAL CHECKLIST

1. AESTHETICS: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?			X	
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within view of a state scenic highway?			X	
c. Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?		X		

Environmental Discussion:

The visual resources of an area comprise the features of its built and natural land forms, vegetation, water surfaces and landscape. Landscape features, naturally occurring or otherwise, form the overall impression of the area. The proposed project is located on the Embarcadero, a strip of land supporting various visitor-serving commercial, retail, and recreational uses along the edge of Morro Bay. Other uses within the bay itself include private and commercial boating, touring, fishing operations, and boat docks. Important scenic resources (scenic vistas) in the areas include Morro Rock, the bay, and the sandspit.

The existing structure is clearly visible from Embarcadero Road, Harbor Street, the sandspit, and from within the bay. As seen from Embarcadero Road and Harbor Street, the existing structure obscures views of the bay, the sandspit, and Morro Rock; however, clear views of these scenic resources are available from viewing areas to the north and south of the structure, and the public walkway along the west side of the structure.

Impact Discussion:

- a. A substantial adverse impact to a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or areas. As noted above, the existing structure obscures views of the bay, sandspit, and lower portion of Morro Rock. The current height of the structure is 11 feet, with the exception of a peak at 17 feet, 1 inch. The proposed improvements would increase the height of the structure to 15 feet 2 inches, and 14 feet (along portions of the structure), and the peak would remain. This additional height would minimally increase the amount of Morro Rock blocked from view as seen from public roadways and sidewalks. The proposed project includes improved public walkways, sidewalks, boardwalks, and viewing areas that would expand scenic viewing opportunities for the public. While the project increases a façade height to 15'2" from 11 feet, this increase only pertains to a small portion of the building and is well beneath the 25 foot height maximum allowed under the waterfront Master Plan.
- b. State Route 1 (SR-1) is an Officially Designated State Scenic Highway through Morro Bay. The project site is approximately 0.5 miles west of SR-1, and is not visible from the highway due to existing development and topography. In addition, based on the location of the project site, the existing structure and proposed improvements do not block views of Morro Rock as seen from SR-1. Therefore, potential impacts are less than significant, and no mitigation measures are necessary.
- c. The existing and proposed uses, and architectural style, are compatible with the surrounding area. Minimal façade improvements including the construction of two new post front of the existing retail building at the southern side of the land lease on the Embarcadero side to be used to support an extension of the existing

awning across the front of the building. These improvements are minimal and do not alter the characteristics of the site, therefore no significant impact will occur.

- d. The existing structure includes exterior lighting, however the project includes additional docks to be placed into the harbor which will introduce additional lighting into the harbor. The building code requires a lighting level of 5 foot candle on the area of the docks utilized for loading/unloading of passengers off of passenger for hire vessel. The proposed improvements would not create lighting or glare inconsistent with adjacent uses, provided standard measures are incorporated (see below). The following mitigation measures are recommended to ensure potential impacts will be less than significant.

Mitigation and Residual Impact:

AES Impact 1 Visibility of night lighting and daytime glare would adversely affect views resulting in a direct long-term impact.

AES/mm-1 Prior to issuance of precise plan approval or if no precise plan is needed a building permit , a comprehensive lighting plan (photometric plan) shall be submitted for review and approval by the Planning Division of the Public Services Department. The lighting plan shall be prepared using guidance and best practices endorsed by the International Dark Sky Association. The lighting plan shall address all aspects of the lighting, including but not limited to all buildings, infrastructure, parking and driveways, paths, floating dock, safety, and signage. The lighting plan shall include the following at minimum:

- a) *The location, type, and wattage of all light fixtures (including catalog sheets for each fixture) shall be illustrated and a maximum ten-foot by ten-foot grid of both the initial and maintained lighting levels on the site with the following information to be included:*
- b) *Footcandle Distribution, plotting the light levels in footcandles on the ground, at the designated mounting heights for the proposed fixtures. Maximum illuminance levels should be expressed in footcandle measurements on a grid of the site showing footcandle readings in every five or ten-foot square. The grid shall include light contributions from all sources (i.e. pole mounted, wall mounted, sign, and street lights.) Show footcandle renderings five feet beyond the property lines.*
- c) *The maximum light intensity on a nonresidential site shall not exceed a maintained value of ten footcandles, when measured at finished grade.*
- d) *All exterior lighting shall be designed and located so that only the intended area is illuminated and off-site glare is prevented.*
- e) *All lighting shall be cutoff style fixtures that are directed downward to prevent glare on adjacent and surrounding areas (i.e., Morro Bay, sandspit), and shall be limited to the maximum extent feasible while still providing for public safety.*
- f) *Lights shall have solid sides and reflectors to further reduce lighting impacts, and shall be placed on a switch or timer to turn them off when not needed during the late evening.*
- g) *Boat dock lighting shall be designed to reduce brightness and prevent off-site glare.*

AES/mm-2 Prior to issuance of a building permit, the applicant shall submit building plans and elevations for review and approval consistent with the following conditions:

- a) *No highly reflective glazing or coatings shall be used on windows.*

- b) *All reflective exterior materials such as chrome, bright stainless steel, or glossy tile shall be used minimally to minimize new glare.*
- c) *All existing and newly installed wind screens shall be frosted, partially-frosted, or otherwise treated with visually permeable barriers that are designed to prevent bird strikes.*

After implementation of these measures, residual impacts would be less than significant.

Monitoring:

The City of Morro Bay Planning Department will verify implementation of these design details through review and approval of the lighting plan and building plans prior to issuance of building permits for the project. The City will confirm compliance with these conditions by visual inspection during final inspection, prior to operation of the project.

After implementation of these measures, residual impacts would be less than significant.

2. AGRICULTURAL RESOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocol adopted by the California Air Resources Board.</p> <p>Would the project:</p>				
a. Convert prime farmland, unique farmland, or farmland of statewide importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X

Environmental Discussion:

The City of Morro Bay contains a relatively limited area devoted to agricultural uses within the city limits. The Chorro and Morro Valleys, within and adjacent to the city, support intensive agricultural activity. No agricultural areas are located within 0.5 mile of the project site.

Impact Discussion:

- a. The project site is classified as Urban and Built Up Land by the Department of Conservation’s Farmland Monitoring and Mapping Program. No Farmland would be converted; no impacts would result.
- b. The project site is within the Waterfront and Harbor (Planned Development) zone, and is not subject to a Williamson Act contract. The proposed use would not conflict with any existing zoning and no impacts would result.
- c. The project location does not consist of forest land or timberland; no impacts would result.
- d. The project location does not consist of forest land or timberland; no impacts would result.
- e. The project would not result in any changes to the environment that would impact existing agricultural uses in the region. The project would continue to be served by City water supplies, which are considered sufficient to adequately meet project-related demands, and construction and long-term operation of the project is not expected to cause any significant impacts on regional agricultural uses. No impact would occur.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts to agricultural resources and no mitigation measures are necessary.

Monitoring:

None required.

3. AIR QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.				
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?			X	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X	
d. Expose sensitive receptors to substantial pollutant concentrations?		X		
e. Create objectionable odors affecting a substantial number of people?			X	

Environmental Setting:

The San Luis Obispo County Air Pollution Control District (SLOAPCD) has developed the CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. The APCD has also prepared a Clean Air Plan to evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels.

The project would result in the disturbance of approximately 0.17 acre of soils. The project also includes remodeling of an existing structure, the creation of an additional 534 sf of retail space, and the construction of an approximately 318 linear foot floating dock and 134 sf gangway. These project activities would result in the creation of construction dust and short-term construction vehicle emissions (Construction Emissions). The project would generate a negligible amount of long-term trips due to existing retail uses within and in the immediate vicinity of the project site.

Impact Discussion:

- a. The proposed development is consistent with the goals and policies of SLOAPCD’s CEQA Handbook and Clean Air Plan. The project is consists of redevelopment of an existing use to accommodate additional retail services, public access opportunities, and provision for boating uses within an urban area primarily dedicated to retail, commercial, visitor service, and recreational uses. The project is consistent with SLOAPCD policies encouraging mixed development in urban areas, and limiting vehicle miles traveled to minimize air pollutants generated by transportation-related sources. Therefore, potential impacts are less than significant.
- b. **Construction Emissions.** Construction emissions that would result from the proposed project were calculated using CalEEMod (California Emissions Estimator Model) Version 2013.2 pursuant to the CEQA Handbook. Project construction emissions (winter/worst case scenario) are estimated in Table 1 Construction Emissions, below.

For construction projects expected to be completed in less than one quarter (90 days), exceedance of the 137 lb/day threshold requires Standard Mitigation Measures. Project estimated construction emissions are not expected to exceed the APCD thresholds therefore no mitigation is required. However, potential impacts would be minimized by implementation of the City’s standard dust control measures.

In addition to the construction air quality thresholds defined above, there are a number of special conditions, local regulations or state and federal rules that apply to construction activities. These conditions must be addressed in proposed construction activity and are summarized below.

Table 1. Project Construction Emissions

	ROG	NO _x	CO	Fugitive PM ₁₀	PM ₁₀ (Exhaust)	PM _{2.5} (Exhaust)	CO ₂
Project construction emissions (Winter/lbs/day)	9.72	14.84	9.74	0.85	1.03	0.44	1,303.68
Threshold (lbs/day)*	137		n/a	n/a	7		n/a
Mitigation Required	No		n/a	n/a	No		n/a

*Source: County of San Luis Obispo, APCD CEQA Air Quality Handbook, 2012

Sensitive Receptors

The proximity of sensitive individuals (receptors) to a construction site constitutes a special condition and may require a more comprehensive evaluation of toxic diesel PM impacts and more aggressive implementation of mitigation measures described below in the diesel idling section (if deemed necessary by the SLOAPCD). Areas where sensitive receptors are most likely to spend time include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling units. The types of construction projects that typically require a more comprehensive evaluation include large-scale, long-term projects that occur within 1,000 feet of a sensitive receptor locations.

Permits

Portable equipment and engines 50 horsepower (hp) or greater, used during construction activities will require California statewide portable equipment registration (issued by the Air Resources Board) or an Air District permit.

Operational Emissions. The APCD has set thresholds for ozone precursor emissions, diesel particulate matter (DPM), fugitive particulate matter emissions (dust), and carbon monoxide emissions (CO). Ozone precursor emissions are measured as combined ROG and NO_x emissions. DPM is seldom emitted from individual projects in quantities which lead to local or regional air quality attainment violations. DPM is, however, a toxic air contaminant and carcinogen, and exposure to DPM may lead to increased cancer risk and respiratory problems. Certain industrial and commercial projects may emit substantial quantities of DPM through the use of stationary and mobile on-site diesel-powered equipment as well diesel trucks and other vehicles that serve the project.

Projects which emit more than 25 lbs/day or 25 tons/year of fugitive particulate matter need to implement permanent dust control measures to mitigate the emissions below these thresholds or provide suitable off-site mitigation approved by the APCD. Any land uses or activities can result in dust emissions that exceed the APCD significance thresholds, cause violations of an air quality standard, or create a nuisance impact in violation of APCD Rule 402, Nuisance. In all cases where such impacts are predicted, appropriate fugitive dust mitigation measures shall be implemented.

Carbon monoxide is a colorless, odorless, tasteless gas emitted during combustion of carbon-based fuels. While few land use projects result in high emissions of CO, this pollutant is of particular concern when emitted into partially or completely enclosed spaces such as parking structures and garages. Projects that emit more than 550 lbs/day of CO and occur in a confined or semi-confined space (e.g., parking garage or enclosed indoor stadium) must be modeled to determine their significance. In confined or semi-confined spaces where vehicle activity occurs, CO modeling is required. If modeling shows the potential to violate the State CO air quality standard, mitigation or project redesign is required to reduce CO concentrations to a level below the health-based standard.

Operational emissions that would result from the proposed additional 534-sf retail use and additional 2,400 square feet of lease site area were calculated using CalEEMod (California Emissions Estimator Model) Version 2013.2 pursuant to the APCD CEQA Handbook, 2012. Operational emissions are estimated as follows (unmitigated):

Table 2. Area Source and Operational Emissions

	ROG	NO _x	CO	PM ₁₀	CO ₂
Winter (lbs/day)	0.45	0.37	1.72	0.12	158.87
Threshold (lbs/day)*	25		550	25	n/a
Mitigation Required	No		No	No	n/a

Annual (tons/yr)	0.07	0.06	0.27	0.02	27.96
Threshold (tons/yr)*	25		n/a	25	n/a
Mitigation Required	No		n/a	No	n/a

*Source: County of San Luis Obispo, APCD CEQA Air Quality Handbook, 2012

In general, projects that do not exceed APCD thresholds for ozone precursor emissions or dust do not require mitigation for long-term operational effects on air quality. APCD’s recommended levels of mitigation for these pollutants are shown in Table 3 below. The recommended standard air quality mitigation measures have been separated according to land use (i.e., residential, commercial and industrial), measure type (i.e., site design, energy efficiency and transportation) and pollutant reduced (i.e., ozone, particulate, DPM, and GHGs). Any project generating 25 lbs/day or more of ROG + NO_x or PM₁₀ should select the applicable number of mitigation measure as outlined in Table 3-5 of the SLOAPCD CEQA Air Quality Handbook.

Based on the CEQA Air Quality Handbook, the project would result in less than 25 pounds per day (lbs/day) of operational pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. Therefore, no significant long-term air quality effects are expected to occur and no mitigation measures are required.

Table 3. SLOAPCD Mitigation Threshold Guide

Combined ROG+NO_x or PM₁₀ Emissions (lbs/day)	Mitigation Measures Recommended	
	Residential, Commercial or Industrial	Off-Site Mitigation
< 25	None	None
25 – 29	8	*
30 – 34	14	*
35 – 50	18	*
≥ 50	All Feasible	*
≥ 25 ton/yr	All Feasible	Yes

* Will be dependent on the effectiveness of the mitigation measures, location of project and high vehicle dependent development. Examples of projects potentially subject to off-site mitigation include: rural subdivisions, drive-through applications, commercial development located far from urban core.

Source: County of San Luis Obispo, APCD CEQA Air Quality Handbook, 2012

San Luis Obispo County is currently designated as non-attainment under the state standard for ozone. As noted above, the project would not result in the generation of emissions exceeding identified thresholds; therefore, the project’s contribution would not be cumulatively considerable, and impacts would be less than significant.

- c. The project is located within close proximity to sensitive receptors, including hotels, parks and recreational uses within 1,000 feet of the proposed development. The project would create short-term fugitive dust and

diesel particulate matter (DPM) during construction activities, with the potential to constitute a nuisance. After implementation of standard dust control and DPM measures, impacts would be less than significant.

The underlying soil consists of fill material, therefore it is very unlikely for naturally occurring asbestos (NOA) to be encountered during earthmoving activities. The existing structure proposed for the remodel could include asbestos containing materials (ACM). Mitigation measures have been proposed to minimize the potential for exposure to ACM. Therefore, this potential impact can be mitigated to less than significant.

- d. The proposed use would not create objectionable odors, other than minimal effects potentially associated with short-term construction activities. Impacts would be less than significant.

Mitigation and Residual Impact:

AQ Impact 1 Construction activities associated with development of the proposed project would result in short-term emissions of DPM.

AQ/mm-1 Upon application for grading and building permits, the applicant shall submit plans including the following notes, and shall comply with the following standard mitigation measures for reducing diesel particulate matter (DPM) emissions from construction equipment as follows:

- (a) Maintain all construction equipment in proper tune according to manufacturer's specifications;*
- (b) Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);SLO County APCD CEQA Air Quality Handbook 20124-14*
- (c) Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy duty diesel engines, and comply with the State off-Road Regulation;*
- (d) Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;*
- (e) Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;*
- (f) All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;*
- (g) Diesel idling within 1,000 feet of sensitive receptors is not permitted;*
- (h) Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;*
- (i) Electrify equipment when feasible;*
- (j) Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,*
- (k) Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas(CNG), liquefied natural gas (LNG), propane or biodiesel. Best Available Control Technology (BACT) for Construction Equipment*

AQ Impact 2 Construction activities associated with development of the proposed project could generate dust that could be a nuisance to adjacent sensitive receptors.

AQ/mm-2 Upon application for grading and building permits, the applicant shall submit plans including the following notes, and shall comply with the following standard mitigation measures for reducing fugitive dust emissions such that they do not exceed the APCD's 20 percent opacity limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402) as follows:

- a. Reduce the amount of the disturbed area where possible;*

- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;*
- c. All dirt stock-pile areas should be sprayed daily as needed;*
- d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;*
- e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and 1 The value used to calculate off-site mitigation is based on the ARB approved Carl Moyer Grant Program and is updated on a periodic basis. The Carl Moyer cost effectiveness value as of 2009 is \$16,000 per ton. SLO County APCD CEQA Air Quality Handbook 2012*
- f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.*
 - a. Reduce the amount of the disturbed area where possible;*
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;*
 - c. All dirt stock pile areas should be sprayed daily as needed;*
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;*
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;*
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;*
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;*
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;*
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;*
 - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;*
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;*
 - l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and*
 - m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.*

EXHIBIT D

AQ/mm-3

Demolition of the existing onsite structures and/or infrastructure shall be conducted in compliance with applicable regulatory requirements, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40 CFR 61, Subpart M – asbestos NESHAP). These requirements include, but are not limited to, notification to the APCD, an asbestos survey conducted by a Certified Asbestos Inspector, and applicable removal and disposal requirements of identified asbestos containing materials. The applicant shall submit to the Planning Division documentation that they have complied with the above requirements prior to issuance of a any type of building permit.

With implementation of these measures, air quality impacts would be less than significant.

Monitoring:

Demolition plans and regulatory forms will be submitted to the APCD for review and approval, consistent with mitigation measures. The applicant will submit approval documentation from APCD to the City Environmental Coordinator. Monitoring or inspection shall occur as necessary to ensure all construction activities are conducted in compliance with the above measures. Measures also require that a person be appointed to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site. All potential violations, remediation actions, and correspondence with APCD will be documented and on file with the City Environmental Coordinator.

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of fish and Wildlife or U.S. Fish and Wildlife service?		X		
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?		X		
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?			X	

Environmental Setting:

The project site is located adjacent to Morro Bay. In addition to being a significant hydrological and ecological resource (estuarine and marine wetland), the bay provides habitat for various aquatic and terrestrial species in the area.

A search of the California Natural Diversity Database (CNDDDB) indicates the potential for 61 sensitive plant and animal species to occur within the Morro Bay South Quadrangle. Out of these species, the following plants and animals are either documented within a mile north, south, and west of the project site: California seablite, Blochman's dudleya, San Joaquin spearscale, Miles' milk-vetch, salt marsh birds-beak, Jones' layia, pallid bat, Morro Bay blue butterfly, tidewater goby, monarch butterfly, sandy beach tiger beetle, and California clapper rail. These species generally occur within undeveloped areas along the bay and on the sandspit. In addition to these species, the project area supports habitat for a variety of marine mammals, fish, and migratory birds. The project site is currently developed, and does not support habitat conditions for these species, with the exception of tidewater goby, marine mammals (i.e., otters, seals, sea lions), and migratory birds.

Based on the *Eelgrass (Zostera marina) and [Green Algae] Caulerpa taxifolia Survey* (Tenera Environmental, August 31, 2011) conducted for the project, an approximately 129-sf patch of eelgrass (*Zostera marina*) located within the area proposed for the boardwalk extension and floating dock, and a 151-sf strip within the area of the proposed new water lease site area. No invasive green algae was observed. In addition, an underwater dive was conducted on November 16, 2012 which noted the two eelgrass beds size and location were consistent with the previous report. The remaining area proposed for the existing and expanded water lease could be considered potential habitat for eelgrass. Eelgrass is not an endangered species; however this species is recognized as a Special Aquatic Site per Clean Air Act Section 404(b)(1) guidelines, and is protected under the federal "no-net loss" policy for wetlands. The results of the survey are incorporated in to the discussion below.

Impact Discussion:

- a. Implementation of the proposed project has the potential to result in adverse effects to special status species along the shore and within the bay, including eelgrass, marine mammals, and migratory birds. Based on the location of the project, implementation of erosion control and best management practices are required to avoid significant indirect impacts to special status species within the bay.

Eelgrass. Eelgrass beds are known to occur in the general area, and are considered a Special Aquatic Site (SAS) by the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service (NMFS). Eelgrass habitat is regulated under Section 404 of the Clean Water Act (CWA), and is also considered Essential Fish Habitat by NMFS. The 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) set the Essential Fish Habitat (EFH) provisions to identify and protect important habitats of federally managed marine species. Surveys are required to map the extent and location of eelgrass in projects that may affect eelgrass.

Based on the original Eelgrass survey and the follow up report dated May 7, 2013 there are two beds of eelgrass within the project area. One bed is approximately 129 sq ft and the other one is 151 sq ft. The first bed of eelgrass (bed located to the south) has a minimal portion of the bed located under the proposed boardwalk expansion. In addition to the project proposed to run a support beam which will assist in supporting the boardwalk across the eelgrass bed. Although this beam will traverse across the water it is elevated and will not directly affect the bed other than to provide minimal shading. The other eelgrass bed is located near the north end of the headfloat. The new docks has been sited so as to avoid impacts to both existing eelgrass beds and to minimize shading effects. Although there is a small portion of one eelgrass bed under the boardwalk expansion, the boardwalk has been designed to avoid this bed to the greatest extent feasible. The docks have been redesigned to be moved westwardly away from the existing eelgrass. However, with the new dock design, the northernmost eelgrass bed could be accessible to small watercraft, such as a skiff, accessing shore. Long term docking of such small watercraft may cause significant impact to eelgrass habitat. This Eelgrass bed shall be maintained without any long-term shading such as boat

storage (mooring) and signage shall be placed on the land and waterside (public boardwalk) providing information to people about the species and why and how it should be protected and that no watercraft shall moor in the area where the Eelgrass bed is located. The boardwalk is proposed to be expanded pursuant to the City's planning documents which require the boardwalk to be a minimum of 8 feet for public access. While there is eelgrass underneath this expansion the boardwalk has been reduced in width and relocated toward landside to the extent it was feasible while still providing the necessary public access as required through the City's LCP. The expansion of docks and the public access boardwalk is proposed within areas that may be considered potential habitat for eelgrass (based on the depth of the water etc), and therefore may affect eelgrass habitat. Shading effects from the boardwalk expansion and dock expansion can be minimized through mitigation measures requiring the portion of the boardwalk overhanging the water to be constructed of grating material or translucent material in order to allow sunlight to pass through.

Marine Mammals. Potential impacts to marine mammals in the bay will be limited to the construction phase. Sediment and pollutant discharge, and the generation of noise from construction equipment may be temporarily disruptive. These activities would be limited to daytime hours only. The disturbance of animals listed under the Endangered Species Act (ESA) and Marine Mammal Protection Act may constitute harassment. Harassment of such animal species without the proper incidental take permit (pursuant to Sections 7 and 10 of the ESA and consultation with the National Marine Fisheries Service). Implementation of mitigation measures, including avoidance of marine mammals and monitoring during activities conducted within the bay, is required to avoid disturbance of special-status species. During operation, conditions within and adjacent to the bay will be similar to surrounding uses, and no long-term significant impact would occur.

Migratory Birds. Migratory birds are protected under the Migratory Bird Treaty Act of 1918. The project site does not support conditions considered suitable for migratory bird nesting; however, birds may be present or forage within the project area. Avoidance of all bird species is recommended during construction. During operation, conditions within and adjacent to the bay will be similar to surrounding uses, and no long-term significant impact would occur.

- b.** As noted above (a), implementation of the project has the potential to impact eelgrass beds (a SAS). In addition, construction of the project would include the use of heavy equipment and machinery adjacent to Morro Bay and additional boating activities. These activities may result in pollutant discharges, including sediment, oils, and fuels entering the bay, and indirectly impacting terrestrial and aquatic species.

In addition to a modified design to allow for sunlight through the boardwalk (see above), prior to construction, the applicant will prepare a final grading plan including temporary and permanent soil stabilization and erosion control measures, and a spill prevention control and countermeasure plan to avoid the potential for accidental leak or release of oils, fuels, and other materials. These best management practices would mitigate potential impacts resulting from pollutant discharges into Morro Bay, and impacts after implementation would be considered less than significant.

- c.** The project site is located adjacent to and within estuarine and marine wetland areas, including the navigable waters of Morro Bay. No dredge or fill, except the addition of new and sleeved piles, of wetland areas is proposed. The original proposal to remove five existing pilings is modified as follows, remove/abandon two pilings and sleeve three pilings. Four steel/fiberglass main piles will be set at the end of each proposed floating finger dock. Construction will include the use of a barge and crane to avoid the placement of equipment within the bay. As noted above (b), mitigation and best management practices would be incorporated into the project to avoid potential impacts to the bay. The applicant is responsible for obtaining any additional permits from the U.S. Army Corps of Engineers and Regional Water Quality Control Board for actions within navigable waters of the U.S. Based on implementation of recommended mitigation measures, impacts would be less than significant.
- d.** Please refer to (b) above, which addresses potential impacts to marine mammals and migratory birds. Based on implementation of mitigation measures, potential impacts would be less than significant.

- e. The project site is located within and adjacent to Morro Bay. Portions of the bay are located within designated Environmental Sensitive Habitat Area (ESHA) overlays, which apply to areas that support environmentally-significant habitats, such as wetlands, riparian areas, and special-status species habitat. The project site is not located within an ESHA overlay, because the site is developed and adjacent to a section of Morro Bay that is dredged for maintenance of the harbor. Although the site is not specifically designated as an ESHA, potentially significant in-direct effects are considered in this Initial Study (refer to a, b, and c above), such as pollutant discharges that may migrate from the site into sensitive habitats (ESHAs). The project is consistent with the City's General Plan and Local Coastal Program, and would not conflict with any local policies or ordinances protecting biological resources. Impacts would be less than significant.
- f. The project site is not subject to any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan. Impacts would be less than significant.

Mitigation and Residual Impact:

- BIO Impact 1** **Construction of the proposed overhanging boardwalk and support beams would block sunlight and reduce eelgrass populations within the project site.**
BIO/mm-1 *Prior to issuance of building permits, the applicant shall submit construction plans demonstrating the following:*
- a. *The new overhanging boardwalk shall be constructed with grated or translucent material to allow sunlight to pass through to the water below.*
 - b. *The support beams shall be minimized to the greatest extent possible in that they should be sized to support the boardwalk and not increased in size to address aesthetics or to provide utility runs.*
- BIO Impact 2`** **Construction of the new docks would block sunlight to the water and will reduce eelgrass habitat.**
BIO/mm-2 *Prior to issuance of any building permit, the applicant shall submit construction plans demonstrating the following:*
- a. *All new docks shall be designed to avoid the known eelgrass beds and where located within areas of potential habitat be constructed with 2 foot wide grated or translucent material panels to allow sunlight to pass through to the water. These panels shall be placed at a minimum of every twenty feet or in all areas where there is no floatation and it will not compromise the structural stability of the docks.*
- BIO Impact 3** **Redesign of the docks pushed westward will leave open water over eelgrass that may be accessible to small watercraft creating impacts to eelgrass habitat.**
BIO/mm-3 *All Eelgrass beds shall be protected in perpetuity and no long-term shading of the area shall occur. No boat, kayak or any water vessel storage (mooring) shall be allowed. Interpretive signage shall be placed both landside and dockside (public boardwalk) explaining about Eelgrass, Eelgrass habitat and that water vessel mooring is prohibited. This language on the signs shall be review and approved by the Planning Division and installed prior to receiving a final on the building permit.*
- BIO Impact 4** **Construction of the new docks will have the potential to eliminate existing eelgrass.**
BIO/mm-4 *The following actions are required to mitigate impacts to existing Eelgrass.*
Eelgrass Surveys:
- 1. *A pre-construction survey (conducted in accordance with the National Marine Fisheries Service (NMFS) Southern California Eelgrass Mitigation Policy) shall be submitted to the City's Planning Division (Environmental Coordinator) for review prior to issuance of building permit.*

A post-construction survey shall be conducted to identify direct construction impacts to existing eelgrass shall be submitted to the City's Environmental Coordinator for review consistent with the guidelines of the Southern California Eelgrass Mitigation Policy (SCEMP). This post-construction survey shall be performed within 30 days of completion of all water-side construction activities and prior to requesting a building permit final from the Planning Division.

Eelgrass Monitoring Plan:

2. The applicant shall submit an Eelgrass Monitoring Plan (EMP) to the City Environmental Coordinator for review and approval prior to requesting a final on the building permit from the Planning Division. The EMP shall, at a minimum, provide the following:

- a. *Eelgrass Protection.* All eelgrass beds identified in the project area shall be shown on a map in site plan view, and shall be protected as eelgrass habitat in perpetuity.
- b. *Monitoring and Reporting.* A monitoring report prepared in accordance with the Southern Eelgrass Mitigation Policy shall be submitted to the City Environmental Coordinator for review within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measures to offset such reduction within the eelgrass beds in the project area at a mitigation ratio basis consistent with the Southern California Eelgrass Mitigation Policy (SCEMP). The report shall also include annual monitoring for direct and indirect impacts to Eelgrass pursuant to SCEMP.

BIO Impact 5

Construction activities may disrupt special status species including marine mammals and migratory birds due to noise and increased equipment activity.

BIO/mm-5

A. Prior to issuance of building permits, the applicant shall submit documentation verifying that a U.S. Fish and Wildlife Service-approved biologist has been retained to monitor all construction within the water-lease areas.

B. The applicant shall submit a Monitoring Plan that shall be prepared by the retained biological monitor. The Plan shall include, but not be limited to the following:

- a. Prior to the issuance of a building permit, the monitor shall verify compliance with all BIO, GS, HYD, and N mitigation measures, conditions of approval, and regulatory permit conditions (as applicable).
- b. Biweekly monitoring reports shall be provided to the City, including a summary of the each day's activities, summary of any violations or inconsistencies with the mitigation measures/conditions of approval, any remediation actions undertaken by the applicant/construction manager, any verbal or written correspondence with regulatory agencies, and photo-documentation.
- c. In the event of a violation or inconsistency with a mitigation measure, condition of approval, and/or regulatory permit condition, the Plan shall include a process for emergency reporting in the event of a violation, including a chain-of-command.
- e. The Plan shall identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area.

BIO Impact 6

Construction activities may disrupt special status species including marine mammals and migratory birds due to noise and increased equipment activity.

Bio/mm-6

All work that disturbs the ocean floor (i.e., removal and installation of pilings) shall be monitored by a U.S. Fish and Wildlife Service-approved biologist to ensure that impacts to marine mammals are avoided. The approved biological monitor shall be present onsite

during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter, or other marine mammal, could be affected by the project, even if the animal is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.

BIO Impact 7

BIO/mm-7

Prior to initiating any piling driving associated with the project, the applicant shall submit to the Planning Division prior to the issuance of a building permit, whether the project will utilize a vibratory hammer, conventional pile driving or water jetting method of construction. If conventional pile driving is utilized, the power to the pile driver should be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced.

BIO Impact 8

Construction of the project may result in accidental release of pollutants within the bay, including sediments, oils, waste, and fuels, which would degrade state and federally-protected waters.

BIO/mm-8

Prior to issuance of grading and building permits, the applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife).

Refer to mitigation measures GS/mm-1, HAZ/mm-1, HAZ/mm-2, HYD/mm-1, HYD/mm-2, and N/mm-1.

After implementation of these measures, residual impacts to biological resources would be less than significant.

Monitoring:

The retained biological monitor shall verify compliance with biological mitigation measures during construction, and submit monitoring reports to the City, pursuant to an approved Monitoring Plan. The City shall ensure that all necessary studies and/or information has been submitted before the issuance of a permit and/or before a final approval has been issued.

5. CULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?			X	
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?			X	
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d.	Disturb any human remains, including those interred outside of formal cemeteries?		X		

Environmental Setting:

The project site is located in an area historically occupied by the Obispeno Chumash, and is considered by some to include the southern boundary of the Playano Salinan people. During prehistoric times, the areas surrounding the Morro Bay inlet and estuary were rich in terrestrial, littoral, and estuarine resources, which directly correlate to the high frequency of prehistoric cultural sites identified in the Morro Bay region. Several locations along the coast are designated Archaeologically Sensitive (AS) by the city.

Based on review of archaeological records kept on file with the City Public Services Department, significant archaeological and historical resources are present on native soils within the City. The project site is located on fill material, which has not been shown to contain significant archaeological or historical resources.

Impact Discussion:

- a. The project site does not include any resources included on a local register of historical resources, and does not contain any building, structure or other object that is historically significant to California’s history or cultural heritage as defined by CEQA Section 15064.5. No historic resources are located onsite; therefore impacts are less than significant.
- b. No archaeological resources were documented by the records search, and based on the location of the project site, no further investigations are recommended. Based on the lack of evidence indicating the presence of significant resources, potential impacts would be less than significant.
- c. No unique paleontological or geographic resources are known to exist at the project site. Based on the location of the project site and limited area of disturbance, significant paleontological discovery is unlikely; therefore, impacts are less than significant.
- d. Based on the location of the project site, discovery of human remains is unlikely. Health and Safety Code Section 7050.5 requires construction to cease if in situ cultural resources are encountered until the County Coroner has been notified and necessary findings as to origin and disposition of the remains can be made pursuant to Public Resources Code Section 5097.98. Construction must halt in the area of the discovery, the area must be protected, and consultation and treatment must occur as prescribed by law. Based on results of the study and compliance with existing regulations, impacts would be less than significant.

Mitigation and Residual Impact:

CR/Impact 1 The project is not expected to result in any potentially significant impacts to cultural resources. Due to the cultural sensitivity of the region, the City requires the following mitigation measure, in the event of subsurface, significant, cultural resource discovery.

CR/mm-1 In the event that intact and/or unique archaeological artifacts or historic or paleontological resources are encountered during grading, clearing, grubbing, and/or other construction activities associated with the proposed project involving ground disturbance, all work in the immediate vicinity of the find shall be stopped immediately, the onsite archaeological and Native American monitors shall be notified, and the resource shall be evaluated to ensure the discovery is adequately recorded, evaluated and, if significant, mitigated.

Monitoring:

The City Planning Department will verify compliance with this measure.

<p>6. GEOLOGY /SOILS</p> <p>Would the project:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant with Mitigation Incorporated</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
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EXHIBIT D

a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Publication 42)			X	
ii	Strong Seismic ground shaking?		X		
iii	Seismic-related ground failure, including liquefaction?		X		
iv	Landslides?			X	
b.	Result in substantial erosion or the loss of topsoil?		X		
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X		
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Environmental Setting:

The proposed project is located within the Coast Range Geomorphic Province of California located between the Pacific Ocean and the Sacramento-San Joaquin Valley. The Coast Ranges trend northwesterly along the California coast for approximately 600 miles between Santa Maria, California and the Oregon border. Onsite soils at the project location consist of fill material. Based on the Natural Resources Conservation Service (NRCS), the soils are mapped as 192 Psamments and Fluvents, occasionally flooded and Water. Based on the project location adjacent to the bay, the site may be subject to ground shaking and liquefaction, similar to existing conditions. No unique geologic features exist on the site.

Impact Discussion:

- a. The Southern Coast Ranges Province is one of the most complex geologic provinces in the state, characterized by a number of sub-parallel structural blocks bounded by several on- and off-shore faults. There are no official maps of Alquist-Priolo Earthquake Fault Zones in or near the city of Morro Bay, and the site is not within a State Earthquake Fault Zone. The closest active fault to the project site is the Los Osos Fault, six miles to the south. The closest mapped fault to the site (regardless of activity) is the Cambria Fault; two splays of this fault are mapped approximately 500 feet to the north, and 400 feet to the southwest.

The project site is located in a region of generally high seismicity, and has the potential to experience strong ground shaking from earthquakes on regional and/or local causative faults. Based on the location of known faults, the potential for surface fault rupture is low.

Liquefaction occurs when saturated, cohesionless soils lose strength due to earthquake shaking. The presence of loose, poorly graded, fine sand material that is saturated by groundwater within an area known to be subjected to high intensity earth quakes and long-duration ground motion are the key factors that

indicate potentially liquefiable areas and conditions that could lead to liquefaction. The potential for seismically induced liquefaction is high.

The site is nearly level, and is not subject to landslide hazards.

The proposed project is primarily an expansion and remodel of an existing use with expansion of dock within the harbor. The applicant is required to comply with the City Building Code and California Building code, which include standard measures for site preparation, grading, protection of completed cut slopes, and management of drainage, which would mitigate potential geologic hazards to less than significant.

- b. Erosion potential at the project site is a concern due to the close proximity of the bay. Erosive factors are influenced by factors such as plant cover, grade and length of slope, management practices, and climate. Implementation of recommended mitigation measures would reduce potential impacts to less than significant.
- c. Refer to a., above. Impacts would be less than significant with implementation of recommended mitigation.
- d. Refer to a. above.
- e. The project does not include the construction of an onsite septic system; therefore, no impacts would occur.

Mitigation and Residual Impact:

GS Impact 1 Soils disturbed during construction would be subject to erosion from stormwater runoff.

GS/mm-1 Prior to issuance of grading and building permits, the applicant shall prepare a drainage and erosion control plan to reduce the potential for erosion and down-gradient sedimentation. Grading and construction plan shall include measures to prevent and avoid spills or spread of dangerous materials and clean-up procedures in the event of a spill, and measures to reduce rilling of any stockpiled soils. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with the erosion control plan.

After implementation of these measures, residual impacts related to geology and soils would be less than significant.

Monitoring:

Design plans shall be inspected and approved to ensure compliance. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with design plans and the drainage and erosion control plan.

7. GREENHOUSE GAS EMISSIONS		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b.	Conflict with an applicable plan, policy of regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Environmental Setting:

In California, the main sources of Greenhouse Gases (GHGs) are from the transportation and energy sectors. According to the California San Luis Obispo County Annual Resource Summary Report (2010), approximately 40 percent of GHG emissions result from transportation and 23.5 percent result from commercial/industrial uses (County of San Luis Obispo, 2010). GHGs remain in the atmosphere for periods ranging from decades to centuries; the main GHGs emitted by human activities include CO₂, methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCS), perfluorocarbons (PFCS), and sulfur hexafluoride (SF₆).

A warming trend of approximately 1.0 to 1.7 degrees Fahrenheit occurred during the 20th Century. It is generally agreed that human activity has been increasing the concentration of GHGs in the atmosphere, mostly CO₂ from the combustion of coal, oil and gas (NCDC, 2008). The effect of each GHG on climate change is measured as a combination of the volume or mass of its emissions, and the potential of a gas or aerosol to trap heat in the atmosphere (global warming potential), and is expressed as a function of how much warming would be caused by the same mass of CO₂.

The potential effects on future climate change on California resources include increases of air temperature, sea level rise, reduced water resources and changed flood hydrology, changed forest composition and productivity, increased wild fires, changed habitats and ecosystems, changed crop yields and increased irrigation demands, and increased smog and public health issues.

Impact Discussion:

- a. Carbon dioxide (CO₂) is the most dominant greenhouse gas, making up approximately 84 percent of total GHGs by volume. Based on emission estimates calculated with URBEMIS 2007 (refer to Section 3, Air Quality, above), development of the project would generate approximately 4,493 lbs/day of CO₂ during construction and 11.95 tons per year during operation (above existing uses). Based on the County's recently adopted GHG thresholds (1,150 metric tons/year) (SLOAPCD, 2012), the proposed project would not generate GHG emissions exceeding identified thresholds, therefore, potential impacts would be less than significant.

- b. The proposed project is consistent with the goals and policies of the City of Morro Bay General Plan, County of San Luis Obispo Conservation and Open Space Element, SLOAPCD's CEQA Handbook, Clean Air Plan, and GHG Thresholds and Supporting Evidence document. Impacts would be less than significant.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts related to greenhouse gas emissions, and no mitigation measures are necessary.

Monitoring:

None required.

8. HAZARDS/HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		

EXHIBIT D

c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h.	Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

Environmental Setting:

Based on review of the City of Morro Bay General Plan and Local Coastal Plan, and the California Department of Toxic Substances Control Cortese List and EnviroStar databases, there is no evidence that hazardous materials were ever used, stored or spilled on the project site at any time in the past, and there are no oil wells, tanks or related structures located on the property. The project includes the installation of new docks for the mooring of recreational boats. Mooring of boats would increase the risk of upset of hazardous materials handled on site. The addition of boats to the site results include the use of hazardous materials or present hazards that would threaten construction workers, residents, the public, or the environment. However, risks related to hazardous materials and their release into the environment could occur during the construction stage of the project (i.e., asbestos exposure). Sensitive uses/resources that could be impacted by hazards resulting from the proposed project include adjacent uses and Morro Bay.

Impact Discussion:

- a. The project could potentially increase the amount of hazardous materials that currently exist. Existing and proposed vessel maintenance includes the use of fuel, oil, lubricants, and cleaning supplies. The release of sewage into the bay from visiting vessels could have a significant hazard to the public or the environment; however, current practice and procedures are in place to reduce the risk of accidents. These practices include inspections of vessels that are planning to dock one month or more at a specific location to assess seaworthiness, adequate sanitation, etc. In addition, if a spill occurs, a mitigation measure is included to require that a spill kit be provided and available on the dock to assist in the clean-up. Policies in place require that if the City receives a complaint about dumping, an investigation will be conducted to determine the source. If traceable evidence is discovered, the perpetrator will be fined. The City offers visitors three free pump out facilities and encourage their use to prevent dumping waste into the bay. With routine procedures in place and a requirement to provide a spill kit, the impacts would be less than significant. In addition to City regulations, federal regulations govern public waterways and require permits in order to discharge any materials into the harbor. The project does not propose the routine transport, use or disposal

of hazardous materials. Construction materials, including fuels and oils, may be transported during construction, in compliance with existing regulations. Associated hazards to the public or the environment would be less than significant.

- b. Risks related to hazardous materials and their release into the environment could occur during the construction phase of the project. Although a limited amount of hazardous materials would be present at the project site (namely oil and gas for construction equipment and vehicles) during normal construction conditions, hazardous materials would not pose a substantial risk. However, there is the potential for spills to occur at the project site, which would potentially affect sensitive areas, such as Morro Bay. Mitigation is recommended to avoid the potential for incidental exposure; therefore, potential impacts would be less than significant. In addition, removal of the existing treated wood pilings would require special treatment and disposal, subject to existing California Department of Toxic Substance Control regulations. Mitigation is recommended to avoid the potential for incidental exposure; therefore, potential impacts would be less than significant. The marine vessels moored on site are prohibited from discharging sewer, fuels or other chemicals into the water but spills or leaks may occur. Mitigation is recommended to avoid the potential for incidental exposure; therefore, potential impacts would be less than significant. Remodeling activities could also cause potential impacts associated with handling, demolition, and disposal of asbestos containing materials. Compliance with standard asbestos regulatory requirements (refer to AQ/mm-3 above), preparation of a Spill Prevention Control and Countermeasure Plan, and compliance with solid waste disposal requirements are recommended to reduce impacts to less than significant.

Remodeling activities could also cause potential impacts associated with handling, demolition, and disposal of asbestos containing materials. Compliance with standard asbestos regulatory requirements (refer to AQ/mm-3 above), preparation of a Spill Prevention Control and Countermeasure Plan, and compliance with solid waste disposal requirements are recommended to reduce impacts to less than significant.

- c. The project would not be located within 0.25 mile of a school and does not propose to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. Impacts would be less than significant.
- d. The project site is not located on a known hazardous materials site. No impacts would occur.
- e. The project site is not located within an airport land use plan or within two miles of a public airport. No impacts would occur.
- f. The project site is not located within the vicinity of a private airstrip. No impacts would occur.
- g. Based on the location of the project site, construction of the proposed project would not conflict with any regional evacuation or emergency response plan.
- h. The project is proposed within an urban setting, and is not in a high fire risk area. The project site is served by the City Fire Department. The applicant would comply with standard practices during construction to minimize the potential for incidental fires, including inspection of equipment. The project would not expose people or structures to a significant risk of fire, and impacts would be less than significant.

Mitigation and Residual Impact:

HAZ Impact 1 Development associated with the proposed project has the potential to result in the accidental release of hazardous materials into sensitive areas within and adjacent to the project site.

HAZ/mm-1 Prior to removal of the wood pilings, the applicant shall submit documentation to the Planning Division for review and approval identifying if the wood is “treated wood waste”.

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A licensed contractor with hazardous materials experience shall evaluate the wood to determine whether the wood is treated or untreated pursuant to the Department of Toxic Substances definition of “treated wood”. In the event the pilings are treated wood waste, the applicant shall dispose of the material at a hazardous waste landfill or qualified solid waste landfill. Documentation of the ultimate disposal of treated wood waste shall be submitted to the planning division prior to a final inspection of the building and prior to any occupation of the new construction.

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

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

HAZ/mm-2 Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis Obispo Air Pollution Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations shall be followed during demolition activities. Any loose or peeling lead based paint shall be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations.

HAZ/mm-3 At minimum one oil only absorbent spill kit for a capacity of 21 gallons or greater shall be provided on the head float dock in case of accidental release of a hazardous material or liquid into the bay.

HAZ/mm-4 Signs shall be provided on all finger docks stating the location and hours of operation for all pump out facilities in the Morro Bay Harbor.

With implementation of this mitigation measure, impacts related to hazards and hazardous materials would be less than significant.

Monitoring: Prior to issuance of demolition permits asbestos and lead-based paint surveys, including recommended actions, shall be submitted to and accepted by the Public Services Department. City of Morro Bay staff shall verify that signs are adhered to docks prior to final inspection

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The City Environmental Coordinator shall verify receipt of required documentation. Monitoring or inspection shall occur as necessary to ensure development is proceedings consistent with the Construction Plan.

9. HYDROLOGY/WATER QUALITY Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?		X		
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c. Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?			X	
d. Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f. Otherwise substantially degrade water quality?		X		
g. Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?				
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				
i. Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j. Inundation by seiche, tsunami, or mudflow?				X

Environmental Setting:

The project site is located adjacent to and within Morro Bay. The project site is not located within a 100-year flood zone designation. Based on FEMA’s Flood Insurance Rate Map, the project site is within Flood Zone X (0.2 percent annual chance flood).

Impact Discussion:

- a. The project site is adjacent to and within Morro Bay. As discussed in Section 4 (Biological Resources), Section 6 (Geology and Soils), and Section 8 (Hazards / Hazardous Materials), construction of the project may result in erosion and down-gradient sedimentation or the accidental release of fuels, oils, or other materials, which may discharge into the bay. The project does not include a new parking area or additional

sources of potentially polluted stormwater runoff beyond existing conditions. Mitigation is recommended to address these potential impacts and avoid discharge into surface waters.

- b. The proposed project may require minimal additional City water supplies as it proposes a new public restroom and a private shower for the boat slips. Potential impacts are less than significant.
- c. Implementation of the project would not alter the existing drainage pattern on site or in the area as the site is currently fully developed with either building or hardscape. The project would eliminate some hardscape with the addition of a new retail space but there is no elimination of pervious area. Stormwater would continue to sheetflow off the project site and into the bay. No significant impacts would occur.
- d. Refer to c., above. The project would not increase runoff which would result in flooding on- or off-site. Impacts would be less than significant.
- e. Refer to c., above. The project is a fully developed site completely covered with non-pervious surfaces and therefore the new construction will not contribute to additional runoff. No increase in capacity or additional sources of runoff would be placed within the existing storm water drainage system. Potential impacts would be less than significant.
- f. Refer to a. above. In addition, there is a potential that the existing wood pilings are treated with creosote, a hydrocarbon product that has negative water quality impacts. Removal of these pilings may stir up settled metals, or other pollutants on the bay floor. Mitigation is recommended to protect water quality to the maximum extent feasible, and reduce potential impacts to less than significant.
- g. The project location is not within FEMA's 100-year flood hazard area and the project does not propose any residential units. No impacts would occur.
- h. The project location is not within the FEMA 100-year flood hazard area, and would not redirect or impede any flood flows. No impact would occur.
- i. The project does not place structures or people in a high flood hazard area and is not within an area that would be affected by a levee or dam failure. No impact would occur.
- j. The project is located in an area potentially affected by tsunamis. The project would not increase this risk beyond existing use of the site, and visitors would continue to implement existing emergency evacuation plans, similar to existing conditions. Therefore, potential impacts would be less than significant.

Mitigation and Residual Impact:

HYD Impact 1: Construction of the project has the potential to result in pollutant discharge within the waters of Morro Bay.

HYD/mm-1 Prior to issuance of grading and building permits, the applicant shall prepare a Construction Plan, which shall, at a minimum, include the following:

- a. *Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas where construction activities and/or staging area to take place shall be minimized to the maximum extent feasible in order to have the least impact on public access and Morro Bay resources, including by using inland areas for staging and storing construction equipment and materials as feasible.*

- b. *Construction Methods.* The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from bay and public recreational use areas (including using unobtrusive fencing or equivalent measures to delineate construction areas).
- c. *Construction Best Management Practices (BMPs).* The Construction Plan shall identify the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including the following: 1) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to the bay; 2) land side equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bay, and all construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; 3) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and 4) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of the day.
- d. *Construction Site Documents.* Copies of all permits and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and copies shall be available for public review upon request. All persons involved with the construction shall be briefed on the content and meaning of all issued permits and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- e. *Construction Coordinator.* The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquires and emergencies) and that their contact information (i.e., address, phone numbers, etc.) including at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints receive regarding the construction, and shall investigate complaints and take remedial action, if necessary with 24 hours of receipt of the complaint or inquiry.

HYD/mm-2

Prior to issuance of building permits, the applicant shall submit plans including the following notes, which shall be implemented during installation of pilings. Pilings shall be constructed of steel and/or fiberglass and shall be implanted into the ocean floor with a pile driver or vibratory hammer, as opposed to jetting. The applicant shall comply with these conditions, as required or modified by the Coastal Commission.

- a. *Material Containment.* Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, wood preservatives, other chemicals, etc.) from entering the harbor or any other state waters. Where additional wood preservatives must be applied to cut wood surfaces, the materials, wherever feasible, shall be treated at an onshore location to preclude the possibility of spills into the harbor or other state waters. A designated staging area shall be used for refueling equipment and vehicles, mixing and storing materials, debris collection and disposal, and containing runoff from any

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materials that may be used or stockpiled during the project. A floating containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. For any work on or beneath fixed decks, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other material could fall in to the water. The floating boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean-up of foreign materials not properly contained.

- b. Piling Installation Procedures. The new pilings and piling sleeve shall be made from steel and/or fiberglass. Generally, the new pilings shall be installed according to the method that results in the least disturbance of bottom sediments. All piles will be driven into place with a vibratory hammer or piling hammer. If feasible, disturbed sediments shall be contained with a flexible skirt surrounding the driven pile. Construction barges shall be floating at all times and shall only operate at tides high enough so that the barge does not rest on the bottom of the bay.*
- c. Procedures for Concrete Work. If pile installation, or any other portion of the operations and maintenance program, requires the pouring of concrete in, adjacent to, or over the water, the following methods shall be employed to prevent uncured concrete from entering the harbor or other state waters:*
 - 1) Complete dewatering of the pour site, within a caisson or other barrier; the site to remain dewatered until the concrete is sufficiently cured to prevent any significant increases in the pH of adjacent waters; or,*
 - 2) The tremie method, which involves placement of the form in water, inserting a plastic pipe down to the bottom of the form, and pumping concrete into the form so that the water is displaced towards the top of the form. If this method is selected, the displaced waters shall be pumped off and collected in a holding tank. The collected waters shall then be tested for pH, in accordance with the following California Department of Fish and Wildlife recommendations. If the pH is greater than 8.5, the water will be neutralized with sulfuric acid until the pH is between 8.5 and 6.5. This pH-balanced water can then be returned to the sea. However, any solids that settle out during the pH balancing process shall not be discharged to the marine environment.*
 - 3) In each case involving such concrete pours in or near the harbor or other state waters, a separate wash out area shall be provided for concrete trucks and for tools. The wash out area(s) shall be designed and located so that there will be no chance of concrete slurry or contaminated water runoff to the harbor or other state waters, nor into storm drains or gutters which empty into such bodies of water.*

Refer to mitigation measures GS/mm-1 and HAZ/mm-1.

After implementation of these measures, residual impacts to hydrology and water quality would be less than significant.

Monitoring:

The City shall assign a monitor or inspector to verify compliance with mitigation measures during construction.

10. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?			X	
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Environmental Setting:

The proposed project is located on the west side Embarcadero Road, directly northwest of Harbor Street, within the City of Morro Bay. The project is within Waterfront/Harbor zone with a Planned Development Overlay. Surrounding land uses include visitor serving and retail land uses to the south, north, and east, and Morro Bay to the west. The project site is currently developed by the Hofbrau restaurant, indoor and outdoor seating areas, Poppy and Crills II retail shops, restrooms, public walkway and view deck, and parking area.

Impact Discussion:

- a. The proposed project consists of the remodel and expansion of an existing use and expansion of docks, and would not divide an existing community; therefore, impacts would be less than significant.
- b. The proposed project is an allowed use, subject to securing a Conditional Use Permit pursuant to Municipal Code Sections 17.24.170 (Zoning Ordinance, Primary Districts, Waterfront (WF) district) and 17.24.170 (Zoning Ordinance, Primary Districts, Harbor and navigable ways (H) district). The proposed project does not conflict with any of the expressed goals, policies, and objectives of the Local Coastal Program and would further many, including but not limited to, the following:

Visitor-Serving Policy 2.03. Consistent with LUP Policy 7.06A, the Embarcadero...shall be considered a mixed commercial fishing and visitor-serving recreational use area. With regard to the siting of new developments, priority shall be given for coastal-dependent uses located on the west side of the Embarcadero.

Visitor-Serving Policy 2.05. Future demands of the tourist industry shall be provided for when considering new development in Mixed Use Areas A and C and in the Embarcadero.

Shoreline Access and Recreation Policy 1.20. Each application for new development or lease which would result in an increase in intensity of use, change of use, or expansion of an existing structure seaward or an increase in height shall include a physical provision for continuous lateral access along the bayfront portion of the parcel.

In addition, the project is consistent with the Design Standards identified in the *Waterfront Master Plan* (1996), including standards specific to view corridors, building heights, sidewalk connections, and general design treatment (building character). Impacts to specific resources, including aesthetics, air quality, water quality, and noise, may also have an effect on land uses in the immediate area. These issues are addressed in each appropriate section of this Initial Study, and all impacts can be mitigated to less than significant. Therefore, any land use impacts would be less than significant.

- c. There are no habitat conservation plans or natural community conservation plans that apply to the project site. No impacts would occur.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts to land use and planning. Recommended mitigation measures addressing environmental effects that may also affect land use, and potential use conflicts, include: *AES/mm-1, AES/mm-2, AQ/mm-1, AQ/mm-2, AQ/mm-3, HYD/mm-1, HYD/mm-2, and N/mm-1.*

Monitoring:

Compliance will be verified by the City through review of project plans and onsite inspection.

11. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of known mineral resources that would be of value to the region and the residents of the state?			X	
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Environmental Setting:

The area of proposed development is located in an area that does not contain significant amounts of any known mineral resources.

Impact Discussion:

- a. The project is not located in an area of known mineral resources. Impacts would be less than significant.
- b. The project site is not designated on any local or regional plan as a locally-important mineral resource recovery site. No impacts would occur.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts to mineral resources and no mitigation measures are necessary.

Monitoring:

None required.

12. NOISE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?		X		

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b.	Expose persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c.	Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d.	Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		

Environmental Setting:

The City of Morro Bay Noise Element does not identify commercial or retail uses as noise sensitive. Parks, including Anchor Park located to the immediate north, are considered noise sensitive. The acceptable maximum level of noise exposure (from a stationary use) for noise sensitive uses is 70 decibels.

Impact Discussion:

- a. Construction activities associated with the proposed project would generate increased noise levels due to the use of heavy construction equipment and vehicles. Development of the proposed project would likely expose surrounding areas to noise levels that exceed those established in the Noise Element. This effect would be short-term, however, and would be limited to daytime hours pursuant to City policy. Short-term construction impacts would be less than significant.

The proposed uses would not generate additional sources of noise not currently experienced along the Embarcadero, including visitor-use and boat motors.

- b. The proposed project would result in some groundborne vibration and noise during the short-term construction phase. These potential impacts would be short-term and limited to daytime hours consistent with City policy. Mitigation is recommended to reduce the effects of vibration at the source (i.e. piling installation), including onsite monitoring during construction. Based on implementation of identified mitigation, potential noise impacts would be less than significant.
- c. Implementation of the project would not generate noise levels exceeding existing conditions, because no new noise-generating uses are proposed. The boat docks would be located adjacent to existing docks in the area, and use would not significantly increase the ambient noise level, which is currently affected by boat use in the bay. The impact would be less than significant.
- d. The project would create temporary increases in noise levels in the project vicinity above those existing without the project due to construction activities (refer to a. and b., above). However, potential increases would not differ from those typically associated with similar development projects, and activities would be conducted in compliance with existing City policy and recommended mitigation; therefore, potential impacts would be less than significant.

Mitigation and Residual Impact:

N Impact 1 Construction of the project, including installation of new pilings, would generate noise and vibration potentially affecting surrounding uses and aquatic resources.

N/mm-1: Prior to issuance of grading and building permits, the applicant shall submit a Construction Plan, which shall include a pile driving or vibratory hammer plan and monitoring program (designed by a qualified acoustical engineer) designed to ensure that underwater noise generated by conventional pile driving or vibratory hammer activities are minimized to the maximum extent feasible and do not exceed limits required to ensure impacts to marine life

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are minimized pursuant to the NOAA Fisheries Interim Sound Threshold Guidance under the Marine Mammal Protection Act (MMPA):

NOAA Fisheries current in-water acoustic thresholds		Threshold
Level A	PTS (injury) conservatively based on TTS	190 dB rms for pinnipeds 180 dB rms for cetaceans
Level B	Behavioral disruption for impulsive noise (e.g. impact pile driving)	160 dB rms
Level B	Behavioral disruption for non-pulse noise (e.g. vibratory pile driving, drilling)	120 dB rms

Source: http://www.nwr.noaa.gov/protected_species/marine_mammals/killer_whale/threshold_guidance.html

The plan shall provide for a hydro-acoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall also provide for additional acoustical best management practices to be applied if monitoring shows underwater noise above the limits then additional noise dampening measures such as alternative pile driving methods, sound shielding, and other noise attenuation devices shall be provided. As an alternative the applicant shall submit documentation from the hammer (either impact or vibratory) that the machinery cannot exceed the limits stated above. If applicant is able to document the noise levels are below those stated above no monitor shall be required.

After implementation of these measures, residual noise impacts would be less than significant.

Monitoring:

The retained hydro-acoustical monitor shall verify compliance with noise mitigation measures during construction, and submit monitoring reports to the City, pursuant to the approved Construction Plan and Monitoring Plan. If applicant is able to document the noise levels are below those stated above no monitor shall be required.

13. POPULATION AND HOUSING		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c.	Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?			X	

Environmental Setting:

The City of Morro Bay has a population of 10,234 based on data from the 2010 Census. The population has remained relatively constant over the last decade, down approximately 1.1 percent from 10,350 in 2000 (California Department of Finance, Table E-4).

The San Luis Obispo County Council of Governments (SLOCOG) allocates housing production goals for the County and incorporated cities based on their fair share of the region's population and employment, which is outlined in the SLOCOG 2008 Regional Housing Needs Plan. The Plan designated a Regional Housing Needs Allocation (RHNA) of 180 of the total 4,885 housing units to the City of Morro Bay over the 2007-2014 planning

period (SLOCOG 2008). The City’s 2009 Housing Element showed the city’s capacity to accommodate all 180 allocated units, and a remaining surplus of lands suitable to develop as many as 400 additional units.

Impact Discussion:

- a. Implementation of the project would have no effect on existing housing, and would not displace any people. No impacts would result.
- b. Refer to a., above. No impacts would result.
- c. The project proposes redevelopment of an existing use, and would not induce growth in the area either directly or indirectly. Impacts would be less than significant.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts to population or housing and no mitigation measures are necessary.

Monitoring:

None required.

14. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in a substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a. Fire protection?			X	
b. Police protection?			X	
c. Schools?				X
d. Parks or other recreational facilities?				X
e. Other governmental services?				X

Environmental Setting:

According to the California Department of Finance, the city of Morro Bay’s population in 2010 was 10,234 and San Luis Obispo County’s population was 269,637. SLOCOG published a Long Range Socio-Economic Projections Report in May 2009, updating population projections in the county after accounting in the dramatic downturn in the economy and adjusting population projections accordingly. The report projects the city population to grow by 8.1 percent to 11,190 by 2030 (County growth was estimated to reach 18.1 percent) (City of Morro Bay, 2009).

The city of Morro Bay is served by the Morro Bay Police and Fire Departments and the San Luis Coastal Unified School District. The project site is located in a Medium Fire Hazard Zone and 15 Minute Emergency Response Zone on the County of San Luis Obispo safety maps.

There are two schools within the city, Del Mar Elementary School and Morro Bay High School. The San Luis Coastal Unified School District is operating at acceptable capacities at all grade levels. Elementary schools are currently operating at approximately 82.5 percent capacity, and serving 3,409 students. Middle schools serve approximately 1,071 students and are operating at 69.1 percent capacity. High schools within the district are the closest to reaching their capacity levels, and currently serve approximately 2,493 students at 93.4 percent capacity

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(County of San Luis Obispo 2010). High school capacity levels have been designated a Level of Severity II, which means enrollment projections are estimated to reach school capacity with five years.

Impact Discussion:

- a. The proposed project would not result in additional demand for public services or utilities. During construction, there would be a potential demand for fire protection or police services in the unlikely event an incident occurs that requires emergency response. The project would have no effect on schools, parks, or other services.
- b. Refer to a., above. Impacts would be less than significant.
- c. Refer to a., above. No impact would occur.
- d. Recreational facilities are discussed in Section 15, below. No impact would occur.
- e. The proposed project is not expected to result in any significant adverse impacts on any other governmental services within the city or San Luis Obispo County. No impact would occur.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts to public utilities and no mitigation measures are necessary.

Monitoring:

None required.

15. RECREATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?			X	

Environmental Setting:

The city of Morro Bay manages 13 city parks, and also offers three state parks and a significant number of open space and recreational opportunities associated with more than 10 miles of ocean shoreline within the city limits, over 95 percent of which is open to lateral coastal access. Approximately 90 percent of the lands abutting the Pacific Ocean in Morro Bay are publicly owned (City of Morro Bay, 1982). The proposed project is located adjacent to Anchor Park, a small pocket park adjacent to the bay. Recreational activities in the bay include boating, kayaking, surfing, stand up paddling, birdwatching, and sight-seeing.

Impact Discussion:

- a. Construction and implementation of the project would a beneficial effect on existing or future recreational opportunities, because the project includes an expanded public walkway and boat docks. No adverse impact would occur.

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- b. Refer to a. above. Impacts associated with development of the project are addressed in each appropriate resource section. Construction of the project would generate noise and may degrade water quality, which could have an adverse effect on recreational activities in the bay. These issues are addressed in the Initial Study, and identified mitigation would address potential impacts to recreation. Therefore, potential impacts would be less than significant.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts to recreational facilities and no mitigation measures are necessary.

Monitoring:

None required.

14 TRANSPORTATION/CIRCULATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, street, highway and freeways, pedestrian and bicycle path, and mass transit?			X	
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the country congestion management agency for designated roads or highways?			X	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d. Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?			X	
e. Result in inadequate emergency access?			X	
f. Conflicts with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities?			X	

Environmental Setting:

The project site is located on Embarcadero Road, and is directly accessed from Embarcadero Road and Harbor Street. Alternative routes to the Embarcadero include Beach Street, Pacific Street, and Marina Street. During construction, equipment, trucks, and other vehicles would access the project site from this location. Onsite parking may be reduced during the construction period. Although the project includes an additional retail unit, based on the existing uses onsite and in the vicinity, this additional use is not anticipated to generate additional traffic trips.

Impact Discussion:

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- a. Based on the nature of the project, it would not conflict with any applicable plan, ordinance, or policy related to transportation or circulation. The project includes an improved sidewalk and public walkway, which would improve pedestrian circulation in the immediate area. Long-term, operational trips would be similar to existing conditions. Therefore, potential impacts would be less than significant.
- b. Refer to a., above. The project would not conflict with any congestion management program.
- c. The project would not have any effect on area flight patterns. No change in air traffic patterns would result from the proposed project, and impacts would be less than significant.
- d. No hazardous design features are present, and no changes to the existing access are proposed. No impact would occur.
- e. The project site would continue to be accessible from Embarcadero Road, and would not result in inadequate emergency access from any on-site or adjacent location during construction and operation. No impact would occur.
- f. The project would not conflict with any adopted plans, policies, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. No impact would occur.

Mitigation and Residual Impact:

Potential transportation and circulation impacts would be less than significant, and no mitigation is necessary.

Monitoring:

None required.

17. UTILITIES & SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X

f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g.	Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Environmental Setting:

The City receives water from a variety of sources: groundwater from the Morro Creek and Chorro Creek underflows, converted water through the City's desalination facility, and state water via the Chorro Valley pipeline. The desalination facility also treats brackish water from the Morro Creek underflow for nitrate removal. The desalination facility provides water when the State Water Project pipeline undergoes annual maintenance. The City has an allocation from the State Water Project, including a drought buffer amount, as shown in Table 4, below.

Table 4. City of Morro Bay State Water Project Allocation (acre feet/year)

Water Service Amount	Buffer	Total Reserved	Minimum Allocation	Average Allocation	Maximum Allocation
1,313	2,290	3,603	216	1,313	1,313

*Source: County of San Luis Obispo, Annual Resource Summary Report 2009-2010

Water use in the city has remained relatively steady over the past 10 years (as has the city's population), ranging from 1,317 afy in 2009-2010 at its lowest, to 1,475 afy in 2003-2004 at the highest.

Table 5. City of Morro Bay Total Water Use (acre feet/year)

1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2007-2008	2008-2009	2009-2010
1,372	1,417	1,437	1,423	1,475	1,400	1,384	1,420	1,369	1,317

*Source: County of San Luis Obispo, Annual Resource Summary Report 2009-2010

Based on information provided by the city for preparation of the County Resource Management System's 2009-2010 Annual Resources Summary Report, per capita water use in 2009-2010 was approximately 111 gallons per capita per day (gpc/d). Based on Morro Bay's previous reductions and current low usage, the City expects to be able to comply with state requirements for the reduction of per capita water use by 5 percent by 2020 (County of San Luis Obispo 2010). The city's water rates are relatively high (the second highest rates in the county), with an average single family unit paying \$27.58 per month for approximately 5,236 gallons per month of water. This equates to a little more than \$0.005/gallon.

The city shares a wastewater treatment plant with the Cayucos Sanitary District, located in Morro Bay near the Morro Bay power plant. The wastewater treatment plant currently has one of the few secondary treatment waivers in the state, which allows the plant to dispose of primary-treated sewage through an outfall to the ocean. The waiver is being phased out over the next several years, as the plant is upgraded to provide tertiary treatment. At that level of treatment, the wastewater effluent could be recycled to augment the city's water supply.

As of 2010, the city's sewer treatment facility was operating at approximately 85 percent capacity (County of San Luis Obispo 2010). Average daily dry weather flows for 2010 were 1.19 million gallons per day (mgd), and peak daily dry weather flow was 1.75 mgd. The facility's current daily capacity is 2.06 mgd (Bruce Keogh, personal communication, November 4, 2011). Wet weather flows are much higher (averaged approximately 2.6 mgd in 2010

and peaked at approximately 6.0 mgd). However, the system has sufficient detention capacity to hold these additional flow amounts and release flows consistent with the 2.06 mgd biological capacity. The city and Cayucos are in the process of upgrading the facility, and the expansion is expected to be completed in January 2014. After the expansion, the facilities capacity would be approximately 1.5 mgd, a reduced capacity that has been adjusted to account for new population and flow projections for both communities over a 20 year planning period (Bruce Keogh, personal communication, November 4, 2011). Additional information can be found in the Facility Master Plan, and specifically the Facility Master Plan – July 2010 Amendment 2, which are located on the City’s website, at <http://www.morro-bay.ca.us/index.aspx?NID=352>.

The city contracts with Morro Bay Garbage Service to provide residential and commercial garbage, recycling, and green waste collection services for Morro Bay. All of the city’s waste is taken to Cold Canyon Landfill. Cold Canyon is located approximately five miles south of the city of San Luis Obispo on State Route 227. Total capacity at the landfill is 10.9 million cubic yards, and the County is currently conducting environmental review for a proposal to expand the existing facility and services. Currently, about 75 percent of the landfill’s capacity is filled.

Impact Discussion:

- a. The project would continue to be served by existing City wastewater collection and treatment facilities, and would not include an onsite system. Therefore, there would be no impact.
- b. The project would continue to utilize City water resources and the City’s existing wastewater collection and treatment system and facility. Both services have sufficient capacity to meet the minimal anticipated increased capacity and demand resulting from the proposed project. The proposed restroom remodel would meet ADA standards. Impacts would be less than significant.
- c. The project would utilize the City’s existing stormwater drainage system, and would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities. Impacts would be less than significant.
- d. The City’s existing water supplies are considered adequate to meet any additional demand generated by development of the proposed project and no new or expanded entitlements would be required. Impacts would be less than significant.
- e. The project would continue to be served by the City’s wastewater collection and treatment facility. The facility is expected to have sufficient capacity to meet additional capacity produced by the project, and impacts would be less than significant.
- f. The proposed project’s impact on capacity at Cold Canyon Landfill, and any approved hazardous materials landfill (for the treated wood pilings), would be minimal. The landfill is expected to be able to meet the additional demand and impacts would be less than significant.
- g. The project would comply with all applicable federal, state, and local statutes and regulations related to solid waste; impacts would be less than significant.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts to utilities or service systems and no mitigation measures are necessary.

Monitoring:

None required.

IV. INFORMATION SOURCES:

A. City / County / Federal Departments Consulted:

County of San Luis Obispo

B. General Plan

x	Land Use Element	x	Conservation Element
x	Circulation Element	x	Noise Element
x	Seismic Safety/Safety Element	x	Local Coastal Plan and Maps
x	Zoning Ordinance		

C. Other Sources of Information

x	Field Work / Site Visit	x	Flood Control Maps
x	Calculations	x	Zoning Maps
x	Project Plans / Description	x	Soils Maps / Reports
	Traffic Study	x	Plant Maps
x	Records	x	Archeological Maps
x	Grading Plans	x	Other: County of San Luis Obispo Air Pollution Control District, CEQA Air Quality Handbook, adopted December 2012
x	Elevations /Architectural Renderings	x	Other: CalEEMod (California Emissions Estimator Model) Version 2013.2
x	Published Geological Maps	x	Other: National Oceanic and Atmospheric Administration website. www.nwr.noaa.gov
	Topographic Maps		
x	AG Preserve Maps		

D. References

Air Pollution Control District of San Luis Obispo County (APCD), CEQA Handbook, 2012.

CalEEMod (California Emissions Estimator Model) Version 2013.2

California Department of Conservation, Division of Land Resource Protection. 2008. *Farmland Monitoring and Mapping Program – San Luis Obispo County Important Farmland Map 2008*.

California Department of Toxic Substances Control. Envirostor. <http://www.envirostor.dtsc.ca.gov/public/>>. Accessed April 27, 2012.

California Natural Diversity Data Base (CNDDDB). 2012. Morro Bay South USGS 7.5- minute quadrangle overlays. California Department of Fish and Wildlife. Sacramento, California.

City of Morro Bay. 1982. *Land Use Plan of the Local Coastal Program*.

City of Morro Bay. 1988. *City of Morro Bay General Plan – Visual Resource and Scenic Highway Element*.

City of Morro Bay. 1988. *Circulation Element*.

City of Morro Bay. 1996. *Waterfront Master Plan*.

City of Morro Bay. 2009. *Housing Element*.

County of San Luis Obispo, Resource Management System. 2010. *2009-2010 Annual Resource Summary Report, San Luis Obispo County General Plan*.

Department of Finance. 2011. Table E-4, Population Estimates, 2001-2010. Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-4/2001-10/view.php>. Accessed on: November 2, 2011 and August 12, 2013.

Keogh, Bruce. November 4, 2011. Wastewater Division Manager. City of Morro Bay Public Services Department, Wastewater Treatment Plant Operations. Personal Communication.

National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS). 2005. Endangered and Threatened Species; Designation of Critical Habitat for Seven Evolutionarily Significant Units of Pacific Salmon and Steelhead in California; Final Rule. Federal Register Vol. 70, No. 170:52488-52627.

Natural Resources Conservation Service, Web Soil Survey. < websoilsurvey.nrcs.usda.gov/ >. Accessed August 21, 2012.

Cathy Novak Consulting 2013. Harbor Center Project Description.

Tenera Environmental. 2011. Eelgrass (*Zostera marina*) and *Caulerpa taxifolia* Survey 901-915 and 945 Embarcadero, Morro Bay, CA. August 31, 2011.

Tenera Environmental, May 7, 2013 letter

United States Department of Agriculture, Soil Conservation Service. 1984. *Soil Survey of San Luis Obispo, California, Coastal Part*.

APCD CEQA handbook, 2012

National Oceanic and Atmospheric Administration (NOAA), Northwest Regional Office, Interim Sound Threshold Guidance, http://www.nwr.noaa.gov/protected_species/marine_mammals/killer_whale/threshold_guidance.html accessed August 21, 2013.

V. MANDATORY FINDINGS OF SIGNIFICANCE (Section 15065)

A project may have a significant effect on the environment and thereby require a focused or full environmental impact report to be prepared for the project where any of the following conditions occur (CEQA Sec. 15065):

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Potential to degrade: Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
Cumulative: Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
Substantial adverse: Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Impact Discussion:

Potential to Degrade. The proposed project would not substantially degrade or threaten the quality of the environment, habitat or populations of any fish or wildlife species, or important examples of California history or prehistory. Potential adverse effects to the environment associated with development of the project includes impacts to eelgrass, marine mammals, and migratory birds, and the potential contamination, disturbance, runoff, or sedimentation into Morro Bay. Mitigation measures have been proposed to prevent potential impacts and avoid long-term adverse effects. Refer to Sections 1 (Aesthetics), 3 (Air Quality), 4 (Biological Resources), 5 (Cultural Resources), 6 (Geology and Soils), 8 (Hazards and Hazardous Materials), 9 (Hydrology and Water Quality), and 12 (Noise) for additional information.

Cumulative. Project-specific impacts, when considered along with, or in combination with, other impacts, do not rise to a level of significance. Project impacts are limited and no substantial cumulative impacts resulting from other projects were identified.

Substantial Adverse. The project does not have environmental effects that could cause substantial adverse effects on human beings, either directly or indirectly. Project impacts are limited and standard mitigation measures would be incorporated that would reduce any potential impacts to a less than significant level.

Mitigation and Residual Impacts:

Section: Aesthetics

Mitigation Measures: Refer to AES/mm-1, AES/mm-2.

EXHIBIT D

Monitoring: The City of Morro Bay Planning Department will verify implementation of these design details through review and approval of the lighting plan and building plans prior to issuance of building permits for the project. The City will confirm compliance with these conditions by visual inspection during final inspection, prior to operation of the project.

Section: Air Quality

Mitigation Measures: Refer to AQ/mm-1, AQ/mm-2, AQ/mm-3.

Monitoring: Demolition plans and regulatory forms will be submitted to the APCD for review and approval, consistent with mitigation measures. The applicant will submit approval documentation from APCD to the City Environmental Coordinator. Monitoring or inspection shall occur as necessary to ensure all construction activities are conducted in compliance with the above measures. Measures also require that a person be appointed to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site. All potential violations, remediation actions, and correspondence with APCD will be documented and on file with the City Environmental Coordinator.

Section: Biological Resources

Mitigation Measures: Refer to mitigation measures BIO/mm-1, BIO/mm-2, BIO/mm-3, BIO/mm-4, BIO/mm-5, BIO/mm-6, BIO/mm-7, BIO/mm-8, GS/mm-1, HAZ/mm-1, HYD/mm-1, HYD/mm-2, and N/mm-1.

Monitoring: The retained biological monitor shall verify compliance with biological mitigation measures during construction, and submit monitoring reports to the City, pursuant to an approved Monitoring Plan. The City shall conduct spot-checks during construction.

Section: Cultural Resources

Mitigation Measures: Refer to CR/mm-1.

Monitoring: The City Planning Department will verify compliance with this measure.

Section: Geology and Soils

Mitigation Measure: Refer to GS/mm-1.

Monitoring: Design plans shall be inspected and approved to ensure compliance. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with design plans and the drainage and erosion control plan.

Section: Hazards and Hazardous Materials

Mitigation Measures: Refer to HAZ/mm-1 and HYD/mm-1.

Monitoring: The City Environmental Coordinator shall verify receipt of required documentation. Monitoring or inspection shall occur as necessary to ensure development is proceedings consistent with the Construction Plan.

Section: Hydrology and Water Quality

Mitigation Measure: Refer to GS/mm-1, HAZ/mm-1, HYD/mm-1, and HYD/mm-2.

Monitoring: The City shall assign a monitor or inspector to verify compliance with mitigation measures during construction and post-construction.

Section: Noise

EXHIBIT D

Mitigation Measures: Refer to N/mm-1.

Monitoring: The retained hydro-acoustical monitor shall verify compliance with noise mitigation measures during construction, and submit monitoring reports to the City, pursuant to approved Construction Plan and Monitoring Plan. The City shall conduct spot-checks during construction.

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

VI. DETERMINATION

On the basis of this initial evaluation:

The Public Services Director has found that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

The Public Services Director has found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

The Public Services Director has found that the proposed project MAY have limited and specific significant effect on the environment, and a **FOCUSED ENVIRONMENTAL IMPACT REPORT** is required.

The Public Services Director has found that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

With Public Hearing

Without Public Hearing

Previous Document : SCH # 2012091063

Project Evaluator : Cindy Jacinth, Associate Planner

Cindy Jacinth
Signature

8/26/13
Initial Study Date

Cindy Jacinth
Printed Name

On behalf of Rob Livick, Public Services Director
City of Morro Bay
Lead Agency

VII Attachments

Attachment A – Summary of Mitigation Measures

VII. ATTACHMENTS

SUMMARY OF REQUIRED MITIGATION MEASURES

Section: Aesthetics

Mitigation Measures

AES Impact 1 **Visibility of night lighting and daytime glare would adversely affect views resulting in a direct long-term impact.**

AES/mm-1 *Prior to issuance of precise plan approval or if no precise plan is needed a building permit, a comprehensive lighting plan (photometric plan) shall be submitted for review and approval by the Planning Division of the Public Services Department. The lighting plan shall be prepared using guidance and best practices endorsed by the International Dark Sky Association. The lighting plan shall address all aspects of the lighting, including but not limited to all buildings, infrastructure, parking and driveways, paths, floating dock, safety, and signage. The lighting plan shall include the following at minimum:*

- h) The location, type, and wattage of all light fixtures (including catalog sheets for each fixture) shall be illustrated and a maximum ten-foot by ten-foot grid of both the initial and maintained lighting levels on the site with the following information to be included:*
- i) Footcandle Distribution, plotting the light levels in footcandles on the ground, at the designated mounting heights for the proposed fixtures. Maximum illuminance levels should be expressed in footcandle measurements on a grid of the site showing footcandle readings in every five or ten-foot square. The grid shall include light contributions from all sources (i.e. pole mounted, wall mounted, sign, and street lights.) Show footcandle renderings five feet beyond the property lines.*
- j) The maximum light intensity on a nonresidential site shall not exceed a maintained value of ten footcandles, when measured at finished grade.*
- k) All exterior lighting shall be designed and located so that only the intended area is illuminated and off-site glare is prevented.*
- l) All lighting shall be cutoff style fixtures that are directed downward to prevent glare on adjacent and surrounding areas (i.e., Morro Bay, sandspit), and shall be limited to the maximum extent feasible while still providing for public safety.*
- m) Lights shall have solid sides and reflectors to further reduce lighting impacts, and shall be placed on a switch or timer to turn them off when not needed during the late evening.*
- n) Boat dock lighting shall be designed to reduce brightness and prevent off-site glare.*

AES/mm-2 *Prior to issuance of a building permit, the applicant shall submit building plans and elevations for review and approval consistent with the following conditions:*

- d) No highly reflective glazing or coatings shall be used on windows.*
- e) All reflective exterior materials such as chrome, bright stainless steel, or glossy tile shall be used minimally to minimize new glare.*

- f) All existing and newly installed wind screens shall be frosted, partially-frosted, or otherwise treated with visually permeable barriers that are designed to prevent bird strikes.

After implementation of these measures, residual impacts would be less than significant.

Monitoring:

The City of Morro Bay Planning Department will verify implementation of these design details through review and approval of the lighting plan and building plans prior to issuance of building permits for the project. The City will confirm compliance with these conditions by visual inspection during final inspection, prior to operation of the project.

Section: Air Quality

Mitigation Measures

AQ Impact 1 Construction activities associated with development of the proposed project would result in short-term emissions of DPM.

AQ/mm-1 Upon application for grading and building permits, the applicant shall submit plans including the following notes, and shall comply with the following standard mitigation measures for reducing diesel particulate matter (DPM) emissions from construction equipment as follows:

- (a) Maintain all construction equipment in proper tune according to manufacturer's specifications;*
- (b) Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);SLO County APCD CEQA Air Quality Handbook 20124-14*
- (c) Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy duty diesel engines, and comply with the State off-Road Regulation;*
- (d) Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;*
- (e) Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;*
- (f) All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;*
- (g) Diesel idling within 1,000 feet of sensitive receptors is not permitted;*
- (h) Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;*
- (i) Electrify equipment when feasible;*
- (j) Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,*
- (k) Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas(CNG), liquefied natural gas (LNG), propane or biodiesel. Best Available Control Technology (BACT) for Construction Equipment*

AQ Impact 2 Construction activities associated with development of the proposed project could generate dust that could be a nuisance to adjacent sensitive receptors.

AQ/mm-2 Upon application for grading and building permits, the applicant shall submit plans including the following notes, and shall comply with the following standard mitigation measures for reducing fugitive dust emissions such that they do not exceed the APCD's 20 percent opacity

limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402) as follows:

- a. Reduce the amount of the disturbed area where possible;
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and 1 The value used to calculate off-site mitigation is based on the ARB approved Carl Moyer Grant Program and is updated on a periodic basis. The Carl Moyer cost effectiveness value as of 2009 is \$16,000 per ton. SLO County APCD CEQA Air Quality Handbook 2012
- f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

AQ Impact 3 Remodeling activities associated with the proposed project could result in hazards associated with the presence of Asbestos Containing Materials.

AQ/mm-3 Demolition of the existing onsite structures and/or infrastructure shall be conducted in compliance with applicable regulatory requirements, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40 CFR 61, Subpart M – asbestos NESHAP). These requirements include, but are not limited to, notification to the APCD, an asbestos survey conducted by a Certified Asbestos Inspector, and applicable removal and disposal requirements of identified asbestos containing materials. The applicant shall submit to the Planning Division documentation that they have complied with the above requirements prior to issuance of a any type of building permit.

With implementation of these measures, air quality impacts would be less than significant.

Monitoring:

Demolition plans and regulatory forms will be submitted to the APCD for review and approval, consistent with mitigation measures. The applicant will submit approval documentation from APCD to the City Environmental Coordinator. Monitoring or inspection shall occur as necessary to ensure all construction activities are conducted in compliance with the above measures. Measures also require that a person be appointed to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site. All potential violations, remediation actions, and correspondence with APCD will be documented and on file with the City Environmental Coordinator.

Section: Biological Resources

Mitigation Measures

BIO Impact 1 Construction of the proposed overhanging boardwalk and support beams would block sunlight and reduce eelgrass populations within the project site.

BIO/mm-1 Prior to issuance of building permits, the applicant shall submit construction plans demonstrating the following:

- a. The new overhanging boardwalk shall be constructed with grated or translucent material to allow sunlight to pass through to the water below.*
- b. The support beams shall be minimized to the greatest extent possible in that they should be sized to support the boardwalk and not increased in size to address aesthetics or to provide utility runs.*

BIO Impact 2 Construction of the new docks would block sunlight to the water and will reduce eelgrass habitat.

BIO/mm-2 Prior to issuance of any building permit, the applicant shall submit construction plans demonstrating the following:

- a. All new docks shall be designed to avoid the known eelgrass beds and where located within areas of potential habitat be constructed with 2 foot wide grated or translucent material panels to allow sunlight to pass through to the water. These panels shall be placed at a minimum of every twenty feet or in all areas where there is no floatation and it will not compromise the structural stability of the docks.*

BIO Impact 3 Redesign of the docks pushed westward will leave open water over eelgrass that may be accessible to small watercraft creating impacts to eelgrass habitat.

BIO/mm-3 All Eelgrass beds shall be protected in perpetuity and no long-term shading of the area shall occur. No boat, kayak or any water vessel storage (mooring) shall be allowed. Interpretive signage shall be placed both landside and dockside (public boardwalk) explaining about

Eelgrass, Eelgrass habitat and that water vessel mooring is prohibited. This language on the signs shall be review and approved by the Planning Division and installed prior to receiving a final on the building permit.

BIO Impact 4
BIO/mm-4

Construction of the new docks will have the potential to eliminate existing eelgrass.

The following actions are required to mitigate impacts to existing Eelgrass.

Eelgrass Surveys:

1. A pre-construction survey (conducted in accordance with the National Marine Fisheries Service (NMFS) Southern California Eelgrass Mitigation Policy) shall be submitted to the City's Planning Division (Environmental Coordinator) for review prior to issuance of building permit.

A post-construction survey shall be conducted to identify direct construction impacts to existing eelgrass shall be submitted to the City's Environmental Coordinator for review consistent with the guidelines of the Southern California Eelgrass Mitigation Policy (SCEMP). This post-construction survey shall be performed within 30 days of completion of all water-side construction activities and prior to requesting a building permit final from the Planning Division.

Eelgrass Monitoring Plan:

2. The applicant shall submit an Eelgrass Monitoring Plan (EMP) to the City Environmental Coordinator for review and approval prior to requesting a final on the building permit from the Planning Division. The EMP shall, at a minimum, provide the following:

- a. Eelgrass Protection. All eelgrass beds identified in the project area shall be shown on a map in site plan view, and shall be protected as eelgrass habitat in perpetuity.*
- b. Monitoring and Reporting. A monitoring report prepared in accordance with the Southern Eelgrass Mitigation Policy shall be submitted to the City Environmental Coordinator for review within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measures to offset such reduction within the eelgrass beds in the project area at a mitigation ratio basis consistent with the Southern California Eelgrass Mitigation Policy (SCEMP). The report shall also including annual monitoring for direct and indirect impacts to Eelgrass pursuant to SCEMP.*

BIO Impact 5

Construction activities may disrupt special status species including marine mammals and migratory birds due to noise and increased equipment activity.

BIO/mm-5

A. Prior to issuance of building permits, the applicant shall submit documentation verifying that a U.S. Fish and Wildlife Service-approved biologist has been retained to monitor all construction within the water-lease areas.

B. The applicant shall submit a Monitoring Plan that shall be prepared by the retained biological monitor. The Plan shall include, but not be limited to the following:

- a. Prior to the issuance of a building permit, the monitor shall verify compliance with all BIO, GS, HYD, and N mitigation measures, conditions of approval, and regulatory permit conditions (as applicable).*
- b. Biweekly monitoring reports shall be provided to the City, including a summary of the each day's activities, summary of any violations or inconsistencies with the mitigation measures/conditions of approval, any remediation actions undertaken by the applicant/construction manager, any verbal or written correspondence with regulatory agencies, and photo-documentation.*

- c. *In the event of a violation or inconsistency with a mitigation measure, condition of approval, and/or regulatory permit condition, the Plan shall include a process for emergency reporting in the event of a violation, including a chain-of-command.*
- e. *The Plan shall identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area.*

BIO Impact 6

Construction activities may disrupt special status species including marine mammals and migratory birds due to noise and increased equipment activity.

Bio/mm-6

All work that disturbs the ocean floor (i.e., removal and installation of pilings) shall be monitored by a U.S. Fish and Wildlife Service-approved biologist to ensure that impacts to marine mammals are avoided. The approved biological monitor shall be present onsite during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter, or other marine mammal, could be affected by the project, even if the animal is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.

BIO Impact 7

BIO/mm-7

Prior to initiating any piling driving associated with the project, the applicant shall submit to the Planning Division prior to the issuance of a building permit, whether the project will utilize a vibratory hammer, conventional pile driving or water jetting method of construction. If conventional pile driving is utilized, the power to the pile driver should be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced.

BIO Impact 8

Construction of the project may result in accidental release of pollutants within the bay, including sediments, oils, waste, and fuels, which would degrade state and federally-protected waters.

BIO/mm-8

Prior to issuance of grading and building permits, the applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife).

Refer to mitigation measures GS/mm-1, HAZ/mm-1, HAZ/mm-2, HYD/mm-1, HYD/mm-2, and N/mm-1.

After implementation of these measures, residual impacts to biological resources would be less than significant.

Monitoring:

The retained biological monitor shall verify compliance with biological mitigation measures during construction, and submit monitoring reports to the City, pursuant to an approved Monitoring Plan. The City shall ensure that all necessary studies and/or information has been submitted before the issuance of a permit and/or before a final approval has been issued.

Section: Cultural Resources

CR/Impact 1 The project is not expected to result in any potentially significant impacts to cultural resources. Due to the cultural sensitivity of the region, the City requires the following mitigation measure, in the event of subsurface, significant, cultural resource discovery.

CR/mm-1 In the event that intact and/or unique archaeological artifacts or historic or paleontological resources are encountered during grading, clearing, grubbing, and/or other construction activities associated with the proposed project involving ground disturbance, all work in the immediate vicinity of the find shall be stopped immediately, the onsite archaeological and Native American monitors shall be notified, and the resource shall be evaluated to ensure the discovery is adequately recorded, evaluated and, if significant, mitigated.

Monitoring:

The City Planning Department will verify compliance with this measure.

Section: Geology / Soils

Mitigation Measures

GS Impact 1 Soils disturbed during construction would be subject to erosion from stormwater runoff.

GS/mm-1 Prior to issuance of grading and building permits, the applicant shall prepare a drainage and erosion control plan to reduce the potential for erosion and down-gradient sedimentation. Grading and construction plan shall include measures to prevent and avoid spills or spread of dangerous materials and clean-up procedures in the event of a spill, and measures to reduce rilling of any stockpiled soils. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with the erosion control plan.

After implementation of these measures, residual impacts related to geology and soils would be less than significant.

Monitoring:

Design plans shall be inspected and approved to ensure compliance. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with design plans and the drainage and erosion control plan.

Section: Hazards/Hazardous Materials

Mitigation Measures

HAZ Impact 1 Development associated with the proposed project has the potential to result in the accidental release of hazardous materials into sensitive areas within and adjacent to the project site.

HAZ/mm-1 Prior to removal of the wood pilings, the applicant shall submit documentation to the Planning Division for review and approval identifying if the wood is “treated wood waste”. A licensed contractor with hazardous materials experience shall evaluate the wood to determine whether the wood is treated or untreated pursuant to the Department of Toxic Substances definition of “treated wood”. In the event the pilings are treated wood waste, the applicant shall dispose of the material at a hazardous waste landfill or qualified solid waste landfill. Documentation of the ultimate disposal of treated wood waste shall be submitted to

EXHIBIT D

the planning division prior to a final inspection of the building and prior to any occupation of the new construction.

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

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

HAZ/mm-2 Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis Obispo Air Pollution Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations shall be followed during demolition activities. Any loose or peeling lead based paint shall be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations.

HAZ/mm-3 At minimum one oil only absorbent spill kit for a capacity of 21 gallons or greater shall be provided on the head float dock in case of accidental release of a hazardous material or liquid into the bay.

HAZ/mm-4 Signs shall be provided on all finger docks stating the location and hours of operation for all pump out facilities in the Morro Bay Harbor.

With implementation of this mitigation measure, impacts related to hazards and hazardous materials would be less than significant.

Monitoring: Prior to issuance of demolition permits asbestos and lead-based paint surveys, including recommended actions, shall be submitted to and accepted by the Public Services Department. City of Morro Bay staff shall verify that signs are adhered to docks prior to final inspection

The City Environmental Coordinator shall verify receipt of required documentation. Monitoring or inspection shall occur as necessary to ensure development is proceedings consistent with the Construction Plan.

Section: Hydrology

Mitigation Measures

HYD Impact 1: Construction of the project has the potential to result in pollutant discharge within the waters of Morro Bay.

HYD/mm-1 Prior to issuance of grading and building permits, the applicant shall prepare a Construction Plan, which shall, at a minimum, include the following:

- a. Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas where construction activities and/or staging area to take place shall be minimized to the maximum extent feasible in order to have the least impact on public access and Morro Bay resources, including by using inland areas for staging and storing construction equipment and materials as feasible.*
- b. Construction Methods. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from bay and public recreational use areas (including using unobtrusive fencing or equivalent measures to delineate construction areas).*
- c. Construction Best Management Practices (BMPs). The Construction Plan shall identify the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including the following: 1) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to the bay; 2) land side equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bay, and all construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; 3) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and 4) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of the day.*
- d. Construction Site Documents. Copies of all permits and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and copies shall be available for public review upon request. All persons involved with the construction shall be briefed on the content and meaning of all issued permits and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.*
- e. Construction Coordinator. The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquires and emergencies) and that their contact information (i.e., address, phone numbers, etc.) including at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall*

EXHIBIT D

record the name, phone number, and nature of all complaints receive regarding the construction, and shall investigate complaints and take remedial action, if necessary with 24 hours of receipt of the complaint or inquiry.

HYD/mm-2

Prior to issuance of building permits, the applicant shall submit plans including the following notes, which shall be implemented during installation of pilings. Pilings shall be constructed of steel and/or fiberglass and shall be implanted into the ocean floor with a pile driver or vibratory hammer, as opposed to jetting. The applicant shall comply with these conditions, as required or modified by the Coastal Commission.

- a. Material Containment. Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, wood preservatives, other chemicals, etc.) from entering the harbor or any other state waters. Where additional wood preservatives must be applied to cut wood surfaces, the materials, wherever feasible, shall be treated at an onshore location to preclude the possibility of spills into the harbor or other state waters. A designated staging area shall be used for refueling equipment and vehicles, mixing and storing materials, debris collection and disposal, and containing runoff from any materials that may be used or stockpiled during the project. A floating containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. For any work on or beneath fixed decks, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other material could fall in to the water. The floating boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean-up of foreign materials not properly contained.*
- b. Piling Installation Procedures. The new pilings and piling sleeve shall be made from steel and/or fiberglass. Generally, the new pilings shall be installed according to the method that results in the least disturbance of bottom sediments. All piles will be driven into place with a vibratory hammer or piling hammer. If feasible, disturbed sediments shall be contained with a flexible skirt surrounding the driven pile. Construction barges shall be floating at all times and shall only operate at tides high enough so that the barge does not rest on the bottom of the bay.*
- c. Procedures for Concrete Work. If pile installation, or any other portion of the operations and maintenance program, requires the pouring of concrete in, adjacent to, or over the water, the following methods shall be employed to prevent uncured concrete from entering the harbor or other state waters:*
 - 1) Complete dewatering of the pour site, within a caisson or other barrier; the site to remain dewatered until the concrete is sufficiently cured to prevent any significant increases in the pH of adjacent waters; or,*
 - 2) The tremie method, which involves placement of the form in water, inserting a plastic pipe down to the bottom of the form, and pumping concrete into the form so that the water is displaced towards the top of the form. If this method is selected, the displaced waters shall be pumped off and collected in a holding tank. The collected waters shall then be tested for pH, in accordance with the following California Department of Fish and Wildlife recommendations. If the pH is greater than 8.5, the water will be neutralized with sulfuric acid until the pH is between 8.5 and 6.5. This pH-balanced water can then be returned to the sea. However, any solids that settle*

out during the pH balancing process shall not be discharged to the marine environment.

- 3) *In each case involving such concrete pours in or near the harbor or other state waters, a separate wash out area shall be provided for concrete trucks and for tools. The wash out area(s) shall be designed and located so that there will be no chance of concrete slurry or contaminated water runoff to the harbor or other state waters, nor into storm drains or gutters which empty into such bodies of water.*

Refer to mitigation measures GS/mm-1 and HAZ/mm-1.

After implementation of these measures, residual impacts to hydrology and water quality would be less than significant.

Monitoring:

The City shall assign a monitor or inspector to verify compliance with mitigation measures during construction.

Section: Noise

Mitigation Measures

N Impact 1 Construction of the project, including installation of new pilings, would generate noise and vibration potentially affecting surrounding uses and aquatic resources.

N/mm-1: Prior to issuance of grading and building permits, the applicant shall submit a Construction Plan, which shall include a pile driving or vibratory hammer plan and monitoring program (designed by a qualified acoustical engineer) designed to ensure that underwater noise generated by conventional pile driving or vibratory hammer activities are minimized to the maximum extent feasible and do not exceed limits required to ensure impacts to marine life are minimized pursuant to the NOAA Fisheries Interim Sound Threshold Guidance under the Marine Mammal Protection Act (MMPA):

NOAA Fisheries current in-water acoustic thresholds		Threshold
Level A	PTS (injury) conservatively based on TTS	190 dB rms for pinnipeds 180 dB rms for cetaceans
Level B	Behavioral disruption for impulsive noise (e.g. impact pile driving)	160 dB rms
Level B	Behavioral disruption for non-pulse noise (e.g. vibratory pile driving, drilling)	120 dB rms

Source: http://www.nwr.noaa.gov/protected_species/marine_mammals/killer_whale/threshold_guidance.html

The plan shall provide for a hydro-acoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall also provide for additional acoustical best management practices to be applied if monitoring shows underwater noise above the limits then additional noise dampening measures such as alternative pile driving methods, sound shielding, and other noise attenuation devices shall be provided. As an alternative the applicant shall submit documentation from the hammer (either impact or vibratory) that the machinery cannot exceed the limits stated above. If applicant is able to document the noise levels are below those stated above no monitor shall be required.

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

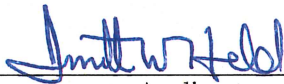
After implementation of these measures, residual noise impacts would be less than significant.

Monitoring:

The retained hydro-acoustical monitor shall verify compliance with noise mitigation measures during construction, and submit monitoring reports to the City, pursuant to the approved Construction Plan and Monitoring Plan. If applicant is able to document the noise levels are below those stated above no monitor shall be required.

Acceptance of Mitigation Measures by Project Sponsor:

(Signed Copy on File with Morro Bay Public Services Department)



Applicant

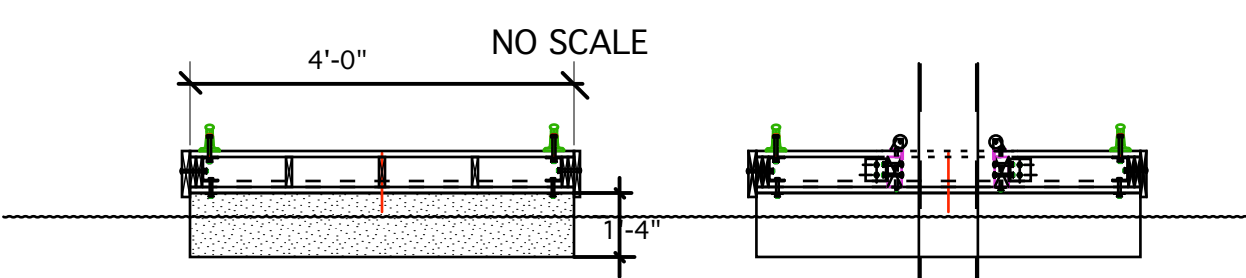


Date



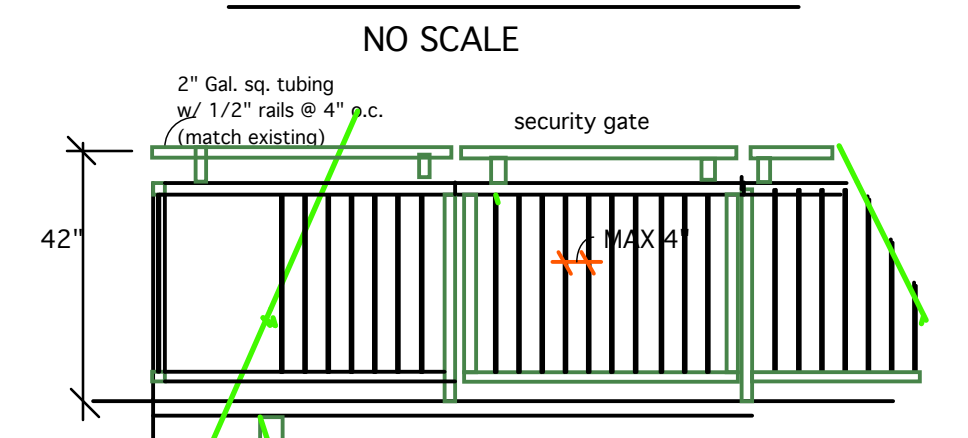
901 EMBARCADERO

VICINITY AERIAL MAP

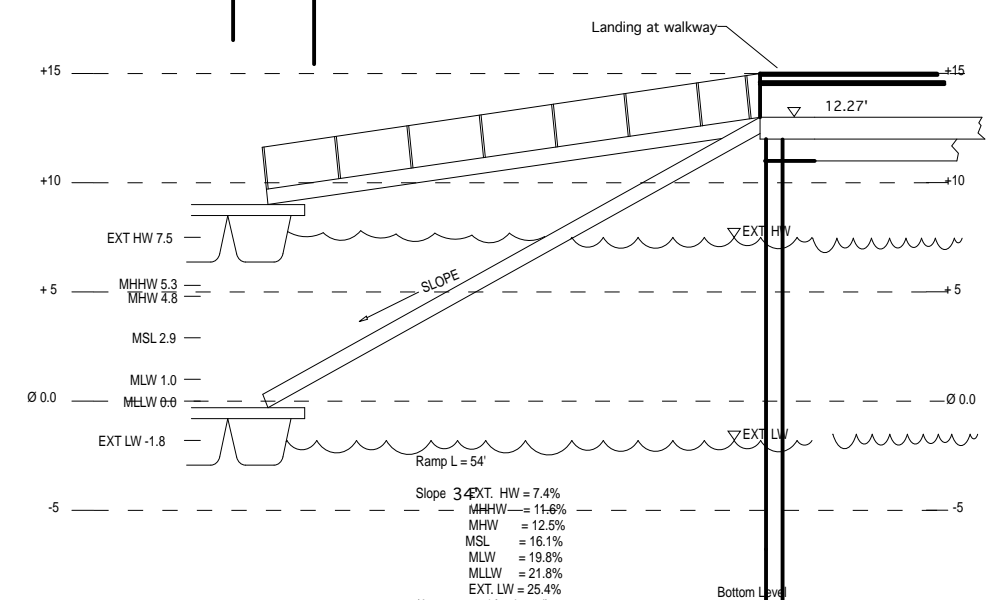


TYPICAL SECTION no scale
TYPICAL END SECTION no scale

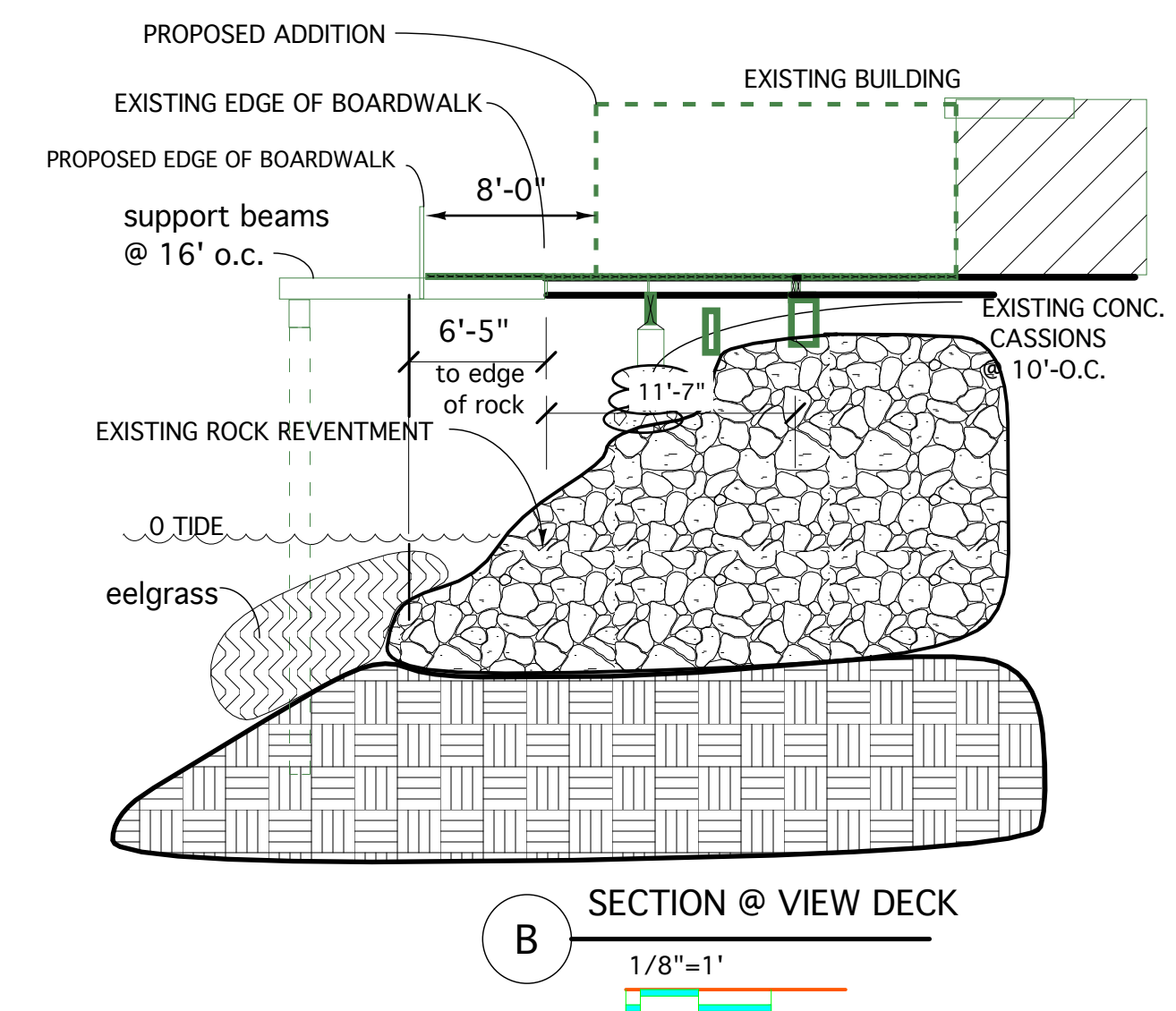
FLOATING DOCK SECTION



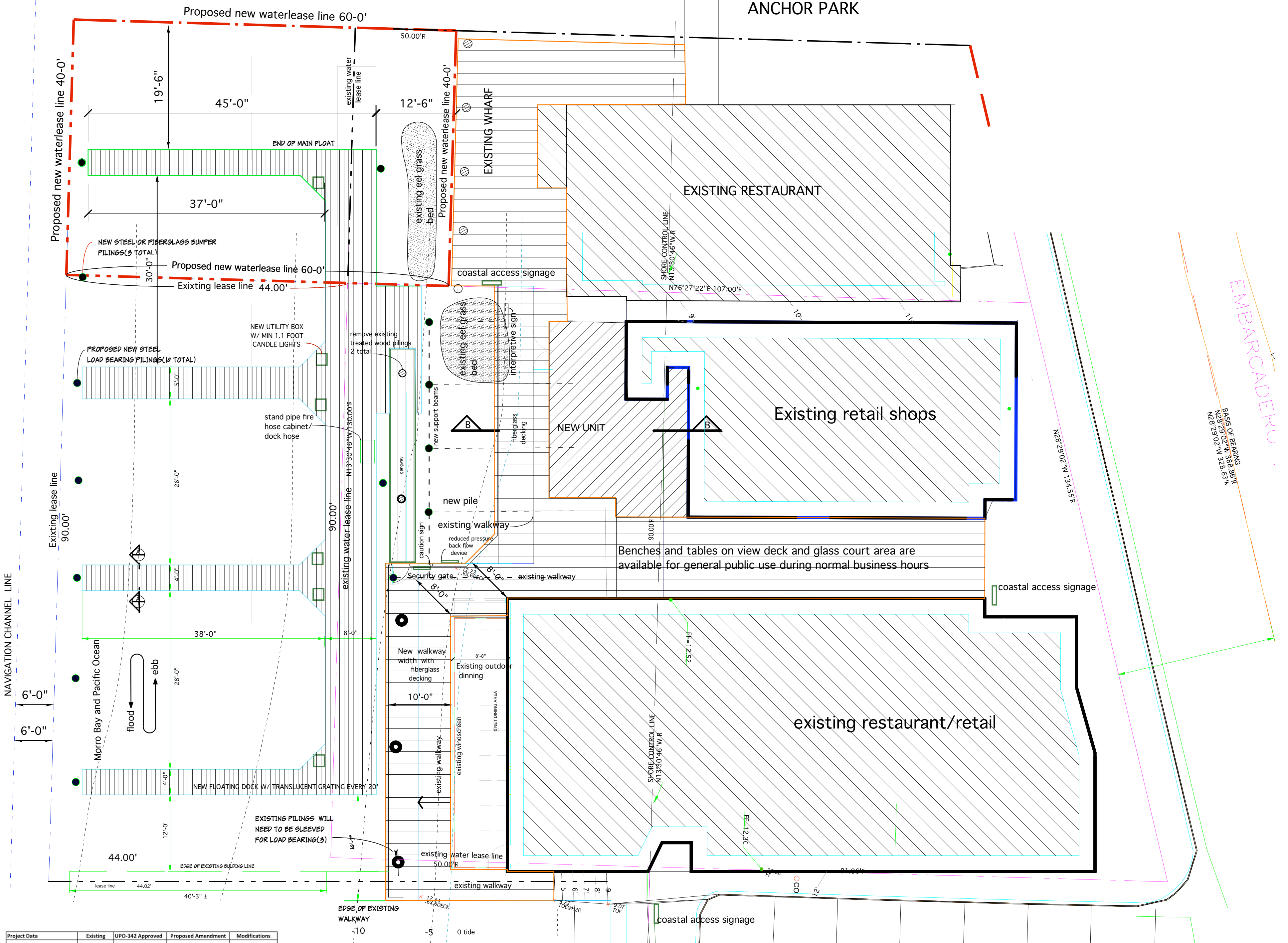
GUARD RAIL ELEV./ SECTION NO SCALE



GANGWAY ELEV./ SECTION NO SCALE



SECTION @ VIEW DECK 1/8"=1'



PROPOSED LEASE SITE IMPROVEMENTS

1"=10'-0" 1"=10'-0"

- 2-EXISTING CREOSOTED PILINGS TO BE REMOVED
- 3-EXISTING CREOSOTED PILINGS TO BE SLEEVED W/ STEEL
- 13-NEW STEEL OR FIBERGLASS PILINGS

Caution: due to fluctuation of water elevation, this dock/per is only accessible between tidal elevations of +7' to 0.	COMMERCIAL & SPORTFISHING HISTORICAL INFORMATION as supported by City of Morro Bay & C.C.C.	FLOATING SLIPS RESTRICTED BOAT OWNERS, CREW & GUEST	COASTAL ACCESS PUBLIC BOARDWALK OPEN 24 HOURS A DAY 1 HOUR BEFORE SUNRISE TO 1 HOUR AFTER SUNSET	SECURITY SIGN @ TOP OF GANGWAY
Signage shall be 24" wide x 18" high metal sign w/ images mounted flat on 4x4 post w/ white background & blue lettering.	Signage shall be 24" wide x 18" high metal sign w/ images mounted flat on 4x4 post w/ white background & blue lettering.	Signage shall be 24" wide x 18" high metal sign w/ images on chain guard w/ white background & blue lettering.	W/ IMAGES MOUNTED FLAT ON 4X4 POST w/ white background & blue lettering.	SECURITY SIGN @ TOP OF GANGWAY
A sign that states "Caution: due to fluctuation of water elevation, this dock/per is only accessible between tidal elevations of +7' to 0. use with caution, to be located @ top of gangway access."	INTERPRETIVE SIGNAGE DEPICTING COMMERCIAL AND SPORTFISHING IN MORRO BAY		PUBLIC BOARDWALK TO REMAIN OPEN 24 HOURS A DAY to be located upcoast & downcoast & entrance to courtyard	

Project Data	Existing	UPO-342 Approved	Proposed Amendment	Modifications
Land/Water Lease	10,712 sq. ft.	15,155 sq. ft.	17,555 sq. ft.	2,400 sq. ft.
Hoffman & Criss	5,675 sq. ft.	5,675 sq. ft.	5,675 sq. ft.	0
Poppy	1,676 sq. ft.	1,676 sq. ft.	1,444 sq. ft.	(232 sq. ft.)
Office/Storage	229 sq. ft.	229 sq. ft.	229 sq. ft.	0
Restrooms	208 sq. ft.	203 sq. ft.	283 sq. ft.	42 sq. ft.
Glass Court	632 sq. ft.	850 sq. ft.	729 sq. ft.	(121 sq. ft.)
New Retail	590 sq. ft.	534 sq. ft.	534 sq. ft.	(56 sq. ft.)
Total Building	6,481 sq. ft.	7,283 sq. ft.	7,283 sq. ft.	(177 sq. ft.)
Walkway	356 sq. ft.	1,196 sq. ft.	1,279 sq. ft.	(87 sq. ft.)
Outdoor Dining	344 sq. ft.	284 sq. ft.	284 sq. ft.	0
Lot Coverage	77.8%	60.4%	47.9%	(12.5%)
Floating Docks	0	248 sq. ft.	82 sq. ft.	166 sq. ft. new & 12 sq. ft. reduction from UPO-342
Total Floating Dock	0	248 sq. ft.	82 sq. ft.	166 sq. ft.
Pilings				
New (main & bumper)	0	8	13	5
Sleeved	0	0	3	3
Removal/Abandon	0	5	2	3
Parking				
Retail	9	11		
Restaurant	19	19		
Floating Dock/Sport fishing	8.5	7		
Glass Court	5	(2)		
Club seats	1.5	N/A		
Total Required	41	37	38	2
Parking Credit Balance			4	

PROJECT DATA

LAND/SEA INTERFACE
GENE DOUGHTY-ARCHITECT
1-805-772-8436

HELD PROPERTIES
HARBOR CENTER
901 EMBARCADERO MORRO BAY, CALIF.

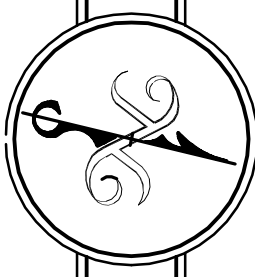
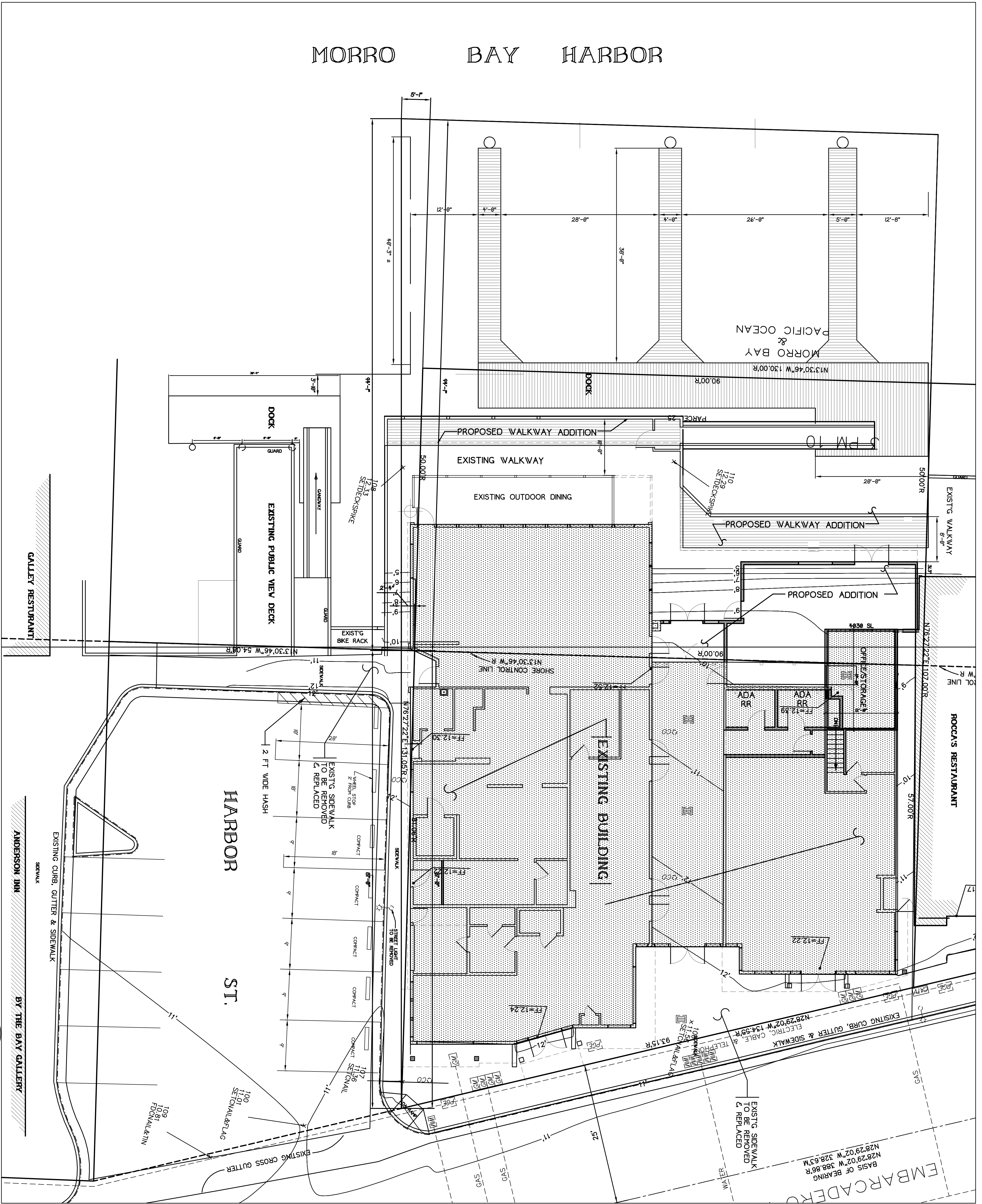
PROPOSED LEASE SITE IMPROVEMENTS FOR AMENDMENT TO UPO-342
1101

SHEET	DATE	SCALE	AS NOTED	DRAWN: GD
A-1	11-11-10	AS NOTED		
A-2	11-11-10	AS NOTED		
A-3	3-6-13	AS NOTED		
A-4	4-2-13	AS NOTED		
A-5	4-25-13	AS NOTED		
A-6	4-25-13	AS NOTED		

SHEET A-1 OF 5 SHEETS

MORRO BAY HARBOR

PROPOSED PLOT PLAN



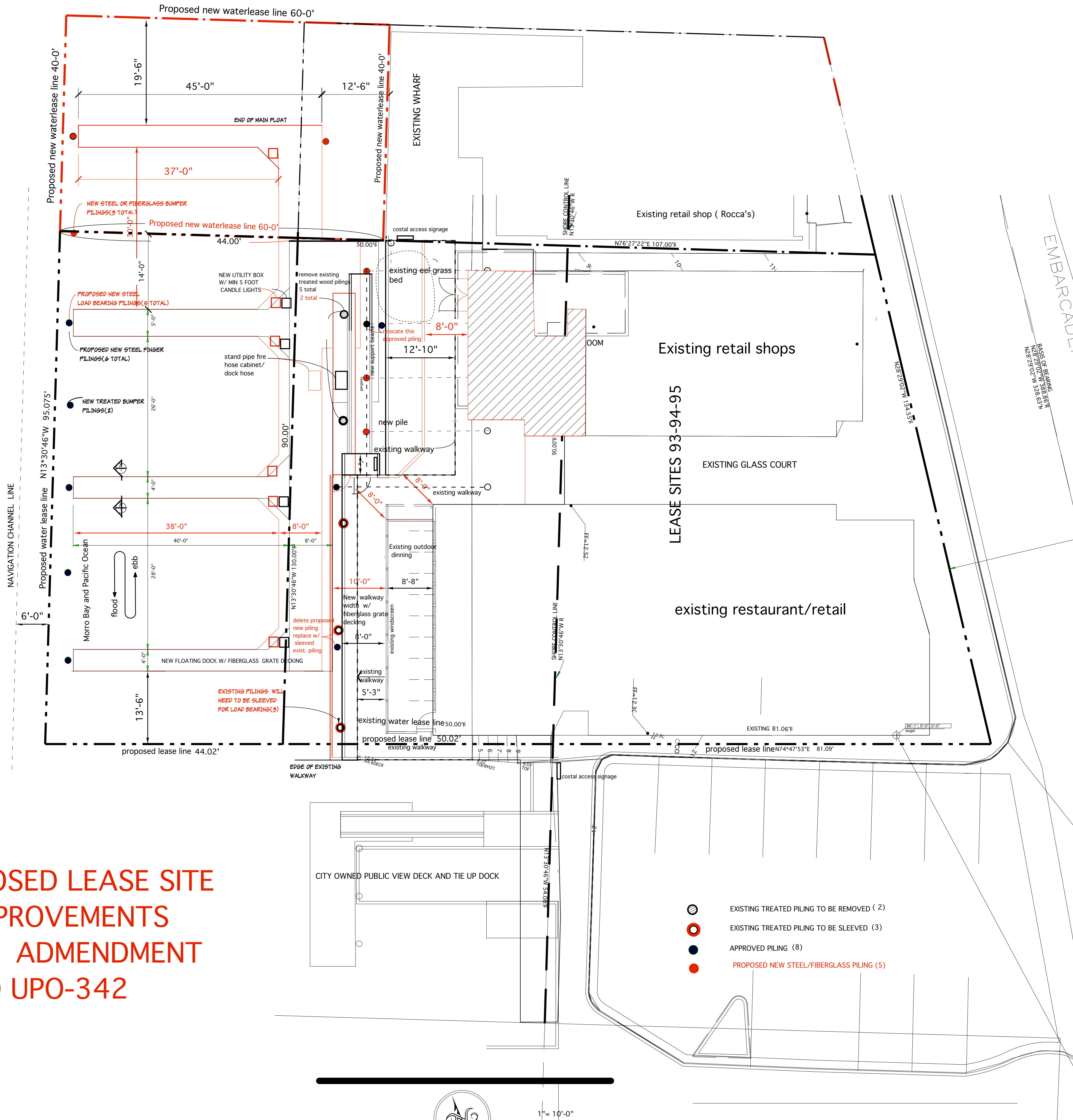
DRAWINGS TO SCALE FOR ONLY 3/4x24 PLOTS
1/8" = 1'-0"

Plotted: 5/26/2013 4:23 PM
F:\ACAD\Jobs\1101 Held\CDP drawings\ProposedPlotPlan.dwg

<p>SHEET A-2 OF SHEET</p>	<p>SCALE: AS NOTED DRAWN: MLA</p>	<p>PROPOSED SITE PLAN</p>	<p>HELD PROPERTIES HARBOR CENTER 901 EMBARCADERO MORRO BAY, CALIF.</p>	<p>LAND/SEA INTERFACE GENE DOUGHTY-ARCHITECT 1-805-772-8436</p>	<p>REVISED 5/26/13 The plans, specifications, notes and design incorporated herein, are instruments of service prepared for the construction of the work shown herein and are the property of Land/Sea Interface and shall not be used in whole or in part for any other project without authority of Gene Doughty Land/Sea Interface</p>
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PROPOSED LEASE SITE IMPROVEMENTS FOR ADMENDMENT TO UPO-342

PROPOSED LEASE SITES 93W-94W-95W



Project: 1101 Harbor Center for MB
Title: Proposed Lease Site Improvements
Scale: As Noted
Date: 4/23/13
Drawn: GD

LAND/SEA INTERFACE
GENE DOUGHTY-ARCHITECT
1-805-772-8436

**HELD PROPERTIES
HARBOR CENTER**
901 EMBARCADERO MORRO BAY, CALIF.

OVERLAY OF
PROPOSED LEASE SITE
IMPROVEMENTS
FOR ADMENDMENT
TO UPO-342

1101

11-13
2-2-13
3-6-13
4-8-13
4-23-13
SCALE: AS NOTED
DRAWN: GD

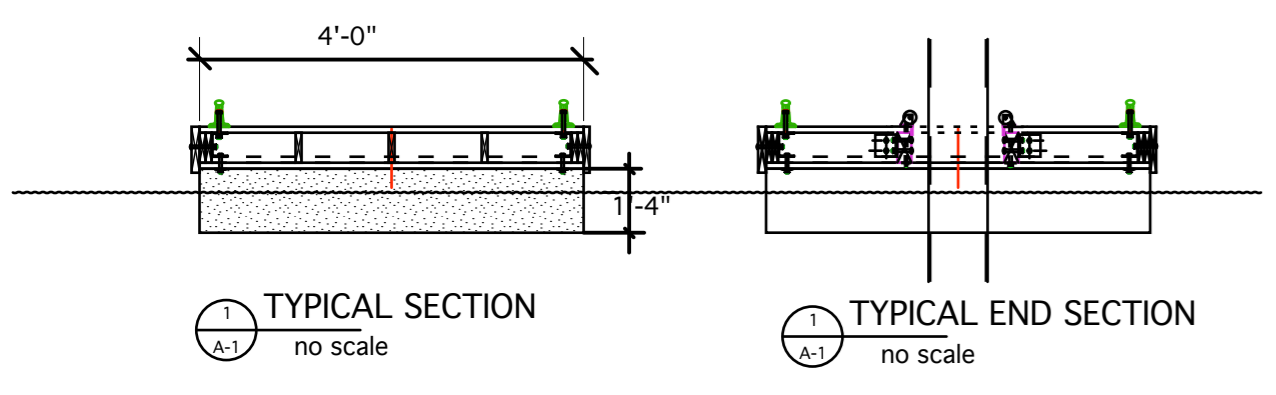
SHEET
A-3
OF 5 SHEET



1" = 10'-0"



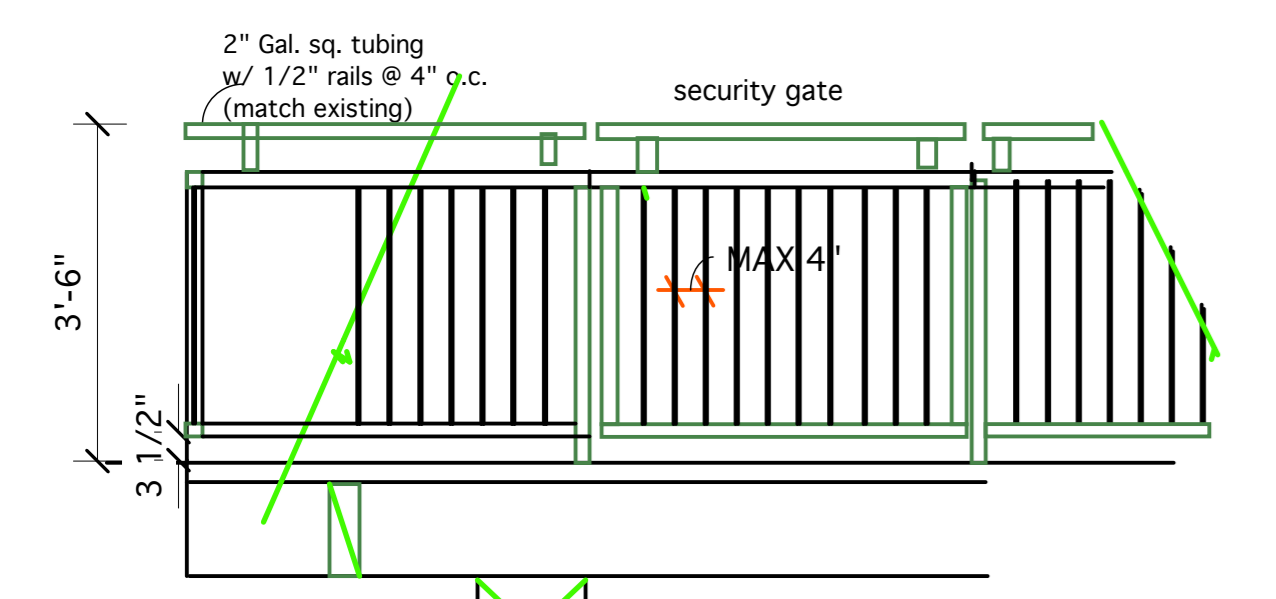
VICINITY AERIAL MAP
NO SCALE



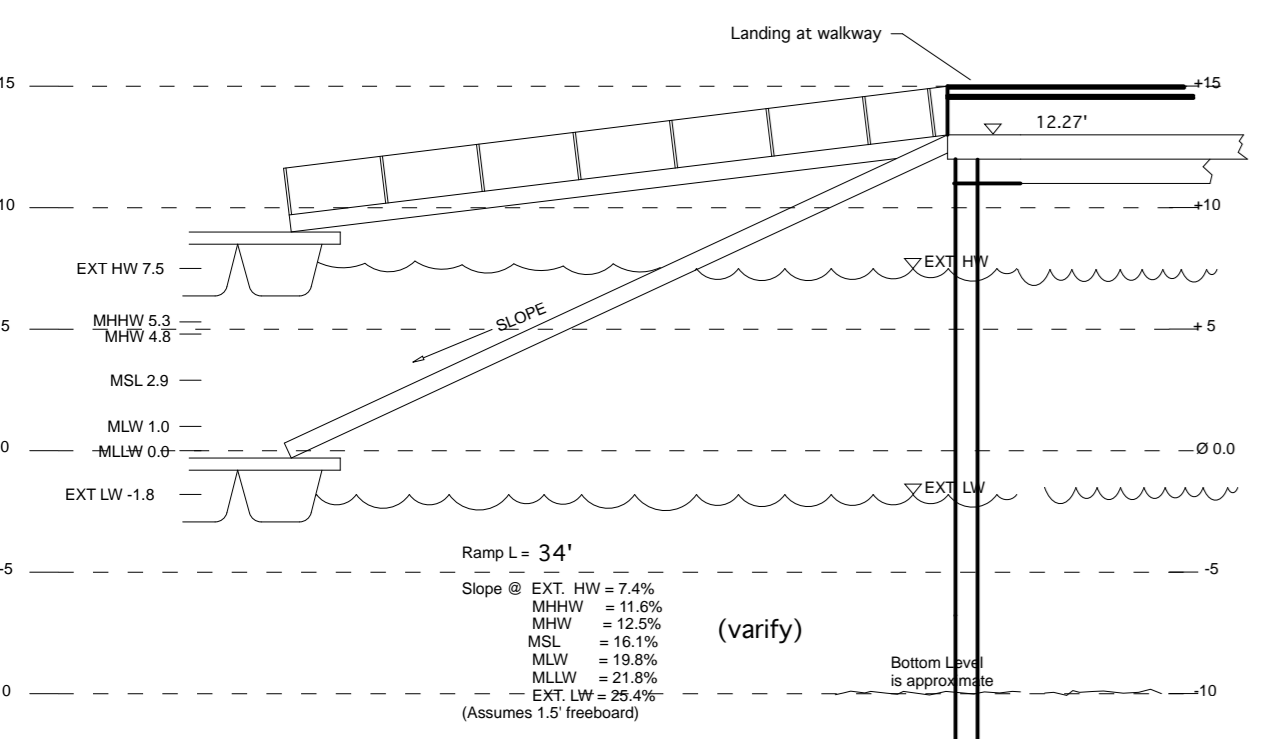
TYPICAL SECTION
no scale

TYPICAL END SECTION
no scale

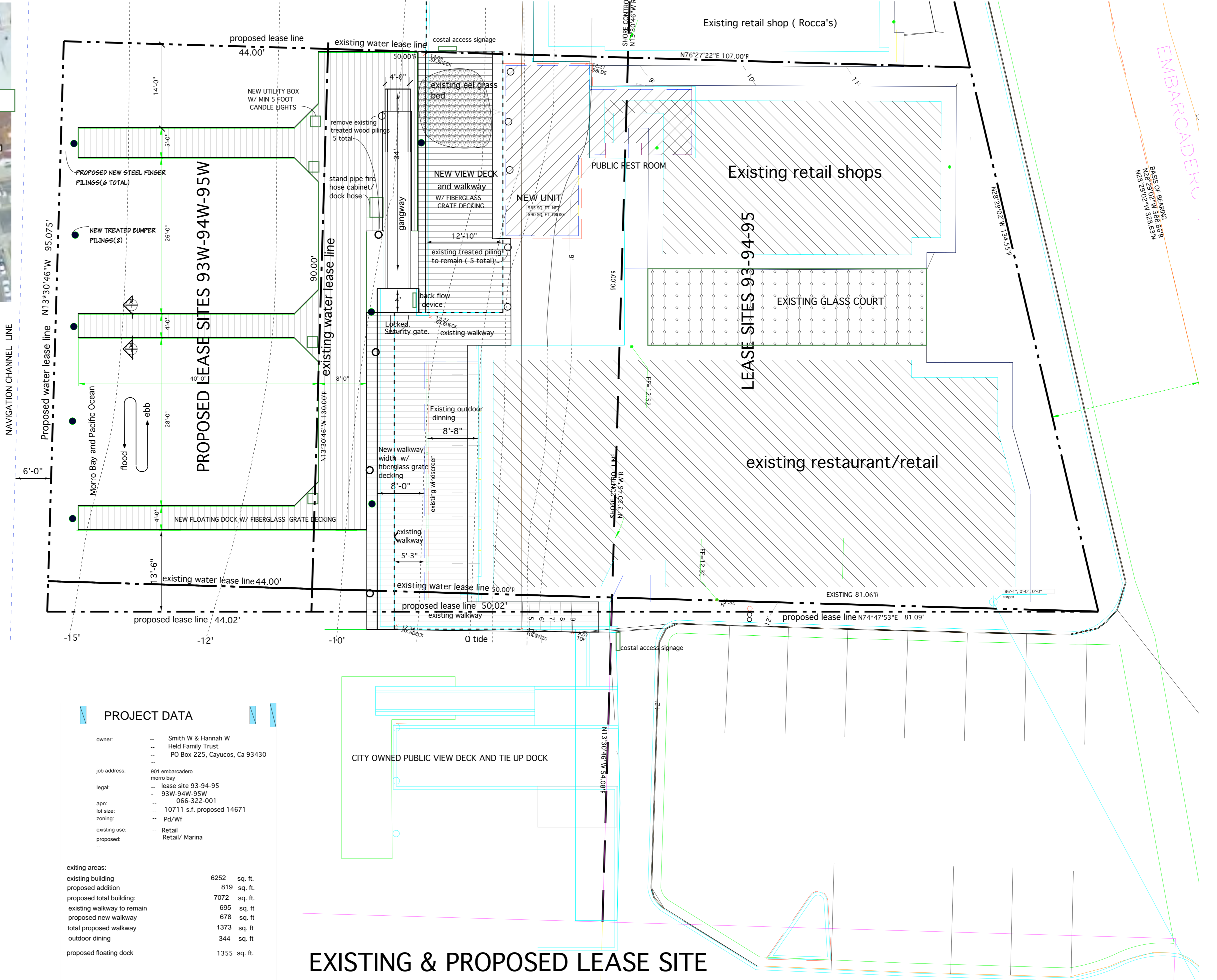
FLOATING DOCK SECTION
NO SCALE



GUARD RAIL ELEV./ SECTION
NO SCALE

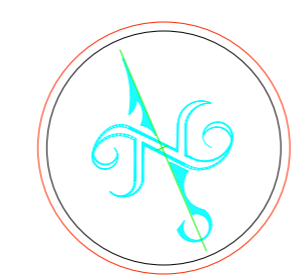


GANGWAY ELEV./ SECTION
NO SCALE



PROJECT DATA	
owner:	Smith W & Hannah W Held Family Trust PO Box 225, Cayucos, Ca 93430
job address:	901 embarcadero morro bay
legal:	lease site 93-94-95 93W-94W-95W 066-322-001
apn:	10711 s.f. proposed 14671
lot size:	
zoning:	Pd/Wf
existing use:	Retail
proposed:	Retail/ Marina
existing areas:	
existing building	6252 sq. ft.
proposed addition	819 sq. ft.
proposed total building:	7072 sq. ft.
existing walkway to remain	695 sq. ft.
proposed new walkway	678 sq. ft.
total proposed walkway	1373 sq. ft.
outdoor dining	344 sq. ft.
proposed floating dock	1355 sq. ft.

EXISTING & PROPOSED LEASE SITE



1/8" = 1'-0"

The plans, specifications, notes and other data herein are prepared by the Architect and are to be used only for the project and site identified herein. No part of these plans, specifications, notes and other data herein shall be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the Architect.

LAND/SEA INTERFACE
GENE DOUGHTY-ARCHITECT 1-805-772-8456

HELD PROPERTIES
HARBOR CENTER
901 EMBARCADERO MORRO BAY, CALIF.

PROPOSED LEASE SITE
PREVIOUS APPROVED PLAN
1101

11-9-11
11-14-11
5-23-13
SCALE: AS NOTED
DRAWN: GP

SHEET
A-4
OF 5 SHEET

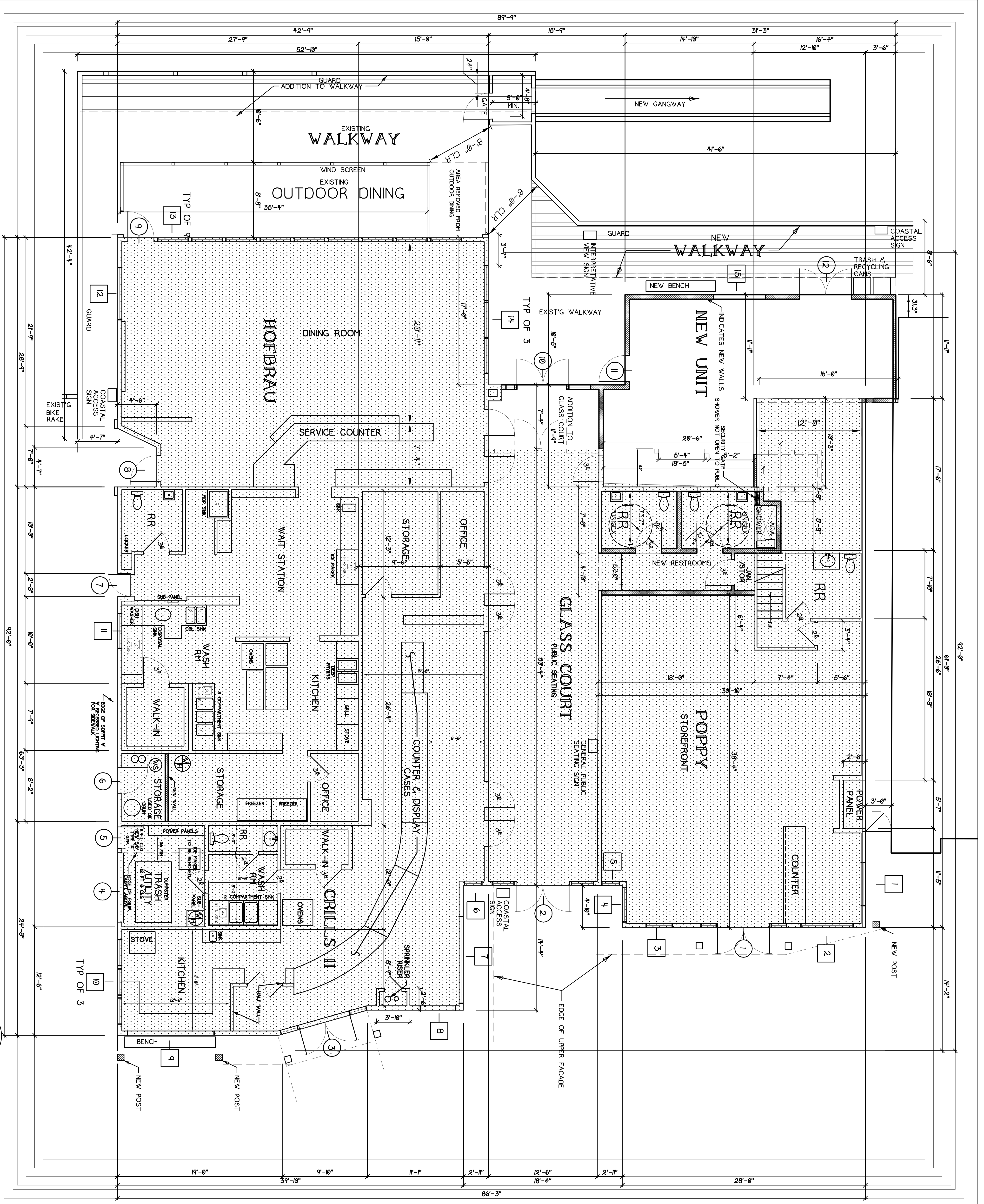
EXTERIOR WINDOW SCHEDULE

MARK	E EXISTING P PROPOSED	SIZE	TYPE	REMARKS
1	E	5050	MTL PICTURE	
2	E	6050	MTL PICTURE	
3	E	3050	MTL PICTURE	
4	E	4050	MTL PICTURE	
5	E	2050	MTL PICTURE	
6	E	2050	MTL PICTURE	
7	E	2-5050	MTL SLIDERS	
8	E	4050	MTL PICTURE	
9	E	2-5050	MTL SLIDERS	
10	E	3-3050s	MTL PICTURE	
11	E	3020	MTL SLIDER	
12	E	6050	MTL STACKED	6010 SL 9/6040 PICTURE
13	E	9-3050	W/D PICTURE	
14	E	3-4050	W/D PICTURE	
15	P	6050	MTL PICTURE	

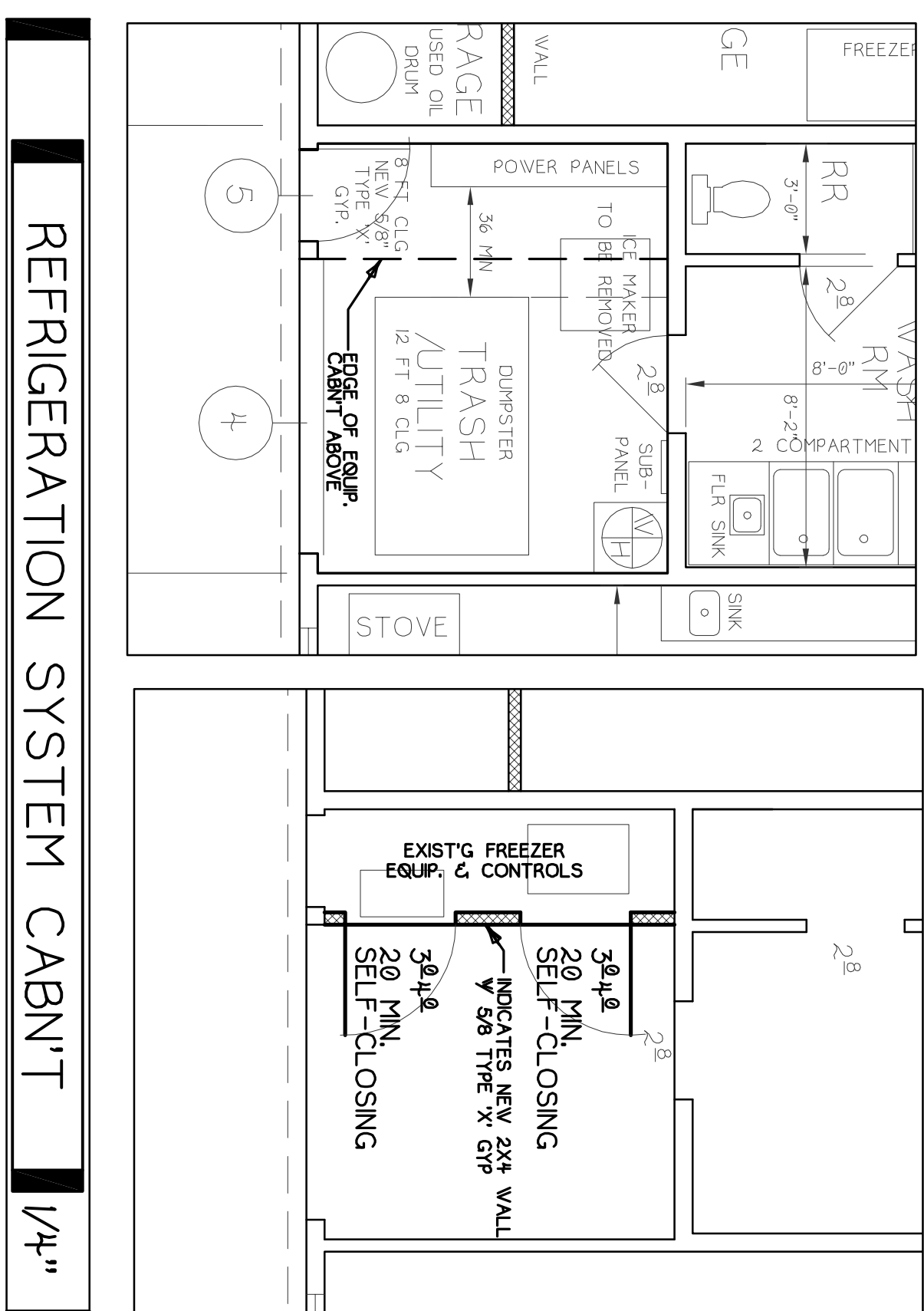
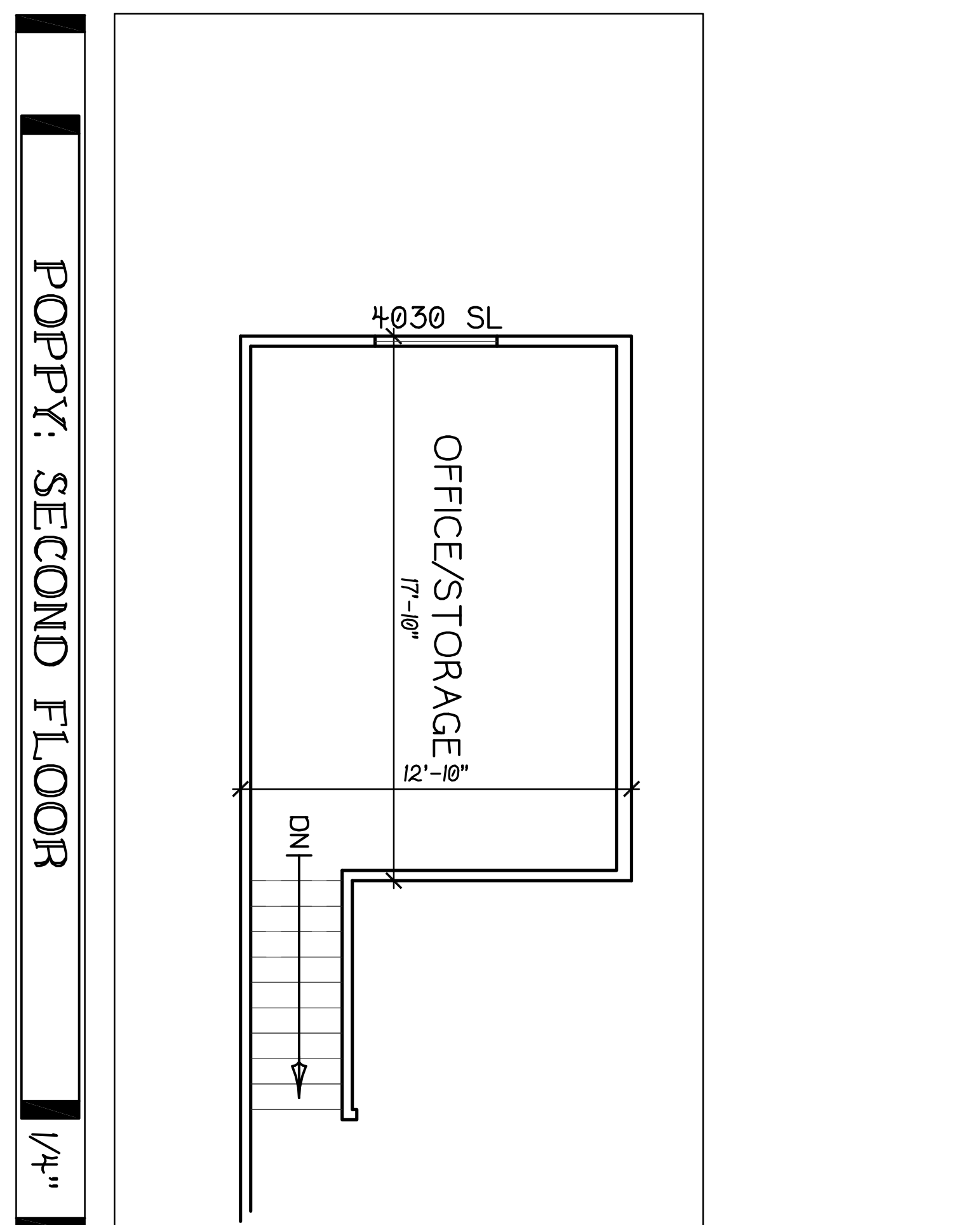
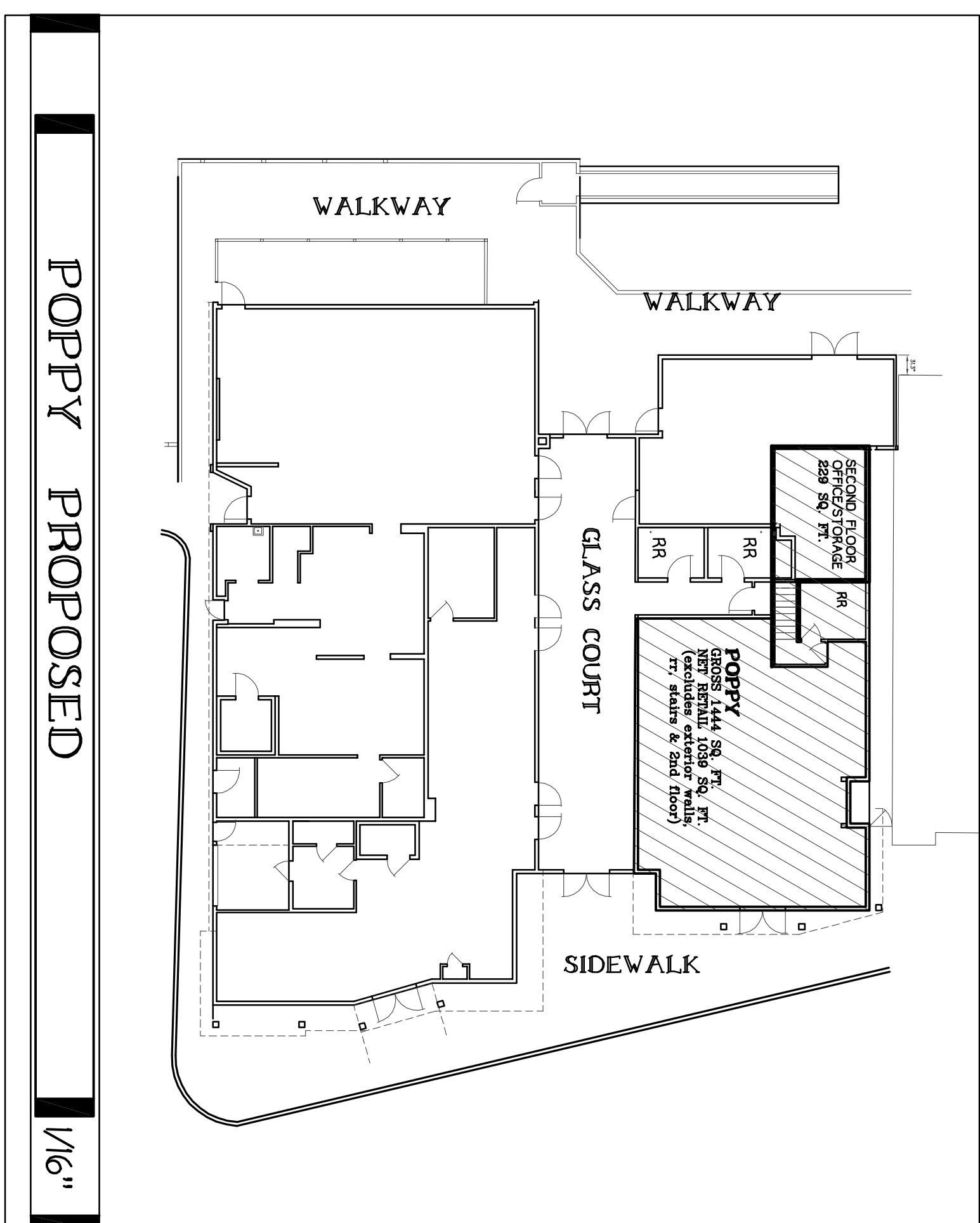
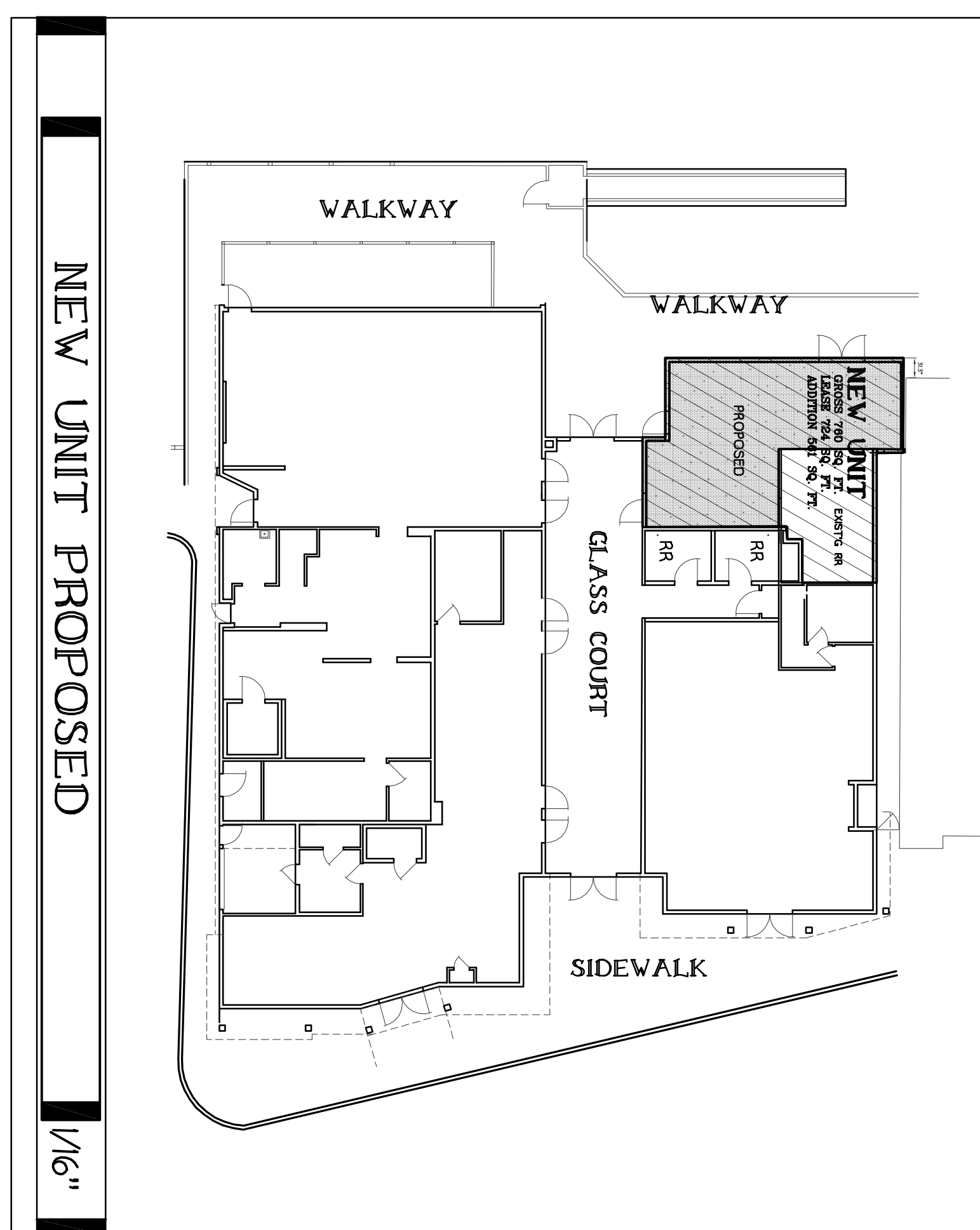
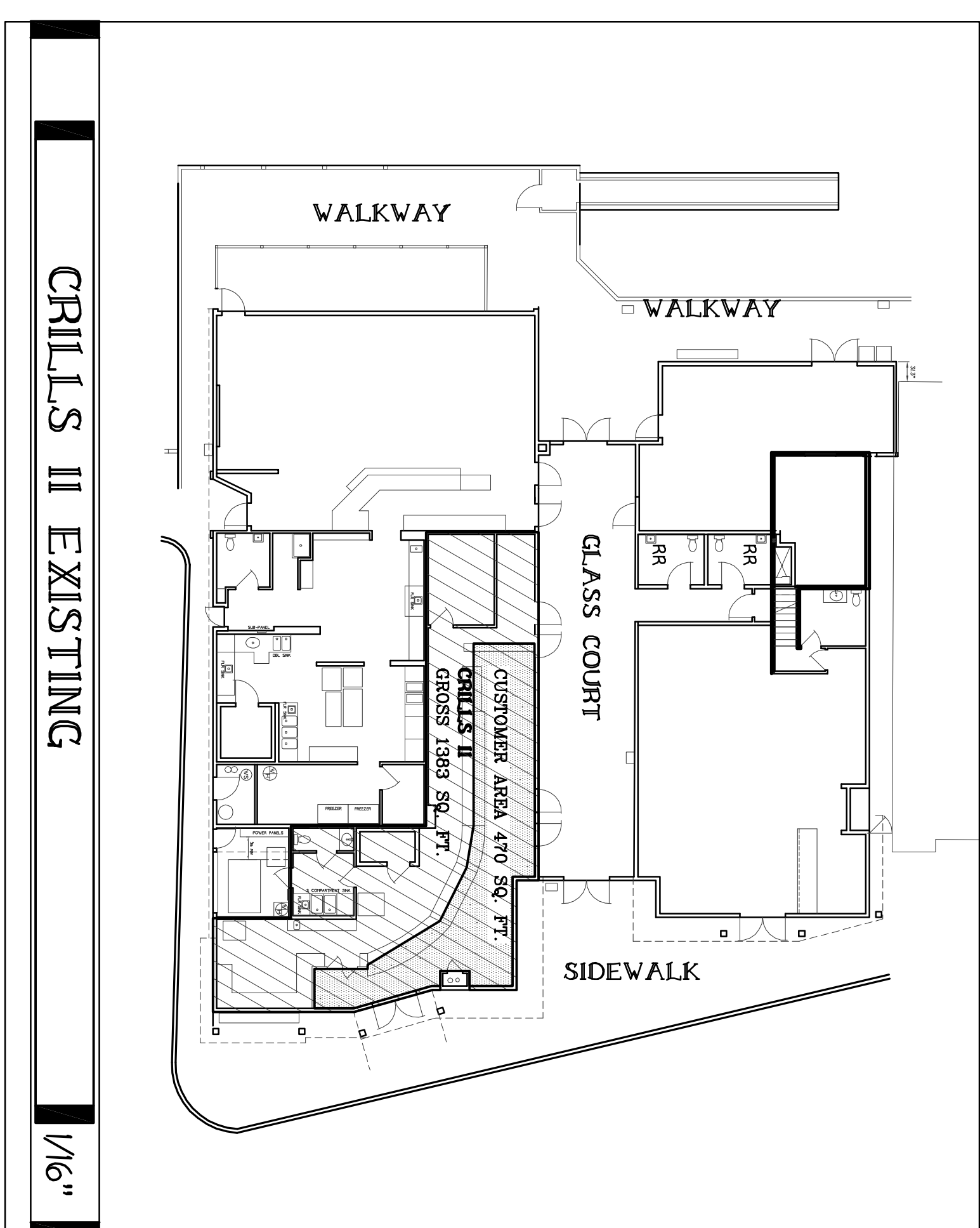
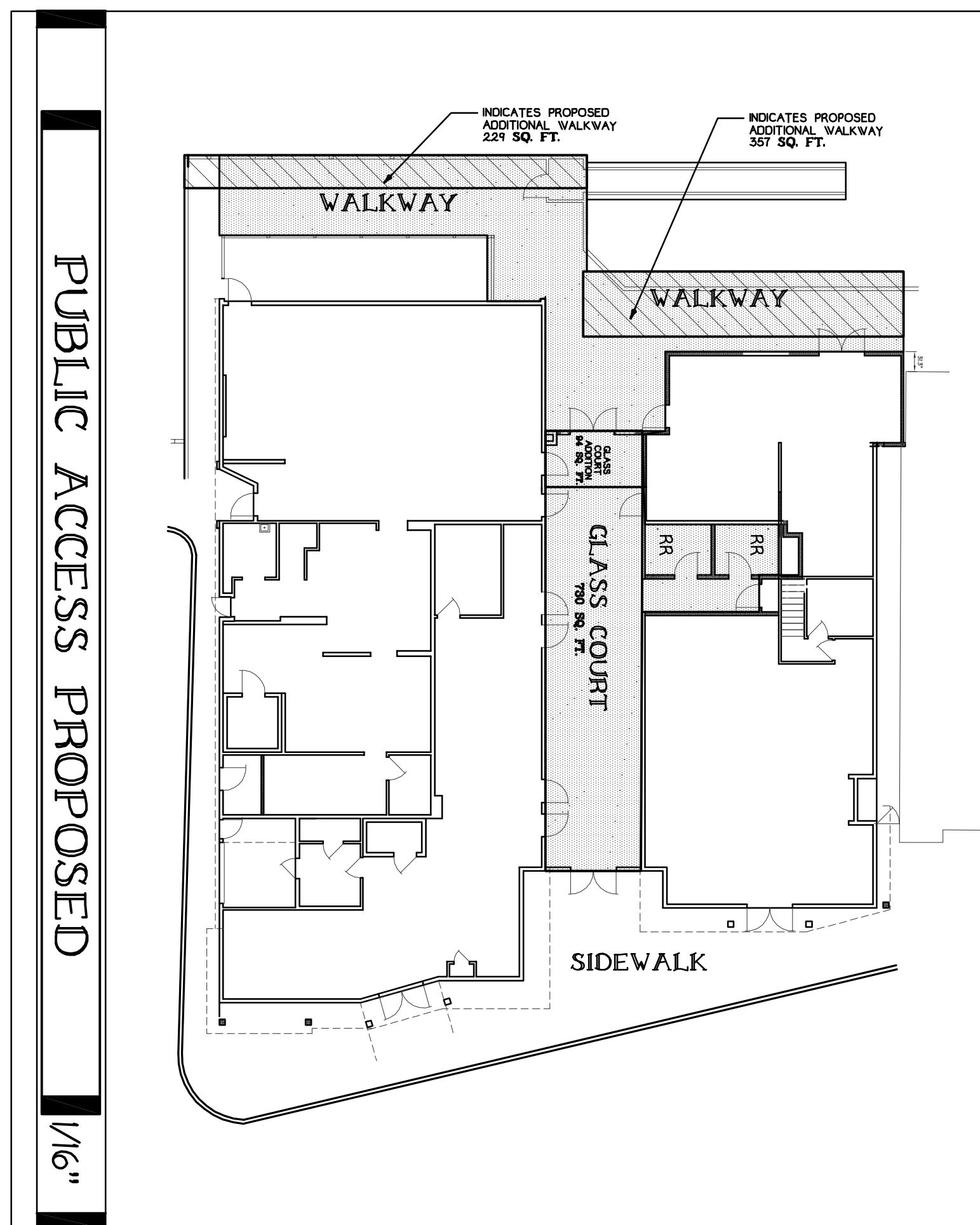
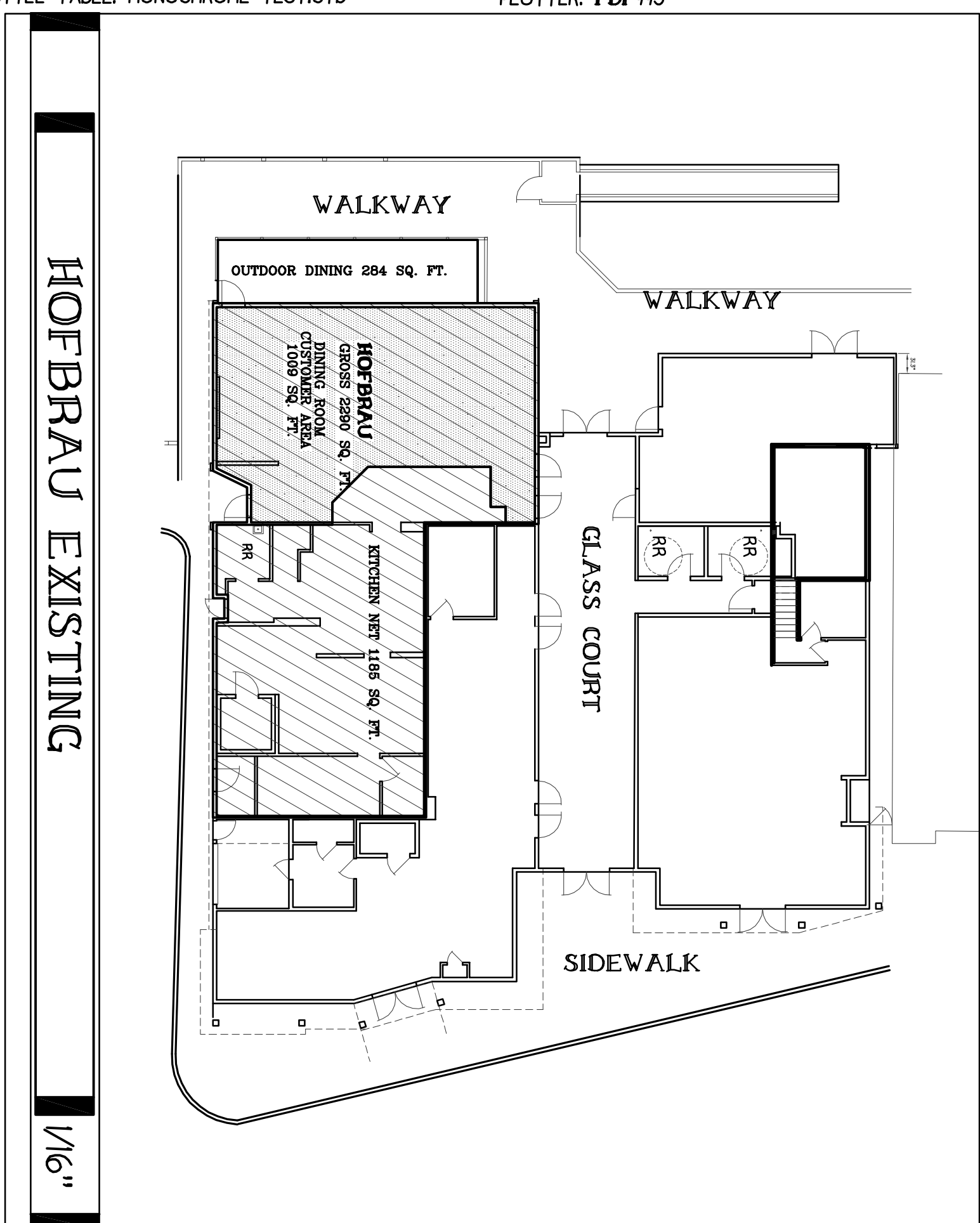
EXTERIOR DOOR SCHEDULE

MARK	E EXISTING P PROPOSED	SIZE	TYPE	REMARKS
1	E	DBL 3 ⁰ 7 ²	MTL STOREFRONT	2 ^d SIDELITES W 24" HI TRANSOMS
2	E	DBL 3 ⁰ 7 ²	MTL STOREFRONT	2 ^d SIDELITES W 24" HI TRANSOMS
3	E	DBL 3 ⁰ 7 ²	MTL STOREFRONT	2 ^d SIDELITES W 24" HI TRANSOMS
4	P	8 ⁰ 7 ²	MTL ROLL-UP	
5	P	2 ⁰ 8 ⁰	MTL	
6	E	3 ⁰ 8 ⁰	W/D W TOP LITE	
7	E	2 ⁰ 8 ⁰	W/D W TOP LITE	
8	E	3 ⁰ 8 ⁰	MTL W FULL LITE	
9	E	3 ⁰ 8 ⁰	W/D SC	
10	P	DBL 3 ⁰ 7 ²	MTL STOREFRONT	1 st & 2 ^d SIDELITES W 24" HI TRANSOMS SALVAGE EXIST'G
11	P	3 ⁰ 8 ⁰	MTL W FULL LITE	
12	P	DBL 3 ⁰ 8 ⁰	MTL W FULL LITE	
13				
14				

PROPOSED FLOOR PLAN W/ EXISTING TENANT IMPROVEMENTS

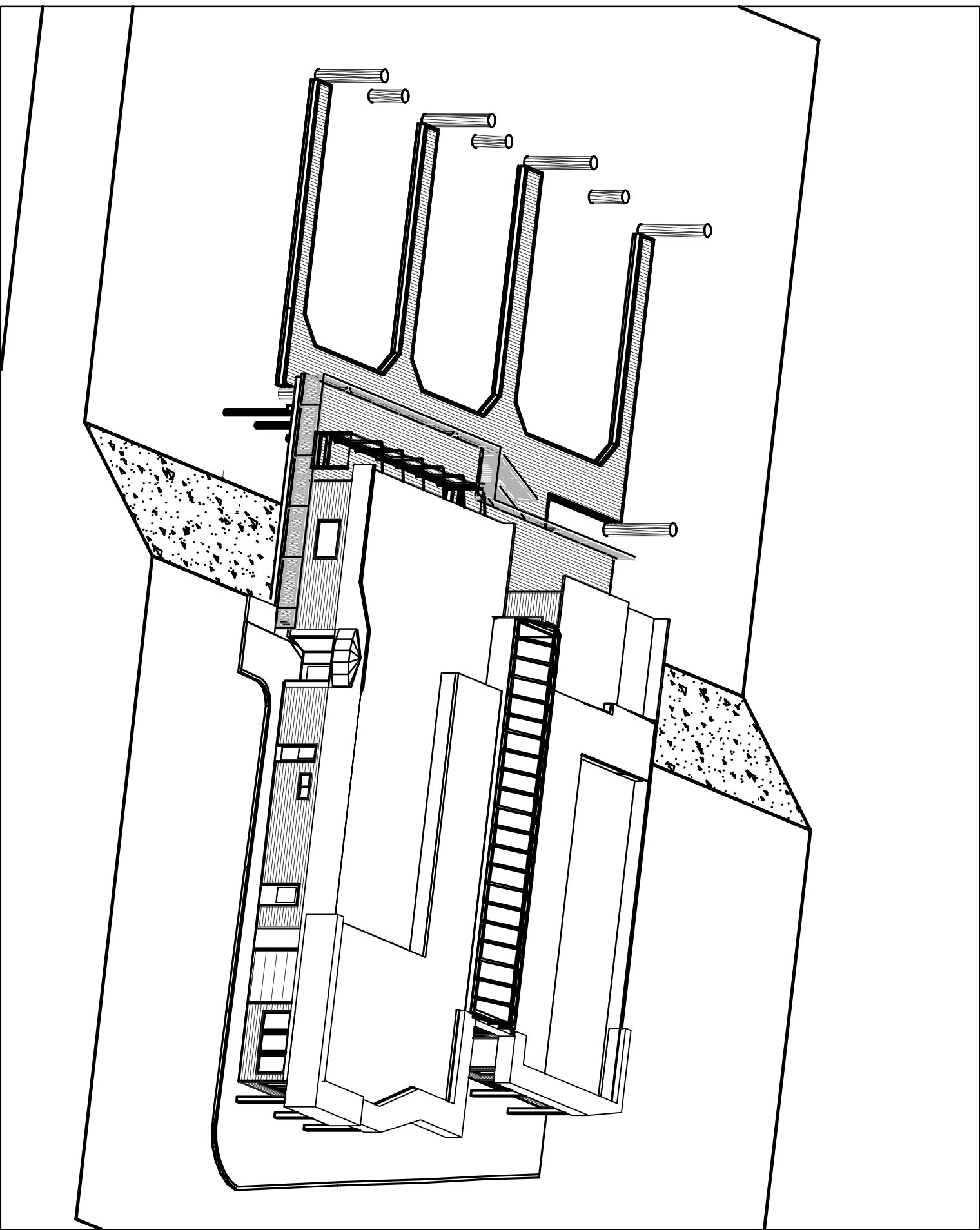


<p>SHEET A-5 OF SHEET</p>	<p>SCALE: AS NOTED</p>	<p>PROPOSED & EXISTING FLOOR PLANS</p>	<p>HELD PROPERTIES HARBOR CENTER 901 EMBARCADERO MORRO BAY, CALIF.</p>	<p>LAND/SEA INTERFACE GENE DOUGHTY-ARCHITECT 1-805-772-8436</p>	<p>REVISED 1/14/13 3/26/13</p>	<p>The plans, specifications, items and details incorporated herein, are instruments of service prepared for the construction of the work shown herein and are the property of Land/Sea Interface and shall not be used in whole or in part for any other project without authority of Gene Doughty.</p>
	<p>DRAWN: MLA</p>					

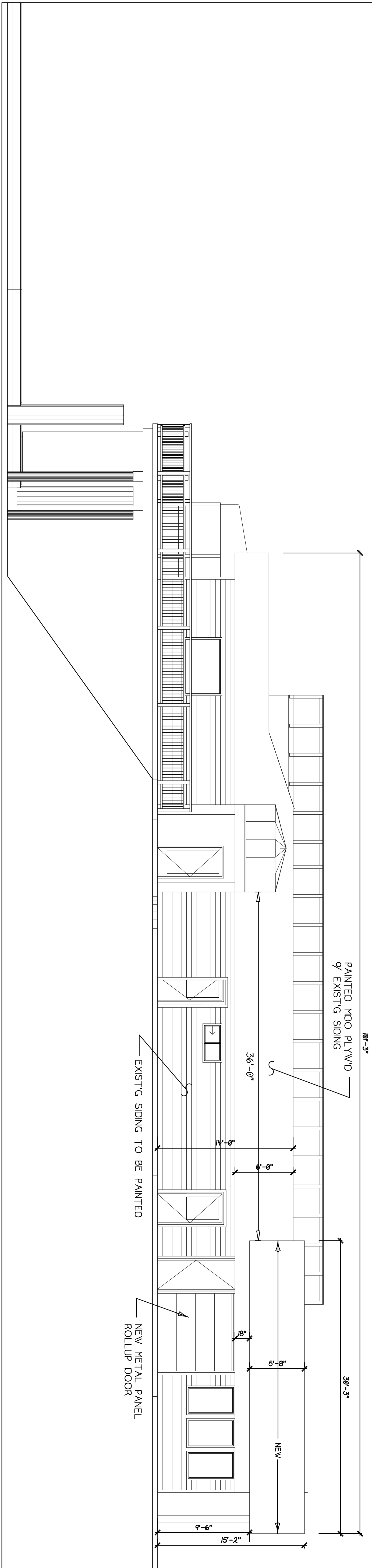


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 Tab: Area plans

DRAWINGS TO SCALE FOR ONLY 36X24 PLOTS



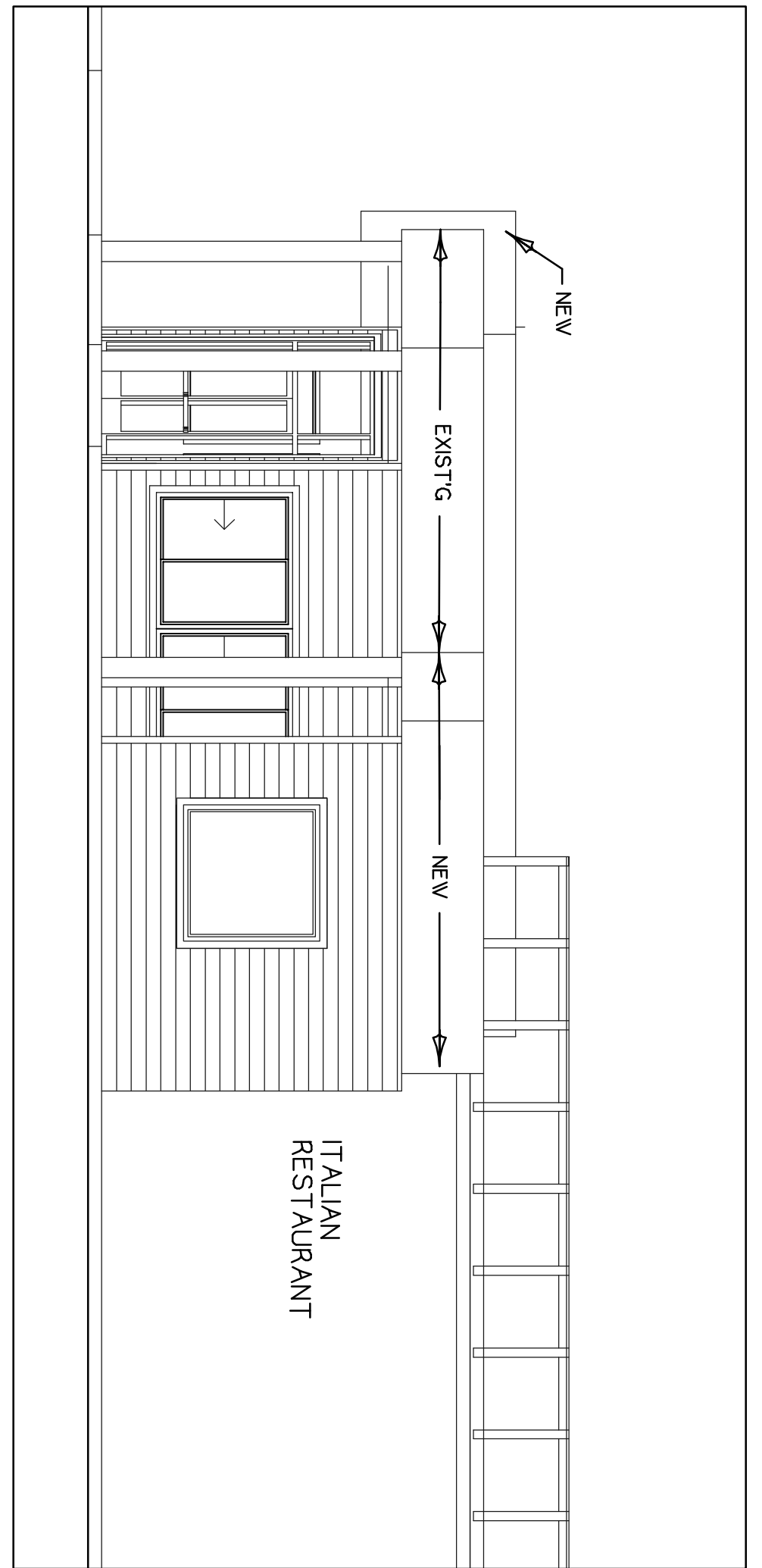
SOUTH - HARBOR ST.



3/16"

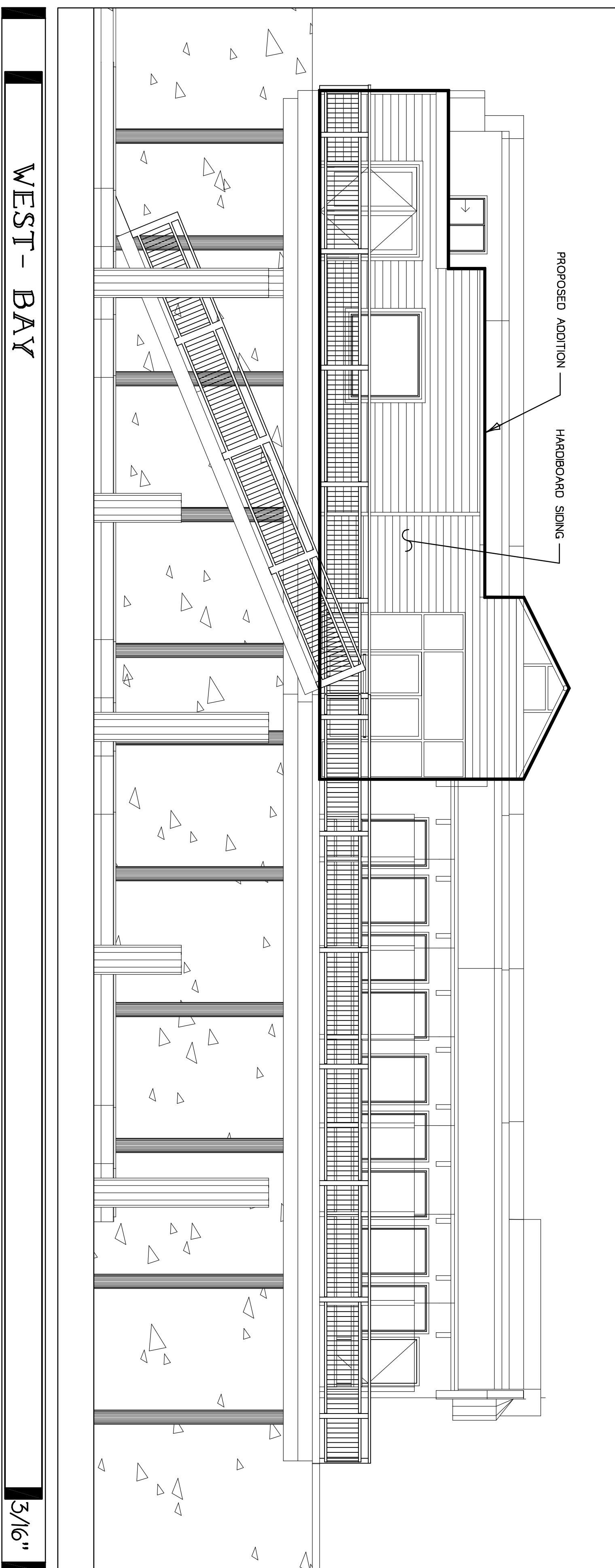
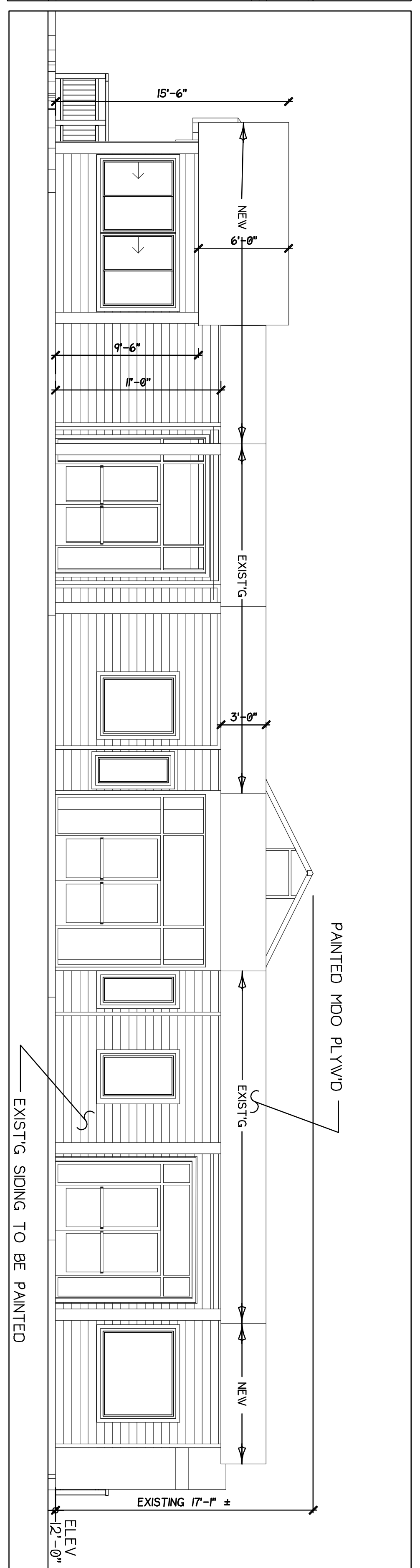
NORTH - ANCHOR PARK

3/16"



EAST - EMBARCADERO

3/16"



WEST - BAY

3/16"

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 Tab: Elevations

SHEET	1-11-10	PROPOSED EXTERIOR ELEVATIONS
A-7	SCALE: AS NOTED	
OF SHEET	DRAWN: MLA	

HELD PROPERTIES
HARBOR CENTER
 901 EMBARCADERO MORRO BAY, CALIF.

LAND/SEA INTERFACE
 GENE DOUGHTY-ARCHITECT 1-805-772-8436

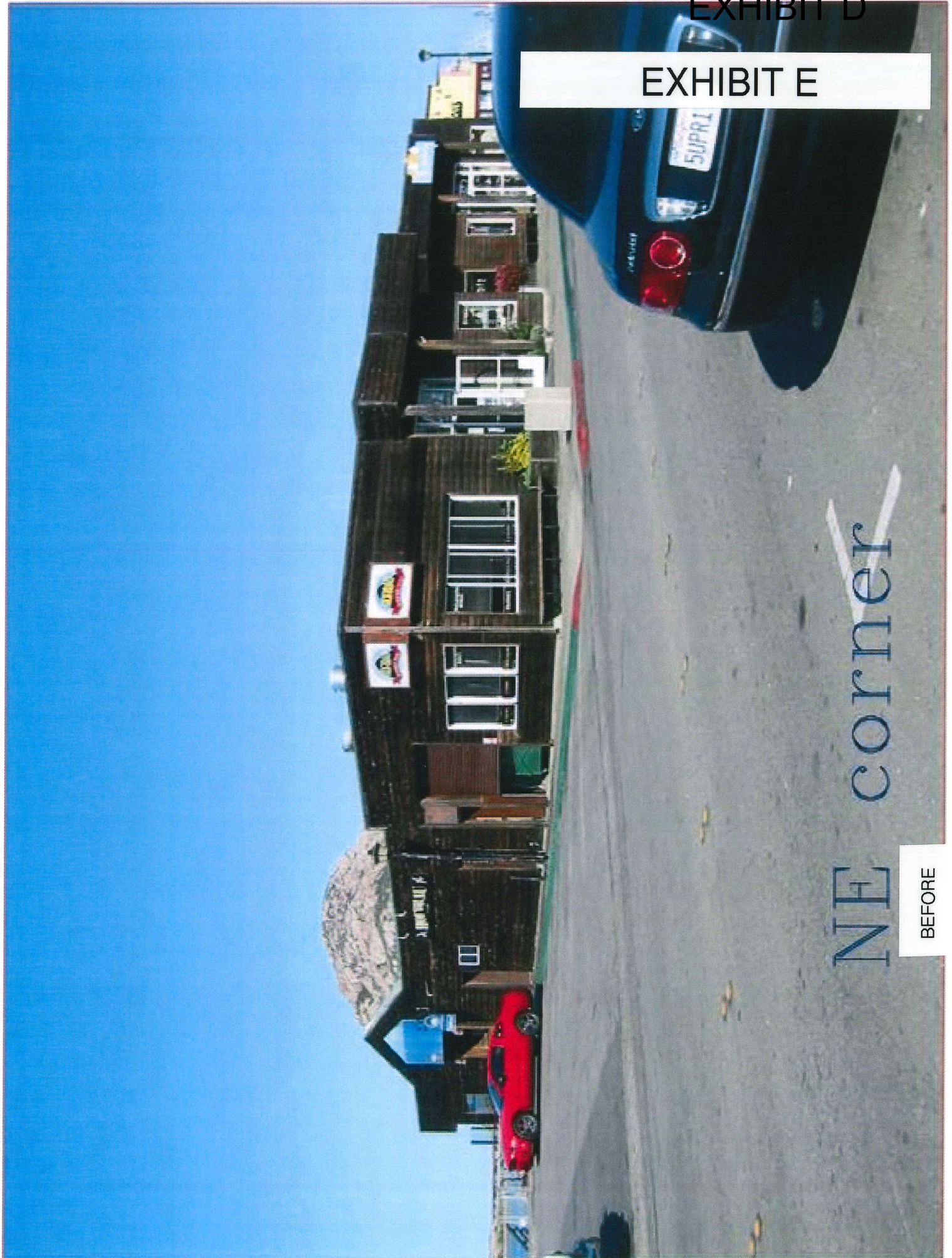
REVISED
 1/1/15

The plans, specifications, items and details incorporated herein, are instruments of service prepared for the construction of the work shown herein and are the property of Land/Sea Interface and shall not be used in whole or in part for any other project without authority of Gene Doughty

Land/Sea Interface

EXHIBIT D

EXHIBIT E



NE corner

BEFORE

EXHIBIT E

NE corner sim

Revised NE corner

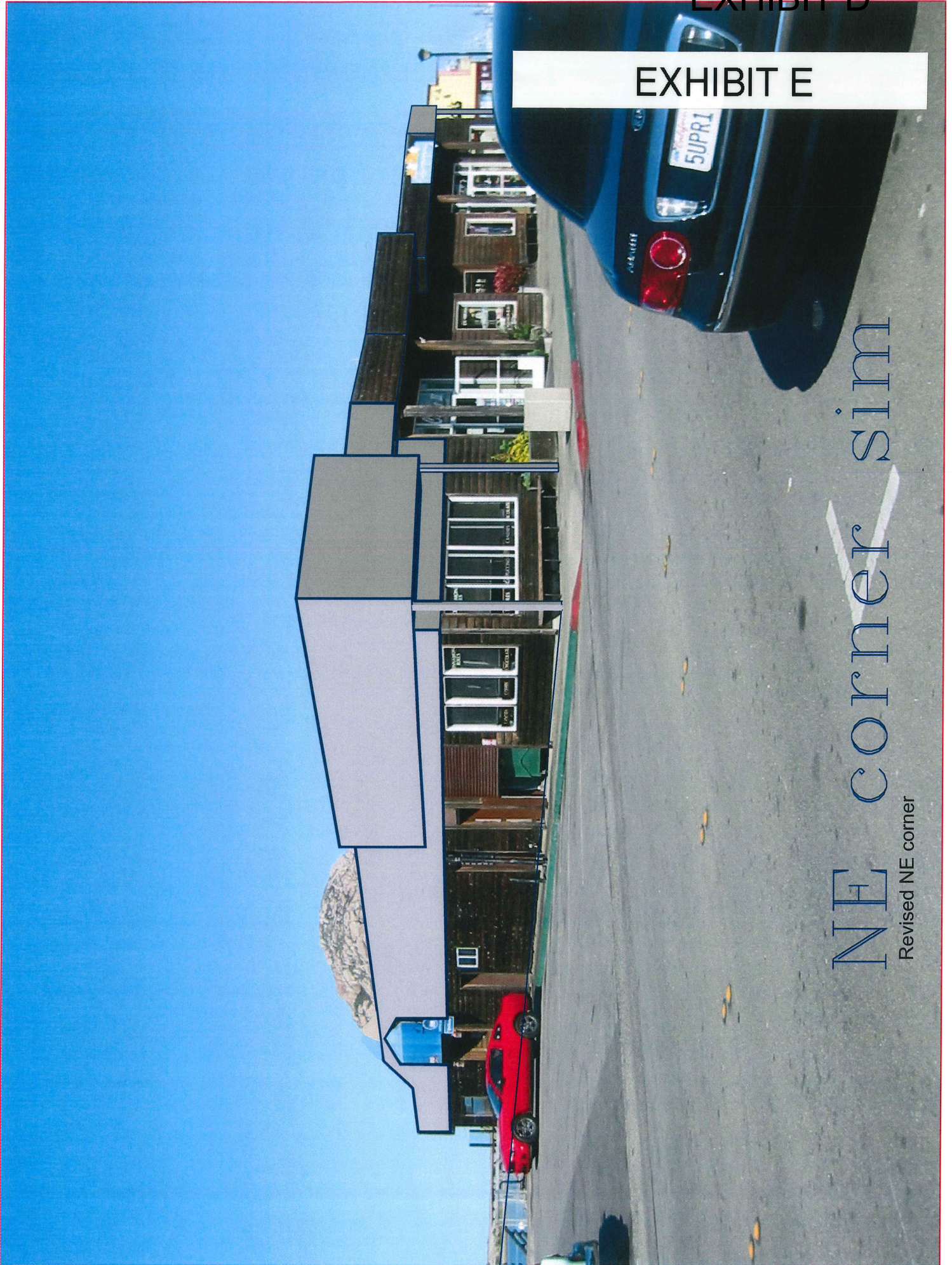
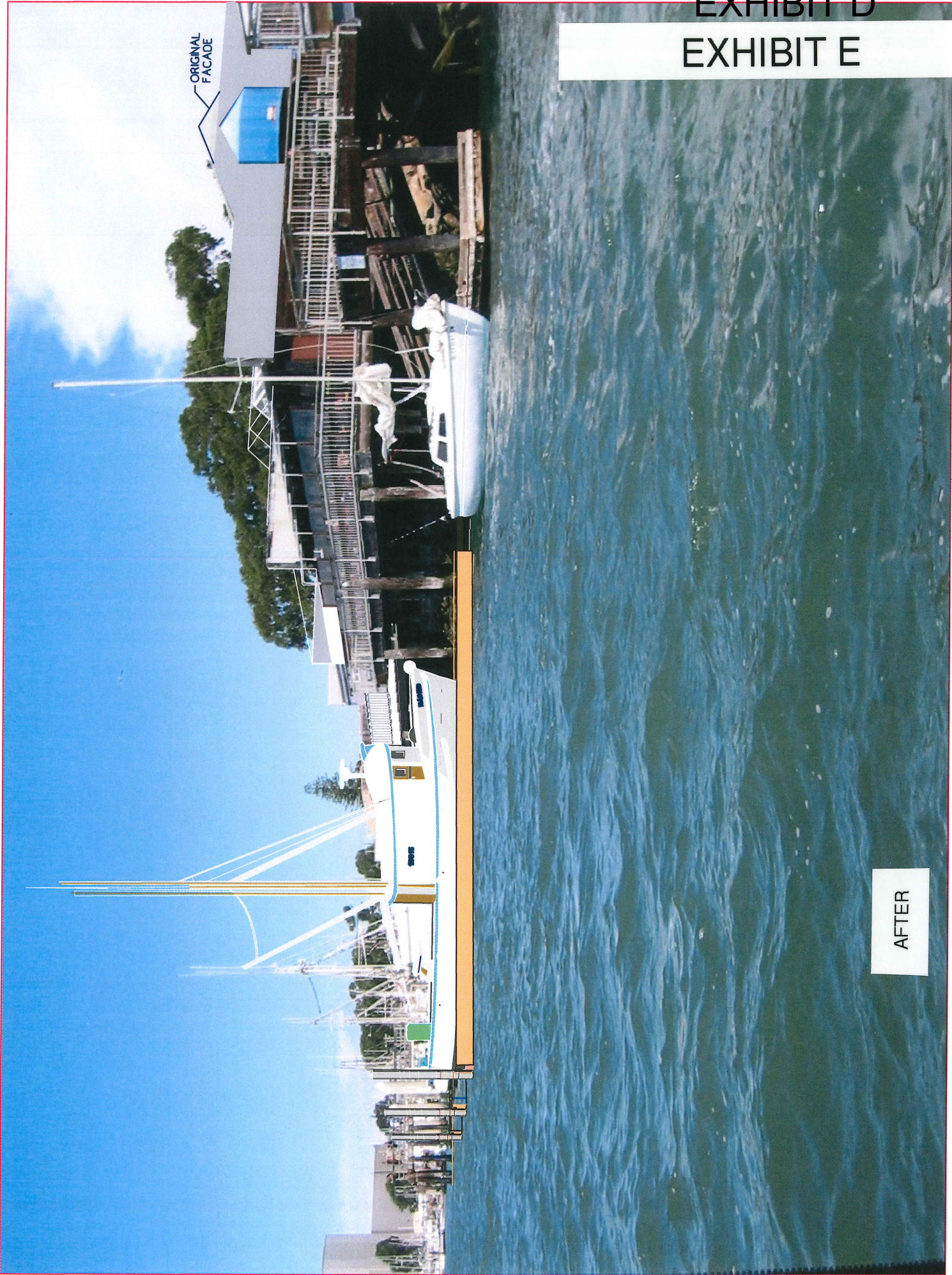


EXHIBIT D

EXHIBIT E



AFTER

CATHY • NOVAK

consulting

SEP 25 2013

City of Morro Bay
Public Services Department

September 25, 2013

Ms. Cindy Jacinth
City of Morro Bay Public Services Department
955 Shasta Street
Morro Bay, CA 93442

RE: 901-915 Embarcadero Road project

Dear Cindy,

Mr. Smith Held's Master Lease with the City requires completion of all phases of the proposed project at the above mentioned address. However, the lease at this time does not reflect the additional docks that will be constructed behind the Rocca's lease site. Mr. Held will be working with the City to amend the Master Lease and incorporate this new addition and when that is finished, the construction schedule will be established. Mr. Held will propose that the construction of these docks will coincide with the other docks.

In the interim, Mr. Held is proposing to construct the project in phases so as not to have construction during the busy summer months and interrupt the waterfront. To that end, Mr. Held is requesting that the following construction schedule become part of the conditions of approval so that the City can issue separate building permits for each phase.

1. November 2014: Commence construction of sidewalks, siding, marquee, and work on the street side(s) of project.
2. November 2015: Commence construction of Harbor Walk, new retail unit and reconfiguration of the restroom.
3. November 2016: Commence construction of all docks and gangway.

Thank you for your time and consideration in this matter. Please let me know if you have any additional questions.

Sincerely,

Cathy Novak
Project representative

cc: Mr. Smith Held

GOVERNMENTAL & COMMUNITY RELATIONS • PLANNING

CELL 805.441.7581 • PHONE & FAX 805.772.9499

POST OFFICE BOX 296 • MORRO BAY, CA 93443

NOVAKCONSULTING@CHARTER.NET

Rob Livick, Public Services Director, announced the City is preparing for the annual state water maintenance shutdown which will occur from November 1, 2013 through November 26, 2013. The City will be off of state water during that time, and the City will be making water at the desalination plant, using the brackish water reverse osmosis system. The water supply will be supplemented with water from the Morro Valley wells, and if necessary, the City has an emergency exchange agreement with the California Men's Colony to supply the City with water. Livick encouraged the public to limit outside water use as much as possible and run irrigation systems on as-needed basis.

Grantham asked Livick to report on the nitrate levels in the wells. Livick stated the levels fluctuate but they are probably a little higher right now because there is less water coming into the basin.

Chairperson Grantham opened Public Comment period, and seeing none, closed Public Comment period.

B. PUBLIC HEARINGS

B-1 **Case No.:** Amended #UP0-342

Site Location: 901-915 Embarcadero and 945 (waterside) Embarcadero

Proposal: Applicant has proposed various amendments to previously issued Conditional Use Permit #UP0-342 regarding waterside and landside improvements which would result in a total floor area of 6,852 sf and total walkway area of 1,279 sf. The modifications include constructing a new retail unit, remodeling and enlarging two existing restrooms, converting glass court outdoor dining to general public seating, enlarging existing harbor walkway, installing floating docks with slips and gangway, restriping existing parking spaces and minor building façade improvements.

CEQA Determination: Mitigated Negative Declaration (State Clearinghouse #2012091063)

Staff Recommendation: Conditionally Approve Amended Conditional Use Permit #UP0-342 and adopt the Mitigated Negative Declaration

Staff Contact: Cindy Jacinth, Associate Planner, (805) 772-6577

Jacinth presented the staff report.

Lucas asked staff if the lease for this site has been negotiated yet. Jacinth stated City Council will discuss at the November 12, 2013 City Council meeting the request by the Harbor Department to have lease site boundaries amended.

Lucas expressed concern that the proposed project should be heard by the Harbor Advisory Board, and not the Planning Commission, because it involves a lease site in the harbor. Livick stated the Planning Commission hears projects both on land and in the harbor. Lucas clarified with staff that the City Council authorized the City Manager to sign the landowner's consent form and move forward with the lease line adjustment before the lease was negotiated.

Commissioner Lucas asked staff if the set of conditions for noise mitigation for pile driving is standard for this operation. Wold stated the set of conditions provided is not standard but the

City is using NOAA's methodology to devise a reasonable set of conditions that is not overly burdensome to the applicant but still protects marine wildlife. The process is ever-evolving.

Commissioner Solu asked staff if the City Council made any other modifications to the proposed project aside from the façade height. Jacinth stated the façade height was likely the only alteration.

Chairperson Grantham opened Public Comment period.

Cathy Novak, applicant's representative, provided a brief history of the project background and explained the project was approved by the City Council on December 11, 2012. Per the request of the California Coastal Commission, the project was modified in the following ways:

1. The view deck has been eliminated.
2. The floating finger dock slip links have been reduced and the floating docks have been pushed westward.
3. The gangway has been relocated to the west.
4. The size of the three new retail units have been reduced, as has the existing retail unit in order to make two retail shops of reasonable size.
5. The harbor walk is now eight feet wide, and has been increased to 10 feet wide on the southern portion of site.

Novak stated the applicant was given the opportunity to expand the dock project to include a portion of an adjacent water lease site. With direction from the City, the applicant revised the project description to include new dock area behind Roca's lease site.

Novak also stated Fire condition #10 needs to be modified because it does not clearly indicate that sprinklers need to be installed under the wharf behind Rocca's. The condition will be requested to be modified when presented to City Council for adoption.

Chairperson Grantham closed Public Comment period.

Commissioner Fennacy expressed support for the project.

Commissioner Lucas expressed concern regarding the proposed height of the façade and stated he did not understand the need for the long fascia on the Embarcadero side.

Commissioner Tefft confirmed with staff the restrooms on site will be open to the public. He confirmed with Novak that signage will be installed to inform the public that there are restrooms available in the passageway. Tefft stated he would like to see this language included in the project description when the project is presented to the City Council.

Commissioner Tefft expressed concern regarding the lateral access and stated he would like to see a Planning condition included which states that furniture must be arranged in way that leaves five feet for clear space for pedestrian transit. Novak clarified the dimensions of all access ways and noted the smallest clearance will be five feet. She stated she will be working with the Coastal Commission in order to determine appropriate public seating arrangements for the proposed

project. She will report back to the Planning Commission with more information when the precise plan is presented at a later date.

Commissioner Solu expressed support for the project. He also asked for clarification regarding why the City does not require applicants to remove abandoned pilings. Novak clarified that when a piling is “abandoned,” it is cut off at the mud line and only the remainder is left in the ground.

Chairperson Grantham expressed support for the project. He also asked who is responsible for mandating the rental costs of the slips. Livick stated the landlord mandates the rental costs.

MOTION: Commissioner Fennacy moved to adopt the following actions:

- A. Adopt the amended Draft Mitigated Negative Declaration (SCH#2012091063) in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et. Seq.) and adopt the Findings included as Exhibit “A,” including findings required by the California Environmental Quality Act (CEQA); and
- B. Approve Amendment of Conditional Use Permit #UP0 -342 subject to the Conditions included as Exhibit “B” and the site development plans dated May 30, 2013.

Livick requested the motion be modified to include the phasing request as well as direction to work with the Fire Department to modify Condition #10. Commissioner Fennacy approved the modified motion.

Chairperson Grantham seconded and the motion passed unanimously. (5-0).

B-2 Item continued from the September 18, 2013 meeting.

Case No.: A00-013 (Text Amendment)

Site Location: Citywide

Request: Zoning Text Amendment proposing to amend Section 17.48.320 (Secondary Units) modifying the section to be consistent with State regulations.

CEQA Determination: Mitigated Negative Declaration.

Staff Recommendation: Forward a favorable recommendation to the City Council to approve the proposed Zoning Text Amendment and adopt the Mitigated Negative Declaration.

Staff Contact: Kathleen Wold, Planning Manager (805) 772-6211

Wold presented the staff report.

Chairperson Grantham opened Public Comment period, and seeing none, closed Public Comment period.

Commissioner Tefft expressed concern about the proposed parking regulations for secondary units and stated tandem parking is not workable in any case. He stated parking in the front yard setback may be acceptable as long as there is appropriate screening.

Commissioner Solu stated secondary units are not causing the parking problems in the City; rather the illegal units and the multiple cars per household are causing the problems. Solu stated he favors using the side yard or front yard setbacks as parking options.

Commissioner Lucas stated the difference between allowing 900 square feet and 1,200 square feet is the difference of an additional bedroom which may cause greater parking impacts to the neighborhood. He stated he would like to see cars screened if they are to be allowed in the front or side yard setbacks.

Commissioner Fennacy stated secondary units and parking should not be examined together because they are separate issues. He stated residential parking is difficult to regulate. He also stated the discussion of square footage is irrelevant because each property in the City is uniquely situated and has different constraints. Lastly, Fennacy stated he supports allowing parking in the front yard setback.

Commissioner Tefft made the following comments:

1. He stated enforcement is always difficult, but if the City ensures that secondary units have a guaranteed off-street parking space, enforcement becomes less difficult.
2. While there are many different types of parking issues in the City, it would be beneficial to start addressing parking issues related to secondary units. This way, the City can solve the problem one issue at a time.
3. Tefft stated he supports allowing Conditional Use Permits for secondary units over 900 square feet on a case-by-case basis.

MOTION: Commissioner Tefft moved to reduce the allowable size of secondary units to 900 square feet with an allowable size up to 1,200 square feet with a Conditional Use Permit and to eliminate the section of the ordinance which allows for tandem parking for secondary units.

Commissioner Fennacy seconded the motion.

Commissioner Solu asked staff to confirm the State regulations regarding the allowable size and lot coverage requirements for secondary units. Wold explained these regulations pursuant to California Government Code Section §65852.2. She stated the City's existing ordinance is consistent with State law. She also explained the State's intention is to make affordable units easier to permit, so long as they are consistent with the City's standards.

Commissioner Solu confirmed with staff the City's standards for secondary units do not differ depending on whether the unit is *attached* or *detached*.

AMENDED MOTION: Commissioner Tefft moved to amend the initial motion to exclude the language regarding tandem parking, and address only the allowable size of secondary units.

Commissioner Lucas seconded the motion.

Commissioner Solu stated the amended motion restricts landowners from using their property to its fullest potential and thus he does not support the amended motion.

Chairperson Grantham and Commissioner Lucas expressed support for reviewing the allowable square footage of secondary unit projects on a case-by-case basis.

The motion passed (4-1), with Commissioner Solu dissenting.

SECOND MOTION: Commissioner Tefft moved to revise the motion to state tandem parking should not be prohibited outright, but should be allowed with a conditional use permit.

Commissioner Lucas seconded the motion.

Commissioner Tefft confirmed with Livick that the Director does not have the right to deny tandem parking on a specific piece of property because it is permitted by code. Livick added the Director's permission is granted via the permit process that includes a certain degree of analysis.

Wold stated Findings could be included in the secondary residential unit ordinance which states that tandem parking may be allowed only if there is no other way to accommodate the parking.

Commissioner Tefft stated he would like the consideration for tandem parking for secondary units to be done at the Planning Commission level.

The motion passed (4-1), with Commissioner Fennacy dissenting.

UNFINISHED BUSINESS

- C-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.
Upcoming Projects: To be determined.

Wold reviewed the Work Program with the Commission.

NEW BUSINESS

- D-1 Joint Meeting City Council/Planning Commission Discussion Items

DECLARATION OF FUTURE AGENDA ITEMS

- The Climate Action Plan will be presented to the Commission at one of the November meetings; it will then be presented to the City Council in December.
- The bridge project will be presented to the Commission at the December meeting.
- The housing element update will also be presented to the Commission at an upcoming meeting.

ADJOURNMENT

The meeting adjourned at 7:43 pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, November 6, 2013 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary



AGENDA NO: B-3
MEETING DATE: November 12, 2013

Staff Report

TO: Honorable Mayor and City Council **DATE:** November 6, 2013
FROM: Rob Livick, PE/PLS –Director of Public Services/City Engineer
SUBJECT: Resolution Approving Adjustment to Lease Site Maps for Lease Sites 93W-95W and 96W; Located Adjacent to 901-915 Embarcadero Road (Held Family; and Smith W. and Hannah W Held Family Trusts)

RECOMMENDATION

Staff recommends City Council approve the adjustment to Lease Sites 93W-95W and 96W by Resolution No. 54-13.

ALTERNATIVE

Staff does not recommend any alternatives to the recommended action.

FISCAL IMPACT

The adjustment will cause a 1,765 square foot increase to the leasable area and could result in an increase of lease payments to the City’s Harbor fund due to said area increase.

BACKGROUND/DISCUSSION

On December 9, 1974 the City Council adopted Resolution 77-74 approving the “Lease Site Maps” as the official reference document for the lease sites. These maps include all those tide and submerged areas held in trust by the City of Morro Bay for the State of California. These maps have been adjusted from time to time based upon direction from City Council to accommodate new and modified lease sites. Additionally, an adjustment of these lease lines is exempt for the “Subdivision Map Act” requirements per section 66412(e) of the California Government Code.

With the approval of UPO-342 by City Council on December 11, 2012, the modification to UPO-342 on November 12, 2013 and the Lease Agreement Resolution 17-13 on March 12, 2013, certain improvements along with a lease line adjustment were required. This proposed adjustment to the lease line facilitates the development of the floating dock as approved by modification of UPO-342.

CONCLUSION

Staff recommends the City Council approve the adjustment to Lease Sites 93-95 and 93W-95W by adopting Resolution No. 54-13 to comply with the requirements of UPO-342 and City Council Resolution 17-13.

Prepared By: <u> RL </u>	Dept Review: <u> RL </u>
City Manager Review: _____	
City Attorney Review: _____	

RESOLUTION NO. 54-13

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
APPROVING ADJUSTMENTS TO LEASE SITE MAPS,
LEASE SITES 93W-95W and 96W**

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

WHEREAS, on December 9, 1974, the City Council approved the “Lease Site Maps” dated November 1974; and

WHEREAS, the “Lease Site Maps” have been revised at various times by the City Council of Morro Bay to reflect new lease sites and adjustments in lease site boundaries; and

WHEREAS, the Boundary Adjustments to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party is exempt from the “Subdivision Map Act” requirements under California Government Code Section 66412(e); and

WHEREAS, City desires to adjust the boundaries to accommodate uses authorized by the modification to UPO-342 on November 12, 2013 for existing and future leases; and

WHEREAS, the said map, labeled as Exhibit A, clearly identifies each lease site and its boundaries for easy reference and access; and

WHEREAS, an area of 640 square feet, more or less, is removed from Lease Site 96W and added to the area of Lease Sites 93W-95W, along with an additional 1,764 square feet, more or less, of new lease area as shown on attached “Exhibit A”.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California does hereby adjust the boundaries of lease sites: 93W-95W and 96W, and hereby designates the attached “Exhibit A-Revision to Lease Site Maps” as the official reference document for said lease sites.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 12th day of November, 2013 by the following vote:

AYES:

NOES:

ABSENT:

Jamie L. Irons, Mayor

ATTEST:

Jamie Boucher, City Clerk

EXHIBIT "A"

EMBARCADERO ROAD



N28°29'02"W 93.15'

PARCEL 25
3 PM 10

LEGEND

- 1" IRON PIPE "RCE 11727" SHOWN ON 3 PM 10
- SHORE CONTROL LINE PER 3 PM 10

**LAND LEASE
SITE 96**

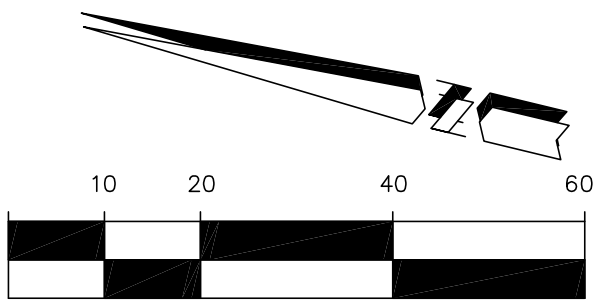
PARCEL 26
3 PM 10

PREVIOUSLY ADJUSTED PER MORRO BAY CITY COUNCIL RESOLUTION #42-13

**LAND LEASE
SITES 93, 94 & 95**

**WATER LEASE
SITE 96W**

SHORE CONTROL LINE



FORMER LEASE LINE

N14°14'41"W
40.00'
FORMERLY
PTN. 96W

GRAPHIC SCALE IN FEET

FORMER WATER LEASE LINE

N13°30'46"W 93.79'M

FORMER LEASE LINE

PREVIOUSLY ADJUSTED PER MORRO BAY CITY COUNCIL RESOLUTION #42-13

**WATER LEASE
SITES
93W, 94W & 95W**

N13°30'46"W 135.07'

N76°27'22"E
59.86'

NEW LEASE LINE

N76°27'22"E 150.99'

50.00'

56.99'

90.62'

81.09'

50.02'

N74°47'53"E 175.13'

44.02'

HARBOR ST



MICHAEL B. STANTON, PLS 5702
3563 SUELDO ST. UNIT Q
SAN LUIS OBISPO, CA 93401
805-594-1960

EXHIBIT "A"
REVISION TO LEASE SITE MAP
LEASE SITES 93W-95W AND
96W

N:\2011\11-097_901-915_Embarcadero-Morro_Ray.dwg\Lease_Sites_93-95_93W-95W_REVISION.dwg_8.5X11_portrait_Nov.07.2013 10:23am richardson



AGENDA NO: C-1

MEETING DATE: 11/12/2013

Staff Report

TO: Mayor and City Council

DATE: November 6, 2013

FROM: Andrea K. Lueker, City Manager

SUBJECT: Continued Discussion, Consideration and Direction Regarding the Expansion of the United States Coast Guard (USCG) Facilities in Morro Bay

RECOMMENDATION

Staff recommends the City Council review the attached documentation and provide direction regarding the USCG's request to enter into a long term lease agreement with the City of Morro Bay for expansion of USCG facilities in Morro Bay.

ALTERNATIVES

Alternative 1 – Schedule this item for a Closed Session discussion under “Real Property Negotiations” for further review.

Alternative 2 – Inform the USCG the City of Morro Bay is not interested in this location for future expansion of Coast Guard Facilities.

Alternative 3 – Inform the USCG the City of Morro Bay is interested in expansion of facilities, but not this this area.

FISCAL IMPACT

This fiscal impact is unknown at this time.

SUMMARY

The City Council reviewed a previous proposal on October 8, 2013 regarding the USCG's interest in expansion of their facilities. The proposed location for that expansion was for the area near Coleman Park also known as “Mother's Beach”. While the City Council wholly supports the USCG presence and work in Morro Bay, they were concerned about the proposed site and asked staff to inform the USCG the City of Morro Bay is interested in expansion of facilities, but not in this area. Staff contacted the USCG staff and explained the City Council's position. Coast Guard staff indicated they would review their alternatives and re-submit and that submittal is attached.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

BACKGROUND

The USCG has had a presence in Morro Bay for a number of years. In the early 1990's, there was discussion that the Coast Guard might reduce or eliminate their presence, which, of course was a significant concern. The City became heavily involved in discussions with the Coast Guard Officials in Washington D.C. and as a result, not only did the Coast Guard presence remain in Morro Bay, but over the years their presence has increased, resulting in Coast Guard Cutter's being replaced by Coast Guard Roll-Over boats. Since that time, there have been several discussions about possible expansion of Coast Guard facilities as well as discussions of a joint Coast Guard/Harbor Patrol Facility. The joint venture discussions have occurred intermittently, but as of this date, there has been no further pursuit of that project.

In February 2013, representatives from the United States Coast Guard Shore Infrastructure Logistic Center contacted staff regarding expansion of their existing facilities in Morro Bay. USCG representatives (Chief of Planning, Real Estate staffer and a planner) conducted a site visit in Spring, 2013 and looked at various sites in the harbor area, including:

1. The parking lot just north of the Dynegy Intake Building;
2. Coleman Park area; and
3. City operated Dynegy parking lot east of the Embarcadero.

Following the site visit, the City provided a number of documents to the USCG planning staff including the Waterfront Master Plan, Northern Waterfront Implementation Plan, Concept C, the Morro Bay Harbor Walk plans and aerial photos for their review. After receiving and reviewing the documents, USCG staff sent a correspondence to the City of Morro Bay on September 3, 2013 requesting a specific area, near Coleman Park to be used for expansion of their facilities.

DISCUSSION

Future Facilities - The United States Coast Guard has assessed their Morro Bay Station, taken the comments from the City Council discussion on October 8, 2013 and provided an alternative proposal. After further review of City documents, the USCG is proposing to secure the land use rights of the parcel located adjacent to the Dynegy Intake structure identified in the attachments and as APN : 066-461-013. The plan is to construct one, two-story building to support existing Coast Guard services with a footprint of approximately 2500 sq. ft, with total available space of 4,500 sq. ft.

According to Coast Guard staff, their timeline is critical as an in-place land use agreement between the USCG and the City of Morro Bay is a pre-requisite for the USCG being able to move forward the pre-construction efforts which include:

1. Design documents;
2. National Environmental Policy Act (NEPA); and
3. California Coastal Commission (CCC) Consistency determination.

Until the NEPA process is completed and the CCC has provided a consistency determination, all proposals are pre-decisional. The Coast Guard, as expected, is anticipating a long-term presence in Morro Bay and is in the need of an extended lease with a minimum term of 50 years.

Existing Facilities - The USCG is currently housed in a 3-story facility adjacent to the Harbor Department/Harbor Patrol. The existing facility is essentially in a long-term lease with the City of Morro Bay, comprised of a series of 50, one –year leases that ultimately expire in 2039. The existing facility was built in the early 1990’s and this coincided with the Coast Guard Cutters being replaced with Coast Guard Station Morro Bay and the eventual addition of the current Roll-Over Boats.

As indicated in the October 8, 2013 staff report, it is staff’s understanding that the concept of “combined facilities:” that was discussed in the mid-1990’s and early 2000’s is no longer a viable option. Further, as discussed in the October 8, 2013 staff report, there several options for the USCG to move forward and acquire property; the first step being the City working with the USCG to enter into a long-term lease. Also briefly discussed was the process of eminent domain of the property, and while according to USCG staff this is not an often used option, it is possible. A third option briefly discussed was the use of an alternative choice of property for the expansion which is presented here.

CONCLUSION

The USCG continues to desire to move forward with an expansion of their facility in Morro Bay and has identified a second alternative and submitted a proposal to the City of Morro Bay for consideration. As opposed to the October meeting which coincided with the Federal Government Shutdown, at the November 12, 2013 meeting, Coast Guard staff from their planning and real estate division will be in attendance to provide additional information and field questions.

U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
United States Coast Guard
Civil Engineering Unit Oakland

Chief, Planning/Real Property
1301 Clay Street, Suite 700N
Oakland, CA 94612-5203
Phone: (510) 637-5537
Email: kim.vankapel@uscg.mil

5216

NOV 06 2013

City of Morro Bay, City Manager
Attn: Ms. Andrea Lueker
595 Harbor Street
Morro Bay, CA 93442

Dear Ms. Lueker,

The Coast Guard (CG) requests to have our site selection and new building proposal presented to the city council meeting of November 12, 2013 for consideration.

Based on our in-house planning document and site visit to Morro Bay on April 25, 2013, we are submitting a second site proposal to construct a CG building in the City of Morro Bay. This site location meets the CG needs to be on the waterfront with a view of the harbor entrance. The CG will construct a two story building at the proposed site in support of CG Station Morro Bay. The CG is interested in securing land use rights to a portion of Lot APN: 066-461-008.

Enclosure 1 depicts our site plan and building elevation drawings. These drawings are for your review and consideration. Our site plan locates the new structure on the waterfront just northwest of the Dynegy cooling pump intake building and next to the City of Morro Bay's proposed boat haul-out facility. This building will be located on Lot APN: 066-461-008 with the road and waterfront as the boundaries. Per the CG Physical Security and Force Protection Program, we will install an 8 ft high ornamental fence, similar to Ameristar Fence 'Montage Commercial Fence' as depicted in enclosure 2, along the perimeter of the property boundary.

The new facility will contain the CG Station's operation, administration and boat maintenance bay functions. This two-story building will have a footprint of about 2,500 sq ft and will provide approximately 4,500 sq ft of space. When combined with our existing facility we will have a total of approximately 7,800 sq ft of space. The construction of this building helps reduce our existing space deficiency but is not enough to meet our full CG Station requirement of 14,000 sq ft. With this in mind, the CG will continue to use the existing facilities.

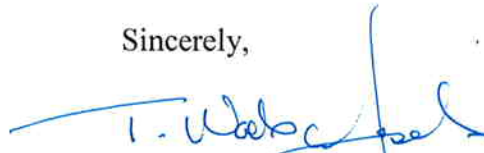
We hope this site design and use of the area is mutually beneficial and aesthetically balanced with the City of Morro Bay's waterfront development goals. We want to ensure that you have adequate information to move forward with your immediate review process and obtain California (CA) Coastal Commission consent.

Our timeline is critical; an in-place land use agreement between the CG and the city of Morro Bay is a pre-requisite before the CG can proceed with pre-construction efforts and construction award. Pre-construction efforts include design documents, National Environmental Policy Act (NEPA) evaluation, and CA Coastal Commission consistency determination. Until the NEPA process is completed and the CA Coastal Commission has provided a consistency determination,

all proposals are pre-decisional. We anticipate a long-term presence and the need for an extended lease with a minimum term of 50 years.

In closing, we look forward to working with the City of Morro Bay as we move forward with this project allowing the CG to have a continued presence in Morro Bay. We welcome your feedback. If you should have any questions or concerns, please contact Kim Van Kapel, our lead planner at (510) 637-5537 or kim.vankapel@uscg.mil.

Sincerely,



T. W. Gesele
Captain, U.S. Coast Guard
Commanding Officer
Civil Engineering Unit Oakland

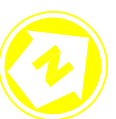
Enclosures

Copy: Commander, Eleventh Coast Guard District (dx)
 Commander, Coast Guard Sector Los Angeles - Long Beach (sl)
 Commanding Officer, Coast Guard Civil Engineering Unit Oakland (red b)
 Coast Guard Station Morro Bay

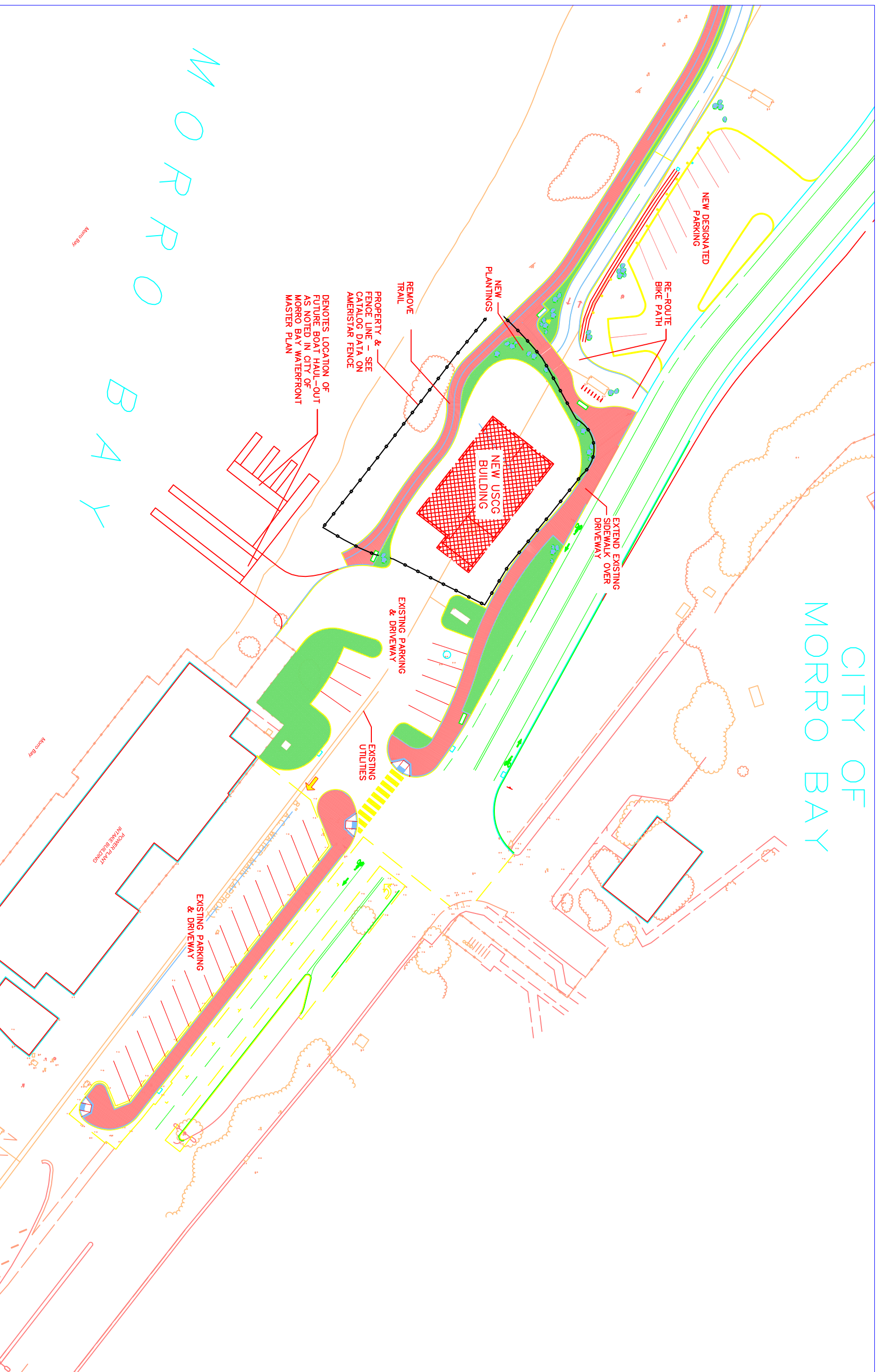


SITE PLAN

SCALE: NONE



ENCLOSURE 1-d



CITY OF
MORRO BAY

MORRO BAY

SITE PLAN

SCALE: NONE



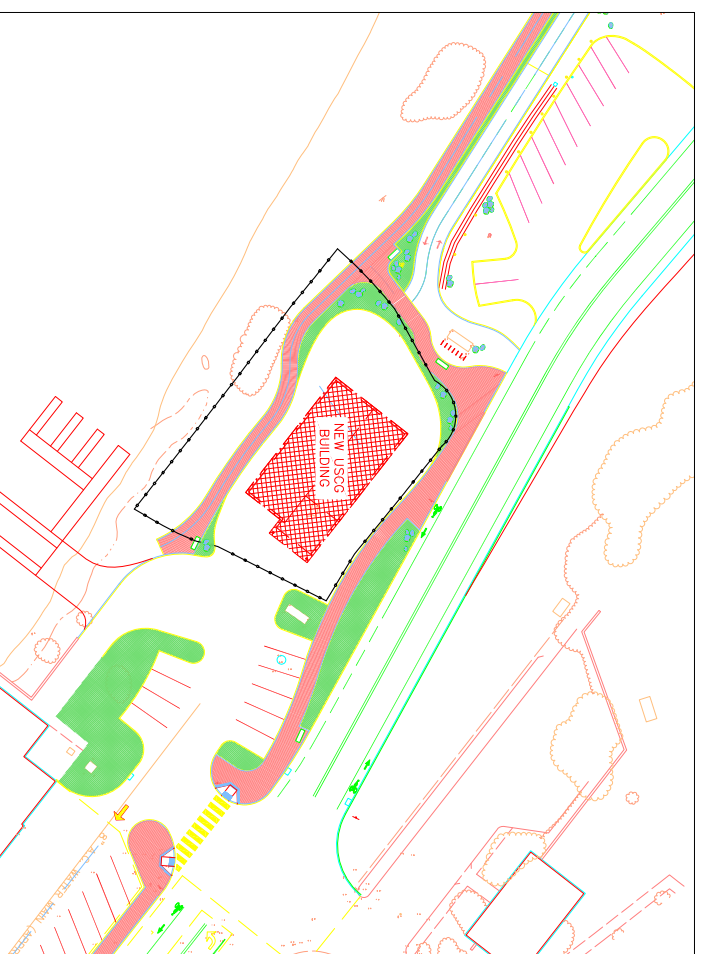
ENCLOSURE 1-b

USCG STATION MORRO BAY

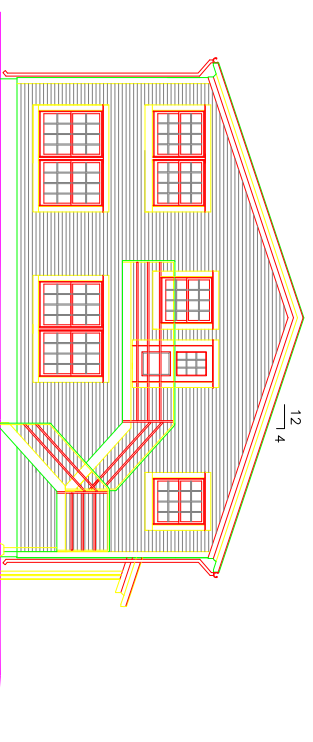
New Building
(approx. 2,500 SF Footprint)



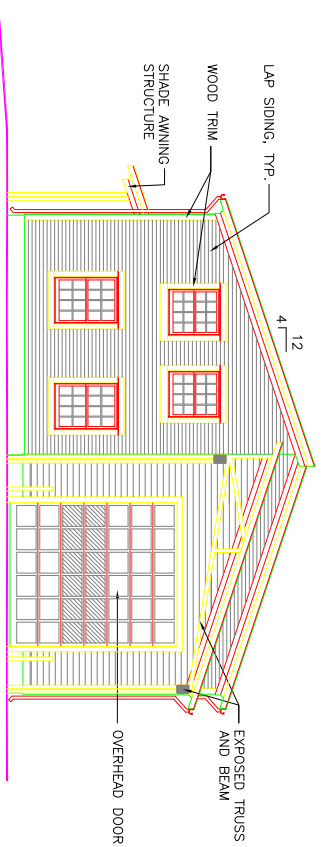
ENCLOSURE 1-c



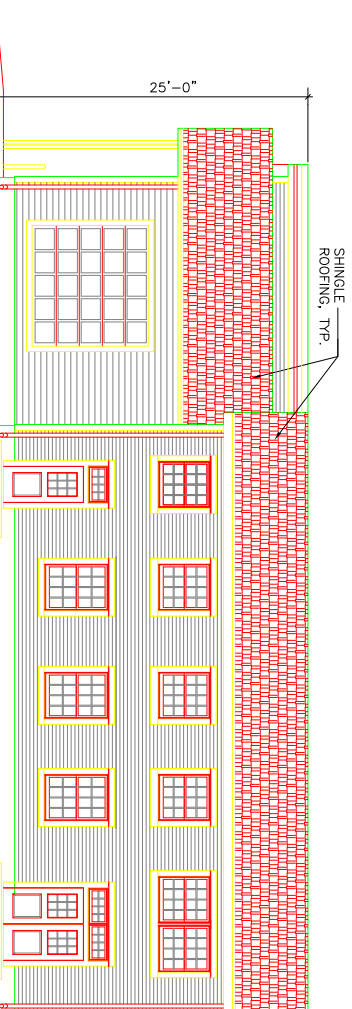
VICINITY PLAN
SCALE: NONE



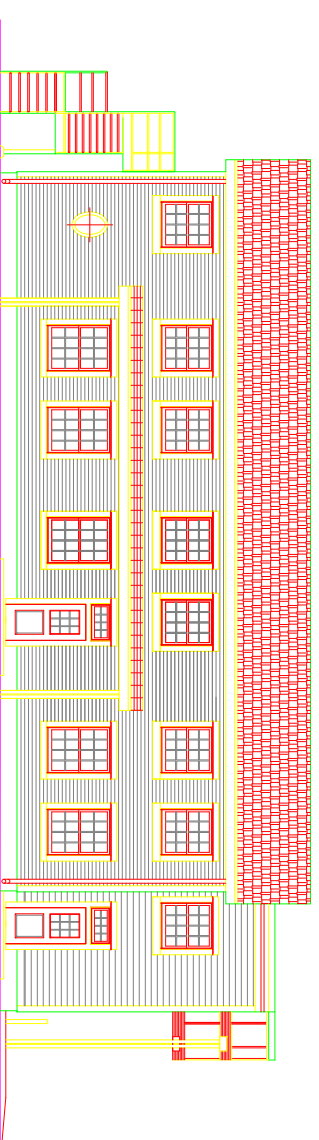
NORTH ELEVATION
SCALE: NONE



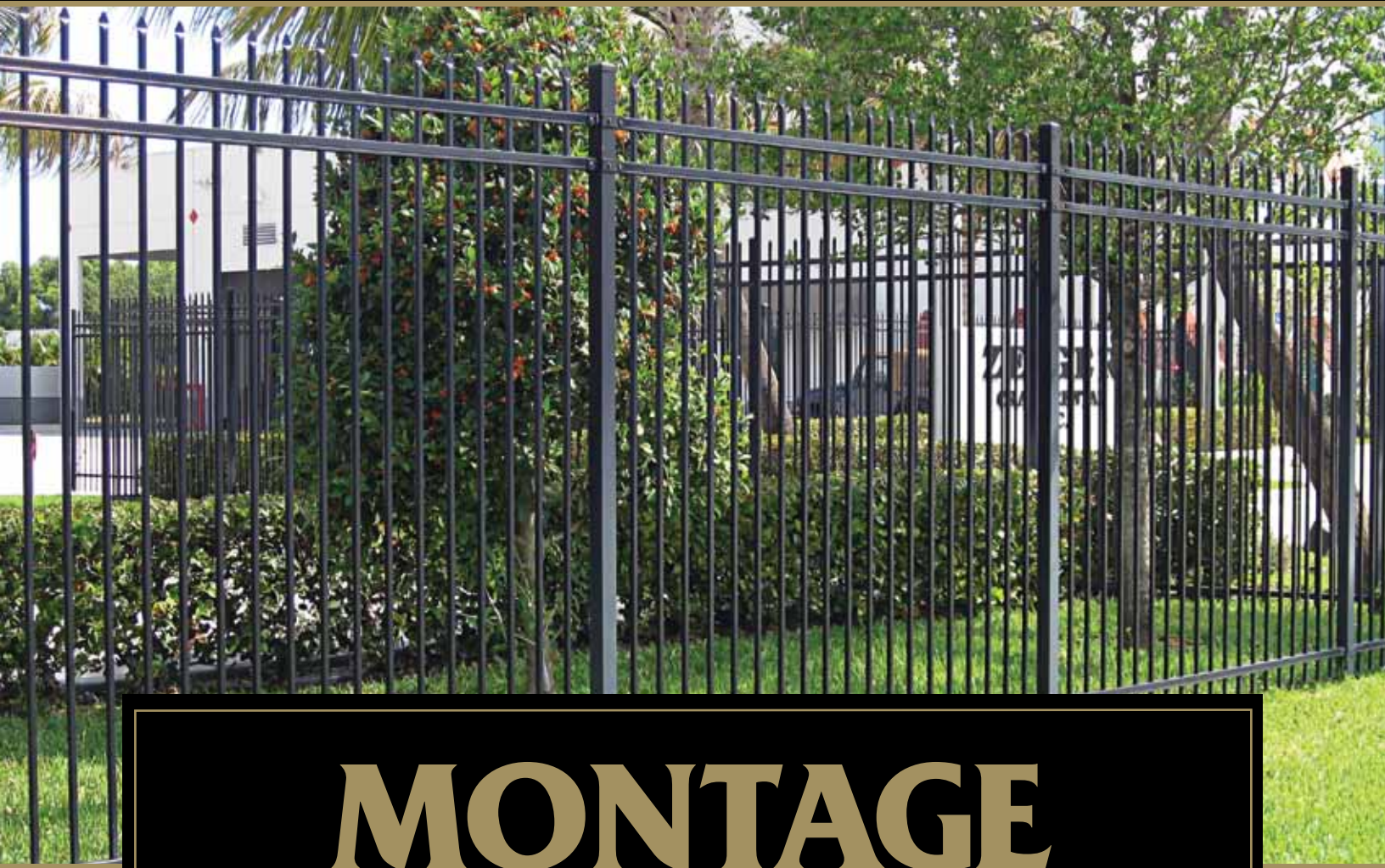
SOUTH ELEVATION
SCALE: NONE



EAST ELEVATION
SCALE: NONE



WEST ELEVATION
SCALE: NONE



MONTAGE COMMERCIAL[®]

WELDED COMMERCIAL ORNAMENTAL STEEL FENCE



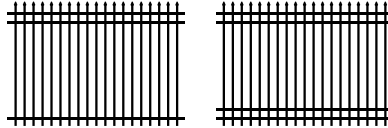
ENCLOSURE 2

ENCLOSURE 2



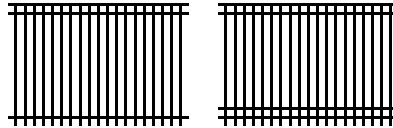
CLASSIC™

- 7' or 8' Heights
- 3-Rail or 4-Rail Panels
- Extended Picket Panels
- 4" Standard or 3" Pet, Pool & Play Picket Air-Space



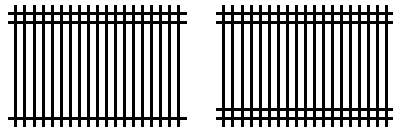
MAJESTIC™

- 7' or 8' Heights
- 3-Rail or 4-Rail Panels
- Extended Picket Panels
- 4" Standard or 3" Pet, Pool & Play Picket Air-Space



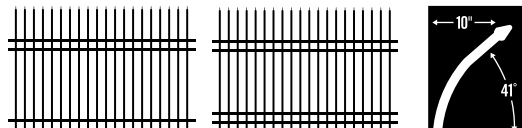
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- 3-Rail or 4-Rail Panels
- Extended Picket Panels
- 4" Standard or 3" Pet, Pool & Play Picket Air-Space



INVINCIBLE™

- 7' or 8' Heights
- 3-Rail or 4-Rail Panels
- Extended Picket Panels



ENCLOSURE 2

POOL, PET & PLAY™

- Improved Panel Strength & Durability
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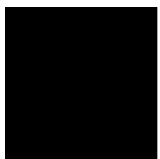


GATE OPTIONS

- MONTAGE COMMERCIAL® SWING GATES
- MONTAGE COMMERCIAL® ARCHED GATES
- ESTATE® STEEL ENTRY GATES
- TRANSPORT® CANTILEVER GATES
- PASSPORT® ROLL GATES



COLOR OPTIONS



BLACK



BRONZE

ADORNMENTS



QUAD FLAIR



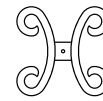
TRIAD



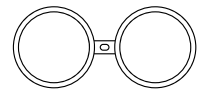
ROYALTY



BALL CAP



BUTTERFLY SCROLL



DOUBLE RINGS

PICKETS

3/4"sq. x 14 ga.

RAILS

1 1/2" x 1 1/2" x 14 ga.

POSTS

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- No Visible Rivets or Screws
- Design Allows Panels to Follow the Grade



Stair-stepping panels



Fully rakeable panels



ENCLOSURE 2



ECOAT FINISH

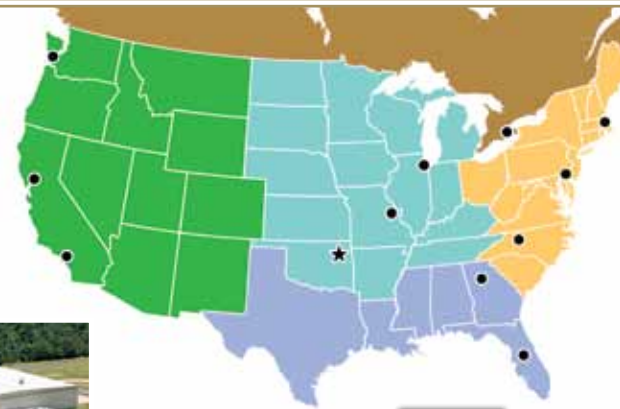
- Protection Inside and Out
- Maintenance-Free Finish
- Long-Term Durability



- Acrylic Topcoat
- Epoxy Primer
- Zinc Phosphate
- Galvanic Zinc



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AGENDA NO: C-2

MEETING DATE: 11/12/13

Staff Report

TO: Morro Bay City Council

DATE: October 16, 2013

FROM: Fire Chief, Steven Knuckles

SUBJECT: Multi-hazard Emergency Response Plan and Emergency Operations Center Review

RECOMMENDATION

This report is being presented as information only, no action is required.

ALTERNATIVES

As this is an informational status review, there are no alternatives applicable.

FISCAL IMPACT

There are no additional impacts to the adopted 2013/14 the EOC Disaster Preparedness Budget as a result of this report.

SUMMARY

The purpose of the City of Morro Bay's Multi-hazard Emergency Response Plan (MERP) is to prescribe the City's policies and concepts for responding to emergencies, which could affect the health, safety, environment, and property of the public within the City limits. In addition, this plan intends to: provide a basis for City coordinated disaster response capability; establish a mutual understanding of the emergency responsibilities and functions of civil government during emergencies; identify those historical and major potential disasters that may affect the City; provide continuity of government; and, coordinate operations with the emergency service organizations of other jurisdictions. As such, it incorporates pre-emergency preparedness, alert and mobilization and emergency procedures necessary for an emergency response at the City level.

BACKGROUND

The Multi-hazard Emergency Response Plan consists of three parts. Part 1 is the Basic Plan, which serves as an overview for elements of response that are common to all types of emergencies. This is the official portion of the Plan that is reviewed and adopted by the City Council.

Prepared By: SK

Dept Review:

City Manager Review:

City Attorney Review: _____

Part 2 contains hazard-specific annexes, which provides a checklist approach to the eight identified emergencies Part 2 is maintained independent of Parts 1 and 3.

Part 3 of the plan consists of support materials and references, which are stand-alone documents. These materials are maintained independent of Parts 1 and 2. The materials are intended to provide emergency personnel with information and data to support the City's emergency response effort. As appropriate, references to the support materials are provided in Parts 1 and 2 of the plan.

Standardized Emergency Management System (SEMS)

Almost all major emergencies result in response by more than one jurisdiction. Therefore, in accordance with Senate Bill 1841, the City through the Basic Plan, adopts the use of the SEMS to assure that program development is consistent with all levels of government. This system has been mandated by the California Legislature and must be complied with to be eligible for disaster relief funding.

SEMS incorporates the Incident Command System (ICS) at the field level of operations. SEMS is a modular emergency management system designed for incidents involving a multi-jurisdictional response. It provides effective direction and control of an emergency from the time of notification, through all its stages, until the situation de-escalates to a point where emergency resources are no longer needed.

National Incident Management System (NIMS)

On February 28, 2003, the President issued Homeland Security Presidential Directive 5 (HSPD-5), "Management of Domestic Incidents," which directed the Secretary of Homeland Security to develop and administer a National Incident Management System (NIMS).

The purpose of NIMS is to facilitate the flow of emergency information and resources within and between agencies at all organizational levels, improve the process of coordination between responding agencies, and to provide for the rapid mobilization, deployment, use and tracking of resources during emergencies.

Emergency Position Staffing

The MERP includes the Incident Management Organization Chart for various emergencies. The staffing and actual structure of the organization will vary based on the type and severity of an emergency. It outlines the City personnel that will be trained to fill various emergency positions. Each position allows for varied personnel. Some personnel may be cross-trained to fill several positions.

The Incident Management Organization at the EOC is headed by the qualified staff member, usually a Department Head, identified as having the primary management role based on the particular emergency. This individual will assume the role of Emergency Operations Center Director (EOC Director) and be responsible for all EOC functions. The City Manager is the direct link between the City Council and the EOC Director relating to policy issues. The EOC Director has overall responsibility for the City's emergency management.

Operational Concepts

The City's response to emergencies will depend on the type and magnitude of the emergency situation; however many elements of response are similar. Some of the basic elements of emergency response common to all types of emergencies include the following:

- Event Recognition
- Notification of Response Personnel
- Mobilization of Response Personnel
- Activation of Emergency Response Facilities and Resources
- Situation Reporting and Assessment
- Public Alerting and Information
- Protective Action Determination and Implementation
- Reentry and Recovery

Since emergency preparedness involves planning for worst-case events, the City of Morro Bay must be prepared to respond promptly and effectively and have provision for mutual aid resources if the response effort requires resources beyond the City's capabilities.

The hazard-specific annexes in Part 2 of this plan provide the detailed concepts of operations for each type of emergency addressed in the Basic Plan.

Plan & Procedure Maintenance

This Basic Plan Part 1 (MERP) and Part 3 will be maintained and updated on a regular basis by the Fire Chief or his designated representative. The Fire Department will also be directly responsible for coordinating revisions of the hazard specific annexes, i.e. Earthquake, Storm/Flood, Nuclear Power Plant, Hazardous Materials, Major Fire, Tsunami, and Civil Disturbance Emergency Plans. The department listed as having primary management authority for a given annex, shall be responsible for developing, maintaining, and updating that specific hazard annex on an annual basis. The plan will be reviewed by a committee and a final copy forwarded to the Fire Chief for implementation.

Training

The MERP provides for the City to sponsor, coordinate, and conduct an annual training exercise on a particular City emergency response plan. Federal regulations require a biennial exercise on the Nuclear Power Plant Emergency Response Plan, provided the previous exercise was judged by FEMA as satisfactory. During the year, following a "satisfactory" nuclear exercise, the City will sponsor, coordinate and conduct the disaster exercise on a non-nuclear emergency response plan.

The Fire Department will develop and administer all non-nuclear disaster exercises. The primary purpose of these exercises will be to evaluate and improve the particular emergency response plan that the exercise is based on.

Emergency Operations Center (EOC)

Our City's EOC is located at the Morro Bay Community Center, 1001 Kennedy Way. Our EOC uses the multi-purpose room for the command, operations, planning, logistics, and finance functions.

Adjacent to the multi-purpose room, we have a fully functional dispatch center to include radio communications for all City services plus Amateur High-Frequency Radios. (HAM) We have breakout communication rooms, a full kitchen to support the EOC personnel, and large rooms to house EOC personnel for long duration events. All rooms that are used for the EOC functions have backup propane generator electrical service. The first EOC activation occurred on 12/31/99 with positive results. The City's secondary EOCs are the Fire Station at 715 Harbor Street, the San Luis Obispo County EOC, and the Pavilion Building in Atascadero.

DISCUSSION

The MERP covers the City's response to the following types of emergencies:

- EARTHQUAKE
- HAZARDOUS MATERIALS
- MAJOR FIRE
- NUCLEAR POWER PLANT
- STORM/FLOOD
- TSUNAMI
- CIVIL DISTURBANCE
- MASS CASUALTY INCIDENT

The objectives of the Plan are to:

- Protect the public, property, and the environment in the City of Morro Bay;
- Establish official City policy for response to emergencies;
- Identify authorities and assign responsibilities for planning and response activities;
- Identify the scope of potential hazards which form a basis for planning;
- Identify other jurisdictions and organizations with which planning and emergency response activities should be coordinated;
- Establish the City Emergency Organization which will manage emergency response;
- Establish the City's policy for providing emergency information to the public;
- Outline preplanned response actions which will be taken by City emergency personnel to the emergency's effects;
- Describe the resources available to support emergency response activities; and
- Establish responsibilities for the maintenance of the City of Morro Bay disaster preparedness program, including the MERP.

CONCLUSION

Morro Bay's Multi-hazard Emergency Response Plan, our citywide training, and our Emergency Operations Center is a great example of collaboration and leadership from our City Councils, City staff, and City volunteers with the goal to assist our community and our neighbors in their time of need.

ATTACHMENTS:

1. Part 1 of the Multi-hazard Emergency Response Plan

City of Morro Bay
Multi-Hazard Emergency Response Plan

PART 1
BASIC PLAN

Developed by

Morro Bay Fire Department
Jeffrey F. Jones, Fire Chief

October 2003

Revised
January 2008

PREFACE

The purpose of the City of Morro Bay Multi-hazard Emergency Response Plan is to prescribe the City's policies and concepts for responding to any and all emergencies that could affect the health, safety, and property of the public within the city limits. The plan covers all emergencies and it is broken down into the following types of major events:

- EARTHQUAKE
- HAZARDOUS MATERIAL
- MULTI-CASUALTY
- STORM/FLOOD
- WILDLAND - MAJOR FIRE
- CIVIL DISTURBANCE -TERRORISM
- NUCLEAR POWER PLANT
- TSUNAMI

PLAN ADOPTION

This is the official City of Morro Bay Multi-hazard Emergency Response Plan for responding to various emergencies causing damage in the City of Morro Bay. The Plan's responsibilities and authorities are effective as indicated below.

Janice Peters, Mayor

Andrea Lueker, Interim City Manager

Date

CITY OF MORRO BAY
MULTI-HAZARD EMERGENCY RESPONSE PLAN

DISTRIBUTION LIST

City Locations

City Manager	Emergency Operations Center
City Clerk	Fire Department
Public Services Department	Police Department
Harbor Department	Recreation & Parks Department

Libraries

Morro Bay Library

County Agencies

SLO County Office of Emergency Services

State Agencies

California Office of Emergency Services, Region I

REVISION PAGE

This Section is for Plan Holders to record the posting of each Official Plan Revision made by the City. Please enter the revision number, the pages, the date the revision was posted, and the initials of the person posting the revision.

<u>Revision #</u>	<u>Pages Changed</u>	<u>Date</u>	<u>Initials</u>

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SECTION I - INTRODUCTION

A. PURPOSE

The purpose of the City of Morro Bay Multi-hazard Emergency Response Plan (MERP) is to prescribe the City's policies and concepts for responding to major emergencies that could affect the health, safety, and property of the public within the city limits. In specific annexes the plan covers the City's response in more detail to the following types of emergencies:

- EARTHQUAKE
- HAZARDOUS MATERIAL
- MULTI-CASUALTY
- STORM-FLOOD
- WILDLAND-MAJOR FIRE
- CIVIL DISTURBANCE-TERRORISM
- NUCLEAR POWER PLANT
- TSUNAMI

B. OBJECTIVES

The objectives of this Plan are to:

- Protect the public and property in the City.
- Establish official City policy for response to emergencies utilizing the National Incident Management System (NIMS) integrated with the Standard Emergency Management System (SEMS) and the Incident Command System (ICS).
- Identify authorities and assign responsibilities for planning and response activities.
- Identify the scope of potential hazards that form a basis for planning
- Identify other jurisdictions and organizations with which planning and emergency response activities should be coordinated.
- Establish the City Emergency Organization, which will manage emergency response.
- Establish the City's policy for providing emergency information to the public.
- Outline preplanned response actions that will be taken by City emergency personnel to mitigate the emergency's effects.
- Describe the resources available to support emergency response activities.
- Establish responsibilities for the maintenance of the overall City emergency preparedness program.

C. PLAN ORGANIZATION

The City's emergency preparedness program consists of three parts: Part 1 - Basic Plan; Part 2 - hazard-specific annexes (which cover each type of emergency listed in Section A); and, Part 3 Support Materials containing resource and reference materials and a recovery plan for the City.

An abstract of each part is provided below:

1. PART 1 – Basic Plan

Part 1 serves as an overview for elements of response that are common to all types of emergencies. Objectives and policy for the City are established in this section and therefore this portion of the plan requires the approval of the City Council.

2. PART 2 - Hazard-Specific Annexes

Part 2 contains hazard-specific plans including the Standard Operating Procedures that are used to implement the concepts and policies set forth in this plan. This portion of the plan is tactical in nature and therefore changes are frequent. This part of the plan is maintained independent of Parts 1 and 3. Part 2 does not require the approval of the City Council. The annexes contained in Part 2 are as follows:

- Annex A - Earthquake
- Annex B - Hazardous Material
- Annex C - Multi-Casualty
- Annex D - Storm-Flood
- Annex E. Wildland-Major Fire
- Annex F. Civil Disturbance-Terrorism
- Annex H. Nuclear Power Plant
- Annex G. Tsunami

Each Annex covers the planning elements specific to the type of emergency addressed. The Disaster Management Guides, contained in each annex, provide direction to emergency workers in the implementation of the concepts and policies applicable to each type of emergency. They give guidance on how, when, and by whom emergency actions are performed and give information and references necessary to support emergency workers in their tasks.

3. PART 3 - Support Materials

Part 3 consists of support materials and references that are stand-alone documents. These materials are maintained independent of Parts 1 and 2. The materials are intended to provide emergency personnel with information and data to support the City's emergency response and recovery efforts. As appropriate, references to the support materials are provided in Parts 1 and 2 of the plan.

Support materials in Part III include:

- City of Morro Bay Special Needs Population List (**Confidential**)
- San Luis Obispo County Emergency Alerting System (EAS) and Sample Messages
- City of Morro Bay Resource List (Vehicles and Equipment)
- City of Morro Bay Phone listing (**Confidential - limited distribution**)
- San Luis Obispo County Resource Directory
- Recovery plan

D. Plan Coordination

Almost all major emergencies result in the response from more than one agency or jurisdiction. Therefore, the City must assure that program development and emergency incident response is coordinated with surrounding jurisdictions.

The following is a sample listing of jurisdictions where plan development and response coordination is required:

- Federal Emergency Management Agency (FEMA)
- California Office of Emergency Services
- San Luis Obispo County Office of Emergency Services
- San Luis Obispo County Fire Department
- San Luis Obispo County Sheriff
- All Cities within San Luis Obispo County

SECTION II - AUTHORITIES and REFERENCES

A. Authorities

The following is a list of the authorities used for the development and implementation of this plan.

1. Federal Authorities

- Federal Civil Defense Act of 1950 (PL 920)
- Federal Disaster Relief Act of 1974 (PL 93-288)
- Public Law 84-99
- Homeland Security Presidential Directive (HSPD)-5

2. State Authorities

- California Government Code (Chapter 7, Division 1, Title 2) Section 8550 et. seq. - California Emergency Service Act
- California Government Code (Article 3.7, Chapter 7, Div. 1, Title 2) Sections 8574.7 to 8574.9 - Toxic Disasters.
- California Government Code (Article 11, Chapter 7, Div. 1, Title 2) Section 8615 - Mutual Aid.
- California Hazardous Materials Incident Contingency Plan
- California Health and Safety Code (Div. 1, Part 2, Chapter 8) Section 1158 - Supervision by Local Health Officer During Health Emergencies.
- California Health and Safety Code (Div. 20, Chapter 6.5, Article 2) Sections 25180 - Enforcement of Hazardous Waste Laws, and Section 25185 - Powers of Health Office to enter/inspect.
- California Health and Safety Code (Div. 20, Chapter 7, Sections 25600 to 25610) - Control of Radioactive Contamination of the Environment.
- California Natural Disaster Assistance Act
- California Vehicle Code (Article 4, Chapter 2, Div. 2) Section 2454 - Scene Management as amended in Chapter 543 of 1982 Statutes.
- California Vehicle Code (Article 4, Chapter 2, Div. 2) Section 2452 - Hazardous Substance Defined.
- California Vehicle Code (Article 4, Chapter 2, Div. 2) Section 2453 - Hazardous Spill Notification System
- California Vehicle Code (Article 4, Chapter 2, Div. 2) Section 2450 - Hazardous Substances Highway Spill Containment and Abatement Act.
- California Vehicle Code (Article 4, Chapter 2, Div. 2) Section 2451 - Public Health: Legislative Finding.
- City of Morro Bay Municipal Code Chapter 8.08 Disaster

Preparedness.

- San Luis Obispo County Code (Ord. No. 1384) Chapter 2.80 - Emergency Organization and Functions
- San Luis Obispo County/Cities Basic Plan for Peacetime Emergencies 1981
- San Luis Obispo County/Cities Basic Plan for Peacetime Emergencies, 1981. Municipal Code Chapter 2.24 Emergency Services, pg. 17-20.

B. REFERENCES

The following is a listing of references used in the development of this emergency plan.

- California Emergency Plan, 1998
- California Emergency Resources Management Plan
- California Fire and Rescue Operations Plan
- California Law Enforcement Mutual Aid Plan
- California Master Mutual Aid Agreement
- California Emergency Medical Services Authority Multi-Causality Incident Guidelines
- City of San Luis Obispo Multi-hazard Emergency Response Plan.
- City of Morro Bay, Fire Department Policies and Procedures Manual.
- City of Morro Bay, Multi-hazard Emergency Response Plan, 2002
- Fire Service Emergency Management Handbook, FEMA 1985.
- FIRESCOPE Field Operations Guide - ICS 420-1
- San Luis Obispo County Basic Plan for Peacetime Emergencies
- San Luis Obispo County Earthquake Emergency Response Plan, San Luis Obispo County Office of Emergency Services, 1986.
- San Luis Obispo County Hazardous Materials Emergency Response Plan, San Luis Obispo County OES, 1985.
- San Luis Obispo County/Cities Nuclear Power Plant Emergency Response Plan, 1990.

SECTION III - HAZARD OVERVIEW

This section provides a general overview of the potential threat presented by each of the types of emergencies listed in Part 1, Section I. A detailed hazard assessment for each type of emergency is presented in the hazard-specific annexes found in Part 2 of the MERP. Each annex examines the potential effects that could result if an emergency of that type were to occur.

A. EARTHQUAKE

There are four (4) known seismically active faults that run through San Luis Obispo County. These include the San Andreas Fault, the Nacimiento-Rinconada Fault, the Hosgri Fault, and the San Simeon Fault. The San Andreas Fault capable of an 8.5 magnitude earthquake, is the best known of these four and potentially poses the greatest threat. Increases along this fault between Parkfield and Cholame indicate that we are past due for a 5.5 to 7.4 Richter magnitude earthquake in this area. The 6.3 San Simeon Earthquake of December 2003 damaged the Morro Bay Headquarters fire station and caused two fatalities in Paso Robles.

Potential emergencies or problems that may be triggered as a result of a light-to-heavy damage earthquake impacting the City include: building collapse (particularly un-reinforced masonry structures) causing need for rescue; mass injuries; hazardous materials releases; major fires; utility disruptions; major natural gas leaks; communication disruptions; need for evacuation; command and coordination problems; roadway and transportation system disruptions; and hospital/school disruptions to list a few.

The potential direct and indirect consequences of a major earthquake will severely stress the resources of the City and will require a high level of self-help, coordination and cooperation. Out-of-city assistance from other local, regional, state, federal and private agencies may be delayed by more than 72 hours, depending on the regional severity of the earthquake.

The Fire Department assumes the primary role in the management of an earthquake emergency.

B. HAZARDOUS MATERIALS

A hazardous material is any substance, natural or man-made, that may be harmful to life or to the environment. A hazardous materials incident is any emergency where these substances are involved. Hazardous materials incidents may occur at fixed facilities, along any air or land transportation

route, and in unpredictable areas relatively inaccessible by ground transportation. The City contains two (2) major transportation arteries, Highway 1 and Highway 41, where thousands of tons of hazardous materials are transported annually through and into densely populated areas of the City. In 2001 an anhydrous ammonia leak at a fixed facility on Beach Street caused the evacuation of over 3,000 people in Morro Bay.

Pesticides and chemicals are stored at numerous sites around the City. Fixed facilities are found mainly in two areas: the Morro Bay Power Plant and the waterfront area. Air transportation of hazardous materials poses a small but still potential hazard. Hazardous waste is occasionally shipped along Highway 1, as an alternate to US 101 to a major dumpsite located in the Kettleman Hills near Highway 5.

The potential for a hazardous materials emergency exists primarily through transportation accidents of surface vehicles. Although the probability for a disastrous hazardous materials incident is low, the probability for extreme risk to life and property is high should such an emergency occur.

The Fire Department assumes the primary role in the management of a Hazardous Materials emergency.

C. MULTI- CASUALTY

A multi-casualty incident is one that involves a sufficient number of injured persons to overwhelm the first responding medical resources or an incident with a significant medical hazard to a large population (natural disaster, haz mat, etc) or involves evacuation of a medical facility (hospital, convalescent home, etc).

Given the travel routes through the city, the modes of public transportation available (vehicle and vessel) and the fact that the City is located below the normal flight path of the commercial aviation system, a distinct possibility for a large transportation accident exists within the City Limits.

Additionally, the Harbor Festival and other large public events, along with the seasonal dangerous surf conditions at the Harbor entrance dictate the need for a Multi-casualty Plan.

As indicated in the plan, the responsibility for managing the event will be dictated by where and why the event has occurred; however, quite typically these events are managed under a Unified Command with the Fire Department in a lead role.

D. STORM - FLOOD

Rainfall and inclement weather are primarily seasonal phenomena in the City, roughly corresponding to the November through March winter rainfall season associated with Mediterranean climate of the central coast of California.

Several creek drainage systems, including Chorro Creek, the Morro/Little Morro Creek convergence, No-Name Creek, Alva Paul Creek, Toro Creek, and San Bernardo Creek flow into and/or near the City. Chorro Creek is the largest and runs along the southern boundary of the City near two mobile home parks. Morro Creek runs parallel to Highway 41. Little Morro Creek runs parallel to Little Morro Creek Road and combines with Morro Creek within the City near Main Street. No-Name Creek runs through the City along Island Street. Alva Paul runs through the city along Whidbey and Yerba Buena Streets. Toro Creek runs along the farthest northern boundary of the City. San Bernardo Creek runs under Highway 1 south of the City. As seen in the 1995 Floods, these creeks can present varying hazards during a flood and can block access to and egress from the City.

When rainfall and surface run-off from a storm exceeds a drainage system's capacity to adequately channel and contain the water flooding may occur. Potential flood areas include: the South Bay Boulevard area between Highway 1 and State Park Road; the area between Highway 41/Atascadero Road and Radcliff Avenue; low-lying sections of Island Street and Beachcomber; Highway 1, at the northern City limits; and, Highway 1 south of the City limits. Other problems and hazards associated with flooding and inclement weather include utility disruptions, broken power lines lying on the ground, trees damaged and blown down, and transportation route disruptions.

The Public Services Department assumes the primary role in management of a storm emergency or flood.

E. WILDLAND- MAJOR FIRE

The potential for a major fire in the City of Morro Bay always exists. Residential, industrial, commercial, harbor front, and wildland areas all present potential disaster situations. The cause of a disastrous fire within the city may be a major structural fire fanned by ocean or Santa Ana winds or a major wildland/urban interface fire (I-zone fire).

The areas most at risk for a conflagration are the hillside homes of north Morro Bay, structures and vessels located on or adjacent to the waterfront areas of the City, the older businesses lining Morro Bay Boulevard, and the structures in and adjacent to the Morro Bay State Park.

Throughout much of the City, homes and businesses are built closely

together with little defensible space and are located on narrow roads that make access difficult. In addition, the construction used in many of these buildings is wood-frame with wood siding and combustible roofs; a method of building that offers a significant amount of fuel to a wind or topographically driven fire.

The T-Pier fire of 1988 demonstrated the potential for a major structural fire in other areas of the City. The close proximity of vessels, commercial buildings, residential areas, and other structures could promote a conflagration. These factors combined with certain weather and tidal factors pose a significant threat for a major fire in the harbor area of the City of Morro Bay.

The City, located on the western coastal fringe of the Santa Lucia Mountain Range is in a fairly favorable position with respect to the wildland fire threat. However, in 1994 the Highway 41 Fire burned toward the City with amazing speed. While this threat was short lived, the potential does exist for a major wildland fire to burn into the City.

The areas that are at risk from a large-scale wildland fire are, for the most part, located on the edge of the City limits. These "fringe" areas are where there is the most I-zone potential. The neighborhoods bordering the Morro Bay State Park and Black Hill area also possess this potential. Additionally, the lands that adjoin the City are not subject to the rigorous weed abatement programs enforced by the Morro Bay Fire Department.

As a result, the potential exists for a major fire that could quickly overrun the capabilities of both the City's and other local government fire departments. Command and coordination of resources, area evacuations/sheltering of those displaced, and reoccupation are major plan components.

The Fire Department assumes the primary role in the management of a Major Fire emergency.

F. CIVIL DISTURBANCE- TERRORISM

For planning purposes, these two types of events have been combined together. These occurrences are primarily law enforcement responsibilities; however it is difficult to predict how the emergency(s) may impact the community, as they may occur in a variety of forms. Successful outcomes to these occurrences will often require the use of more than one annex of the City Emergency response plan. The plan focus then becomes more related to resource coordination and objectives rather than tactical procedures.

1. Civil Disturbance

The spontaneous disruption of normal orderly conduct and activities in urban areas, or outbreak of rioting or violence that is of a large nature is referred to as civil disturbance or disorder. Civil disorder is a demonstration of popular unrest that may manifest itself in acts of violence and destruction against property and human life. Civil disorder can be spurred by specific events, such as large sporting events or criminal trials, or can be the result of long-term disfavor with authority. Civil disorder is usually noted by the fact that normal on-duty police and emergency services personnel cannot adequately deal with the situation until additional resources can be acquired. This is the time frame when civil unrest can grow to large proportions.

The threat to law enforcement and safety personnel can be severe and bold in nature. Securing of essential facilities and services is necessary. Looting and fires can take place as a result of perceived or actual non-intervention by authorities.

High-density event-oriented populations occur at various times throughout the year. They are events that attract large numbers of persons such as; school events, parades, and festivals.

The Harbor Festival can host as many as 20,000 people at a time. Because of the myriad events that are available that weekend, virtually any type of audience can be expected to be in attendance at any one time. The prospect of a large concentration of individuals who are of a mind set to cause a civil disorder is a real possibility.

The threat from the indigenous population is non-existent.

The Police Department assumes the primary role in the management of Civil Disturbance Emergency.

2. Terrorism

Terrorism involves a struggle between competing principles and ideologies below the level of conventional war. Principal targets include military personnel and facilities, commercial establishments, government buildings and property, and/or any location large numbers of people congregate.

The effects of terrorist activities can vary significantly, depending on the type, severity, scope, and duration of the activity. Terrorist activities may result in disruption of utility services, property damage, injuries and the loss of lives.

While San Luis Obispo County is a low population area, with generally low population density when compared with major metropolitan areas, the possibility of a terrorist action, which might have an impact on the City, cannot be discounted. Terrorist actions may include biological, chemical, incendiary, explosive, nuclear/radiological, or electronic (such as software system) attacks.

The Police Department assumes the primary role in the management of Terrorism.

G. NUCLEAR POWER PLANT

The Diablo Canyon Nuclear Power Plant is operated by the Pacific Gas and Electric Company (PG&E). The plant is located on the San Luis Obispo County coast approximately 10 miles southwest of the City of Morro Bay. The plant consists of two nuclear power generating units. Both units are operational. Each unit is a pressurized water-type reactor having an electric power generating capacity in excess of 1,000 megawatts.

When any nuclear power plant is operated, the potential for a radiological accident exists, though the probability of a serious accident is very low. The principal deterrent to an accident is prevention through conservative design, construction and operation, which assures that the integrity of the reactor system is maintained. Protective systems are installed and are automatically activated to counteract the resulting effects when any part of the reactor system fails. Emergency planning is necessary to assure public safety in the unlikely event that reactor safety systems fail.

The Fire Department assumes the primary role in the management of a nuclear emergency

H. TSUNAMI

A tsunami, or seismic sea wave, is a series of waves generated by seismic activity in or near the Pacific Ocean. They may be as far apart as one hour, and up to twenty feet high on this part of the coast. There is no way to determine in advance the amplitude or size of the waves. A small tsunami at one beach can be a giant a few miles away.

Tsunamis have done great damage to communities located on the California coast. A tsunami in 1964 killed 12 people in Crescent City and damaged piers and boats in Morro Bay. Damage in Morro Bay was caused as the bay emptied and filled every 15 minutes for over an hour. A 1960 tsunami killed 61 people in Hawaii; six hours after a warning had been

issued. Sooner or later, tsunamis strike every coastline in the Pacific, and for this reason they pose a threat to the citizens and visitors of Morro Bay. Should such an emergency occur, the risk to life and property could be extreme.

The Fire Department assumes the primary role in the management of a Tsunami emergency.

SECTION IV – PLANNING BASIS

This section discusses the planning basis for each type of emergency addressed in this plan. It covers the planning regulation, guidance, concepts, and policies that form the City's foundation for response to each of the types of emergency covered by this plan. The City of Morro Bay Multi-hazard Emergency Response Plan, including the Hazard Specific Annexes, was developed using State Multi-hazard functional planning guidelines and as such, complies with State and Federal mandates. Compatibility with San Luis Obispo County Multi-hazard Emergency Response Plans is built into the City's plan. Common elements in the plan include: an annual review and update of all plans, regular field or tabletop exercises, development of Standard Operating Procedures (SOP's) for field level operations by each involved City department, automatic EOC activation points and incident management using NIMS (National Incident Management System) integrated with SEMS (Standard Emergency Management System) and ICS (Incident Command System).

A. EARTHQUAKE

The effects of a heavy damage earthquake will be widespread, quickly exhausting resources and requiring extensive outside aid. The earthquake annex of this plan concentrates on obtaining and coordinating these resources through use of the Incident Command System and establishment of an Emergency Operations Center. The San Luis Obispo County Emergency Response Plan was a primary reference to assure that coordination with San Luis Obispo County efforts would occur. Areas of responsibility for City departments are outlined and the development of Standard Operating Procedures for each department is assigned.

B. HAZARDOUS MATERIALS

The release of hazardous materials, into the environment, can cause a wide range of problems. The Hazardous Materials Emergency Response Plan determines responsibilities and outlines a management system (ICS) and Standard Operating Procedures used to mitigate the effects of such an event. Incident Commander authority is determined based on incident location. Assistance for mitigation, clean up and funding is addressed. Evacuation of significant portions of the City is planned for, as is a chain of mandatory regulatory agency notifications.

C. MULTI- CASUALTY

The multi-casualty incident (MCI) Plan has been developed on a countywide basis to provide an organized emergency medical response to an incident or incidents that involve numerous victims.

The goals of the plan are to organize and implement a countywide system EMS plan of action to manage multi-casualty incidents; provide the greatest medical good for the greatest number of patients; give early notification to area hospitals so they can assess and prepare their casualty care capabilities; early triage and separation of specific patient problems to ensure their distribution to the most appropriate hospital; avoid patient overload at any one hospital; ensure all EMS agencies follow the same multi-casualty incident plan of action.

D. STORM- FLOOD

The occasional seasonal effects of heavy winter storms have historically caused short-term problems within the City. The Storm/Flood Plan designates Public Services as the lead agency for battling the effects of a flood. The plan identifies a management organization and emergency resources and facilities.

E. WILDLAND- MAJOR FIRE

The effects of a large-scale wildland fire or major structure fire(s) will require many fire suppression resources be brought into the City. A quick response and efficient management of these resources is contained in this plan. Evacuation and securing of fire-damaged areas via Police assistance is also a primary planning element.

F. CIVIL DISTURBANCE- TERRORISM

The handling of any civil disturbance is very delicate in nature. Our actions in response to civil disturbance should attempt to prevent an escalation of the situation and to protect people and property. We should constantly evaluate the situation and respond at a level necessary to control or mitigate confrontations. This annex identifies a management plan and addresses actions and resources necessary for civil disturbance emergencies.

It is prudent to increase preparedness and awareness efforts in addressing the threat of terrorism throughout the nation, including San Luis Obispo

County. There are a number of emergency management systems and emergency procedures that come into play should an event occur locally. The specific type of terrorist act will dictate which specific plan(s) will best handle the event. Any event of consequence will see significant Federal Government intervention and support based on the national security concerns.

G. NUCLEAR POWER PLANT

Nuclear power plant emergency plans are developed using guidance from the federal planning document titled NUREG-0654/FEMA-REP-1, Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants. The U.S. Nuclear Regulatory Commission (NRC) and the Federal Emergency Management Agency (FEMA) developed NUREG-0654/FEMA-REP-1 jointly after the Three Mile Island accident in the 1979. The document incorporates the lessons learned from inquiries into the response actions taken during the accident.

The State of California also has established guidance for maintenance of nuclear power requirements and guidance used in development of the concepts of nuclear power plant emergency response. This Annex was prepared with assistance from the County Office of Emergency Services in conjunction with the County's Nuclear Power Plant.

H. TSUNAMI

A review of the history of our coastline demonstrates the necessity of being prepared for a tsunami. The California coast has experienced numerous events and thus must maintain plans capable of handling a tsunami emergency. This annex addresses evacuation and warning procedures necessary to ensure a safe and timely response to reports of a possible tsunami striking the City of Morro Bay.

SECTION V - EMERGENCY MANAGEMENT

A. DISCUSSION

The City will manage emergencies using the National Incident Management System (NIMS) integrated with the Standard Emergency Management System (SEMS) and Incident Command System (ICS). NIMS, SEMS, and ICS are modular emergency management systems designed for incidents involving a multi-jurisdictional response. They provide effective direction and control of an emergency from the time of notification, through all its stages, until the situation de-escalates to a point where emergency resources are no longer needed.

B. NATIONAL INCIDENT MANAGEMENT SYSTEM INTEGRATED WITH THE STANDARD EMERGENCY MANAGEMENT SYSTEM (SEMS)

In an emergency, governmental response is an extraordinary extension of the responsibility and action, coupled with the normal day-to-day activities, associated with governing. Any emergency event of major consequence will more than likely overwhelm local government resources requiring assistance from a multitude of agencies. The National Incident Management System (NIMS) integrated with the Standardized Emergency Management System (SEMS), which has been adopted by the City of Morro Bay, establishes a nationwide standard response structure and basic protocols to be used by all agencies in both emergency response and recovery for a major event. Its authority and structure can be found in Chapter 1 of Division 2 of Title 19 of the California Code of Regulations and Homeland Security Presidential Directive (HSPD)-5.

Fully activated, the NIMS/SEMS consists of six levels: field response, local government, operational areas (countywide), OES Mutual Aid Regions, state government, and federal government.

C. INCIDENT COMMAND SYSTEM

ICS consists of several components. When applied together, the following provide the basis for effective emergency management:

- Common terminology
- Modular organization
- Integrated communications
- Unified command structure

- Consolidated action plans
- Manageable span-of-control
- Pre-designated incident facilities
- Comprehensive resource management

The modular aspect of ICS establishes a dynamic emergency organization based on the resources needed to support all phases of an emergency. The organization's staff will be integrated from the top down. If a situation escalates, additional resources can be brought into the organization, and, likewise, when the situation de-escalates, resources can be released when they are no longer needed.

D. CITY EMERGENCY ORGANIZATION

The figures at the end of this section illustrate the City of Morro Bay's Incident Management Organization for various types of emergencies. The staffing and actual structure of the organization will vary based on the type and severity of an emergency.

Table V-1 lists the City personnel that will be trained to fill the emergency positions shown in figures. Each position has alternate personnel. Some personnel are cross-trained to fill several positions. The Incident Commander (IC) heads the Incident Management Organization. The IC has overall responsibility for the City's emergency management. By ordinance, the City Manager is designated as the Director of Emergency Services and is to provide policy guidance to the Incident Commander.

The Police Department Watch Commander or the on-duty Fire Captain will act as the IC at the onset of an emergency. When a designated Incident Commander arrives at the City Emergency Operations Center (EOC), the acting IC will relinquish command and act as Deputy Incident Commander until command is stable and the arriving Incident Commander has been briefed. When the Incident Management Organization is mobilized, the Incident Commander is supported by five functional groups.

The functional ICS groups are:

- Command Staff
- Operations Section
- Planning Section
- Logistics Section
- Finance Section

Except for the Command Staff, which includes the Incident Commander

and support staff, each of these groups is headed by a Section Chief. The Section Chiefs comprise the General Staff, which is the management team under the direction of the Incident Commander. The Section Chiefs may activate functions as needed to support the operational needs of their assigned section.

E. RESPONSIBILITIES

This section outlines the general responsibilities of the functional Incident Management Organization groups.

1. Policy Group

The Policy group is comprised of the Mayor and City Council, and assisted by the City Manager and City Attorney. This group is responsible to provide legal and policy direction to the EOC Director and/or the Incident Commander.

2. Incident Commander

The Incident Commander (IC) has overall responsibility for all emergency operations. Depending on the type of emergency, personnel authorized to act in the capacity of Incident Commander are as follows:

- Fire Chief
- Police Chief
- Public Services Director
- City Manager
- Designated Fire and Police Personnel

The Incident Commander's responsibilities include:

- Directing the Command Staff and General Staff.
- Developing and implementing strategic decisions.
- Approving the order and release of resources.
- Activating ICS elements.
- Ensuring planning meetings are conducted.
- Approving and authorizing implementation of Incident Action Plans.
- Determining information needs and informing the Command Staff.
- Reviewing and authorizing the release of information to the news media and public.
- Ensuring the general welfare and safety of Incident Management Organization personnel.

- Approving the plan for demobilization and recovery.

3. Safety Officer

The Safety Officer (SOFR) is responsible for monitoring and assessing hazardous and unsafe situations and developing measures for assuring personnel safety. The Safety Officer will make recommendations to the IC to correct unsafe acts or conditions. The Safety Officer will provide input in the development of Incident Action Plans to identify and mitigate safety concerns during emergency operations.

4. Information Officer/Liaison Officer

The Information Officer (IOFR) is responsible for developing and releasing information about the emergency to the news media, to incident personnel, to other appropriate agencies and organizations and the general public.

The Liaison Officer (LOFR) serves as the primary point of contact for personnel assigned to the incident by assisting or cooperating outside agencies. These are personnel other than those on direct tactical assignments or those involved in a Unified Command.

In some situations one person may handle both the Information Officer and the Liaison Functions. In large-scale emergency situations additional staff may be required in order for these functions to operate effectively.

The Information Officer's/Liaison Officer's responsibilities include:

- Gathering and disseminating emergency information.
- Develop material for use in media briefings.
- Obtaining Incident Commander approval for the release of information.
- Inform media and conduct briefings.
- Coordinating the release of emergency information to the public and news media with other agencies.
- Responding to special requests for information.
- Providing information about the emergency to the Incident Management Organization.
- Be a contact point for Agency Representatives.
- Identifying contacts and communication links with outside

- agencies and organizations.
- Providing information to and responding to requests from interagency and intra-agency contacts.

5. Operations Section

The Operations Section Chief (OSC), who is a member of the General Staff, heads this Section. The Section is responsible for the following operations:

- Providing and coordinating law enforcement services, including assisting other law enforcement agencies in traffic management.
- Providing and coordinating public services, including providing and placing barricades and signs for traffic management activities.
- Providing and coordinating fire protection services.
- Providing and coordinating emergency medical services for the City.
- Establishing and managing staging areas.
- Ensuring the general welfare and safety of section personnel.

The Law Enforcement Branch, Fire Services Branch, Public Works Branch, and the Medical Branch are examples of functions that operate under the direction of the Operations Section Chief.

6. Planning Section

The Planning Section Chief (PSC), who is a member of the General Staff, heads this section. The Section is responsible for obtaining, evaluating, disseminating and using information concerning the developing status of the emergency. This information is needed by the Incident Management Organization to have an understanding of the current situation and develop appropriate courses of action to effectively manage the emergency response. The Section is responsible for the following operations:

- Collect and process situation information about the incident.
- Supervise preparation of the Incident Action Plan.
- Determine need for specialized resources in support of the incident.

- Assemble information on alternative strategies.

The Resources Unit, Situation Unit, Documentation Unit, and technical specialist are examples of functions that operate under the direction of the Planning Section Chief.

7. Logistics Section

The Logistics Section Chief (LSC), who is a member of the General Staff, heads this section. The Logistics Section Chief, with assistance from several units, is responsible for providing the Incident Management Organization with logistical needs such as facilities, communications, equipment, emergency worker feeding and supplies. The Logistics Section Chief is also responsible for ensuring the general welfare and safety of section personnel. The Section is responsible for the following operations:

- Identify service and support requirements for planned and expected operations.
- Develop incident Communications Plan, Medical Plan and Traffic Plan.
- Coordinate and process requests for additional resources.
- Review Incident Action Plan and estimate Section needs for next operational period.

The Equipment Unit, Communications Unit, Facilities Unit, Food Unit, and Supply Unit are examples of functions that operate under the direction of the Logistics Section Chief.

8. Finance / Admin Section

The Finance Section Chief, who is a member of the General staff, heads this section. The Finance Section is responsible for all financial and cost aspects associated with the emergency. The Chief manages and is assisted by four units, The Time Unit, Procurement Unit, Cost Unit, Compensation and Claims Unit. These are examples of functions that are under the direction of the Finance Section Chief. The Section is responsible for the following operations:

- Manage all financial aspects of an incident.
- Ensure that all obligation documents initiated at the incident are properly prepared and completed.

- Brief Policy Group on all incident-related financial issues needing attention or follow-up.

TABLE V-1

CITY OF MORRO BAY
INCIDENT MANAGEMENT ORGANIZATION CHART

The following section outlines position assignments for Incident Management Organization members. The assignments are made corresponding to position within the regular city organization structure by position only. To obtain the names and phone numbers that correspond to these positions, reference the City EOC Plan. Members of the regular city organization that are assigned to the Incident Management Organization shall be made aware of their assignment and offered special training for their incident management function. These assignments are recommendations only. Any person familiar with the ICS may be used to fill positions that are short on personnel, especially in the early stages of an incident.

<u>Position</u>	<u>Primary</u>	<u>Alternate</u>
Policy Group	City Council City Manager City Attorney	Appointed Commission and Board Members (<u>See Table VI-1.</u>)
EOC Director , Incident Commander or Unified Command	Fire Chief Police Chief Public Services Director	Fire Captain Police Commander City Engineer Capital Projects Manager
Administration	City Manager Assistant City Manager	Department Head Management Analyst City Clerk
Information Officer	Management Analyst Fire Dept. PIO Police Dept. PIO	City Clerk City Attorney Assistant City Manager
*Liaison	Recreation <i>and Parks</i> Director	Fire Captain Police Sergeant
*Operations Section Chief	Fire Captain Police Commander City Engineer	Fire Engineer Police Sergeant Capital Projects Manager
*Planning Section Chief	Fire Captain Police Commander	Public Services Director
*Logistics Section Chief	Capital Projects Manager	Recreation <i>and Parks</i> Director

Finance/Admin
Section Chief
*Interchangeable Positions

Finance Director

Facilities Coordinator

City Accountant
Accounting Supervisor

SECTION VI - CONCEPTS OF OPERATION

This section outlines the concepts under which the City will respond to emergencies. Though the City's response to emergencies will depend on the type and magnitude of the situation, many elements of response are similar.

A. BASIC ELEMENTS OF EMERGENCY RESPONSE

Some of the basic elements of emergency response common to all types of emergencies include the following:

- Event Recognition
- Notification of Response Personnel
- Mobilization of Response Personnel
- Activation of Emergency Response Facilities and Resources
- Situation Reporting and Assessment
- Public Alerting and Information
- Protective Action Determination and Implementation
- Reentry and Recovery

Response to all emergencies involves the use of the elements listed above. The type and magnitude of each emergency will determine the level of response necessary.

Some emergencies can be preceded with a buildup period lasting from hours to days, which if recognized provide advanced warning to the population groups which might be affected. In certain instances, all of the emergencies addressed in the plan could be preceded by events that could be recognized as advance warning. These slowly building events allow the emergency organizations and resources to be mobilized and prepare for emergency response. In other instances, emergencies can occur with little or no advance warning. This will require emergency organizations and resources to be mobilized just prior to or after the onset of the event.

Since emergency preparedness involves planning for worst-case events, the City of Morro Bay must be prepared to respond promptly and effectively and have provision for mutual aid resources if the response effort requires resources beyond the City's capabilities.

The hazard-specific annexes contained in Part 2 of the MERP provide the detailed concepts of operations for each type of emergency addressed in this plan.

B. MUTUAL AID CONCEPTS

It shall be the policy of the City to utilize mutual aid as the primary means to expand the number of personnel and resources assigned to the City's Emergency Organization. Mutual aid procedures should be consistent with the California Master Mutual Aid Agreement, California Law Enforcement Mutual Aid Plan, California Fire and Rescue Mutual Aid System, and the San Luis Obispo County Fire and Rescue Mutual Aid Plan. Mutual Aid, like the Incident Command System, is provided under the broad direction of the requesting jurisdiction and under the direct control of the aiding jurisdiction/agency. All assisting agencies that support this plan should work in cooperation with other local, state, federal and private agencies in an effort to maximize resources and minimize damages. It is further understood that mutual aid may be severely delayed and will require extreme cooperation between local surviving agency resources.

C. PRESERVERANCE OF GOVERNMENT

A major disaster could result in great loss of life and property, including the death or injury of key government officials. At the same time there could be partial or complete destruction of established seats of government, and the destruction of public and private records essential to continued operations of government and industry.

In the aftermath of a major disaster, law and order must be preserved and essential government services must be maintained. To this end, it is particularly essential that local units of government continue to function.

1. Lines of Succession

Article 15 of the California Emergency Services Act provides the authority, as well as the procedures to be employed, to ensure continued function of government through the appointment of political positions, chief executives, and department heads should they be unable to serve in a locally declared state of emergency. In general the act allows for the governing body to designate and appoint up to three standby officers for positions it deems necessary. For City Council Members, if a quorum cannot be met due to injury, illness, or death during a locally declared state of emergency in Morro Bay, temporary appointments will be made to create a full City Council of five (5) members. Table VI -1, at the end of this section, delineates the lines of succession for the City of Morro Bay.

2. Temporary City Seat of Government and EOC

Should, during any emergency situation, the normal seat of government be unusable, the seat of City government will be moved first to the Morro Bay Community Center and secondarily to the City of Atascadero.

Should, for any emergency situation, the city's primary EOC be unusable a back-up or secondary EOC will be established at the Fire Department or the San Luis Obispo County EOC.

3. Vital Records

The City Clerk is responsible for the vital Records of the City of Morro Bay. These records are routinely stored in the Clerks office located at City Hall. Back-up data systems are stored off-site at a safe location.

TABLE VI-1

LINES OF SUCCESSION

SERVICE / DEPARTMENT	TITLE- POSITION
Policy Group	<ol style="list-style-type: none"> 1. Mayor and City Council Members 2. Planning Commission Chair 3. Public Works Advisory Board Chair 4. Recreation and Parks Commission Chair 5. Harbor Advisory Board Chair 6. Community Promotions Committee Chair 7. Planning Commission Vice-Chair 8. Public Works Advisory Board Vice-Chair 9. Recreation and Parks Commission Vice-Chair 10. Harbor Advisory Board Vice-Chair 11. Community Promotions Committee Vice-Chair
City Manager / Emergency Services Director	<ol style="list-style-type: none"> 1. City Manager 2. Assistant City Manager 3. Fire Chief 4. Police Chief
City Clerk	<ol style="list-style-type: none"> 1. City Clerk 2. Deputy City Clerk
Human Resources	<ol style="list-style-type: none"> 1. Personnel Officer 2. Administration Technician
Fire	<ol style="list-style-type: none"> 1. Fire Chief 2. Fire Captain 3. Fire Engineer/Acting Captain
Police	<ol style="list-style-type: none"> 1. Chief of Police 2. Police Commander 3. Watch Commander
Harbor	<ol style="list-style-type: none"> 1. Harbor Director 2. Chief Harbor Patrol Officer 3. Harbor Business Coordinator
Finance	<ol style="list-style-type: none"> 1. Finance Director 2. Accountant 3. Senior Accounting Technician
Recreation and Parks	<ol style="list-style-type: none"> 1. Recreation and Parks Director 2. Facilities Superintendent 3. Parks Superintendent
Public Services	<ol style="list-style-type: none"> 1. Public Services Director 2. City Engineer 3. Capital Project Manger
Information Systems	<ol style="list-style-type: none"> 1. Information Systems Manager 2. Computer Technician

SECTION VII - EMERGENCY RESOURCES

A. EMERGENCY FACILITIES

The Support Materials Section (Part III) of this plan provides a description of City emergency facilities and resources. It also provides guidance in the activation and operation of the City EOC. The Disaster Preparedness Advisory Committee shall direct City Departments (Fire, Police, Public Services and others) to establish and maintain emergency equipment, supplies, facilities and communications systems for use in disaster situations.

B. EMERGENCY EQUIPMENT AND SUPPLIES

The City Disaster Preparedness Advisory Committee will establish emergency equipment and supply inventory levels. Emergency vehicles, equipment inventory and a listing of available supplies are found in Part III of the Multi-Hazard Plan.

SECTION VIII - PROGRAM MAINTANANCE

A. DISASTER COUNCIL

The Disaster Council has been established (Chapter 8.08 of the Municipal Code) to oversee and coordinate disaster preparedness measures in the City. The committee is chaired by the City Manager and includes department heads. The Disaster Council is empowered to develop and recommend for adoption by the City Council emergency and mutual aid plans and agreements for the City.

A Disaster Preparedness Advisory Committee (DPAC) is established to assist the Disaster Council with its work. This committee is chaired by the Fire Chief (Deputy Director of Emergency Services) and is comprised of representatives of the Police Department, Public Services Department, Recreation and Parks Department, and City Administration.

This committee is strictly a work group for pre-disaster preparedness and does not convene during the emergency phase of operations.

B. PLAN AND PROCEDURE MAINTENANCE

This plan, in its entirety, will be reviewed, maintained, and updated on a yearly basis by the Fire Chief or his designated representative. The Basic Plan (Part 1) sets objectives and policy for the City and therefore changes require the approval of the City Council. Part II - the Hazard Specific Annexes and Part III - Support Documents are tactical and reference documents and contain information that changes frequently. The Fire Department will be directly responsible for updating and revising the Hazard Specific Annexes and related Support Materials. Revision of Parts II and III do not require City Council approval.

Department SOP's, specific to the disaster annexes (i.e. Earthquake, Hazardous Materials, Flood and Wildland Fire Emergencies) shall be developed maintained and updated on a yearly basis by each department (i.e. Public Services, Police, Fire, Recreation and Parks Department). Each department shall send an updated copy of their SOP's to the Fire Chief via DPAC representatives.

C. EMERGENCY RESOURCES MAINTENANCE

The Disaster Preparedness Advisory Committee shall direct City Departments (Fire, Police, Public Services and others) to establish and maintain emergency equipment, supplies, facilities and communications

systems for use in disaster situations.

D. TRAINING

It is the policy of the City to sponsor and coordinate an annual disaster drill or exercise on a particular City emergency response plan. The Fire Department will develop and administer the drills or exercises. The primary purpose of these events will be to evaluate and improve the particular emergency response plan that the event is based on. The exercise or drill should also provide a beneficial training and learning experience to all its participants.

All actions during the exercise will be observed and recorded by a multi-department/jurisdictional evaluator group made up of the departments participating in the exercise. A general "no fault" discussion and critique will follow the exercise. This critique will afford department players and the evaluator group with an opportunity to jointly comment on perceived strengths, weaknesses and needed improvements on the particular emergency response plan exercised. A closed evaluator group meeting will follow the critique for the purpose of recording on a consensus basis specific recommendations for plan improvement. These recommendations should then be submitted to the Morro Bay Fire Department within 30 days after the actual exercise.

An actual activation of the EOC may substitute for the annual disaster drill or exercise.



AGENDA NO: D-1

MEETING DATE: November 12, 2013

Staff Report

TO: Honorable Mayor & City Attorney **DATE:** November 7, 2013
FROM: Anne M. Russell, Interim City Attorney
SUBJECT: Approval of Sublease of 307 Morro Bay Blvd to Grandma's Frozen Yogurt and Waffle Shop (Lenny Durrer and Beverly Ford-Durrer)

RECOMMENDATION

Approve Sublease and authorize Mayor to sign once the Landlord Scott Meisterlin has consented to the Sublease, and its proposed uses and improvements.

ALTERNATIVES

1. Give direction to staff to revise specified terms and conditions, and authorize the Mayor to sign once those changes are made and Landlord consent obtained.
2. Continue the item and bring back in closed session to give directions to City negotiator.
3. Decline to approve the sublease and give direction to staff as to other course of action regarding this property.

FISCAL IMPACT

Approval of the Sublease reduces City's current rent obligation by \$800 per month. The City is currently leasing the property from Mr. Meisterlin for \$1400 per month. The proposed rent starts at \$800 per month. The estimated costs of maintaining the public restroom and public open space by the Subtenant are estimated at \$600 per month and deducted from their rent.

There may be minor costs associated with the City's obligation to ensure that the public restroom meets ADA requirements at time of sublease commencement. There is a "lip" at the entrance to the restroom that needs attention.

BACKGROUND

The City leased the property at 307 Morro Bay Blvd. from Mr. Scott Meisterlin effective June 1, 2013 for a five (5) year term, with one five (5) year option to extend. Rent starts at \$1400 per

Prepared By: <u>AMR</u>	Dept Review: _____
City Manager Review: <u>AMR</u>	
City Attorney Review: <u>AMR</u>	

month and increases by \$200 per month in June 2016. If the option to extend is exercised, rent increases by an additional \$200 per month in June 2020.

The City recognized a need for a public restroom in the area. A Request for Proposal was published seeking proposals for sublease of the property that would also provide a public restroom and public open space. The Council, on September 10, 2013, unanimously supported staff's recommendation of Mr. and Mrs. Durrer's proposal to operate a frozen yogurt shop and provide a community gathering space.

The terms and conditions of the sublease were negotiated by the previous City Attorney and drafted by the Interim City Attorney and are generally as follows:

- Rent: The rent begins at \$800 per month and rent increases match those of the City's under the Master Lease. The City will continue to pay \$600 per month more in rent than it receives because of the subtenant providing the public restroom and open space.
- Term: Since over 5 months have expired since the City signed the Master Lease, the initial term is for approximately 4 ½ years. If the City chooses (no obligation to do so) to exercise the option for another 5 years, the Subtenant will have the same option.
- Hours: The minimum hours the public restroom are to be available to the public are from 9AM to 6PM Monday through Saturday, or the hours that the business is open, whichever is greater. The Subtenant can request reduced hours during the low season with the City Manager's approval. The lease states the desire, but not an outright requirement, that the public restroom ultimately be made available on Sundays.
- Uses: The Subtenant proposes a frozen yogurt shop and community gathering place, including a location for non-profits to hold fundraisers. The uses are further described in Exhibit "B" to the sublease.

The Subtenant is responsible for all improvements (other than the ADA issue identified in the fiscal impact section), maintenance, taxes (including possessory interest taxes) and insurance. The Subtenant must indemnify the City for anything that occurs on the Premises. The Master Lease requires \$2,000,000 insurance by City. Normal practice would be to require the Subtenant to carry the same insurance so the City's insurance is not impacted until the Subtenant's is exhausted. The Durrers were looking into the cost of \$1 million versus \$2 million of insurance.

CONCLUSION

Staff recommends approval of the Sublease, subject to the Landlord's written approval of the Sublease, the uses and proposed improvements.

SUBLEASE

This Sublease agreement ("Sublease") is made as of November ____, 2013 by and between the CITY OF MORRO BAY, a municipal corporation of the State of California, ("City") and LENNY DURRER and BEVERLY FORD-DURRER dba GRANDMA'S FROZEN YOGURT AND WAFFLE SHOP, a _____ (collectively "Subtenant").

RECITALS

A. City is the tenant under the Lease dated June 1, 2013 with Scott Meisterlin as Landlord (the "Master Lease"). A copy of the Master Lease is attached as Exhibit "A" and incorporated herein by the reference. Under the Master Lease, City leases approximately 2500 square feet of property commonly known as 307 Morro Bay Blvd., which is a portion of Assessor's Parcel Number 006-062-006, in the City of Morro Bay, County of San Luis Obispo, California. (the "Premises").

B. Subtenant desires to sublease the Premises from City and City is willing to sublease the Premises to Subtenant upon the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. **Sublease.** City subleases to Subtenant and Subtenant subleases from City the Premises subject to the terms, covenants and conditions contained in this Sublease and the Master Lease. As between City and Subtenant, City shall have all the rights of Landlord under the Master Lease and Subtenant all of the obligations of Tenant; provided, Subtenant shall have no rights with regard to City's right of first refusal to purchase the Premises under Section 1.02 of the Master Lease.

2. **Term.** The sublease is for an approximate four and one-half (4 ½) year term, commencing November 15, 2013 and expiring at midnight on May 30, 2018 unless sooner terminated, as provided in the Master Lease or this Sublease. If City exercises its option to extend the Master Lease for an additional 5 years in accordance with the provisions of Section 1.02 of the Master Lease, which must be done prior to July 1, 2017, City shall notify Subtenant of its exercise of the option. The decision to exercise the option or not is subject to the City's sole discretion, with no obligation to Subtenant to exercise the option. Subtenant shall have sixty (60) days after receipt of City's notice of City's exercise of its option to extend this Sublease for an additional five (5) year term by giving written notice to City. All applicable terms and conditions of the Lease and this Sublease for the original term shall apply with equal force to the extended term). Subtenant shall be entitled to possession of the Premises as of the commencement date, once proof of insurance has been provided to City's satisfaction. All other terms and conditions shall apply even though rent is deferred. The public restroom shall be opened to the public within thirty (30) days of execution of this Sublease or on date that the public open space is used, whichever first occurs

3. **Rent.** In consideration of the public benefits and costs to Subtenant arising from this Sublease by Subtenant operating and maintaining a public restroom and public open space, Subtenant shall pay rent to City during the term of this Sublease in the amount of \$800 per month, subject to the increases set forth below, payable monthly in advance on the first day of each month. Rent shall be deferred until Tenant opens its frozen yogurt business or ninety (90) days after the commencement date

of this lease, whichever first occurs. Each time City's rent is increased under the Master Lease, during the original term or any extended term, Subtenant shall pay the full amount of the rent increase to City (i.e. the rent shall increase by \$200 on June 1, 2016, to \$1000 per month, and if City exercises its option to extend the Master Lease and Subtenant exercises its right to extend, by an additional \$200 per month effective June 1, 2020, for a monthly rent of \$1200.

4. **Use.** Subtenant shall use the Premises in accordance with the provisions of the Master Lease and for no other purpose. Subtenant shall provide and maintain, at Subtenant's sole expense, public restroom facilities and public open space on the Premises during the following minimum hours:

9AM to 6PM, Monday through Saturday (six (6) days per week), excluding only the New Year's Day, Easter Sunday, Thanksgiving and Christmas holidays. If Subtenant is open for business outside of the specified minimum hours, then the public restroom and public open space shall be available during those hours as well. In addition, Subtenant may request, subject to the City Manager's approval, that hours be reduced during specified low season months and days. Both parties desire that ultimately the public restroom and public open space will be available to the public on Sundays and holidays.

Subtenant shall, subject to Landlord's written consent, operate a business to sell frozen yogurt, specialty waffles and non-alcoholic beverages. It is a condition of this sublease that Subtenant shall operate the public open space portion of the Premises for the benefit of the community as further described in the Project Summary, Non-Profit Concept and "the Gathering Place" Offerings sections of its proposal, a copy of which sections are attached as Exhibit "B" and incorporated by this reference.

5. **Master Lease.** Subtenant shall comply with all covenants, agreements, provisions and conditions of the Master Lease which are made a part of and incorporated into this Sublease, including, but not limited to, the indemnification and insurance provisions relating to the Landlord. In addition, Subtenant shall meet City's insurance and indemnification requirements set forth below.

As between the parties to this Sublease only, in the event of a conflict between the terms of the Master Lease and the terms of the Sublease, the terms of the Sublease will control.

6. **Maintenance.** Subtenant shall, at Subtenant's sole cost and expense, keep and maintain the Premises in good order and repair and in a safe and clean condition, as further provided in the Master Lease. In addition, Subtenant shall insure that all landscaping and outdoor improvements are maintained in a first class condition. No outdoor storage is allowed.

7. **Indemnity.** Subtenant shall protect, defend, indemnify and hold City, and the property of City (including the Premises and any improvements now or hereafter on the Premises), and the City's officers, officials, employees and volunteers harmless from and against any and all liabilities, claims, expenses, losses and damages, including reasonable attorneys' fees, costs and litigation expenses, that may at any time be asserted against City by any person resulting from Subtenant's use or occupancy of the Premises, or occurring on the Premises, or any negligent act or omission of the Subtenant or any of its employees, contractors or anyone for whom Subtenant may be liable, specifically including, without limitation, any liability, claim, loss, damage, or expense arising by reason of: The death or injury of any person, including Subtenant or any person who is an employee or agent of Subtenant, or by reason of the damage to or destruction of any property, including property owned by Subtenant or by any person who is an employee or agent of Subtenant, from any cause whatever while such person or property is in or on the Premises or in any way connected with the Premises or with any of the improvements or personal property on the Premises.

The death or injury of any person, including Subtenant or any person who is an employee or agent of Subtenant, or by reason of the damage to or destruction of any property, including property owned by Subtenant or any person who is an employee or agent of Subtenant, caused or allegedly caused by either: (i) the condition of the Premises or any improvement placed on the Premises by Subtenant, or (ii) any act or omission on the Premises by Subtenant or any person in, on, or about the Premises with or without the permission and consent of Subtenant;

Any work performed on the Premises or materials furnished to the Premises at the instance or request of Subtenant or any person or entity acting for or on behalf of Subtenant;

Subtenant's failure to perform any provision of this Lease or to comply with any Legal Requirement imposed on Subtenant or the Premises.

The provisions of the section will survive the expiration or earlier termination of the Master Lease or this Sublease.

8. **Insurance.** Subtenant, at Subtenant's sole cost and expense, shall obtain the types and amounts of insurance required under the Master Lease, and as set forth below, and name City by endorsement as additional insured on Subtenant's policies and for the contractual indemnity required.

a. **Liability Insurance.**

During the term of this Lease, Subtenant shall maintain at its cost Commercial General Liability insurance with coverages acceptable to City, insuring against claims for bodily injury (including death), property damage, contractual liability, personal injury and advertising injury occurring on the Premises or from operations located on any part of the Premises. Such insurance shall afford protection in amounts no less than Two Million Dollars (\$2,000,000) per occurrence for bodily injury, personal injury and property damage, provided that if insurance with a general aggregate limit is used, either the general aggregate limit shall apply separately to the Premises or the general aggregate limit shall be twice the occurrence limit stated in this Section. All liability insurance carried by Subtenant hereunder shall name CITY, its officers, officials, employees and volunteers as additional insureds, and shall be primary insurance with respect to such additional insureds.

b. **Worker's Compensation and Employer's Liability.**

Subtenant shall maintain at Subtenant's own expense and keep in full force and effect during the term of this Lease, Worker's Compensation Insurance as provided by law. Said insurance shall contain a waiver of subrogation rights against City. Subtenant shall also maintain employer's liability insurance with minimum coverage of \$1,000,000 per accident for bodily injury or disease.

9. **Notice.** Any notice that may or must be given by either party under this Sublease shall be in writing, and delivered either personally, or by certified mail, return receipt requested, or by a nationally recognized overnight courier, addressed to the party to whom it is intended. Any notice given to City or Subtenant shall be sent to the respective addresses set forth below; or to such other address as that party may designate for service of notice by a notice given in accordance with the provisions of this section. A notice sent pursuant to the terms of this section shall be deemed delivered as of the time of personal delivery, or forty-eight (48) hours after deposit into the United States mail as described above, or the day following deposit with a nationally recognized overnight courier.

City: City Attorney's Office
City of Morro Bay
595 Harbor Street
Morro Bay, CA 93442

Subtenant: Grandma's Frozen Yogurt & Waffle Shop
Lenny A. Durrer
Beverly J. Ford-Durrer
P.O. Box 7169
Los Osos, CA 93412

10. **Assignment or Subleasing.** Subtenant shall not assign this Sublease or sublet all or any portion of the Premises. Any attempted assignment or sublease shall be void, and, at the option of City, shall terminate this Sublease.

11. **Subtenant Improvements.** Subtenant shall, at Subtenant's sole cost and expense, make all of the improvements described in either its proposal, or in its November 4, 2013 letter to the City, a copy of which is attached as Exhibit "C" and incorporated by this reference or required as a condition by any public agency or entity for its proposed uses of the premises, provided City shall be responsible to make any improvements required to comply with the American with Disabilities Act as of the commencement date ONLY, including removal or repair of the "lip" into the public restroom.

12. **Subordination.** This Sublease is subject to and subordinate to the Lease.

13. **Taxes.** Subtenant shall pay before delinquency any and all taxes, (including real property taxes) assessments, fees or charges, including possessory interest taxes, which may be imposed, levied or assessed upon my leasehold or possessory interests of Subtenant, and personal property, improvements or fixtures owned, controlled or installed by Subtenant and used or located on the Premises or on Subtenant's business. By entering into this sublease, a possessory interest subject to property or other taxation may be created, and Subtenant may be subject to payment of taxes levied on such interest. Subtenant shall pay all such taxes.

14. **Compliance With Laws.** Subtenant shall secure and maintain in force during the term of this Sublease all licenses and permits necessary or required by law for the conduct of Subtenant's business or operations. Subtenant shall abide by and comply with all applicable and valid laws, rules, regulations and orders of federal, state and local governments and governmental agencies, including, but not limited to, and all regulations concerning labor, immigration, air quality and/or water quality, fire and/or occupational safety, and accessibility, which may apply to the conduct of Subtenant's business.

15. **Termination.** City may at its option cancel and terminate this sublease by written notice thereof to Subtenant upon or after occurrence of any of the following events:

a. Filing by or against Subtenant of a voluntary or involuntary petition in bankruptcy or for reorganization or taking of Subtenant's assets pursuant to proceedings under the Federal Reorganization Act, or the adjudication of Subtenant as a bankrupt, or the appointment of a receiver of Subtenant's assets, or divestiture of Subtenant's assets or estate herein by operation of law or otherwise, or assignment by Subtenant of its assets for the benefit of creditors.

b. Failure of Subtenant to pay rent and other sums payable under this Sublease.

c. Breach by Subtenant or failure of Subtenant to keep, observe or perform any of the covenants, conditions or provisions herein contained on the part of Subtenant to be observed, kept or performed.

d. Dissolution or liquidation of Subtenant or of all or substantially all of its assets.

e. The transfer in whole or in part of Subtenant's interest in this sublease or in the operation of law, whether by judgment, attachment, execution, process or proceeding of any court or any other means.

Upon termination of this sublease, City shall have the right, without further demand or notice, to reenter the Subleased Premises and eject all persons and remove all property therefrom and to recover the rent payable thereunder by Subtenant to date of termination, including court costs and attorney's fees fixed by the court in the event legal action is taken for recovery of the subleased premises, rents or other sums.

16. **Attorney's Fees.** In the event the City finds it necessary to retain an attorney in connection with the default by the Subtenant or enforcement of any of the terms, conditions, and covenants of this Lease, even if litigation is not instituted, Subtenant shall pay to City its reasonable attorneys' fees. Non-payment of attorneys' fees by Subtenant within three (3) days of written notice shall give rise to an independent legal action by City to collect same. If City is successful in such legal action, City shall also be entitled to attorney fees and costs for the collection action. To the extent that City is represented by the City Attorney, a reasonable sum for such attorneys' services will be included as attorneys' fees.

17. **Entire Agreement/Waiver.** This Sublease constitutes the final, complete and exclusive statement between the parties to this Sublease pertaining to the Premises, supersedes all prior and contemporaneous understandings or agreements of the parties, and is binding on and inures to the benefit of their respective heirs, representatives, successors and assigns. Any modification or amendment to this Sublease is ineffective, unless that agreement is in writing, is signed by the parties to this Sublease, and specifically states that the agreement modifies this Sublease.

18. **Governing Law.** This Sublease will be governed by and construed in accordance with the laws of the State of California.

19. **Consent of Landlord.** Landlord's written consent to this Sublease and the proposed uses and improvements is a condition subsequent to the validity of the Sublease. Subleasing without Landlord approval is prohibited under the Master Lease. If Landlord's consent has not been obtained by the thirtieth (30th) day following the date of this Sublease, either party may terminate this Sublease without any further obligation to the other party under this Sublease.

IN WITNESS WHEREOF, the parties have executed this Sublease as of the date specified above.

SUBTENANT

Grandma's Frozen Yogurt & Waffle Shop

By: Lenny A. Durrer

Dated: _____

By: Beverly J. Ford-Durrer

Dated: _____

TENANT

CITY OF MORRO BAY, a municipal corporation of the State of California

By: Jamie Irons, Mayor

Dated: _____

ATTEST:

By: Jamie Boucher
City Clerk for the CITY OF MORRO BAY

Dated: _____

CONSENT OF LANDLORD

The undersigned, as Landlord under the Lease with an effective date of June 1, 2013, between Landlord and the City of Morro Bay, a municipal corporation of the State of California ("City"), hereby consents to City's Sublease of the Premises dated November __, 2013, to Lenny Durrer, Beverly Ford-Durrer, and Beverly J. Durrer, doing business as Grandma's Frozen Yogurt & Waffle Shop. In accordance with Section 4.01 of the Master Lease, Landlord further consents to all of the improvements to be made to the Premises as generally described in the Sublease, provided they are made at no cost or expense to Landlord.

The rent due from City shall be paid annually in advance, although City may elect to collect rent from SubSubtenant on a monthly basis.

Dated:

LANDLORD

Scott Meisterlin

LEASE

This lease agreement (the "Lease") is made and entered into by and between the CITY OF MORRO BAY, a municipal corporation of the State of California herein called TENANT, and Scott Meisterlin, herein called LANDLORD, and shall be deemed effective on the 1st day of June, 2013 (the "Effective Date"), notwithstanding the final date of execution by the parties, or the date of formal municipal approval by TENANT.

WITNESSETH

WHEREAS, TENANT is in need of public restroom facilities and open public space in the downtown area for purposes of fulfilling the needs of the residents and visitors of the City of Morro Bay; and

WHEREAS, TENANT desires to lease a certain portion of the LANDLORD'S real property for the purpose of providing public restroom facilities and creating a quality and attractive open space area for the public in the downtown area. The proposed public restroom facilities and open space, which is described on Exhibit "A" (the "Premises"), is located on Assessor's Parcel Number 006-062-006, in Morro Bay, California, and is more particularly described as 307 Morro Bay Blvd., Morro Bay, CA 93442.

NOW, THEREFORE, in consideration of the covenants to be performed and the rental to be paid by TENANT to LANDLORD, LANDLORD hereby leases the Premises to TENANT, upon the terms, covenants and conditions herein set forth.

ARTICLE 1 FIXED TERM

Section 1.01 Term.

The term of this Lease shall be a period of five (5) years, commencing June 1, 2013 (the "Commencement Date"). The term of this Lease shall terminate without notice on May 30, 2018, unless sooner terminated as herein provided.

Section 1.02 Option and Right of First Refusal to Purchase.

The term of this Lease may be extended by the TENANT for an additional period of five (5) years provided that written notice of TENANT'S unequivocal and unambiguous intention to exercise of this option is given by TENANT to LANDLORD prior to July 1, 2017. All provisions of this Lease applicable to the original term thereof shall apply with equal force to the extended term.

In addition to the option to extend the Lease for five (5) years, the LANDLORD AND TENANT are currently working together and negotiating to process a subdivision of LANDLORD'S property as depicted in Exhibit "B". If the LANDLORD and TENANT are successful in the subdivision of LANDLORD'S property, then the LANDLORD hereby grants TENANT a right of first refusal to purchase the leased premises depicted in Exhibit "A" during the term of occupancy. TENANT agrees not to rezone said premises during the term of occupancy without LANDLORD'S written approval. Should the subdivision be successful and LANDLORD decides to attempt to sell leased premises hereunder during the term of TENANT'S right of first refusal, LANDLORD shall provide TENANT with a written notice of the terms on which LANDLORD is willing to sell. Said notice to TENANT shall identify the leased premises for which the notice is given, include a sale price for said leased premises and provide the terms of payment for said sale price. LANDLORD shall also have the right to amend said notice, however, said amended notice shall be treated as a new notice. For a period of forty-five (45) days after receipt of said written notice, TENANT shall have the option to purchase the premises on the terms stated in the notice. If Tenant elects to exercise its option to purchase the premises, Tenant agrees to cooperate with Landlord, if Landlord so elects, to accomplish an IRS Code section 1031 exchange, provided it not be at additional cost to Tenant. Should TENANT fail to exercise the option within the option period, LANDLORD shall have the right to sell the premises to a third party provided such sale is at a price equal to or greater than that in the notice given to TENANT. Any sale at a lesser price reinstates TENANT'S right of first refusal. If LANDLORD has not closed a sale of the property within seven (7) months after TENANT'S receipt of written notice, TENANT'S right of first refusal shall be reinstated.

Section 1.03 Hold Over.

With the express written consent of LANDLORD, TENANT shall have the right to hold over after the expiration of this lease, with the tenancy to continue on a month to month basis, terminable on thirty (30) days written notice from either party, at a monthly rental equal to the

amount paid per month for the twelve (12) months immediately preceding the expiration of the Lease, and otherwise subject to each and every term, covenant and condition of this Lease.

ARTICLE 2 RENT

Section 2.01 Annual Rent.

TENANT agrees to pay to LANDLORD a rental amount for the use and occupancy of the Premises, in the amount of \$1,400 per month or \$16,800 per year (the "Rent"), payable in advance either on June 1st, of each year or the 1st day of each month, which payment method shall be at the election of LANDLORD, during the term of the Lease. All Rent shall be paid in lawful money of the United States of America, without offset or deduction and shall be paid to LANDLORD at 3647 Laketree Drive, Fallbrook, CA 92028, or at such other place or places LANDLORD may from time to time designate by written notice delivered to TENANT. Notwithstanding the foregoing the initial payment for rent due hereunder for June 1, 2013, shall be due and payable upon TENANT'S execution of this Lease.

Section 2.02 Adjustment to the Rent.

Commencing June 1, 2016, the rental amount for the use and occupancy of the Premises shall be adjusted to \$1,600 per month or \$19,200 per year. If TENANT exercises its option under Section 1.02 to extend the Lease for five (5) years, then commencing June 1, 2020, the rental amount for the use and occupancy of the Premises shall be adjusted to \$1,800 per month or \$21,600 per year.

Section 2.03 Reimbursements.

If TENANT fails to perform any term or covenant of this Lease, LANDLORD may, but is not obligated to, perform such term or covenant, and TENANT shall reimburse LANDLORD for any and all costs incurred by LANDLORD, including any attorney's fees and costs, as additional Rent hereunder. Such additional Rent shall be due and payable within thirty (30) calendar days following LANDLORD'S written notice to TENANT requesting reimbursement hereunder. As an illustration and not as a limitation, if TENANT fails to procure the insurance required by this Lease, LANDLORD may, but is not obligated to, obtain such insurance, with the cost of the premiums paid by LANDLORD would be thereafter due to LANDLORD as additional Rent within thirty (30) following LANDLORD'S written demand for reimbursement, as additional Rent.

Section 2.04 Real Property Taxes.

In addition to the annual Rent described in Section 2.01, TENANT shall pay, as additional rent due hereunder, all and any additional real property taxes, or other assessments, which arise or are otherwise assessed, levied or imposed upon the Premises, or the real property which the Premises are a part of, whether said taxes are imposed as secured or unsecured taxes, as to all such taxes or assessments which are based upon the improvements and facilities or other installations which are made or maintained by TENANT at the Premises during the term of this Lease. Said additional rent shall be due and payable on April 1st and December 1st of each calendar year during the term of this Lease. LANDLORD shall provide TENANT with a copy of the LANDLORD's annual property tax billing statement not less than thirty (30) days prior to such additional rent being due, together with LANDLORD'S computation of the additional rent due hereunder, if any.

Section 2.05 Penalty and Interest.

(1) If any Rent is not received within five (5) days following the date on which the Rent first became due, TENANT shall pay a late charge of ten percent (10%) of the amount of the unpaid delinquent Rent, said charge shall be paid in addition to the Rent on the first day of the following month.

(2) In addition to the late Rent charge, TENANT shall pay interest at the rate of one percent (1%) per month on the amount of the Rent, exclusive of the late Rent charge, such interest shall begin accruing thirty (30) days from the date on which Rent first became due until paid. The term "Rent" includes any sums advanced by the LANDLORD and any unpaid amounts due from TENANT to the LANDLORD under the terms of this Lease.

ARTICLE 3 USE OF PREMISES

Section 3.01 Permitted Uses.

The Premises shall, during the term of this Lease, be used for the purpose of TENANT fulfilling the need of a public restroom facilities and open public space in the downtown area for purposes of fulfilling the needs of the residents and visitors of the City of Morro Bay; and as may be determined by the TENANT to be required for carrying out and enjoying the rights and privileges granted hereunder on said property. The Landlord understands that TENANT intends to sublease the premises to a third party to operate and maintain the restroom and public area and TENANT agrees to comply with Section 8.02 of this Lease.

Section 3.02 Unauthorized Use.

TENANT agrees to allow only those uses authorized in Section 3.01 herein above or any other uses approved in writing by the LANDLORD and that any unauthorized use thereof shall constitute a breach of this Lease and shall, at the option of LANDLORD, terminate this Lease.

Section 3.03 Compliance with Law.

TENANT shall, at no cost to LANDLORD, comply with all of the requirements of all local, municipal, county, state and federal authorities now in force, or which may hereafter be in force, pertaining to the Premises, and shall faithfully observe in the use of the Premises all local, municipal and county ordinances and state and federal statutes, rules, regulations and orders now in force or which may hereafter be in force (collectively, "Legal Requirements") provided that TENANT shall not be required to comply with any Legal Requirement imposed by the LANDLORD that would substantially deprive TENANT of a material benefit under this lease unless such Legal Requirement has been imposed or required by a county, state or federal authority. The judgment of any court of competent jurisdiction, or the admission of TENANT in any action or proceeding against TENANT, whether LANDLORD be a party thereto or not, that TENANT has violated any such Legal Requirement in the use of the Premises shall be conclusive of that fact as between LANDLORD and TENANT.

Section 3.04 Waste or Nuisance.

TENANT shall not commit or permit the commission by others of any waste on or at the Premises; TENANT shall not maintain, commit, or permit the maintenance or commission of any nuisance as defined by law on the Premises; and TENANT shall not use or permit the use of the Premises for any unlawful purpose.

ARTICLE 4 CONSTRUCTION, ALTERATION AND REPAIRS

Section 4.01 Construction Approval.

TENANT shall not make or permit any other person to make any alterations or structural additions or structural modifications to the Premises or to any structure thereon or facility appurtenant thereto if the cost thereof shall exceed ten thousand dollars (\$10,000), without the prior written consent of LANDLORD.

Section 4.02 Mechanics' Liens.

At all times during the term of this Lease, TENANT shall keep the Premises and all buildings, installations and other improvements now or hereafter located on the Premises free and clear of all liens and claims of liens for labor, services, materials, supplies, or equipment performed on or furnished to the Premises. TENANT further agrees to at all times, hold LANDLORD free and harmless and defend and indemnify LANDLORD against all claims for improvements, labor or materials in connection with any improvement, construction work, repairs, or alterations on or at the Premises, and the cost of defending against such claims, including reasonable attorneys' fees. Should TENANT fail to pay and discharge or cause the Premises to be released from such liens or claim of liens within ten (10) days after the filing of such lien or levy, TENANT shall upon written notification be required to immediately deposit with LANDLORD a bond conditioned for payment in full of all claims on which said lien or levy has been filed. Such bond shall be acknowledged by TENANT as principal and by a company or corporation, licensed by the Insurance Commissioner of the State of California to transact the business of a fidelity and surety insurance company as surety. LANDLORD shall have right to post and keep posted on the Premises notices of non-responsibility and any other notices that may be provided by law or which LANDLORD may deem proper for the protection of LANDLORD and Premises from such liens. TENANT shall give LANDLORD notice at least twenty (20) days prior to commencement of any work on the Premises to afford LANDLORD the opportunity to post such notices.

Section 4.03 Ownership of Improvements.

All non-structural improvements contemplated by this Lease and installed by TENANT shall be the sole and exclusive property of TENANT. The parties agree that LANDLORD has the right to require TENANT to remove, at TENANT'S sole cost and expense, all buildings, structures, installations, improvements of any kind or other property belonging to or placed upon the Premises by TENANT ("TENANT Improvements"), at the termination of this Lease, for whatever reason and however occurring, providing LANDLORD gives notice, in writing, no later than ten (10) days following the termination of the Lease, of its decision to require that such improvements be removed. The parties agree that if the LANDLORD exercises its option, then at the termination of this Lease, however occurring, TENANT shall have two (2) months thereafter to remove all nonstructural TENANT Improvements from the Premises. Those Tenant Improvements remaining after the two month period shall be deemed the property of LANDLORD. During the course of such removal, TENANT shall pay to LANDLORD a monthly removal license fee (the "Monthly License Fee") equal to 1/12 of the annual rent

accruing under this Lease immediately prior to the termination of this Lease. Said Monthly License Fee shall be payable on the first calendar day of each month, until the date that all of the Tenant Facilities have been removed in accordance with this Paragraph. In addition, TENANT shall be pay all costs and expenses associated with said removal, including the costs to repair the Premises, and any lost rent incurred by LANDLORD. Should the TENANT fail to remove all Tenant Facilities subject to the LANDLORD'S notice hereunder at the end of said two (2) month period, then LANDLORD shall have the right to remove the same, and TENANT shall reimburse LANDLORD for all of LANDLORD'S costs and expenses incurred in the course of the removal of the Tenant Facilities.

ARTICLE 5 MAINTENANCE, INSPECTION AND DESTRUCTION

Section 5.01 Maintenance by TENANT.

At all times during the term of this Lease, TENANT shall, at TENANT'S own cost and expense, keep and maintain the Premises in good order and repair and in a safe and clean condition, also including all pipes and wires (such as any gas, water, sewage or electricity lines) that service the premises but which lines may extend beyond the boundaries of the premises.

Section 5.02 Legal Requirements.

At all times during the term of this Lease, TENANT, at no cost to LANDLORD, shall:

- (1) Make all legally required alterations, additions, or repairs to the Premises or the improvements or facilities on the Premises;
- (2) Observe and comply with all laws and regulations now or hereafter made or issued respecting the Premises or the improvements or facilities located thereon;
- (3) Obtain all required permits pursuant to the Morro Bay Municipal Code, State law, or any other legal authority, prior to the initiation of any improvement, repair or maintenance to the Premises; and
- (4) Indemnify and hold LANDLORD and the property of LANDLORD, including the Premises, free and harmless from any and all liability, loss, damages, fines, penalties, claims and actions resulting from TENANT'S failure to comply with and perform the requirements of this section, including TENANT'S attorney's fees and costs.

Section 5.03 Inspection by LANDLORD.

LANDLORD or LANDLORD'S agents, representatives, or employees may enter the Premises at all reasonable times with adequate reasonable notice to the TENANT for the purpose

of inspecting the Premises to determine whether TENANT is complying with the terms of this Lease and for the purpose of doing other lawful acts that may be necessary to protect LANDLORD'S interest in the Premises under this Lease, or to perform LANDLORD'S duties under this Lease, or to exercise LANDLORD'S rights under this Lease.

Section 5.04 Termination of Lease for Destruction.

Notwithstanding the provisions of this Lease, upon sixty (60) days written notice to LANDLORD, TENANT shall have the right to terminate this Lease if the Premises are so damaged or destroyed by any cause not the fault of TENANT or LANDLORD (with the exception of illegal acts of others) such that the Premises are incapable for their intended use under this Lease, subject to LANDLORD'S right to cure within that sixty (60) day period..

ARTICLE 6 INDEMNITY AND INSURANCE

Section 6.01 Indemnity Agreement.

(1) TENANT shall indemnify and hold LANDLORD, and the property of LANDLORD (including the Premises and any improvements now or hereafter on the Premises), and the LANDLORD'S Trustees, agents, officers, officials, employees and volunteers, harmless, and defend such parties from any and all liability, claims, loss, damages, and expenses, including attorney fees and litigation expenses, resulting from TENANT'S occupation and use of the Premises, or any negligent act or omission of the TENANT, or the acts or omissions of TENANT'S employees, contractors or anyone for whom TENANT may be liable, specifically including, without limitation, any liability, claim, loss, damage, or expense arising by reason of:

(a) The death or injury of any person, including TENANT or any person who is an employee or agent of TENANT, or by reason of the damage to or destruction of any property, including property owned by TENANT or by any person who is an employee or agent of TENANT, from any cause whatever while such person or property is in or on the Premises or in any way connected with the Premises or with any of the improvements or personal property on the Premises;

(b) The death or injury of any person, including TENANT or any person who is an employee or agent of TENANT, or by reason of the damage to or destruction of any property, including property owned by TENANT or any person who is an employee or agent of TENANT, caused or allegedly caused by either (i) the condition of the Premises or any improvement placed or maintained on the Premises by TENANT, or (ii) any act or omission on the Premises

by TENANT or any person in, on, or about the Premises with or without the permission and consent of TENANT;

(c) Any work performed on the Premises or materials furnished to the Premises at the instance or request of TENANT or any person or entity acting for or on behalf of TENANT;

(d) TENANT'S failure to perform any provision of this Lease or to comply with any Legal Requirement imposed on TENANT or the Premises.

(2) TENANT'S obligations pursuant to this Section to indemnify and hold harmless do not extend to any liability, claim, loss, damage or expense arising from LANDLORD'S gross negligence or willful misconduct.

Section 6.02 Liability Insurance.

During the term of this Lease, TENANT shall maintain at its cost Commercial General Liability insurance. Such insurance shall initially afford protection in amounts no less than Two Million Dollars (\$2,000,000) per occurrence for bodily injury, personal injury and property damage, provided that if insurance with a general aggregate limit is used, either the general aggregate limit shall apply separately to the Premises or the general aggregate limit shall be twice the occurrence limit stated in this Section. LANDLORD shall have the right, during the term of this Lease, or any extension thereof, to require TENANT to increase the policy limits herein provided for, based upon the customary insurance requirements then being required by commercial landlords for real property leases in the Morro Bay vicinity.

ARTICLE 7 UTILITIES

Section 7.01 Utilities.

TENANT shall pay, or cause to be paid, and hold LANDLORD and the property of LANDLORD, including the Premises, free and harmless from all charges for the furnishing of gas, water, electric, trash, telephone service, and for other public utilities to the Premises during the term of this Lease.

ARTICLE 8 ASSIGNMENT AND SUBLEASING

Section 8.01 No Assignment Without LANDLORD'S Consent.

TENANT shall not assign or otherwise transfer this Lease, any right or interest in this Lease, or any right or interest in the Premises or any of the improvements that may now or

hereafter be constructed or installed on the Premises without the prior express written consent of LANDLORD. Any assignment or transfer by TENANT without the prior written consent of LANDLORD, whether it be voluntary or involuntary, by operation of law or otherwise, is void and shall, at the option of LANDLORD, terminate this Lease. A consent by LANDLORD to one assignment shall not be deemed to be a consent to any subsequent assignment of this Lease by TENANT. LANDLORD shall not unreasonably nor arbitrarily withhold its approval to the assignment or transfer of this Lease to an assignee who is financially reliable and qualified to conduct the business for which this Lease was granted. It is mutually agreed that the TENANT'S financial and unique municipal qualifications are a part of the consideration for granting of this Lease and that TENANT does hereby agree to maintain active control and supervision of the operation conducted on the Premises.

Section 8.02 No Sublease Without LANDLORD'S Consent.

TENANT shall not sublease the whole nor any part of the Premises, or license, permit, or otherwise allow any other person (the employees of TENANT excepted) to occupy or use the Premises, or any portion thereof, without the prior written consent of LANDLORD. A consent to one subletting, occupation, licensing or use shall not be deemed to be a consent to any subsequent subletting, occupation, licensing or use by another person. Any sublease or license without LANDLORD'S written consent shall be void, and shall at LANDLORD'S option, terminate this Lease. LANDLORD shall not unreasonably nor arbitrarily withhold its consent to sublet to any assignee that is both objectively qualified and financially reliable. LANDLORD'S consent to any occupation, use, or licensing shall be in LANDLORD'S sole and absolute discretion. In the event that any sublet or assignment involves radio-transmission facilities, LANDLORD'S consent may be reasonably conditioned up the LANDLORD'S right to receive additional rent from any proposed subtenant or assigned.

Section 8.03 Subtenant Subject to Lease Terms.

Any and all subleases shall be expressly made subject to all the terms, covenants, and conditions of this Lease. In no event shall the term of any sublease extend beyond the term of this Lease. Termination of this Lease prior to the natural term expiration of this Lease term, or at the natural term expiration shall also terminate any and all subleases unless otherwise specifically agreed by LANDLORD. A breach of the terms of this Lease by a subtenant shall constitute a breach on the part of TENANT and shall subject both the subtenant and TENANT to all the remedies provided to LANDLORD herein and by law.

ARTICLE 9 DEFAULT AND TERMINATION

Section 9.01 Termination for a Non-Rental Breach by TENANT.

All covenants and agreements contained in this Lease are declared to be conditions to this Lease and to the term hereby demised to TENANT. Should TENANT fail to perform any covenant, condition, or agreement contained in this Lease, except for payment of any Rent or other monetary amount due hereunder, and such failure is not cured within thirty (30)-days after written notice thereof is served on TENANT, then LANDLORD may terminate this Lease immediately, and in the event of such termination, TENANT shall have no further rights hereunder and TENANT shall thereupon forthwith remove from the Premises, subject to the provisions of Section 4.03, and shall have no further right or claim thereto and LANDLORD shall immediately thereupon have the right to re-enter and take possession of the Premises, subject only to appropriate legal process.

Section 9.02 Termination for Failure to Pay Rent.

If any payment of Rent is not made as herein provided and such failure to pay is not cured within three (3) days after written notice thereof is served on the TENANT, LANDLORD shall have the option to immediately terminate this Lease; and in the event of such termination TENANT shall have no further right or claim hereunder and LANDLORD shall immediately thereupon have the right to re-enter and take possession of the Premises under applicable law, subject only to appropriate legal process and the requirements related to ownership of Improvements, and removal of the same set forth in Section 4.03.

Section 9.03 Cumulative Remedies.

The remedies available to LANDLORD in this Article shall not be exclusive but shall be cumulative with and in addition to all remedies now or hereafter allowed by law or elsewhere provided in this Lease.

Section 9.04 Waiver of Breach.

The waiver by LANDLORD of any breach by TENANT of any of the provisions of this Lease shall not constitute a continuing waiver or a waiver of any subsequent breach by TENANT either of the same or a different provision of this Lease.

ARTICLE 10 MISCELLANEOUS

Section 10.01 Attorneys' Fees.

Upon the execution of this agreement, TENANT agrees to pay to LANDLORD, the LANDLORD'S estimated attorneys in the amount of Two Thousand Dollars (\$2,000.00) in consideration for the costs of negotiating and executing this lease agreement and reviewing the necessary attachments and descriptions.

To the extent that LANDLORD is required to retain counsel, in order to assert, protect or address LANDLORD'S interests in this lease as a result of a default of TENANT under Sections 9.01, 9.02, or as a result of a petition or filing by Tenant under Title 11 of the United States Code, TENANT shall either retain and pay for LANDLORD'S legal representation or shall pay LANDLORD'S attorney's fees and costs incurred.

Section 10.02 Notices.

Any and all notice or demands by or from LANDLORD to TENANT, or TENANT to LANDLORD, shall be in writing. They shall be served either personally, or by registered or certified mail. Any notice or demand to LANDLORD may be given to:

Any notice or demand to TENANT may be given at:

City of Morro Bay
City Attorney's Office
595 Harbor Street
Morro Bay, CA 93442

Any notice or demand to LANDLORD may be given at:

Scott Meisterlin
3647 Laketree Drive
Fallbrook, CA 92028

Such addresses may be changed by written notice by either party to the other party. Notice hereunder shall be deemed received one (1) calendar day following the deposit of such notice in the U.S. Mail, first class postage pre-paid, and addressed in accordance with the provisions of this Section.

Section 10.03 Governing Law and Jurisdiction.

This Lease, and all matters relating to this Lease, shall be governed by the laws of the State of California in force at the time any need for interpretation of this Lease or any decision concerning this Lease arises. LANDLORD and TENANT consent to exclusive personal and subject matter jurisdiction in the Superior Court of the State of California in and for the county of San Luis Obispo, California, and each party waives any claim that such court is not a convenient forum. Each party hereby specifically waives the provisions of California Code of Civil Procedure Section 394, and any successor statute thereto.

Section 10.04 Binding on Successors.

Subject to the provisions herein relating to assignment and subletting each and all of the terms, conditions, and agreements herein contained shall be binding upon and inure to the benefit of the successors and assigns of any and all of the parties hereto; and as their respective obligations, each party and their respective successors and assigns shall be jointly and severally liable hereunder.

Section 10.05 Partial Invalidity.

Should any provision of this Lease be held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this Lease shall remain in full force and effect unimpaired by the holding.

Section 10.06 Sole and Only Agreement.

This Lease, which includes all exhibits and the negotiations incorporated by reference, constitutes the sole and only agreement between LANDLORD and TENANT respecting the Premises and the leasing of the Premises to TENANT. Any other agreements or representations respecting the Premises and their leasing to TENANT by LANDLORD, which are not expressly set forth in this Lease, are null and void. The lease terms herein specified correctly set forth the obligations of LANDLORD and TENANT as of the date of this Lease. No modification, amendment, or alteration of this Lease shall be valid unless it is in writing and signed by both parties.

Section 10.07 Modification.

This agreement shall not be modified except pursuant to a written agreement executed by the TENANT and LANDLORD. TENANT understands that this agreement may not be modified by oral statements by any person representing the LANDLORD.

Section 10.08 Time of Essence.

Time is expressly declared to be the essence of this Lease.

Section 10.09 Memorandum of Lease for Recording.

LANDLORD and TENANT shall, at the request of either at any time during the term of this Lease, execute a memorandum or "short form" of this Lease, which shall describe the parties, set forth a description of the leased premises, specify the term of this Lease, and incorporate this Lease by reference.

EXECUTED on the dates set forth below, at Morro Bay, County of San Luis Obispo, California.

LANDLORD

Scott Meisterlin

By: Scott Meisterlin

Dated: _____

TENANT

CITY OF MORRO BAY, a municipal corporation of the State of California

By: Jamie L. Irons, Mayor

Dated: 6/19/13

ATTEST:

By: Jamie Boucher

Dated: 6/19/13

City Clerk for the CITY OF MORRO BAY

Section 10.08 Time of Essence.

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EXECUTED on the dates set forth below, at Morro Bay, County of San Luis Obispo, California.

LANDLORD

Scott Meisterlin

By: Scott Meisterlin

Dated: 6/25/13

TENANT

CITY OF MORRO BAY, a municipal corporation of the State of California

By: Jamie L. Irons, Mayor

Dated: 6/19/13

ATTEST:

By: Jamie Boucher

City Clerk for the CITY OF MORRO BAY

Dated: 6/19/13

Exhibit A

Google

Imagery Date: 9/17/2011 35°21'58.30" N 120°50'58.74" W elev. 69 ft eye a





Exhibit B

APPLICANT:

**GRANDMA'S FROZEN YOGURT & WAFFLE SHOP
at the
"THE GATHERING PLACE"
WHERE ALL AGES COME TOGETHER!**

Lenny A. and Beverly J. Ford-Durrer, Co-Owners

PROPOSED SUB-LEASE SITE:

307 Morro Bay Boulevard, Morro Bay, California 93443

PROJECT SUMMARY OF THE BUSINESS:

It is proposed that the owners of "Grandma's Frozen Yogurt & Waffle Shop," Lenny and Beverly Ford-Durrer, and Beverly J. Ford, "Grandma" will occupy the building located at 307 Morro Bay Boulevard, Morro Bay, California. A Project Startup and Business Timeline has been developed to address the overall concept of the business plan. (Attachments-Exhibit A) The business proposes to sell frozen yogurt, specialty waffles, and non-alcoholic beverages. This business strives to be ecologically responsible by using recyclable containers and utensils when feasible (Attachments-Exhibit B) provide recycle receptacles for discarded products; and serve healthy Honey Hill Farm's Frozen Yogurt products with REAL yogurt culture and probiotics. There will not be any cooking, baking, or frying in the building. A commercial waffle iron for creating REAL, healthy waffles and fresh fruit has been purchased. For instance, the six waffle choice menu includes a granola batter waffle called "Surf's Up" which consists of sliced banana, and a choice of frozen yogurt. This, and other specialty waffles, along with healthy yogurt creations will be available throughout the day as patrons enjoy "The Gathering Place" being created in the courtyard.

This multi-use property will be a welcoming addition to the downtown area esthetically, as well as serve as a downtown public bathroom facility. The courtyard, which will be known as "The Gathering Place," will serve as a beautification project for the downtown area, offering many opportunities which will benefit the community year-round. Several downtown merchants and groups have offered "in-kind" services to take this concept to fruition. The "Grandma's Frozen Yogurt & Waffle Shop" owners have worked with Mr. Taylor Newton, owner of Newton Cultivation and advisor to "The Morro Bay Guerrilla Gardening Club" and Cal Poly graduate landscape architect, Ms. Darlene Rappaport, to create landscape designs provided throughout this proposal. Mr. Newton and the Gardening Club members have agreed to provide year-round maintenance for this community-wide effort.

Local musicians and business owners in the community have offered to create and build a small, moveable stage with an ADA compliant ramp for outdoor performances, educational forums, movie night, and other potential community activities. (See Non-Profit Concept—It Takes a Community, page 3) The Morro Bay High School Music Booster Club President, Debbie Clark, has endorsed the concept presented in this bid stating that they no longer have funds and that they welcome fundraising efforts throughout the year, as well as a regular venue for performances. She estimates that well over 300 members (young musicians in the community) will benefit by this effort.

This multi-use property will draw patrons to the business and help sustain it, as well. The owners have already complied with the Fictitious Business posting mandates (Attachments-Exhibit C); are new members of the Morro Bay Downtown Merchants Association; have an open business checking and financial credit card/debit account; have an established working relationship with distributor, Larry Ross from "Honey Hill Farm's Frozen Yogurt" and other companies prepared to deliver products needed on a timely basis. (Attachments-Exhibit D) The owners have attended special yogologist training classes in preparation for the opening of their business. In addition, they have worked closely with the County of San Luis Obispo Environmental Health Services Inspector, Mr. Denny Brewer, who has guided them through the initial stages required for county approval. They have estimates from contractors who are now prepared to start work immediately to upgrade electrical supply and plumbing needs. The **"Grandma's Frozen Yogurt & Waffle Shop"** owners can move forward in a timely manner if the bid is accepted and approved. Upon confirmation of the bid acceptance, the owners will apply for proper permits and site approval by the City of Morro Bay Planning Commission preparing for planned upgrades, approval by the County of San Luis Obispo Environmental Health Services following the upgrades, and a Morro Bay business license. Owners are proposing a lease agreement of \$800 per month for a 5-year lease option offered by the City of Morro Bay. It is anticipated that it will take 6-8 weeks and the business will be open and profitable.

NON-PROFIT CONCEPT – It Takes a Community!

The Courtyard at the corner of Morro Bay Blvd. and Main Street will serve multiple functions bringing to life the property, located at the center of Old Town Morro Bay. The owners of **“Grandma’s Frozen Yogurt & Waffle Shop”** worked with the “The Morro Bay Guerrilla Gardening Club” advisor, Taylor Newton of Newton Cultivation in creating a fundraising concept which will benefit local non-profits. Mr. Taylor and club members will cultivate, provide, and maintain plants for sale throughout the week with plant sales going directly to the club in order to be self-sustaining throughout the year. It is agreed that 50% of plant sales during scheduled fundraising events will go directly to the non-profit event being hosted, with the remainder going to the “Morro Bay Guerrilla Gardening Club.” An MOU will be created outlining the beautification of the corner courtyard which involves engaging members of the “The Morro Bay Gardening Guerrilla Club.” Mr. Newton has created a model landscaping plan (Attachments-Exhibit E) and has agreed to provide on-going seasonal holiday creations and replacement plants following sales throughout the week. The fund-raising efforts will be on-going in order to foster their efforts, and to enhance our community and help sustain non-profits which provide needed services to those living in Morro Bay. All work and materials, including plants, will be delivered, cared for, and replaced regularly throughout the year.

The corner courtyard will serve as a seasonal display for the downtown merchants which will also be created and maintained by the club members throughout the year upon approval by the owners of **“Grandma’s Frozen Yogurt & Waffle Shop.”** For example, it is anticipated that the first downtown merchant celebration, if the bid is selected, will include hay stacks, pumpkins, and scare crows which will adorn the *Grandma’s Frozen Yogurt & Waffle Shop Courtyard* to be more commonly known as “The Gathering Place” with a fundraiser being held for all to enjoy the first Friday of every month. The fall harvest, Halloween theme will transition into upcoming holiday and seasonal themes for the downtown merchants and their patrons to enjoy year-round.

Mentor and advisor to the Morro Bay Guerrilla Gardening Club, Taylor Newton states,

The Guerrilla Gardening Club is a 501C3 Non-Profit Organization created and founded here in Morro Bay. Our Club has developed a design plan to work with “Grandma’s Frozen Yogurt & Waffle Shop at The Gathering Place” located at 307 Main Street, Morro Bay, CA. We intend to provide landscape design, maintenance, and sales. We will offer our supplies & services in return for plant & merchandise sales, as well as possible job placement for our Nonprofit Educational Program members. Our Club adds new members every month. It is our mission to move them through our program into sustainable lives and employment. Please consider our support and participation in your consideration of “Grandma’s Frozen Yogurt & Waffle Shop” in leasing 307 Morro Bay Blvd., Morro Bay, California.”

The owners have been looking to secure a location to establish their "Grandma's Frozen Yogurt & Waffle Shop" business, in addition to offering a gathering place for holding non-profit events through yogurt tastings on a monthly basis. Non-profit organizations will be encouraged to complete an application in order to hold an event. They will be provided enough time to announce their fundraiser in newsletters and to place information in the local public events calendars, utilizing social/public media outlets, if desired. A decided percentage of "yogurt tasting" sales, activities, and garden proceeds will benefit the organization chosen that month, depending on the event planned.

During regular hours of operation, the courtyard will serve as a "Gathering Place" for all ages to enjoy the downtown area. Complimentary board games and special activities will be available. Individuals of all ages will have a chance to perform acoustic music on the stage being built by musicians on a volunteer basis. The moving stage can accommodate other activities such as special announcements and performance activities. All activities will be confined to within the gated enclosure, and comply with noise and curfew ordinances established by the City of Morro Bay. It is expected that these activities will occur as described in this proposal, and on an occasional basis with the owners securing the appropriate permits required by the City of Morro Bay. Strict youth curfew laws will be adhered to as well.

"THE GATHERING PLACE" OFFERINGS

The "Grandma's Frozen Yogurt & Waffle Shop" owners agree to provide the following:

A BIKE RACK will be readily available for those shopping at the downtown businesses, encouraging environmentally healthy options for travel to and from various vacation and sightseeing locations, including the Morro Bay State Park, RV Parks, and motel locations throughout the area.

GARDEN CLUB STORAGE AREA: Owners will provide an outdoor locked storage area for the Guerrilla Club garden supplies. The club will work with the owners to ensure safety and cleanliness.

BOARD GAMES/SPECIAL EVENTS DAYS & NIGHTS: (depending on the season) "Gathering" opportunities will be offered to generations of all ages, with special days and times set aside. For instance, chess, checkers, dominos, and other NON-ELECTRONIC games will be encouraged. Special events will include activities such as pumpkin carving demonstrations, with other downtown merchants welcomed to participate in sharing their talents throughout the year.

CLUB ACTIVITIES: The creation of several clubs has already been suggested where local residents and visitors will experience healthy hobby options. For example, a Lego Club for all ages, beading, and other handcraft clubs, a pinnacle card game club, along with other card and board games identified and approved by the owners.

“FIRST FRIDAYS” MOVIE NIGHTS UNDER THE STARS: G Rated Movies & Silent Film Night (Adhering to the “License to Broadcast Regulations”) – The mobile performance stage will serve as the setting for scheduled movie nights, weather permitting. Donations from some events will go towards a non-profit, depending on the chosen activity. Upon discussion with the local Fire Marshall, Tom Prow, there are safe outdoor heaters for patrons to gather around comfortably. The owners will work with the Morro Bay fire department to ensure safety in regards to the number of guests allowed at events within the courtyard as planned throughout the year.

YOUNG PEOPLES MUSIC: The Gathering Place will host young adult opportunities for upcoming generations of musicians and entertainers to perfect their stage performance. Many of our local musicians and instructors have donated time to help our young people master their instruments, stage presence, and gain self-confidence in performing live. This courtyard venue will provide them a place to learn and grow their talent. Specific regulations and policies will be distributed and signed prior to performing which will help clarify expectations, and keep efforts organized and successful. Strict adherence to event curfew ordinances within the City will be adhered to, along with sound limits during all evening performance times. It is anticipated that fundraisers and special events planned for the courtyard will end by 8:00 p.m., possibly later depending on the event. If applicable, owners and courtyard use partners will secure the necessary one-time events permit by the City of Morro Bay for special events.

SATURDAYS FARMER’S MARKET, “TUNES FOR TIPS”: Young musicians from Morro Bay High School and Los Osos Middle School will be invited guests each Saturday, as requested and when available, just prior to the Farmer’s Market opening until closing time. Debbie Clark, President of the Morro Bay Music Booster Club, explained that all tips earned each Saturday will be placed into a joint account used for ALL young musicians to benefit from throughout the year. This will be handled directly by the coordinators, booster club officials, and music teachers which split their time between both schools. Other schools in the immediate area with music programs will also be considered.

SUMMARY: The owners will provide a combination of a superior “real cultured” frozen yogurt and waffle shop; an ADA approved public bathroom; and a welcoming gardenlike courtyard. The owners trust that their business concept described within this proposal will offer locals, visitors, vacationers, and downtown shoppers a warm and family friendly experience which will enhance and benefit the entire downtown merchant and business community.

Grandma's Frozen Yogurt & Waffle Shop
at "The Gathering Place"
P.O. Box 7169
Los Osos, CA 93412
(805) 704-9866

November 4, 2013

Mr. Jamie L. Irons, Mayor
City of Morro Bay

Via e-mail: jjirons@morro-bay.ca.us

Dear Mayor Irons,

Thank you for your call this morning asking for clarification regarding our requests made to the City of Morro Bay and the owner of the property located at 307 Morro Bay Blvd., Morro Bay, CA in order for us to open our business.

On September 11, 2013 Lenny and I met with Rob Schultz at the above location for a walk-through determining the needs of the building in order to make it functional and safe. It was our understanding that Mr. Schultz was to meet with the owner to review our requests later that week, and help determine what each of us would be responsible for financially in order to restore the building and meet County and City of Morro Bay compliance requirements. The following was discussed and proposed, with the understanding that the owner was not wanting to pay for "too many" upgrades, leaving the City of Morro Bay and us, as your leasee, to fund.

We asked that the Planning Commission make a site visit to ensure the building is ADA compliant and safe, specifically the entry on the side of the building and the front entry. In addition, there is a "lip" at the entry of the bathroom that may need some smoothing out in order to avoid a "trip and fall" hazard, and to make it more wheel chair accessible. We all agreed that the front entry door is the best ADA access point for the public restroom, and that we would ensure the layout of the inside of the building would be kept accessible at all times.

The side door and trim looks like it has been chewed and clawed by rodents/animals trying to gain access, and will need to be replaced/repared. We would also like the Planning Commission to review the courtyard area for potential "trip and fall" areas, especially at the entrances of the courtyard and door entrances, and that these repairs are paid for by the owner.

PERMISSION FOR UPGRADE REQUESTS: We would like to upgrade the electrical wiring and plumbing of the building, working with PG & E, and licensed electrical and plumbing contractors. There are several cosmetic items we would like to do, as noted below. We understand that the majority of these upgrades will be our financial responsibility.

ELECTRICAL: It was determined by PG & E that we can easily access the needed electricity. They have asked for a \$1,000 deposit to start this work. They will work closely with our chosen electrician, once that contractor has been determined. Verbal and written estimates of \$3,700-\$5,000+ have been received in order to bring the building up to the standards needed to run our business, which includes rewiring the inside in order to accommodate the refrigeration and other equipment needs. In addition, a proper venting system needs to be installed in the building, most likely through the roof area.

PLUMBING: We have received verbal bids for the plumbing needs of the building which will require the installation of a "floor sink" required by San Luis Obispo County. In addition, an electric water heater needs to be installed. Costs of these upgrades are approximately \$5,000. **NOTE:** If hot water is a requirement for all public restroom facilities, we ask that the City of Morro Bay and/or the owner fund this need.

We would like permission from the owner to install a retractable outdoor awning (as shown on our proposal). Because we are the site of the downtown public bathroom, we felt this would be an easy signal to the merchants that if the awning is out, the bathroom is accessible. And, eventually regular visitors to our downtown area will also know for their convenience.

PAINTING: We would like to paint the inside of the building; remove the damaged, defaced mural on the Main Street side of the building. We would like to repaint that side of the building with another mural depicting our 50th year anniversary as a city, the things we cherish in our community providing a dated history, and all of the wonderful sites to visit while in Morro Bay. If approved, we plan to hold a fundraiser in the courtyard in order to pay for the mural.

FENCING: We like the wrought iron fencing around the courtyard. We would like to know how the owner would like to refurbish this part of his property. It is quite expensive to remove the rust and repaint. We have been told we can place a clear seal over the fencing which will brighten it and still look nice. We need direction on this item.

LEASE AGREEMENT: Due to the fact that this is a joint effort with the City of Morro Bay, and this venture is of mutual benefit for all concerned, we asked Mr. Schultz if our lease agreement would allow us to start the building upgrades, giving us use of the courtyard AND the bathroom for the public, while we work at getting the upgrades done and the business open. In addition, we ask that our rent be deferred until then, or within a reasonable time frame. It is estimated that it will take 6-8 weeks of working with the Planning Commission and the San Luis Obispo County for plan approvals. The contractors, as of three weeks ago, were ready to start as soon as we can get the plans approved by the appropriate agencies and make a decision who will complete the work. According to the SLO County website the wait is estimated to be between 2-3 weeks before work upgrades can begin.

The public bathroom will be reasonably available while the work is being completed, but only when contractors are working, and only when determined safe. The first three Saturdays of December we are hoping to hold our first non-profit clothing, food, and toy drive during the Farmer's Market even though the food facility will not be ready. The liability insurance carriers we are considering do not see this as a problem, and will cover the use of the courtyard as they will for use of the building, including the public bathroom as long as we are not preparing food products which we do not plan to do. We can ensure that the bathroom is open to the public during that time, which has been the hope of the downtown merchants during the upcoming (hopefully busy!) holiday season.

RENT INCREASE: At the City Council meeting when our proposal was approved Councilman Noah Smuckler approached us during the break asking if we would agree to a tiered rent increase after two years. We let him know that we would be fine with that, provided that it was based on the Consumer Price Index which is a common way landlords determine increases. This was discussed briefly with Mr. Schultz, as well. He informed us it would be a discussion item with the Council when the draft lease was completed. We are still open to the increase based on our lease agreement after two years which gives us time to get our business profitable.

We appreciate your call this morning and hope we are able to meet and discuss the terms of the lease agreement as soon as possible. Again, the City of Morro Bay staff, and calls from the Council and others in the community have been all supportive, asking what, if anything they could do to help get us up and open. We remain positive that an agreement can be reached, and we are READY to get started.

Sincerely,

Lenny A. Durrer
Beverly J. Ford-Durrer



AGENDA NO: D-2

MEETING DATE: November 12, 2013

Staff Report

TO: Honorable Mayor and City Council **DATE:** November 4, 2013

FROM: Rob Livick, PE/PLS – Public Services Director/City Engineer
Cindy Jacinth – Associate Planner

SUBJECT: Review and Adopt Draft Funding Recommendations for the 2014
Community Development Block Grant (CDBG) Funds.

RECOMMENDATION:

Council review and adopt draft funding recommendations for the 2014 Community Development Block Grant (CDBG) funds and forward recommendations to the San Luis Obispo County Board of Supervisors for inclusion with the other draft funding requests from the Urban County Consortium. Staff recommends that the City Council forward the two items from the City of Morro Bay, the Pedestrian Accessibility Sidewalk Phase 3 (ADA) project estimated at \$41,764 and program administration at \$10,441 for a total funding allocation of \$52,205. Additionally, authorize the City Manager to make pro rata adjustments to the allocation based on final funding amount from San Luis Obispo County based on the approval of the federal budget and HUD’s final grant amount to the County.

ALTERNATIVES

Alternative 1: The City Council may move to adopt draft funding recommendations to forward to the Urban County Consortium which funds CAPSLO’s application for the amount of \$7,830 and fund the City’s Pedestrian Accessibility Project for \$33,934 and Program Administration amount of \$10,441.

Alternative 2: The City Council may move to adopt draft funding recommendations to forward to the Urban County Consortium which funds Senior Nutrition Program of SLO County’s application for the amount of \$7,830 and fund the City’s Pedestrian Accessibility Project for \$33,934 and Program Administration amount of \$10,441.

FISCAL IMPACT:

The 2014 Community Development Block Grant (CDBG) available funds are anticipated to be approximately \$52,205 or about 10% less than the actual 2013 funding received due to Congressional budget cuts. Approving staff recommendations would allow for \$41,764 in accessibility improvements (sidewalk and curb ramps) along with \$10,441 for the offset of administrative costs, including planning and engineering.

Prepared By: RL/CJ

Dept Review: RL

City Manager Review: _____

City Attorney Review: _____

Projects that receive over \$2,000 in CDBG funds are subject to prevailing wage requirements under Davis-Bacon and Related Acts (DBRA).

SUMMARY:

The CDBG fund is a flexible program providing communities with resources to address a wide range of unique community development needs. The program works to ensure decent, affordable housing; to provide services for members of our community; and to create jobs through expansion and retention of businesses.

In 2011, the City of Morro Bay agreed to join with the Urban County of San Luis Obispo, which is a consortium of participating jurisdictions that includes San Luis Obispo County and the Cities of Paso Robles, Atascadero, San Luis Obispo and Arroyo Grande for the purpose of receiving and allocating CDBG funds. The 2014 CDBG award process began in the fall of 2013. The first of two workshops were held throughout the County to solicit public comment on community needs. A needs workshop was held in Atascadero with the Cities of Morro Bay, Atascadero and Paso Robles participating on September 16, 2013 at the Atascadero City Hall. The County published a request for CDBG proposals and the City received three applications. Total funding is anticipated to be approximately \$52,205 which is approximately 10% less than the FY 2013/14 award. Final funding amounts will be released by the Department of Housing and Community Development (HCD) in early 2014.

Staff is recommending that the City Council review and adopt draft funding recommendations for the 2014 Community Development Block Grant (CDBG) funds; specifically the funding of the two requests from the City of Morro Bay in order to achieve maximum public benefit for this small funding program while also effectively utilizing staff administrative resources.

BACKGROUND/DISCUSSION:

CDBG funds are available for community development activities, which meet at least one of the three national objectives:

1. A benefit to low and moderate-income persons;
2. Aid in the prevention or elimination of blight;
3. Address urgent needs that pose a serious and immediate threat to the health or welfare of the community.

In order for a program to qualify under the low and moderate income objective, at least 51% of the persons benefiting from the project or program must earn no more than 80% of the area median. Additionally, at least 70% of the CDBG funds must be spent toward this objective.

The following criteria should also be used to guide selection of CDBG programs:

1. The proposal is consistent with the national objectives and eligibility criteria of the HUD CDBG program;
2. The proposal is consistent with the Urban County Consolidated Plan;

3. The proposal is consistent with the General Plan and other City codes/ordinances.
4. The proposal will achieve multiple community development objectives;
5. The proposal can be implemented in a timely manner, without significant environmental, policy, procedural, legal, or fiscal obstacles to overcome; and
6. The project is not financially feasible without CDBG funding.

The City received the following applications for the 2014 funding cycle:

<i>Public Facilities</i>	Amount Requested	Amount Recommended
City of Morro Bay – <i>Handicapped Accessibility - Barrier Removal Projects</i>	\$100,000	\$41,764
<i>Public Services – Limited to 15% of 2014 Allocation (or a maximum of \$7,830)</i>		
CAPSLO – <i>Maxine Lewis Memorial Shelter Operation expenses</i>	10,000	0
Senior Nutrition Program of SLO County – <i>Senior Nutrition Program</i>	15,000	0
<i>Administration – Limited to 20% of 2013 Allocation</i>		
City Program Administration Costs	10,441	10,441
Total Funds Requested	\$135,441	
Estimated Total Funding Available		52,205

Applications received significantly exceed anticipated funding. In addition there are limits related to categories of funding as described below. As part of the CDBG process, Council must adopt a draft recommendation for the 2014 grant year that meets the funding criteria while adhering to the category limits.

A copy of all applications and funding regulations has been provided with your agenda packet (Attachments 1 through 4). Copies are also available at the Public Services Department for public review.

Upon approval, the draft funding recommendations will be forwarded to the County for publishing along with recommendations from all participating jurisdictions. A minimum of 30 days after publication, a second public workshop will be held to allow questions from applicants regarding the draft recommendations after which the draft allocations plus any workshop comments will be forwarded to City Council for final approval at a duly noticed public hearing anticipated to be approximately February 2014. After this next Council meeting, final funding recommendations

would then be forwarded to the County Board of Supervisors. The following is a brief explanation of the funding groups and applications within each:

Public Facilities

Public Facilities are defined as activities relating to real property, including the acquisition, construction, rehabilitation or installation of public improvements. These activities can be carried out by a grantee, sub-recipient or other nonprofit.

- *City of Morro Bay – City Facilities and Infrastructure – Barrier Removal*
Funds Requested: \$100,000
This project provides for the removal of accessibility barriers citywide. Project will include, in part, sidewalk modifications, infill of sidewalk gaps, visual and tactile warning systems, curb ramps, and addresses access to facilities.

Public Services – The 15% cap on percentage of award from this category is estimated at \$7,830. Both applications received under this category exceed the amount available to award. CDBG regulations allow for a wide range of public service activities, including, but not limited to: Employment services, crime prevention, child care, health services, substance abuse services, fair housing counseling and recreational services.

- *CAPSLO – Maxine Lewis Memorial Shelter Operation Expenses*
Funds Requested: \$10,000
CAPSLO is requesting CDBG funds to assist with operation expenses of the Maxine Lewis Memorial Shelter which is located in San Luis Obispo at Orcutt and South Broad Streets but which serves homeless men, women and children county-wide. CDBG funds will enable the Shelter to maintain the current level of services.
- *Senior Nutrition Program of San Luis Obispo County – Senior Nutrition Program*
Funds Requested: \$15,000
The Senior Nutrition Program provides free, hot, nutritious noon-time meals to seniors who are at least 60 years old and operate ten dining rooms throughout San Luis Obispo County. Meals are also delivered to qualified homebound seniors. Requested CDBG funds will be used to maintain the high quality of their program and services and will be used as matching funds for their Federal grant.

Administration –The 20% cap on percentage of award from this category is estimated at \$10,441 this cycle.

- *City of Morro Bay – CDBG Program Administration*
Funds Requested: \$10,441
Costs associated with the administration of the Community Development Block Grant program. Significant staff time from Administration, Public Works and Administrative Services and Planning is required for grant administration, payment processing and coordination with County Planning staff.

If administration costs exceed the funding allocation, remaining cost of administering the program will need to be paid from the general fund.

CONCLUSION

Due to the high administrative burden associated with the CDBG program, past direction from the HUD-Los Angeles office has been to recommend funding projects that provide maximum public benefit for minimum staff administration time. The requests by CAPSLO and the Senior Nutrition Program fall under the category of public service activity which is capped by federal regulations at a maximum funding availability of \$7,830.

Therefore, in order to be cost-effective, staff recommends Council approve the draft funding recommendation for the requests from the City of Morro Bay for sidewalk accessibility improvements and program administration. Funding of the requests by the City allows the continuation of accessibility improvements at street locations throughout the City. Should Council modify this recommendation, awards must meet program requirements, providing a minimum of 70% of funding for benefit to low and moderate-income persons, and no more than 15% can be allocated to the public service category.

ATTACHMENTS

1. Community Development Block Grant Entitlement Fact Sheet (see <http://hud.gov/offices/cpd/communitydevelopment/library/deskguid.cfm> for the complete CDBG guidelines)
2. City of Morro Bay – Pedestrian Accessibility Project Phase 3 – Barrier Removal
3. CAPSLO – Maxine Lewis Memorial Shelter Operation Expenses
4. Senior Nutrition Program for SLO County – Senior Nutrition Program

ATTACHMENT 1

APPENDIX A

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

ENTITLEMENT PROGRAM FACT SHEET

Introduction

The program provides annual grants on a formula basis to entitled cities and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons.

In This Fact Sheet

- ✓ Grantee Eligibility
- ✓ Requirements
- ✓ Citizen Participation
- ✓ Legal Authority/Information Sources

Nature of Program

HUD awards grants to entitlement communities to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services.

Entitlement communities develop their own programs and funding priorities. However, grantees must give maximum feasible priority to activities which benefit low- and moderate-income persons. A grantee may also carry out activities which aid in the prevention or elimination of slums or blight, or to which it certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. CDBG funds may not be used for activities which do not meet these broad national objectives.

CDBG funds may be used for activities which include, but are not limited to:

- ❖ Acquisition of real property;
- ❖ Relocation and demolition;
- ❖ Rehabilitation of residential and non-residential structures;
- ❖ Construction of public facilities and improvements, such as water and sewer facilities, streets, neighborhood centers, and the conversion of school buildings for eligible purposes;
- ❖ Public services, within certain limits;

- ❖ Activities relating to energy conservation and renewable energy resources; and

- ❖ Providing assistance to profit-motivated businesses to carry out economic development and job creation/retention activities.

Generally, the following types of activities are *ineligible*: acquisition, construction, or reconstruction of buildings for the general conduct of government; political activities; certain income payments and construction of new housing by units of general local government.

Grantee Eligibility

Central cities of Metropolitan Statistical Areas (MSAs), other metropolitan cities with populations of at least 50,000, and qualified urban counties with populations of at least 200,000 (excluding the population of entitled cities) are entitled to receive annual grants. HUD determines the amount of each entitlement grant by a statutory dual formula which uses several objective measures of community needs, including the extent of poverty, population, housing overcrowding, age of housing, and population growth lag in relationship to other metropolitan areas.

Requirements

To receive its annual CDBG entitlement grant, a grantee must develop and submit to HUD its Consolidated Plan, (which is a jurisdiction's comprehensive planning document and application for funding under the following Community Planning and Development formula grant programs: CDBG, HOME Investment Partnerships, Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Shelter Grants (ESG)). In its Consolidated Plan, the jurisdiction must identify its goals for these programs, as well as for housing programs. The goals will serve as the criteria against which HUD will evaluate a jurisdiction's Plan and its performance under the Plan. Also, the Consolidated Plan must include several required certifications, including the certification that not less than 70% of the CDBG funds received, over a one, two, or three year period specified by the grantee, will be used for activities that benefit low- and moderate-income persons, and that the grantee will affirmatively further fair housing. HUD will approve a Consolidated Plan submission unless the Plan (or a portion of it) is inconsistent with the purposes of the National Affordable Housing Act or is substantially incomplete.

Following approval, the Department will make a full grant award unless the Secretary has made a determination that the grantee: (1) has failed to carry out its CDBG-assisted activities in a timely manner; (2) has failed to carry out those activities and its certifications in accordance with the requirements and the primary objectives of Title I of the Housing and Community Development Act of 1974, as amended, and with other applicable laws; or (3) lacks a continuing capacity to carry out its CDBG-assisted activities in a timely manner.

Citizen

A grantee must develop and follow a detailed plan which provides for and encourages citizen participation and which emphasizes participation by

Participation

persons of low- or moderate-income, particularly residents of predominantly low- and moderate-income neighborhoods, slum or blighted areas, and areas in which the grantee proposes to use CDBG funds. The plan must: provide citizens with reasonable and timely access to local meetings, information, and records related to the grantee's proposed and actual use of funds; provide for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and the review of program performance; provide for timely written answers to written complaints and grievances; and identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

Legal Authority

Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended; 42 U.S.C.-5301 *et seq.*

Information Sources

If you are an interested citizen, contact your local municipal or county officials for more information. If your local government officials cannot answer your questions, or if you are a local official, contact the HUD field office* that serves your area. Note that the local government administers the program and determines which local projects receive funding.

Information about HUD field offices may be found on the World Wide Web at <http://www.hud.gov/local.html>.

* Hearing impaired users may call the Federal Information Relay Service at 1-800-877-8339.

ATTACHMENT 2



COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM APPLICATION FOR THE 2014 PROGRAM YEAR

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET ♦ ROOM 200 ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600

Promoting the Wise Use of Land ♦ Helping to Build Great Communities

RECEIVED
OCT 10 2013
City of Morro Bay
Public Services Department

Organization Name: City of Morro Bay
(Attach additional sheets if necessary)

To be considered for CDBG assistance, please submit this completed application with any exhibits, budgets or beneficiary data as needed. **PLEASE READ ALL INFORMATION IN THE APPLICATION.** Applications can be mailed to one of the participating jurisdictions listed in this application or to: Tony Navarro, Planner III, Department of Planning and Building, 976 Osos Street, Room 300, San Luis Obispo, CA., 93408 or hand delivered to Tony Navarro at 1035 Palm Street, Room 370, San Luis Obispo, CA., faxed to (805) 781-5624, or e-mailed to tnavarro@co.slo.ca.us. **The application deadline is 5:00 P.M., Tuesday, October 15, 2013.** Applications must be received by the County or one of the participating cities (Arroyo Grande, Atascadero, Morro Bay, Paso Robles, San Luis Obispo) prior to close of the business day. **POSTMARKED DATED MAIL RECEIVED AFTER THE DEADLINE WILL NOT BE ACCEPTED.**

NOTE:

- (1) Please review the CDBG regulations and guidelines and the Request for Proposals before completing this proposal. The CDBG regulations, under 24 CFR 570, are available at www.sloplanning.org under "Federal HUD Grants."
- (2) **HMIS Reporting for 2014 homeless services, housing and shelter** - All homeless service providers applying for CDBG funds to assist, house or shelter the homeless must identify and demonstrate its capacity to participate in the County of San Luis Obispo Homeless Management Information System (HMIS) to provide: personnel for data entry, user licensing, and hardware and software necessary for compatibility with HMIS. HMIS is an electronic data collection system that stores client level information about persons who access the homeless services system in a Continuum of Care, and reports aggregate data for the County as per the U.S. Department of Housing and Urban Development's Data Standards found in http://www.hudhre.info/documents/FinalHMISDataStandards_March2010.pdf.
- (3) The Project Proposal submitted to the County of San Luis Obispo shall be examined in relation to the County's community development goals and funding priorities as presented in the Urban County of San Luis Obispo 2010-2014 Consolidated Plan. The Consolidated Plan is available at www.sloplanning.org. The County of San Luis Obispo Housing and Economic Development team will consider the criteria stated in the 2014 Request for Proposals as one of many tools to help make funding recommendations to the County Board of Supervisors. The Housing team will use other information and sources including but are not limited to: the County Board of Supervisors, recommendations from the Homeless Services Oversight Council, other participating jurisdictions of the Urban County of San Luis Obispo, identified needs that could be addressed by the grant funds, consistency with goals and priorities in the 2010-2014 Consolidated Plan and the Ten Year Plan to End Homelessness, results of the Needs Workshops, working knowledge of the project and/or organization, and availability of limited funds, to help with the funding recommendations.

Please call County and/or city CDBG staff with any questions about how to complete the form or about the rating criteria and process.

If the information for any of the questions below requires more room to provide a complete explanation of your proposed project or program, please attach additional sheets.

CONTACT INFORMATION

1. Name and mailing address of applicant organization, with contact person, phone and fax numbers, and e-mail address:

Name: City of Morro Bay

Address (mailing and physical address requested if different):

Contact person/title: Cindy Jacinth, Associate Planner

Phone: 805-772-6577

Fax: 805-772-6268

E-mail address: cjacinth@morro-bay.ca.us

Is the organization a Faith Based Organization? Yes No

Organization's DUNS number: 060890571

If you are awarded CDBG funds or your proposal involves economic development, i.e., directly benefit a business, private property owner, business, involves façade improvements, provide technical assistance to a new or existing business, job creation, loan guarantee, the beneficiary must obtain a Dun and Bradsteet (DUNS) number that must be reported to HUD. Please contact Tony Navarro, (805) 781-5787, tnavarro@slo.co.ca.us for information on how to obtain a DUNS number prior to incurring and obligating the federal funds.

Is your agency currently participating in HMIS?

No

If not, does your agency have the capacity to participate in HMIS? If yes, how so?

N/A

PROJECT DESCRIPTION

2. Title/name/address of proposed project or program:

Morro Bay Pedestrian Accessibility Project – Phase 3
City wide – Morro Bay

3. Please describe the proposed project or program. In one or two short paragraphs, include a brief project/program description, the groups who will benefit and an explanation of how they will benefit from

ATTACHMENT 2

the proposed project or program. For projects, describe the location of the project (be as specific as possible, e.g. street address). For programs, state the location from which the program will be operated and/or describe the geographic area served by the program. Also, please include a schedule of project/program milestones.

Installation and repair of sidewalk and curb ramps throughout the City of Morro Bay will provide an accessible path of travel for those disabled low and very low income residents throughout the County. Project will include installation of curb ramps and sidewalk and repair of curb ramps and sidewalk so that this infrastructure meets current accessibility requirements.

4. Will the services offered by your organization increase or expand as a result of the CDBG assistance? If yes, please answer the following questions:

a. What new programs and/or services will be provided?

N/A

b. Describe how existing programs and/or services will be expanded and what percentage of an increase is expected?

5. Check any of the following eligible activity categories that apply to the proposed project or program: (Refer to CDBG regulations and the Guide to Eligible CDBG Activities).

Acquisition of real property*

Disposition of real property

Public facilities and improvements (may include acquisition, construction, reconstruction, rehabilitation or installation)* and/or **

Privately owned utilities

Clearance and remediation activities**

Public services

Interim assistance

Relocation of individuals, families, businesses, non-profit organizations, and/or farms

Loss of rental income

- Removal of architectural barriers
- Housing rehabilitation**
- New housing construction (under limited circumstances)
- Homeownership assistance
- Housing services
- Code enforcement
- Historic preservation**
- Commercial or industrial rehabilitation**
- Special economic development
- Technical assistance and planning studies

* **Relocation:** Any project that involves the acquisition of property and/or rehabilitation and is funded in whole or in part with federal funds, even if the federal funds are not used for the acquisition itself, is subject to federal requirements connected to acquisition and relocation. A project cannot be broken into separate "projects" in order to avoid the federal requirements connected with property acquisition and relocation. Any questions concerning whether the relocation regulations apply to a specific property acquisition project should be directed to the Community Development Division staff before any action is taken on the project.

If HUD funded project will cause a household or a business to move, even temporarily, the relocation regulations will apply.

Along with application submit:

- Estimate of relocation cost (moving costs, subsidy amount for suitable replacement dwelling)
- Letter to owner or voluntary acquisition, plus proof of delivery to owner.
- General Information letter to tenants (both business and residential tenants), plus proof of delivery to all).
- List of tenants (both business and residential tenants) at the time of application submittal.
- Refer to SLO Col website for sample relocation letters.

** **Lead based paint/asbestos:** If HUD funded project involves acquisition or rehabilitation of a residential units that was built in 1978 or earlier, then Lead-Based paint regulations will apply.

- Along with application submit an estimate of costs for LBP work, provided by certified LBP consultant. Or statement by LBP consultant explaining that project is exempt.
- Include any temporary housing costs.

6. Describe the need and the degree of urgency for the proposed project or program.

What would be the consequences if the proposed project or program is not funded in the next year?

Removal of barriers through the construction and rehabilitation of sidewalks and curb ramps will remove the restriction that disabled and elderly face in accessing the City's pedestrian facilities.

- 7. Please describe the specific organizational method used to implement the proposed project or program (single or multiple group, public agency, non-profit, for-profit, experience in operating similar programs, etc.):**

The City of Morro Bay will be implementing the program.

- 8. Does the project require the issuance of a permit (from local, state or federal agencies)?**

Yes No

- a. If yes, please identify the permits necessary to complete the project.

An encroachment permit will be required prior to construction.

- b. Have the necessary permits been issued? Please provide proof of permit issuance.

The permits will be issued during implementation.

- c. If permits are required but not yet obtained, when will the permits be issued?

The permits will be issued during implementation.

NATIONAL OBJECTIVES CRITERIA

- 9. Does the proposed project or activity meet one of the three national objectives of the CDBG program? Please check one of the objectives below that applies to the proposal, and explain how the project or activity meets that national objective.**

- a. Benefits low- and moderate-income persons as defined by the U.S. Department of Housing and Urban Development (HUD).

Select one:

Low/Moderate-Income Area Benefit – The project serves only a limited area which is proven by 2000 Census data or survey to be a predominately (51% or more) low/moderate-income area. Applicants choosing this category must be able to prove their project/activity primarily benefits low/moderate-income households.

Low/Moderate-Income Limited Clientele – The project benefits a specific group of people (rather than all areas in a particular area), at least 51% of whom are low/moderate-income persons;. Note: Income verification for clients must be provided for this category. The following

groups are presumed to be low/moderate-income: abused children; elderly persons; battered spouses; homeless persons; adults meeting census definition of severely disabled; persons living with AIDS; and migrant farm workers

Low/Moderate-Income Housing – The project adds or improves permanent residential structures that will be/are occupied by low/moderate-income households upon completion.

Low/Moderate-Income Jobs – The project creates or retains permanent jobs, at least 51% of which are taken by low/moderate-income persons or considered to be available to low/moderate-income persons.

Explain: Provides barrier-free pedestrian accessibility

NOTE: To meet this national objective, the proposed activity must benefit a specific clientele or residents in a particular area of the County or participating city, at least 51 percent of who are low- and moderate-income persons.

b. _____ Aids in the prevention or elimination of slums or blight.

Explain:

Select one:

Addressing Slums or Blight on an Area Basis -

Addressing Slums or Blight on a Spot Basis – This project will prevent or eliminate specific conditions of blight or physical decay. Activities are limited to clearance, historic preservation, rehabilitation of buildings, but only to the extent necessary to eliminate conditions detrimental to public health and safety.

Is the project located in a Redevelopment Area? Yes No

If yes, attach a map of the area with the site highlighted, and provide the Redevelopment Project Area (excerpts accepted) which documents the existence of slum/blight. Also, document the specific redevelopment objectives pertaining to the proposed project.

NOTE: To meet this national objective, the proposed activity must be within a designated slum or blighted area and must be designed to address one or more conditions that contributed to the deterioration of the area.

c. _____ Meets community development needs having a particular urgency where existing conditions pose a serious and immediate threat to the health or welfare of the community, and no other funding sources are available, i.e., a major catastrophe such as a flood or earthquake.

Explain:

NOTE: To meet this national objective, the proposed activity must deal with major catastrophes or emergencies such as floods or earthquakes.

10. If the project or program is designed to meet the national objective of providing benefit to low- and moderate-income persons, please estimate the number of unduplicated number of persons (or households) to benefit from the project and break that estimate down by income group (unduplicated means the number who are served, i.e., the grant will allow 25 children to participate in preschool – not 25 children x 5 days x 52 weeks = 6,500).

a. Total number of persons or households who will benefit from the project or program (regardless of income group):

5,000 Persons/households (circle the applicable unit)

b. Of the total number of persons or households entered above, how many will be low-income (earning 51% - 80% or less of the County median-income)?

n/a Persons/households (circle the applicable unit)

c. Of the total number of persons or households entered above, how many will be very low-income (earning 50% or less of the County median-income)?

n/a Persons/households (circle the applicable unit)

11. Who are the clients of your organization? (Example: low- to moderate-income persons, elderly persons, severely disabled persons, migrant farm workers, battered spouses, etc.)

Low- to moderate-income persons.

12. How will the clients benefit from this project?

Provides for barrier free access to sidewalk and services the clients use.

13. If your project serves homeless households, please describe how your program coordinates with other continuum of care projects and entities and how it aligns with the San Luis Obispo Countywide 10-Year Plan to Homelessness.

N/A

BENEFICIARY DATA

NOTE: You are required to provide beneficiary data at the end of each quarter and year end data of the fiscal year.

**14. How do you collect demographic data on the beneficiaries of the proposed project or program?
(Example: racial/ethnic characteristics)**

City staff will be using census data to determine city-wide benefit.

15. How do you document and maintain income status of each client in compliance with HUD regulations? (Example: very low, low- and moderate-income)

See #14.

16. Provide the following information for the person(s) in your organization responsible for the preparation and submittal of the quarterly reports and for collecting and reporting the beneficiary data to the Urban County.

Contact person/title: Cindy Jacinth, Associate Planner

Phone number: 805-772-6577

E-mail address: cjacinth@morro-bay.ca.us

FINANCIAL INFORMATION

For CDBG applications to the County of San Luis Obispo involving acquisition, construction or rehabilitation projects please provide the required additional budget information on BUDGET FORM A and BUDGET FORM B attached to the back of this application.

17. Total amount of CDBG funds requested: \$ 100,000

18. Please identify the cities to which you are applying. If you are applying to one or more cities, please provide a copy of the application to the county by the application deadline. If you are requesting CDBG funds from more than one city, please break down the amount shown above by the jurisdiction listed below.

City of Arroyo Grande: _____ City of Paso Robles: _____
City of Atascadero: _____ City of San Luis Obispo: _____
City of Morro Bay: 100,000 County of San Luis Obispo: _____

19. Please describe the budget for the proposed project or program. Itemize all sources of funding expected to be available and used for this project

a. Revenues:
1. CDBG Funds requested \$ 100,000
2. Other Federal fund(s) (please describe below) \$
3. State source(s) (please describe below) \$
4. Local source(s) (please describe below) \$
5. Other funds (please describe below) \$
Total Revenues \$ 100,000

b. Expenditures: List below by item or cost category.

20. How do you plan to fund the operation and maintenance costs (if any) associated with this project? Are these funds available now? If not, when will they be available? And from what source(s)?

The City of Morro Bay general fund will be used to maintain the facilities.

21. Will CDBG funds be used to match/leverage other funds? List below funding sources and amounts and identify award dates of these sources.

No.

I certify that the information in this application is true and accurate to the best of my knowledge and ability.

Rob Livick Signature 10-12-12¹¹⁻¹³ Date

Rob Livick Printed or typed name Public Services Director/City Engineer Title

Note to applicant:

The County and cities require all of the grant recipients to maintain general liability, automobile and workman's compensation insurance with limits of not less than \$1 million***. If you are successful in obtaining an award, you will be asked to provide documentation regarding ability to provide the required coverage.

*** Liability coverage may vary by jurisdiction. Please call the city/county contact to verify limits.

ATTACHMENT 2

Prior to HUD's release of grant conditions and/or funds for the CDBG-funded project, a review of the project's potential impact on the environment must be conducted by the awarding jurisdictions and approved by the County of San Luis Obispo **prior to obligating or incurring project costs**. The County must certify to HUD that it has complied with all applicable environmental procedures and requirements. Should project costs be obligated or incurred prior to the completion of the necessary environmental review, the project **shall not** benefit from the federal funds. Environmental review requirements pursuant to 24 CFR Part 58 must be fully satisfied for any project selected for funding prior to the CDBG Program issuing a Notice to Proceed for the project. The level of environmental review required depends on the nature of the project. 24 CFR Part 58 is available at www.hud.gov/offices/cpd/environmental/lawsandregs/regs.

If you need assistance or have questions regarding this application, please contact any of the persons listed below. Your application(s) can be dropped off or mailed to the following locations:

- Kelly Heffernon, Community Development Dept., City of Arroyo Grande, 214 E. Branch Street (P.O. Box 550), Arroyo Grande, CA 93421, (805) 473-5420.
- Valerie Humphrey, Public Works Dept., City of Atascadero, 6907 El Camino Real, Atascadero, CA 93422, (805) 470-3460.
- Rob Livick, Public Services Dept., City of Morro Bay, 955 Shasta Avenue, Morro Bay, CA, 93442, (805) 772-6261
- Darren Nash, Community Development Dept., City of Paso Robles, 1000 Spring St., Paso Robles, CA 93446, (805) 237-3970.
- Tyler Corey, Community Development Dept., City of San Luis Obispo, 919 Palm St., San Luis Obispo, CA 93401, (805) 781-7175.

COUNTY OF SAN LUIS OBISPO CDBG SUPPLEMENTAL BUDGET INFORMATION SHEET

BUDGET FORM A

For CDBG applications to the County of San Luis Obispo involving acquisition, construction or rehabilitation projects must provide the applicable project budget information.

Financial considerations are key in assessing a project's ability to be completed successfully and timely. Factors to be considered in this area include (a) availability and sufficiency of resources (including all non-CDBG, federal, state, county or private funding sources), (b) the leveraging of resources, (c) fiscal support for the project for its continued viability and (d) the project budget's accuracy, reasonableness and completeness in determining the financial needs of the project.

Source of Funds. Provide for entire project and round to the nearest hundred dollars. Do NOT include operating costs as this is not an eligible CDBG costs for projects involving acquisition, construction or rehabilitation projects.

Description of Cost	Date Funds Available	Amount Requested	Approved - Secured	Total	% of Total Budget
CDBG Funds: This Request		100,000		100,000	100,000
Previous Award					
Previous Award					
CDBG Funds: This request					
Previous Award					
Other Federal Funds Source:					
State Funds Source:					
Private Funds:					
Private Funds:					
Private Funds:					
In-Kind Contributions: Labor					
In-Kind Contributions					
Other:					
Other:					
Other:					
Totals					100%

Comment on your entity's strategy and plans on the leveraging and sufficiency of resources to implement the proposed project. If project is not leveraged with other funds, explain why CDBG funds are being relied on solely to fund the proposed project.

COUNTY OF SAN LUIS OBISPO CDBG SUPPLEMENTAL BUDGET INFORMATION SHEET

BUDGET FORM B

Project Budget

ATTACHMENT 2

Budget Form – Acquisition, Construction and Rehabilitation Project Preliminary Budget & Project Funding Requirements

Agency name: _____ City of Morro Bay _____
 Project: _____ Morro Bay Pedestrian Accessibility Project _____

Preliminary Budget: List all funding necessary to complete the proposed project. You must provide a **DETAILED** budget line-item worksheet for all costs associated with the project. **NOTE: YOU MUST USE THIS FORMAT.** Additionally, you must provide a **DETAILED** budget narrative explaining how you arrived at each line item.

Activity	CDBG Funds	Other Funds	Total Cost
ACQUISITION			
Purchase of Land			
Purchase of Units			
Other Expenses (List)			
HARD COSTS			
Site Work			
Demolition			
Construction	83,200		83,200
Appliances			
Accessory Buildings			
General Requirements			
Contractor Overhead			
Contractor Profit			
Construction Contingency			
Other (List on separate sheet			
SOFT COSTS			
Architect Fee – Design	4,200		4,200
Architect Fee – Supervision			
Legal Fees			
Engineering Fees	4,200		4,200
Other Professional Fees (List) – Surveying	4,200		4,200
Appraisal			
Market Study			
Environmental Report			
Title & Recording Expenses			
Relocation Expenses			
Consultants	4,200		4,200
Other Soft Costs (List)			
INTERIM COSTS			
Construction Insurance			
Construction Interest			
Credit Enhancement			
Real Estate Taxes			
FINANCING COSTS			
Bond Premium			
Permanent Loan Origination			
Permanent Loan Credit Enhance			

ATTACHMENT 2

Other Financing Costs (List)			
DEVELOPER'S FEE (Determined individually for each project)			
TOTAL DEVELOPMENT COST	\$100,000		\$100,000

Budget must be specific and reflect the applicant's financial commitment, including items paid for by other sources. This includes in-kind contributions and volunteer labor. It should not include amounts of administration. Indicate the circumstances/consequences of partial funding is awarded for this project.

Authorization:



 Authorized Signature for Project

_____ ¹⁰⁻¹¹⁻²⁰¹³
 PS Director/City Engineer ~~10-12-2012~~
 Title Date

Robert A. Livick _____
 Print name

COUNTY OF SAN LUIS OBISPO CDBG SUPPLEMENTAL BUDGET INFORMATION SHEET

TIMELINE FORM C

WORK PLAN & PERFORMANCE SCHEDULE

List all project milestones and their anticipated work period. There will be an opportunity to update the project timeline after grant notification and before executing a grant agreement. Any proposed changes, including extension and early completion, must be requested in writing and approved in advance by the jurisdiction receiving the funding application. Note: Applicant will assume all financial risk if work on the proposed project begins before environmental clearance is obtained. You may either use or recreate this form to add tasks and activities and extended timeline. **YOU MUST USE THIS FORMAT.**

COUNTY OF SAN LUIS OBISPO CDBG SUPPLEMENTAL BUDGET INFORMATION SHEET

TIMELINE FORM C

WORK PLAN & PERFORMANCE SCHEDULE

List all project milestones and their anticipated work period. There will be an opportunity to update the project timeline after grant notification and before executing a grant agreement. Any proposed changes, including extension and early completion, must be requested in writing and approved in advance by the jurisdiction receiving the funding application. Note: Applicant will assume all financial risk if work on the proposed project begins before environmental clearance is obtained. You may either use or recreate this form to add tasks and activities and extended timeline. **YOU MUST USE THIS FORMAT.**

Task/Activity – (Starts July 2014)	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Environmental Review	X	X	X									
Contract Execution				X	X							
Project Activity Design						X	X					
Project Activity Implementation								X	X	X	X	X

ATTACHMENT 3



COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM APPLICATION FOR THE 2014 PROGRAM YEAR

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET ♦ ROOM 200 ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600

Promoting the Wise Use of Land ♦ Helping to Build Great Communities

RECEIVED

OCT 15 2013

City of Morro Bay
Public Services Department

Organization Name: Community Action Partnership of San Luis Obispo County, Inc.
(Attach additional sheets if necessary)

To be considered for CDBG assistance, a completed application with any necessary exhibits, budgets or beneficiary data is required. **PLEASE CAREFULLY READ ALL OF THE INFORMATION IN THIS APPLICATION.** Applications can be mailed to one of the participating jurisdictions listed in this application or to: Suzan Ehdaie, Department of Planning and Building, 976 Osos Street, Room 300, San Luis Obispo, CA, 93408 or hand delivered to Suzan Ehdaie at 1035 Palm Street, Room 370, San Luis Obispo, CA, faxed to (805) 781-5624, or e-mailed to sehdaie@co.slo.ca.us. **The application deadline is 5:00 P.M., Tuesday, October 15, 2013.** Applications must be received by the County or one of the participating cities (Arroyo Grande, Atascadero, Morro Bay, Paso Robles, San Luis Obispo) prior to close of the business day. **POSTMARKED MAIL RECEIVED AFTER THE DEADLINE WILL NOT BE ACCEPTED.**

NOTES:

- (1) Please review the CDBG regulations and guidelines and the Request for Proposals before completing your proposal. The CDBG regulations, under 24 CFR 570, are available at www.sloplanning.org under "Federal HUD Grants."
- (2) **HMIS Reporting for 2014 homeless services, housing and shelter** - All homeless service providers applying for CDBG funds to assist, house or shelter the homeless must identify and demonstrate its capacity to participate in the County of San Luis Obispo Homeless Management Information System (HMIS) to provide: personnel for data entry, user licensing, and hardware and software necessary for compatibility with HMIS. HMIS is an electronic data collection system that stores client level information about persons who access the homeless services system in a Continuum of Care, and reports aggregate data for the County per the U.S. Department of Housing and Urban Development's Data Standards found in http://www.hudhre.info/documents/FinalHMISDataStandards_March2010.pdf.
- (3) The Project Proposal submitted to the County of San Luis Obispo shall be examined in relation to the County's community development goals and funding priorities as presented in the Urban County of San Luis Obispo 2010-2014 Consolidated Plan. The Consolidated Plan is available at www.sloplanning.org. The County of San Luis Obispo Housing and Economic Development team will consider the criteria stated in the 2014 Request for Proposals as one of many tools to help make funding recommendations to the County Board of Supervisors. The Housing team will use other information and sources including but are not limited to: the County Board of Supervisors, recommendations from the Homeless Services Oversight Council, other participating jurisdictions of the Urban County of San Luis Obispo, identified needs that could be addressed by the grant funds, consistency with goals and priorities in the 2010-2014 Consolidated Plan and the Ten Year Plan to End Homelessness, results of the Needs Workshops, working knowledge of the project and/or organization, and availability of limited funds, to help with the funding recommendations.

Please call County or City CDBG staff with any questions about the application form, the process, and the rating criteria.

Please attach additional sheets for more detailed information of your proposed project or program for any of the questions below.

CONTACT INFORMATION

1. Name and mailing address of applicant organization, with contact person, phone and fax numbers, and e-mail address:

Name: *Community Action Partnership of San Luis Obispo County, Inc. (CAPSLO)*

Address (mailing and physical address requested if different):

*1030 Southwood Drive,
San Luis Obispo, CA 93401*

Contact person/title: *Elizabeth "Biz" Steinberg, Chief Executive Officer*

Phone: *(805) 544-4355*

Fax: *(805) 549-8388*

E-mail address: *esteinberg@capslo.org*

Organization's DUNS number: *0589019500000*

If you are awarded CDBG funds or your proposal involves economic development, i.e., directly benefit a business, private property owner, business, involves façade improvements, provide technical assistance to a new or existing business, job creation, loan guarantee, the beneficiary must obtain a Dun and Bradstreet (DUNS) number that must be reported to HUD. Please contact Suzan Ehdaie, (805) 781-4979, sehdaie@slo.co.ca.us for information on how to obtain a DUNS number prior to incurring and obligating the federal funds.

Is the organization a Faith Based Organization? Yes No

Is your agency currently participating in HMIS? Yes

If not, does your agency have the capacity to participate in HMIS? If yes, how so?

PROJECT DESCRIPTION

2. Title/name/address of proposed project or program:

*Maxine Lewis Memorial Shelter
750 Orcutt Road
San Luis Obispo, CA 93401*

3. Please describe the proposed project or program. In one or two short paragraphs, include a brief project/program description, the groups who will benefit and an explanation of how they will benefit from the proposed project or program. For projects, describe the location of the project (be as specific as possible, e.g. street address). For programs, state the location from which the program will be operated and/or describe the geographic area served by the program. Also, please include a schedule of project/program milestones.

Program description: *The San Luis Obispo homeless shelter program has two shelter sites: the Maxine Lewis Memorial (MLM) Shelter at Orcutt and South Broad Street, and the Interfaith Coalition for the Homeless (ICH) Shelter. ICH is a coalition of 14 faith-based groups (supported by volunteers) that formed nearly two decades ago to support emergency overnight sheltering in the community. A different church or synagogue hosts the ICH Shelter each month. Both shelter sites are open seven nights a week, year-round. The MLM Shelter opens at 5:00pm for dinner, showers, client screening/intake for shelter beds, and client information/referral assistance. Families are transported from the MLM Shelter to the ICH Shelter where they will sleep. Individuals and persons with special needs stay at the MLM Shelter.*

Who/how will benefit: **Who:** *According to the 2011 Homeless Enumeration Report, 3,774 county residents were identified as homeless. A staggering 1,847 (49%) of those counted were younger than 18. Of those homeless persons surveyed, 39% countywide said they used shelter services and within the City of San Luis Obispo 53% said they had accessed shelter services in the past year. 70% reported having been homeless for more than a year, 19% have been homeless for more than three months, but less than a year, and 11% of have been homeless less than three months. All shelters were filled to capacity on the night of the count and many people had been turned away due to overcapacity. The Community Action Partnership's Homeless Services Program is the largest in the county, providing a significant service to the community.*

How: *The San Luis Obispo shelter program will continue to benefit the county's homeless men, women and children who receive emergency intervention services to meet their most basic needs. Clients receive emotional and educational support to think beyond their immediate challenges and develop a plan to stabilize their lives and move toward greater self-sufficiency.*

Location: *The MLM Shelter is in the City of San Luis Obispo but serves the entire county. The program serves homeless men, women and children from each of the incorporated cities and all of the unincorporated communities in the county.*

Milestones: *Through CAPSLO's relationships and partnerships with other service sites and providers, many of the low-income persons we serve achieve permanent housing, and more stable employment and family functioning. Given our county's housing crisis, each family's personal achievements are program milestones.*

The outcomes achieved in our homeless programs represent incremental progress toward increased personal and community well-being. At the personal level this means a homeless person facing their problems, accepting help, developing a life-changing plan, and working in partnership with shelter staff to take a series of small, manageable steps that lead to positive change. At the community level this means reducing the impacts on agencies and systems such as law enforcement, the courts, hospital emergency rooms, mental health and drug/alcohol resources, and child welfare services.

4. Will the services offered by your organization increase or expand as a result of the CDBG assistance? If yes, please answer the following questions:

- a. What new programs and/or services will be provided?
No expansion is planned because the MLM Shelter program is already operating at full capacity, year-round.
- b. Describe how existing programs and/or services will be expanded and what percentage of an increase is expected?
CDBG funds will enable the San Luis Obispo shelter program to maintain the current level of services.

5. Check any of the following eligible activity categories that apply to the proposed project or program: (Refer to CDBG regulations and the Guide to Eligible CDBG Activities).

- | | |
|--|---|
| <input type="checkbox"/> Acquisition of real property* | <input type="checkbox"/> Disposition of real property |
| <input type="checkbox"/> Public facilities and improvements (may include acquisition, construction, reconstruction, rehabilitation or installation)* and/or ** | |
| <input type="checkbox"/> Privately owned utilities | <input type="checkbox"/> Clearance and remediation activities** |
| <input checked="" type="checkbox"/> Public services | <input type="checkbox"/> Interim assistance |
| <input type="checkbox"/> Relocation of individuals, families, businesses, non-profit organizations, and/or farms | |
| <input type="checkbox"/> Loss of rental income | <input type="checkbox"/> Removal of architectural barriers |
| <input type="checkbox"/> Housing rehabilitation** | |
| <input type="checkbox"/> New housing construction (under limited circumstances) | |
| <input type="checkbox"/> Homeownership assistance | <input type="checkbox"/> Housing services |
| <input type="checkbox"/> Code enforcement | <input type="checkbox"/> Historic preservation** |
| <input type="checkbox"/> Commercial or industrial rehabilitation** | <input type="checkbox"/> Special economic development |
| <input type="checkbox"/> Technical assistance and planning studies | |

*** Relocation:** Any project that involves the acquisition of property and/or rehabilitation and is funded in whole or in part with federal funds, even if the federal funds are not used for the acquisition itself, is subject to federal requirements connected to acquisition and relocation. A project cannot be broken into separate

“projects” in order to avoid the federal requirements connected with property acquisition and relocation. Any questions concerning whether the relocation regulations apply to a specific property acquisition project should be directed to the County Housing and Economic Development staff before any action is taken on the project.

If HUD funded project will cause a household or a business to move, even temporarily, the relocation regulations will apply.

Along with application submit:

- Estimate of relocation cost (moving costs, subsidy amount for suitable replacement dwelling)
- Letter to owner of voluntary acquisition, plus proof of delivery to owner.
- General Information letter to tenants (both business and residential tenants), plus proof of delivery to all).
- List of tenants (both business and residential tenants) at the time of application submittal.
- Refer to SLO Col website for sample relocation letters.

**** Lead based paint:** If HUD funded project involves acquisition or rehabilitation of a residential units that was built in 1978 or earlier, then Lead-Based paint regulations will apply.

- Along with application submit an estimate of costs for LBP work, provided by certified LBP consultant. Or statement by LBP consultant explaining that project is exempt.
- Include any temporary housing costs.

6. Describe the need and the degree of urgency for the proposed project or program. What would be the consequences if the proposed project or program is not funded in the next year?

Need/Urgency: All services offered are heavily used indicating a substantial need in the county. In the 12 months ending June 30, 2013, 915 unduplicated persons received one or more nights of shelter for a total of 28,187 shelter nights. Those sheltered increased by 5% from 2011-12 due to the worsening economy preventing homeless from finding and/or keeping jobs and becoming self-sufficient and moving out of the shelter. More than 43% of clients were women and children, up from 35% in 2011-12, and more than 53% of adults were disabled. Averages of 79.7 persons per night are sheltered year-round between the two San Luis Obispo shelter sites.

The MLM Shelter provides San Luis Obispo’s only free dinner to Shelter clients and other hungry community members. A total of 67,680 meals were served in the 12 months ending June 30, 2013; 9,476 of those meals were served to “diner/dashers” (persons who came for dinner and a shower but not a shelter bed). Averages of 105.7 dinners were served each night in 2012-13. 2,869 shelter nights were provided to children, an average of 7.9 children per night.

In addition to the above mentioned data, funding over the past few years has remained level, with a slight decrease in some years, while the need for services has risen. An increase in awarded funding will be essential to maintain the level of services that are required to meet the challenge of the growing population of those in need.

If not funded: *San Luis Obispo County's high cost of living and high cost of housing have heavily impacted the local homeless. Until there is an adequate supply of affordable housing in the county, emergency sheltering will be a fact of life. CAPSLO's MLM Shelter has been serving the county's homeless since 1989. Without CDBG funding from the City and County of San Luis Obispo and other cities, the Shelter would be forced to close. The MLM Shelter is not just the largest homeless shelter facility in the county and the only free dinner in the City of San Luis Obispo, it is also the "anchor" program for many providers and services. Without an overnight shelter to meet the most basic needs of the homeless, outreach and assistance services are disrupted and ongoing stabilization and self-sufficiency efforts are undermined.*

7. Please describe the specific organizational method used to implement the proposed project or program (single or multiple group, public agency, non-profit, for-profit, experience in operating similar programs, etc.):

As the county's Community Action Agency, CAPSLO has provided critical services to low-income county residents since 1965 and, since 1989, has operated the MLM Shelter in San Luis Obispo. We collaborate with the Interfaith Coalition for the Homeless, the City and County of San Luis Obispo, the SLO Housing Authority, the SLO Supportive Housing Consortium, the Homeless Services Coordinating Council, SLO People's Kitchen, and numerous public and private health and human service agencies to provide services to homeless clients. Key community partners include County Department of Social Services, County Mental Health, County Drug and Alcohol, Community Health Centers of the Central Coast, Transitions-Mental Health Association, AmeriCorps, and Cal Poly State University.

To support the countywide continuum of homeless services, CAPSLO contributed state funding toward creation of the county's 10-Year Plan to End Chronic Homelessness. This plan will help guide homeless service delivery for the next decade, and will benefit all communities in the county as well as the network of public, private and faith-based partners and service providers.

The agency currently collects all data using the Homeless Management Information System (HMIS), required by HUD, for this project. The agency collects data for the case management projects and is working with the county to expand the collection to this and other projects. The CAPSLO Homeless Services Data Analyst is responsible for getting the information on all case managed clients who are being served under a HUD grant. Every other week, a case conference is held and it is decided then what clients will be accepted to the program, and which clients will be closed out. During the following week, the Data Analyst meets one-on-one with each of the Case Managers to review the client file for all opening and closing clients, for completeness, accuracy, and to verify that the client is eligible for services under the program, and that all documentation is in place. The Data Analyst then enters all of the necessary information into HMIS. Additionally, case notes are emailed to the Data Analyst on a regular basis in order to get all of the services that the client is receiving entered into HMIS. With the information entered into the system, HMIS is capable of running reports to be given to the county and ultimately HUD.

8. Does the project require the issuance of a permit (from local, state or federal agencies)?

Yes No

a. If yes, please identify the permits necessary to complete the project.

- b. Have the necessary permits been issued? Please provide proof of permit issuance.
- c. If permits are required but not yet obtained, when will the permits be issued?

NATIONAL OBJECTIVES CRITERIA

9. Does the proposed project or activity meet one of the three national objectives of the CDBG program? Please check one of the objectives below that applies to the proposal, and explain how the project or activity meets that national objective.

- a. X Benefits low- and moderate-income persons as defined by the U.S. Department of Housing and Urban Development (HUD). **NOTE:** To meet this national objective, the proposed activity must benefit a specific clientele or residents in a particular area of the County or participating city, at least 51 percent of who are low- and moderate-income persons.

Select one:

Low/Moderate-Income Area Benefit – The project serves only a limited area which is proven by 2000 Census data or survey to be a predominately (51% or more) low/moderate-income area. Applicants choosing this category must be able to prove their project/activity primarily benefits low/moderate-income households.

Low/Moderate-Income Limited Clientele – The project benefits a specific group of people (rather than all areas in a particular area), at least 51% of whom are low/moderate-income persons;. Note: Income verification for clients must be provided for this category. The following groups are presumed to be low/moderate-income: abused children; elderly persons; battered spouses; homeless persons; adults meeting census definition of severely disabled; persons living with AIDS; and migrant farm workers

Low/Moderate-Income Housing – The project adds or improves permanent residential structures that will be/are occupied by low/moderate-income households upon completion.

Low/Moderate-Income Jobs – The project creates or retains permanent jobs, at least 51% of which are taken by low/moderate-income persons or considered to be available to low/moderate-income persons.

Explain: *Persons served at the MLM and ICH shelter sites are all homeless including many persons with a physical and/or mental disability.*

- b. _____ Aids in the prevention or elimination of slums or blight. **NOTE:** To meet this national objective, the proposed activity must be within a designated slum or blighted area and must be designed to address one or more conditions that contributed to the deterioration of the area.

Explain:

Select one:

- Addressing Slums or Blight on an Area Basis -**
- Addressing Slums or Blight on a Spot Basis** – This project will prevent or eliminate specific conditions of blight or physical decay. Activities are limited to clearance, historic preservation, rehabilitation of buildings, but only to the extent necessary to eliminate conditions detrimental to public health and safety.

Is the project located in a Redevelopment Area? Yes No

If yes, attach a map of the area with the site highlighted, and provide the Redevelopment Project Area (excerpts accepted) which documents the existence of slum/blight. Also, document the specific redevelopment objectives pertaining to the proposed project.

- c. _____ Meets community development needs having a particular urgency where existing conditions pose a serious and immediate threat to the health or welfare of the community, and no other funding sources are available, i.e., a major catastrophe such as a flood or earthquake. **NOTE:** To meet this national objective, the proposed activity must deal with major catastrophes or emergencies such as floods or earthquakes.

Explain:

If the project or program is designed to meet the national objective of providing benefit to low- and moderate-income persons, please estimate the number of unduplicated number of persons (or households) to benefit from the project and break that estimate down by income group (unduplicated means the number who are served, i.e., the grant will allow 25 children to participate in preschool – not 25 children x 5 days x 52 weeks = 6,500).

- a. Total number of persons or households who will benefit from the project or program (regardless of income group):

_____ 920 Persons/households (circle the applicable unit)

- b. Of the total number of persons or households entered above, how many will be low-income (earning 51% - 80% or less of the County median-income)?

_____ 23 Persons/households (circle the applicable unit)

- c. Of the total number of persons or households entered above, how many will be very low-income (earning 50% or less of the County median-income)?

897

Persons households (circle the applicable unit)

10. Who are the clients of your organization? (Example: low- to moderate-income persons, elderly persons, severely disabled persons, migrant farm workers, battered spouses, etc.)

The MLM Shelter program serves homeless men, women, and children as space is available. The client population includes youth accompanied by a parent or guardian (from newborns to teenagers), and adults including seniors. We serve persons of all ages, genders, races, and ethnicities without discrimination. This includes the mentally ill, developmentally and physically disabled, persons suffering from or in recovery from substance abuse, veterans, migrant farmworkers, and the working poor. We serve the chronically homeless, situational-homeless, unemployed, under-employed, uninsured, and underinsured.

11. How will the clients benefit from this project?

Shelter clients have “one stop” access to a broad range of services to help them stabilize their lives and move toward greater self-sufficiency. As well as providing emergency shelter, the CAPSLO Homeless Services program provides a holistic framework of services to help meet client needs. Comprehensive services include community meal programs at the MLM Shelter and Prado Day Center, daytime services at the Day Center, linkages and advocacy support, and access to intensive case management and permanent housing.

Without these emergency shelter services, clients would congregate in public places or disperse throughout local neighborhoods, impacting law enforcement and other public agencies.

12. If your project serves homeless households, please describe how your program coordinates with other continuum of care projects and entities and how it aligns with the San Luis Obispo Countywide 10-Year Plan to Homelessness.

CAPSLO’s Homeless Services Division works closely with other agencies that provide supplemental services, including: Tri-Counties Regional Center, Department of Social Services, Independent Living Resource Center, Salvation Army, Catholic Charities, Loaves and Fishes, SLO Housing Authority, local VA Service Center, and local churches. Being the provider for a complement of services enables our clients to seamlessly receive the benefits within one organization, as well as having the ability to be referred to multiple agencies as needed. As a member the County Continuum of Care (CoC) CAPSLO partially funded the development of the 10-year plan and is an active participant in its implementation. CAPSLO also has developed other CoC projects that dovetail with this project and aides in the continued effort to help homeless individuals and families moved toward self-sufficiency.

No single person, agency or government body can bring an end to veteran homelessness – it will take a comprehensive and coordinated approach among all organizations that serve this population. This is evident in the national strategy through the US Interagency Council on Homelessness and HUD. CAPSLO and its local partners seek to emulate this collaborative approach. Each of the partners has its specific expertise in dealing with homeless individuals and families. CDBG funding will enable us to build on this expertise and continue the services we provide. The end result will be a more client

centered, “wraparound” service aimed at helping homeless individuals and families moved toward self-sufficiency, stability, and subsequent success.

The program looks to support all of the national priorities. The goals of CAPSLO’s “Housing Through Case Management” program are in sync with the key components of HUD’s mandate to fund programs that promote moving homeless clients into housing and ensuring that they receive public benefits and develop the skills needed to live independently. CAPSLO’s Homeless Services programs (Maxine Lewis Memorial Shelter, Prado Day Center and Case Management) work with HUD’s target population on a countywide basis and have an established program of cooperation and linkages with other agencies and organizations that provide services to homeless persons.

In addition to being consistent with the Federal Strategic Plan, CAPSLO is an active participant in the countywide process that developed County’s 10-Year Plan to End Homelessness. Numerous Partnership staff members have participated thus far, contributing their knowledge, experience and goodwill to ensure a successful outcome. CAPSLO generated the state discretionary grant and the City of San Luis Obispo CDBG grant that were used by the County to pay for facilitation of the process to develop our local 10-Year Plan. The “Housing Through Case Management” services are consistent with the Consolidated Plan. The 2009 Action Year of the 2005 Consolidated Plan shows these priorities for Addressing Homelessness:

Priority 1: Provide needed emergency shelter facilities and related services.

Priority 2: Prevent homelessness by enabling people to obtain or retain decent affordable housing and supportive services.

Now that the 10-Year Plan is finalized, CAPSLO is working diligently to advocate for, support and comply with service delivery philosophies, strategies, mandates, and performance standards that are setting a path to end all types of homelessness.

BENEFICIARY DATA

NOTE: You are required to provide beneficiary data at the end of each quarter and year end data of the fiscal year.

13. How do you collect demographic data on the beneficiaries of the proposed project or program? (Example: racial/ethnic characteristics)

Demographics are collected during the client intake process using the California Department of Community Services and Development demographic form (Exhibit A attached).

14. How do you document and maintain income status of each client in compliance with HUD regulations? (Example: very low, low- and moderate-income)

As part of the client intake process, client income is verified using the federal poverty guidelines.

- 15. Provide the following information for the persons in your organization responsible for the preparation and submittal of the quarterly reports and for collecting and reporting the beneficiary data to the Urban County.**

Contact person/title: Robert J. Ellis, Planning & Program Development Specialist III

Phone number: (805) 544-4355 Ext. 445

E-mail address: bellis@capslo.org

FINANCIAL INFORMATION

For CDBG applications to the County of San Luis Obispo involving acquisition, construction or rehabilitation projects please provide the required additional budget information on BUDGET FORM A and BUDGET FORM B attached to the back of this application.

16. Total amount of CDBG funds requested: \$ 368,600

17. Please identify the cities to which you are applying. If you are applying to one or more cities, please provide a copy of the application to the County by the application deadline. If you are requesting CDBG funds from more than one city, please break down the amount shown above by the city listed below.

City of Arroyo Grande: _____	City of Paso Robles: _____
City of Atascadero: _____	City of San Luis Obispo: <u>\$180,000</u>
City of Morro Bay: <u>\$10,000</u>	County of San Luis Obispo: <u>\$180,000</u>

18. Please describe the budget for the proposed project or program. Itemize all sources of funding expected to be available and used for this project

Please see Exhibit B attached

19. How do you plan to fund the operation and maintenance costs (if any) associated with this project? Are these funds available now? If not, when will they be available? And from what source(s)?

CDBG funds are the primary mainstream resource used to support operation and maintenance of the MLM Shelter program. Other funding shown in Exhibit B also supports the shelter operation and is received throughout the year. Every effort is made to keep costs low by generating volunteer and in-kind support. The Shell Beach kitchen prepares the dinner on weekdays; community groups provide dinner on weekends and holidays. The shelter's dinner program annually involves several dozen community groups and local families and/or individuals. We are always looking for new meal providers in order to keep program costs as low as possible. In addition to the volunteer groups that provide dinner on weekends and holidays, volunteers are used to help serve dinner every night and to be "evening friends".

Volunteers and service groups such as California Conversation Corps also help with special events such as shelter repairs/upgrades as well as deep cleaning and landscaping, or take on special projects such as "shopping" at the Food Bank or helping with the "homework club". Community motels donate towels, sheets and blankets to the program; other local businesses contribute to "blanket and pillow" drives to benefit shelter clients.

We are also constantly looking at ways to diversify resources. CAPSLO's Homeless Advisory Committee is active in holding fundraising events. CAPSLO also engaged resource development consultants who created a long-range Financial Development Plan that will expand the agency's

capacity to generate diversified programmatic and capital development resources. That plan was adopted by the CAPSLO (then EOC) Board in October 2007.

20. Will CDBG funds be used to match/leverage other funds? List below funding sources and amounts and identify award dates of these sources.

CDBG funds are the primary mainstream resources used to support shelter operations; CDBG and ESG funds are used to leverage all other local and private resources. Please see Exhibit B.

I certify that the information in this application is true and accurate to the best of my knowledge and ability.



Signature



Date

Elizabeth "Biz" Steinberg

Printed or typed name

CEO

Title

Please use the CSD 295 Client Characteristic Report Instructions and Helpful Hints to complete this form.

1 Contractor Name:	<input type="text"/>	Contract #:	<input type="text"/>
Prepared By (name):	<input type="text"/>	Report Period:	<input type="text"/>
Phone Number:	<input type="text"/>	Email address:	<input type="text"/>

Demographic data should be collected on ALL clients receiving services under any program administered by the designated Community Action Agency.

Yellow Highlighted Sections represent demographics collected on INDIVIDUALS			
2 Total unduplicated number of persons about whom one or more characteristics were obtained		<input type="text"/>	
3 Total unduplicated number of persons about whom no characteristics were obtained		<input type="text"/>	
Blue Highlighted Sections represent demographics collected on FAMILIES			
4 Total unduplicated number of families about whom one or more characteristics were obtained		<input type="text"/>	
5 Total unduplicated number of families about whom no characteristics were obtained		<input type="text"/>	
6. Gender		Number of Persons*	
a. Male	<input type="text"/>		
b. Female	<input type="text"/>		
*Total	0		
7. Age		Number of Persons*	
a. 0-5	<input type="text"/>		
b. 6-11	<input type="text"/>		
c. 12-17	<input type="text"/>		
d. 18-23	<input type="text"/>		
e. 24-44	<input type="text"/>		
f. 45-54	<input type="text"/>		
g. 55-69	<input type="text"/>		
h. 70+	<input type="text"/>		
Sum of 7e thru 7h =	0		
*Total	0		
8. Ethnicity/Race			
<i>I. Ethnicity</i>			
a. Hispanic, Latino or Spanish Origin	<input type="text"/>		
b. Not Hispanic, Latino or Spanish Origin	<input type="text"/>		
*Total	0		
<i>II. Race</i>			
a. White	<input type="text"/>		
b. Black or African American	<input type="text"/>		
c. American Indian and Alaskan Native	<input type="text"/>		
d. Asian	<input type="text"/>		
e. Native Hawaiian and Other Pacific Islander	<input type="text"/>		
f. Other	<input type="text"/>		
g. Multi-Race (any 2 or more of the above)	<input type="text"/>		
*Total	0		
9. Education Level of Adults		Number of Persons 24+**	
a. 0-8	<input type="text"/>		
b. 9-12/Non-Graduate	<input type="text"/>		
c. High School Graduate/GED	<input type="text"/>		
d. 12+ Some Post Secondary	<input type="text"/>		
e. 2 or 4 yr. College Graduates	<input type="text"/>		
** Total	0		
10. Other Characteristics		Number of Persons*	
	Yes	No	Total *
a. Health Insurance	<input type="text"/>	<input type="text"/>	0
b. Disabled	<input type="text"/>	<input type="text"/>	0
11. Family Type		Number of Families***	
a. Single Parent/Female	<input type="text"/>		
b. Single Parent/Male	<input type="text"/>		
c. Two-Parent Household	<input type="text"/>		
d. Single Person	<input type="text"/>		
e. Two Adults - No Children	<input type="text"/>		
f. Other	<input type="text"/>		
***Total	0		
12. Family Size		Number of Families ***	
a. One	<input type="text"/>		
b. Two	<input type="text"/>		
c. Three	<input type="text"/>		
d. Four	<input type="text"/>		
e. Five	<input type="text"/>		
f. Six	<input type="text"/>		
g. Seven	<input type="text"/>		
h. Eight or more	<input type="text"/>		
***Total	0		
13. Source of Family Income		Number of Families	
a. Unduplicated # of Families Reporting One or More Sources of Income***			
<input type="text"/>			
b. Unduplicated # of Families Reporting No Income			
<input type="text"/>			
Total UNDUP Families who responded as either having a source of income or having no income ***			
0			
Record the sources of each family income as reported in 13a above:			
c. TANF		<input type="text"/>	
d. SSI		<input type="text"/>	
e. Social Security		<input type="text"/>	
f. Pension		<input type="text"/>	
g. General Assistance		<input type="text"/>	
h. Unemployment Insurance		<input type="text"/>	
i. Employment + Other Source		<input type="text"/>	
j. Employment only		<input type="text"/>	
k. Other:		<input type="text"/>	
****Total (c. through k.)		0	
14. Level of Family Income % of HHS guideline		Number of Families ***	
a. Up to 50%	<input type="text"/>		
b. 51% to 75%	<input type="text"/>		
c. 76% to 100%	<input type="text"/>		
d. 101% to 125% *****	<input type="text"/>		
e. 126% to 150% *****	<input type="text"/>		
f. 151% to 175% *****	<input type="text"/>		
g. 176% to 200% *****	<input type="text"/>		
h. 201% and over *****	<input type="text"/>		
***Total	0		
15. Housing		Number of Families ***	
a. Own	<input type="text"/>		
b. Rent	<input type="text"/>		
c. Homeless	<input type="text"/>		
d. Other	<input type="text"/>		
***Total	0		
16. Other family characteristics		Number of Families***	
a. Farmer	<input type="text"/>		
b. Migrant Farmworker	<input type="text"/>		
c. Seasonal Farmworker	<input type="text"/>		
d. Veteran	<input type="text"/>		
e. Active Military	<input type="text"/>		

* The sum in this category should not exceed the value of Section 2.
 ** The sum in this category should not exceed the value of Section 7.e-h.
 *** The sum in this category should not exceed the value of Section 4.
 **** The sum in this category should be greater than or equal to Section 13.a.
 ***** Reminder, September 30, 2010 was the cutoff date for reporting CSBG clients served up to 200% of the Federal Poverty Guidelines.

Exhibit B
 Community Action Partnership of SLO County, Inc.
 Maxine Lewis Memorial Shelter
 Proposed Budget FYE June 30, 2015

	Budget
a. Revenues:	
1. CDBG Funds Requested	\$ 370,000
2. Non-CDBG Funds Requested:	
SLO County ESG	39,428
Local - SLO County General Fund	42,211
FEMA	15,000
United Way	5,000
City of Pismo Beach	2,200
Donations	<u>91,730</u>
Total Funds	<u>\$ 565,569</u>
 b.	
Expenditures:	
Salaries	\$ 293,458
Fringe Benefits	116,140
Office Expense	2,860
Transportation	11,546
Utilities	23,579
Food	11,700
Laundry	18,525
Maintenance & Repairs	13,269
Program Supplies	12,951
Advertising, Recruiting and Training	1,625
Miscellaneous	18,022
Indirect & Administrative	<u>41,894</u>
Total Expenditures	<u>\$ 565,569</u>

ATTACHMENT 4

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM APPLICATION FOR THE 2014 PROGRAM YEAR



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

Organization Name: Senior Nutrition Program of San Luis Obispo County

(Attach additional sheets if necessary)

To be considered for CDBG assistance, a completed application with any necessary exhibits, budgets or beneficiary data is required. **PLEASE CAREFULLY READ ALL OF THE INFORMATION IN THIS APPLICATION.** Applications can be mailed to one of the participating jurisdictions listed in this application or to: Suzan Ehdaie, Department of Planning and Building, 976 Osos Street, Room 300, San Luis Obispo, CA, 93408 or hand delivered to Suzan Ehdaie at 1035 Palm Street, Room 370, San Luis Obispo, CA, faxed to (805) 781-5624, or e-mailed to sehdaie@co.slo.ca.us. **The application deadline is 5:00 P.M., Tuesday, October 15, 2013.** Applications must be received by the County or one of the participating cities (Arroyo Grande, Atascadero, Morro Bay, Paso Robles, San Luis Obispo) prior to close of the business day. **POSTMARKED MAIL RECEIVED AFTER THE DEADLINE WILL NOT BE ACCEPTED.**

NOTES:

- (1) Please review the CDBG regulations and guidelines and the Request for Proposals before completing your proposal. The CDBG regulations, under 24 CFR 570, are available at www.sloplanning.org under "Federal HUD Grants."
- (2) **HMIS Reporting for 2014 homeless services, housing and shelter** - All homeless service providers applying for CDBG funds to assist, house or shelter the homeless must identify and demonstrate its capacity to participate in the County of San Luis Obispo Homeless Management Information System (HMIS) to provide: personnel for data entry, user licensing, and hardware and software necessary for compatibility with HMIS. HMIS is an electronic data collection system that stores client level information about persons who access the homeless services system in a Continuum of Care, and reports aggregate data for the County per the U.S. Department of Housing and Urban Development's Data Standards found in http://www.hudhre.info/documents/FinalHMISDataStandards_March2010.pdf.
- (3) The Project Proposal submitted to the County of San Luis Obispo shall be examined in relation to the County's community development goals and funding priorities as presented in the Urban County of San Luis Obispo 2010-2014 Consolidated Plan. The Consolidated Plan is available at www.sloplanning.org. The County of San Luis Obispo Housing and Economic Development team will consider the criteria stated in the 2014 Request for Proposals as one of many tools to help make funding recommendations to the County Board of Supervisors. The Housing team will use other information and sources including but are not limited to: the County Board of Supervisors, recommendations from the Homeless Services Oversight Council, other participating jurisdictions of the Urban County of San Luis Obispo, identified needs that could be addressed by the grant funds, consistency with goals and priorities in the 2010-2014 Consolidated Plan and the Ten Year Plan to End Homelessness, results of the Needs Workshops, working knowledge of the project and/or organization, and availability of limited funds, to help with the funding recommendations.

Please call County or City CDBG staff with any questions about the application form, the process, and the rating criteria.

Please attach additional sheets for more detailed information of your proposed project or program for any of the questions below.

CONTACT INFORMATION

1. Name and mailing address of applicant organization, with contact person, phone and fax numbers, and e-mail address:

Name: Senior Nutrition Program of San Luis Obispo County

Address (mailing and physical address requested if different):
2180 Johnson Avenue,
San Luis Obispo, CA 93401

Contact person/title
Elias Nimeh, Executive Director

Phone: 805-541-3312

Fax: 805-541-5631

E-mail address: elias.nimeh@att.net

Organization's DUNS number: 839610680

If you are awarded CDBG funds or your proposal involves economic development, i.e., directly benefit a business, private property owner, business, involves façade improvements, provide technical assistance to a new or existing business, job creation, loan guarantee, the beneficiary must obtain a Dun and Bradstreet (DUNS) number that must be reported to HUD. Please contact Suzan Ehdaie, (805) 781-4979, sehdaie@slo.co.ca.us for information on how to obtain a DUNS number prior to incurring and obligating the federal funds.

Is the organization a Faith Based Organization? Yes No X

Is your agency currently participating in HMIS? no

If not, does your agency have the capacity to participate in HMIS? If yes, how so? no

PROJECT DESCRIPTION

2. Title/name/address of proposed project or program:

Title: Ongoing program support
 Name: Senior Nutrition Program of San Luis Obispo County
 Address: 2180 Johnson Avenue
 San Luis Obispo, CA 93401

3. Please describe the proposed project or program. In one or two short paragraphs, include a brief project/program description, the groups who will benefit and an explanation of how they will benefit from the proposed project or program. For projects, describe the location of the project (be as specific as possible, e.g. street address). For programs, state the location from which the program will be operated and/or describe the geographic area served by the program. Also, please include a schedule of project/program milestones.

The Senior Nutrition Program of SLO County provides free, hot, nutritious noon-time meals to seniors who are at least 60 years old. Seniors who are able to attend can eat meals at 10 community sites throughout the county in congregate dining. We also deliver meals, with frozen meals for Saturday and Sunday, to qualified seniors who are homebound. We rely on over 250 volunteers to deliver meals. We are the only program serving senior meals throughout San Luis Obispo County and the only program that includes congregate dining and an opportunity for socialization among the seniors. All of our meals are free to those who are eligible, although some clients choose to make voluntary anonymous donations. Our program has three goals: nutrition, socialization, and safety. Both the congregate dining and the home delivery provide socialization and human contact to help break the cycle of isolation. Finally, the daily home deliveries by volunteers, along with regular assessments by site supervisors, provide both friendly human contact and a safety net from accidents or physical or financial abuse. All staff and volunteers are mandated to report any suspected abuse. Currently, we are based in the former County Hospital complex in San Luis Obispo where we are able to prepare all our meals in the former hospital's kitchen and handle our administrative needs in a small adjacent office.

This past fiscal year, July 2012 – June 2013, SNP prepared and delivered 146,309 meals to 1633 senior residents of San Luis Obispo County.

We are requesting the CDBG grant funding to help us maintain the high quality of our program and services. SNP gets half (50%) of the needed funding to operate the program from state and federal sources. We must raise the other half, \$600,000 annually, through fundraising, donations, and local grants. CDBG grant money will be used as a matching fund for the federal grant.

4. Will the services offered by your organization increase or expand as a result of the CDBG assistance? No. If yes, please answer the following questions:

- a. What new programs and/or services will be provided?
- b. Describe how existing programs and/or services will be expanded and what percentage of an increase is expected?

5. Check any of the following eligible activity categories that apply to the proposed project or program: (Refer to CDBG regulations and the Guide to Eligible CDBG Activities).

- | | |
|--|---|
| <input type="checkbox"/> Acquisition of real property* | <input type="checkbox"/> Disposition of real property |
| <input type="checkbox"/> Public facilities and improvements (may include acquisition, construction, reconstruction, rehabilitation or installation)* and/or ** | |
| <input type="checkbox"/> Privately owned utilities | <input type="checkbox"/> Clearance and remediation activities** |
| <input checked="" type="checkbox"/> Public services | <input type="checkbox"/> Interim assistance |
| <input type="checkbox"/> Relocation of individuals, families, businesses, non-profit organizations, and/or farms | |
| <input type="checkbox"/> Loss of rental income | <input type="checkbox"/> Removal of architectural barriers |
| <input type="checkbox"/> Housing rehabilitation** | |
| <input type="checkbox"/> New housing construction (under limited circumstances) | |
| <input type="checkbox"/> Homeownership assistance | <input type="checkbox"/> Housing services |
| <input type="checkbox"/> Code enforcement | <input type="checkbox"/> Historic preservation** |
| <input type="checkbox"/> Commercial or industrial rehabilitation** | <input type="checkbox"/> Special economic development |
| <input type="checkbox"/> Technical assistance and planning studies | |

*** Relocation:** Any project that involves the acquisition of property and/or rehabilitation and is funded in whole or in part with federal funds, even if the federal funds are not used for the acquisition itself, is subject to federal requirements connected to acquisition and relocation. A project cannot be broken into separate "projects" in order to avoid the federal requirements connected with property acquisition and relocation. Any questions concerning whether the relocation regulations apply to a specific property acquisition project should be directed to the County Housing and Economic Development staff before any action is taken on the project.

If HUD funded project will cause a household or a business to move, even temporarily, the relocation regulations will apply.

Along with application submit:

- Estimate of relocation cost (moving costs, subsidy amount for suitable replacement dwelling)

- Letter to owner of voluntary acquisition, plus proof of delivery to owner.
- General Information letter to tenants (both business and residential tenants), plus proof of delivery to all).
- List of tenants (both business and residential tenants) at the time of application submittal.
- Refer to SLO Col website for sample relocation letters.

**** Lead based paint:** If HUD funded project involves acquisition or rehabilitation of a residential units that was built in 1978 or earlier, then Lead-Based paint regulations will apply.

- Along with application submit an estimate of costs for LBP work, provided by certified LBP consultant. Or statement by LBP consultant explaining that project is exempt.
- Include any temporary housing costs.

6. Describe the need and the degree of urgency for the proposed project or program. What would be the consequences if the proposed project or program is not funded in the next year?

Without funding in the next year for our program, we would be forced to cut back on existing services to our clients and turn away new clients. Senior Nutrition Program is proud of the level of service we are able to provide and the number of seniors we are able to serve in our program. However, our costs continue to rise, especially in the areas of food, labor costs, supplies, and gas and maintenance for our delivery trucks. Additionally, we constantly receive requests from new clients who want to participate in our program, especially among those who are homebound. The home-delivered meals cost more to the program than the congregate meals. In order to maintain our high level of service and program quality, we urgently need financial support from local agencies.

7. Please describe the specific organizational method used to implement the proposed project or program (single or multiple group, public agency, non-profit, for-profit, experience in operating similar programs, etc.):

Senior Nutrition Program has operated in San Luis Obispo County, CA, for over 25 years. We are a non-profit corporation that consists of a volunteer board of directors, dedicated staff of 8 full-time and 18 part-time employees, and over 250 volunteers.

The process we use to provide hot, nutritious meals is as follows:

- Assessment of potential clients is determined at the initial application process. It is also determined if there are other health issues, nutritional risks and limitations. When needed, we will refer potential clients to other appropriate agencies.
- Our registered dietician prepares a menu of delicious and nutritious meals every month that follows all health and dietary restrictions. Under the guidance of our experienced kitchen manager, meals are prepared by trained staff in the central kitchen. Additionally, we supplement

our kitchen staff through a collaborative program with three youth organizations whose participants learn employable kitchen skills.

- Two drivers deliver food to 10 community sites each weekday in refrigerated trucks. Site managers, with the help of volunteers, heat and serve food to our dining room clients. They also pack meals that are picked up by volunteers from the sites to be delivered to the homebound five days a week. Two additional frozen meals are delivered on Fridays to homebound clients to see them through the weekend.
- SNP delivers meals to the City of San Luis Obispo, the Five Cities (Arroyo Grande, Oceano, Grover Beach, Pismo Beach, and Nipomo), Los Osos/Baywood Park, Morro Bay, Cambria, Atascadero, Santa Margarita, Templeton, and Paso Robles.
- SNP maintains daily records of every meal and every client served. On any day of the year, we will be able to compare the cost-to-date of our food purchases for the fiscal year vs. last year by the number of clients and the number of meals and also by the number of homebound meals and the number of congregate meals.

SNP leadership focuses on effectively managing our costs, maintaining meticulous records, and planning and preparing the highest quality meals for our seniors. Following is a brief biography of our leaders:

- **Elias Nimeh, Executive Director**, has been the director of SNP for 8 years. He has a B. Sc. degree in Agronomy from Arizona State University and 40-plus years' experience in the restaurant business. He owned and operated a local business, Tortilla Flats, Inc., for 20 years.
- **Irene Palacios, Kitchen Director**, has been with the program for over 30 years and followed a steady progression of increasing responsibilities and promotions until reaching her current position as Kitchen Director approximately 27 years ago.
- **Wendy Fertschneider, Nutritionist**, has a degree in Dietetics and Food Administration from Cal Poly SLO. She has been with the program for over 15 years in a variety of positions. Currently she works part-time as our Registered Dietician, which is required for this program, writing and approving menus, providing staff training and nutrition education, and serving as advisory council facilitator.
- Additionally, interns from Cal Poly and Cuesta College assist our office staff. A group of approximately 35 volunteers, the Friends of Senior Nutrition Program, have the primary responsibility for planning and putting on our annual fund-raising event, the Night of a Million Meals.

8. Does the project require the issuance of a permit (from local, state or federal agencies)?

Yes No

- a. If yes, please identify the permits necessary to complete the project.
- b. Have the necessary permits been issued? Please provide proof of permit issuance.
- c. If permits are required but not yet obtained, when will the permits be issued?

NATIONAL OBJECTIVES CRITERIA

9. Does the proposed project or activity meet one of the three national objectives of the CDBG program? Please check one of the objectives below that applies to the proposal, and explain how the project or activity meets that national objective.

- a. Benefits low- and moderate-income persons as defined by the U.S. Department of Housing and Urban Development (HUD). **NOTE:** To meet this national objective, the proposed activity must benefit a specific clientele or residents in a particular area of the County or participating city, at least 51 percent of who are low- and moderate-income persons.

Select one:

Low/Moderate-Income Area Benefit – The project serves only a limited area which is proven by 2000 Census data or survey to be a predominately (51% or more) low/moderate-income area. Applicants choosing this category must be able to prove their project/activity primarily benefits low/moderate-income households.

Low/Moderate-Income Limited Clientele – The project benefits a specific group of people (rather than all areas in a particular area), at least 51% of whom are low/moderate-income persons;. Note: Income verification for clients must be provided for this category. The following groups are presumed to be low/moderate-income: abused children; elderly persons; battered spouses; homeless persons; adults meeting census definition of severely disabled; persons living with AIDS; and migrant farm workers

Low/Moderate-Income Housing – The project adds or improves permanent residential structures that will be/are occupied by low/moderate-income households upon completion.

Low/Moderate-Income Jobs – The project creates or retains permanent jobs, at least 51% of which are taken by low/moderate-income persons or considered to be available to low/moderate-income persons.

Explain: All of our clients are elderly; some are disabled/homebound. In FY 2012-2013, SNP served 1850 clients. Of those served, 35% are living in poverty. The remaining clients are living at a moderate income level. During the application process clients are asked to check income status. It is SNP policy to provide meals free of charge to seniors at least 60 years old regardless of income.

- b. _____ Aids in the prevention or elimination of slums or blight. **NOTE:** To meet this national objective, the proposed activity must be within a designated slum or blighted area and must be designed to address one or more conditions that contributed to the deterioration of the area.

Explain:

Select one:

Addressing Slums or Blight on an Area Basis -

Addressing Slums or Blight on a Spot Basis – This project will prevent or eliminate specific conditions of blight or physical decay. Activities are limited to clearance, historic preservation, rehabilitation of buildings, but only to the extent necessary to eliminate conditions detrimental to public health and safety.

Is the project located in a Redevelopment Area? Yes No

If yes, attach a map of the area with the site highlighted, and provide the Redevelopment Project Area (excerpts accepted) which documents the existence of slum/blight. Also, document the specific redevelopment objectives pertaining to the proposed project.

- c. _____ Meets community development needs having a particular urgency where existing conditions pose a serious and immediate threat to the health or welfare of the community, and no other funding sources are available, i.e., a major catastrophe such as a flood or earthquake. **NOTE:** To meet this national objective, the proposed activity must deal with major catastrophes or emergencies such as floods or earthquakes.

<p>Explain:</p>

10. If the project or program is designed to meet the national objective of providing benefit to low- and moderate-income persons, please estimate the number of unduplicated number of persons (or households) to benefit from the project and break that estimate down by income group (unduplicated means the number who are served, i.e., the grant will allow 25 children to participate in preschool – not 25 children x 5 days x 52 weeks = 6,500).

- a. Total number of persons or households who will benefit from the project or program (regardless of income group):

1633 Persons/~~households~~ (circle the applicable unit)

- b. Of the total number of persons or households entered above, how many will be low-income (earning 51% - 80% or less of the County median-income)?

527 Persons/~~households~~ (circle the applicable unit)

- c. Of the total number of persons or households entered above, how many will be very low-income (earning 50% or less of the County median-income)?

105 Persons/~~households~~ (circle the applicable unit)

11. Who are the clients of your organization? (Example: low- to moderate-income persons, elderly persons, severely disabled persons, migrant farm workers, battered spouses, etc.)

Elderly persons
 Low- to moderate-income persons
 Disabled persons

12. How will the clients benefit from this project?

The main benefit will be that seniors will continue to receive hot, nutritious meals at lunchtime five days a week. Food insecurity among seniors is a growing problem nationwide, and our county is no exception. Improved nutrition also brings improved health for our aging population, which could reduce the strain on public health services. This project will increase independent living for seniors. Seniors who might otherwise need to leave their homes because they can no longer prepare meals will have an increased chance of staying in their homes. Research has shown that seniors who can stay in their own homes frequently experience less depression than those in nursing homes. The project will also provide a safety net for these seniors, whether homebound or dining at the centers. For the homebound, the volunteer drivers provide a daily contact, and the site manager checks frequently. The program's delivery people, all volunteers, are trained to recognize situations which may require emergency or law enforcement assistance.

13. If your project serves homeless households, please describe how your program coordinates with other continuum of care projects and entities and how it aligns with the San Luis Obispo Countywide 10-Year Plan to Homelessness.

Several of our congregate sites in the county serve homeless seniors. The daily meals they receive will help in improving and maintaining good health and reducing their dependence on emergency facilities.

BENEFICIARY DATA

NOTE: You are required to provide beneficiary data at the end of each quarter and year end data of the fiscal year.

14. How do you collect demographic data on the beneficiaries of the proposed project or program? (Example: racial/ethnic characteristics)

SNP collects this information through the application process for each client and updates all applicable data quarterly for all homebound clients. For congregate clients information is updated annually.

15. How do you document and maintain income status of each client in compliance with HUD regulations? (Example: very low, low- and moderate-income)

SNP collects this information through the application process for each new client and updates the data quarterly for all homebound clients. For congregate clients information is updated annually. All income status information is gathered according to Federal guidelines.

16. Provide the following information for the persons in your organization responsible for the preparation and submittal of the quarterly reports and for collecting and reporting the beneficiary data to the Urban County.

Contact Person/Title: Elias Nimeh

Phone number: 805-541-3312

E-mail address: elias.nimeh@att.net

FINANCIAL INFORMATION

For CDBG applications to the County of San Luis Obispo involving acquisition, construction or rehabilitation projects please provide the required additional budget information on BUDGET FORM A and BUDGET FORM B attached to the back of this application.

17. Total amount of CDBG funds requested: \$ 60,000

18. Please identify the cities to which you are applying. If you are applying to one or more cities, please provide a copy of the application to the County by the application deadline. If you are requesting CDBG funds from more than one city, please break down the amount shown above by the city listed below.

City of Arroyo Grande: <u>\$15,000</u>	City of Paso Robles: <u>\$15,000</u>
City of Atascadero: <u>\$15,000</u>	City of San Luis Obispo: _____
City of Morro Bay: <u>\$15,000</u>	County of San Luis Obispo: _____

19. Please describe the budget for the proposed project or program. Itemize all sources of funding expected to be available and used for this project

a. Revenues:

1. CDBG Funds requested	\$ <u>60,000</u>
2. Other Federal fund(s) (please describe below)	\$ <u>428,685</u>
3. State source(s) (please describe below)	\$ <u>100,033</u>
4. Local source(s) (please describe below)	\$ <u>200,000</u>
5. Other funds (please describe below)	\$ <u>125,909</u>
Total Revenues	\$ <u>914,627</u>

Please see attached sheet (next page) for descriptions of funding sources.

Federal funding

- Title III
 - Title III refers to the Older Americans Act of 1965, administered by the Administration on Aging of the Department of Health and Human Services. Title III Part C, Nutrition Services, provides grants to states “to support nutrition services including nutritious meals, nutrition education, and other appropriate nutrition services for older Americans in order to maintain health, independence and quality of life.”
- NSIP (USDA)
 - NSIP stands for Nutrition Services Incentive Program, part of the Older Americans Act Nutrition Programs, administered by the Department of Health and Human Services Administration on Aging. The NSIP rewards state agencies on aging that efficiently deliver nutritious meals to older adults.

State funding

Local Government Funding

- SLO County
- SLO City
- Community Development Block Grants

Fundraising and Donations

- Client Donations
 - The SNP does not charge for meals; however, many of our clients choose to donate to cover all or part of the cost of their meals. These donations are anonymous.
- United Way
- Fundraising
 - Our primary fundraiser is the Night of a Million Meals, held in May, a dinner with silent and live auctions, planned and organized by a group of about 35 dedicated volunteers, the “Friends of Senior Nutrition.” The event is supported by around 240 sponsors, supporters, and donors, including representatives of local business and government and many of the area’s wineries.
 - We also send out an annual appeal for donations in the fall.

b. **Expenditures:** List below by item or cost category.

Food and supplies	\$ 223,283
Wages and benefits	\$ 535,547
Other costs	\$ 155,797
Total costs	\$ 914,627

20. How do you plan to fund the operation and maintenance costs (if any) associated with this project? Are these funds available now? If not, when will they be available? And from what source(s)?

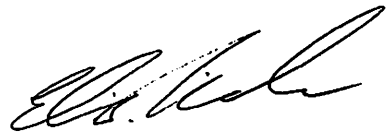
The Senior Nutrition Program operation and maintenance costs are funded by on-going donations from seniors receiving services, the community at large, local grants and our annual fundraising events.

The funds are received monthly.

21. Will CDBG funds be used to match/leverage other funds? List below funding sources and amounts and identify award dates of these sources.

The CDBG funds will be used towards the matching funds for the federal grants. We are required to provide matching funds of at least 15% of our federal grant.

I certify that the information in this application is true and accurate to the best of my knowledge and ability.

	10/15/2013
_____ Signature	_____ Date
Elias Nimeh	Executive Director
_____ Printed or typed name	_____ Title

Note to applicant:

The County and cities require all of the grant recipients to maintain general liability, automobile and workman's compensation insurance with limits of not less than \$1 million***. If you are successful in obtaining an award, you will be asked to provide documentation regarding ability to provide the required coverage.

*** Liability coverage may vary by jurisdiction. Please call the City/County contact to verify limits.

Prior to HUD's release of grant conditions and/or funds for the CDBG-funded project, a review of the project's potential impact on the environment must be conducted by the awarding jurisdictions and approved by the County of San Luis Obispo **prior to obligating or incurring project costs**. The County must certify to HUD that it has complied with all applicable environmental procedures and requirements. Should project costs be obligated or incurred prior to the completion of the necessary environmental review, the project **shall not** benefit from the federal funds. Environmental review requirements pursuant to 24 CFR Part 58 must be fully satisfied for any project selected for funding prior to the CDBG Program issuing a Notice to Proceed for the project. The level of environmental review required depends on the nature of the project. 24 CFR Part 58 is available at www.hud.gov/offices/cpd/environmental/lawsandregs/regs.

If you need assistance or have questions regarding this application, please contact any of the persons listed below. Your application(s) can be dropped off or mailed to the following locations:

- Kelly Heffernon - Community Development Department - (805) 473-5420
City of Arroyo Grande, 300 E. Branch Street, Arroyo Grande, CA 93420
- Valerie Humphrey - Public Works Department - (805) 470-3460
City of Atascadero, 6500 Palma Avenue, Atascadero, CA 93422
- Rob Livick - Public Services Department - (805) 772-6261
City of Morro Bay, 955 Shasta Avenue, Morro Bay, CA, 93442
- Darren Nash - Community Development Department - (805) 237-3970
City of Paso Robles, 1000 Spring St., Paso Robles, CA 93446
- Tyler Corey - Community Development Department – (805) 781-7175
City of San Luis Obispo, 919 Palm St., San Luis Obispo, CA 93401

COUNTY OF SAN LUIS OBISPO CDBG SUPPLEMENTAL BUDGET INFORMATION SHEET

BUDGET FORM A

For CDBG applications to the County of San Luis Obispo involving acquisition, construction or rehabilitation projects must provide the applicable project budget information.

Financial considerations are key in assessing a project's ability to be completed successfully and timely. Factors to be considered in this area include (a) availability and sufficiency of resources (including all non-CDBG, federal, state, county or private funding sources, (b) the leveraging of resources, (c) fiscal support for the project for its continued viability and (d) the project budget's accuracy, reasonableness and completeness in determining the financial needs of the project.

Source of Funds. Provide for entire project and round to the nearest hundred dollars. Do NOT include operating costs as this is not an eligible CDBG costs for projects involving acquisition, construction or rehabilitation projects.

Comment on your entity's strategy and plans on the leveraging and sufficiency of resources to implement the proposed project. If project is not leveraged with other funds, explain why CDBG funds are being relied on solely to fund the proposed project.

Description of Cost	Date Funds Available	Amount Requested	Approved - Secured	Total	% of Total Budget
CDBG Funds: This Request					
Previous Award					
Previous Award					
CDBG Funds: This request					
Previous Award					
Other Federal Funds Source:					
State Funds Source:					
Private Funds:					
Private Funds:					
Private Funds:					
In-Kind Contributions: Labor					
In-Kind Contributions					
Other:					
Other:					
Other:					
Totals					100%

COUNTY OF SAN LUIS OBISPO CDBG SUPPLEMENTAL BUDGET INFORMATION SHEET

BUDGET FORM B

Project Budget

Budget Form – Acquisition, Construction and Rehabilitation Project Preliminary Budget & Project Funding Requirements

Agency name: _____

Project: _____

Preliminary Budget: List all funding necessary to complete the proposed project. You must provide a **DETAILED** budget line-item worksheet for all costs associated with the project. **NOTE: YOU MUST USE THIS FORMAT.** Additionally, you must provide a **DETAILED** budget narrative explaining how you arrived at each line item.

Activity	CDBG Funds	Other Funds	Total Cost
ACQUISITION			
Purchase of Land			
Purchase of Units			
Other Expenses (List)			
HARD COSTS			
Site Work			
Demolition			
Construction			
Appliances			
Accessory Buildings			
General Requirements			
Contractor Overhead			
Contractor Profit			
Construction Contingency			
Other (List on separate sheet			
SOFT COSTS			
Architect Fee – Design			
Architect Fee – Supervision			
Legal Fees			
Engineering Fees			
Other Professional Fees (List)			
Appraisal			
Market Study			
Environmental Report			
Title & Recording Expenses			
Relocation Expenses			
Lead Based Paint Removal			
Consultants			
Other Soft Costs (List)			
INTERIM COSTS			

ATTACHMENT 4

Construction Insurance			
Construction Interest			
Credit Enhancement			
Real Estate Taxes			
FINANCING COSTS			
Bond Premium			
Permanent Loan Origination			
Permanent Loan Credit Enhance			
Other Financing Costs (List)			
DEVELOPER'S FEE (Determined individually for each project)			
TOTAL DEVELOPMENT COST			

Budget must be specific and reflect the applicant's financial commitment, including items paid for by other sources. This includes in-kind contributions and volunteer labor. It should not include amounts of administration. Indicate the circumstances/consequences of partial funding is awarded for this project.

Authorization:

Authorized Signature for Project

Title

Print Name

Date

COUNTY OF SAN LUIS OBISPO CDBG SUPPLEMENTAL TIMELINE INFORMATION SHEET

TIMELINE FORM C

WORK PLAN & PERFORMANCE SCHEDULE

List all project milestones and their anticipated work period. There will be an opportunity to update the project timeline after grant notification and before executing a grant agreement. Any proposed changes, including extension and early completion, must be requested in writing and approved in advance by the jurisdiction receiving the funding application. Note: Applicant will assume all financial risk if work on the proposed project begins before environmental clearance is obtained. You may either use or recreate this form to add tasks and activities and extended timeline. YOU MUST USE THIS FORMAT.

Table with 12 columns (Task/Activity, JUL, AUG, SEP, OCT, NOV, DEC, JAN, FEB, MAR, APR, MAY, JUN) and 15 rows for project milestones.

BACKGROUND

On March 26, 2013, Joan Solu and Susan Stewart, representing a local citizen's group presented a concept plan for the City's 50th Anniversary Celebration to see if there was City interest. The City's 50th Anniversary is July 17, 2014. An organized group of residents is laying the groundwork for a number of special activities and events spotlighting Morro Bay. Councilmember Nancy Johnson brought forward this item and recommended that the City Council pass a Resolution supporting the event. After discussion, the City Council voted unanimously to have staff bring back a Resolution in support of the event to include providing City facilities for meetings at no cost.

Following the March 2013 meeting, on May 28, 2013 City Council passed Resolution No. 31-13, acknowledging the importance of the City's 50th Anniversary and confirming the following:

- Designated Councilmembers Nancy Johnson and George Leage as the City's liaisons to the City of Morro Bay's 50th Anniversary Celebration Committee.
- Agreed to offer meeting space for the 50th Committee in City facilities, and directs the 50th Committee to work with the Recreation and Parks Department on securing this meeting space.
- Consideration of additional support to these efforts, including the potential of fee waivers, funding of events, and/or the use of other City resources to help the City's 50th Anniversary Celebration Committee as it plans and schedules these Community Enhancement and Enrichment Programs and Events.

Since the May meeting, the Morro Bay 50th Committee has been meeting and planning and have provided specific requests of support from the City which is included in the discussion section of the staff report.

DISCUSSION

The Morro Bay 50th Committee has been meeting on a regular basis since May and has determined a "wish list" of items/activities/funds that will aid the Morro Bay 50th Committee with their planning and execution of events. The following items are provided by the Committee, for City Council consideration:

1. Authorize staff to purchase and put up logo flags for the main entrances to town (flags to be designed by others);
2. Provide the 50th Anniversary logo for employee uniforms;
3. Use the 50th Anniversary logo on City letter head and business cards;
4. Authorize a City staff member (management level or above) to be designated by the City Manager to serve on the committee to help plan and allocate the authorized funds for each event (porta potties, etc.);
5. Authorize the 50th Anniversary Committee to contact the Chamber of Commerce and TBID/Tourism Bureau to market regionally/promote the event, provide/encourage restaurant specials as well as hotel and retail specials;
6. Authorize the 50th Anniversary Committee to contact the Chamber of Chamber to use the "shop local" campaign for "50 Ways to Shop Locally";
7. Financial involvement in the amount of \$50,000 to fund the Kick-Off Event, End of Celebration Event, a Time Capsule, 50th Anniversary Flags and other items;

8. Support the 50th Anniversary Committee in working with the State Park Foundation to develop and promote a First Day Hike (probably at sunset up Black Hill) in conjunction with the CA State Parks 150th Anniversary;
9. Support the 50th Anniversary Committee in working with local quilters to develop quilts for the State Anniversary; and
10. Support the Morro Bay Tree Committee in planting 50 Monterey Cypress throughout the year.

CONCLUSION

The City of Morro Bay has committed through the adoption of Resolution No. 31-13, the City's support of the 50th Anniversary. At this time the Morro Bay 50th Committee is asking the City to enhance their support by allocating funds to the event.

RESOLUTION NO. 31-13

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
SUPPORTING THE EFFORTS IN CELEBRATING
THE CITY OF MORRO BAY'S 50TH ANNIVERSARY OF INCORPORATION**

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

WHEREAS, the City of Morro Bay went from an unincorporated area to an incorporated municipality on July 17, 1964; and

WHEREAS, the City of Morro Bay celebrated their 25th Anniversary with several special events and activities; and

WHEREAS, there is extensive community support for a larger celebration for the City's 50th Anniversary in 2014; and

WHEREAS, at the March 26, 2013 City Council meeting there was a presentation from a local citizen's group providing a concept plan for a potential of an 18 month-long celebration; and

WHEREAS, the City Council discussed the concept that was presented and was supportive of partnering with this citizen's group effort to provide events in celebration of the Anniversary to include incorporating a theme into the events; and

WHEREAS, the City Council by consensus, designated Councilmembers Nancy Johnson and George Leage as the City's liaisons to the City of Morro Bay's 50th Anniversary Celebration Committee; and

WHEREAS, the City in support of these efforts, agrees to offer meeting space for the 50th Committee in City facilities, and directs the 50th Committee to work with the Recreation and Parks Department on securing this meeting space; and

WHEREAS, the City Council will also be considering additional support to these efforts, including the potential of fee waivers, funding of events, and/or the use of other City resources to help the City's 50th Anniversary Celebration Committee as it plans and schedules these Community Enhancement and Enrichment Programs and Events.


NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay, California, strongly supports the 50th Anniversary Celebration Committee's efforts and gladly provides meeting space for the committee as well as additional support as their planning efforts continue.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 28th day of May, 2013, by the following vote:

AYES: Irons, C. Johnson, N. Johnson, Leage, Smukler

NOES: None

ABSENT: None



JAMIE L. IRONS, Mayor

ATTEST:



JAMIE BOUCHER, City Clerk

Budget -	Projected \$\$	Actual \$\$	Project Date (2014)	Notes:
Special Events:				
First Hike Up Black Hill/Morro RK	\$1,000		Wed., January 01	Includes \$100 special edition T-shirts
Kick Off Party - January 11, 2014	\$2,000		Saturday, January 11	This is your Life Morro Bay - Special Event
Community Party	\$3,000		September	Based on costs for Kite Festival- After Summer Crush of events and families return in the fall - Basic current plans
Parade - Dalia Days - Historic Soc	\$2,000		September	All Floats and participants must wear City Flower or have City Tree (cypress) on their costume/float/vehicle
Bike Routes & Trails and Park Do	\$0-1000		May and October	Special map of Morro Bay Bike routes, Parks and historic markers such as buildings or trees. - Lead - Red Davis
Special Events Total	\$10,000			We would like to provide the flowers and cuttings
Ongoing 2014 Year Programs:				
Community Quilt Project	\$2,000		January - August	Complete a community quilt with service clubs, organizations and societies, city and community members to be displayed at the California State Fair in Sacramento. In conjunction with California State Parks 150th year. Cost of fabrics and supplies for large quilt and a smaller replica for the time capsule. Cost for display casing for city to display the quilt upon return.
Community Beautification	\$0-\$4,000		January - December	To be done in conjunction with Morro Bay in Bloom??? Contacts - Joe Woods, Jamie Irons, Walter Heath
Street Trees with Markers	\$0-\$500		Jan.-Mar. & Nov.-Dec	To be done in conjunction with Morro Bay Street Trees Committee - Ann Reisner lead
Ongoing Programs Total	\$6,500			
Community Legacy Projects:				
For Those Who Wait	\$50,000		January - December	In Conjunction with the Women For Fisheries - statue at Target Rock representing a wife/mother and her two children waiting at the harbor for the safe return of their husband/father a fisherman.

Time Capsule	\$2,000		Installation TBD	Create a time capsule with the years events, and important information, replica community quilt, location of the 50 street trees, special events for the community, information about beautification, bikes, hikes, party's etc. - bronze plaque/marker or brick
Legacy Projects Total	\$52,000			
Promotion/Promotional Items:				
50th Celebration Logo Banners	\$6,500		January - December	This includes Embarcadero/Front Street/Old Town/North Morro Bay - City would need to acquire brackets for North Morro Bay and repair some existing brackets.
Communication: Web, FB	\$2,500		January - December	Includes Facebook posts, web blogs and updates regarding 50 restaurant specials for locals to taste! Special event information, what the community is doing and saying about the 50th. A follow the Morro Bay Heart page (developing idea) posts about hikes, bike rides, parades, time capsules, location of quilts and progress of the quilt project, beautification sites, street tree plantings and everything else Morro Bay!
Advertising/Printing	\$5,000		January - December	Includes development and printing of invitations, flyers, sign up sheets, ballots, pamphlets, special edition brochures etc.
Promo. Total	\$14,000			
Sponsorship Donations to Date:		\$2,500		From Morro Bay Tourism Bureau - \$1,900 Spent for development of a Logo and Web site.
TOTALS:	\$81,000	\$2,500		
Request	\$50,000			Have interest in partnership opportunities with Morro Bay Chamber. There are some groups and individuals, and businesses interested in sponsorship. Most are waiting to see what commitment level will be realized from City efforts and are willing to partner and build on City momentum.
Other Ideas the City May Consider				

Logo wear or patches for Leadership/Management/Staff uniforms or jackets		
Logo Flags or City Flag with special 50th emblem logo		
Special 50th sidewalk/street markers		
Re-dedication of City Park with Tree lighting		
Lighting of 50 street tree canopy's		
City Management/Leader lead tours of City Hall, Fire Department, Police Department		
Special 50th Welcome Decorative Sign in the Round About		
Special 50th Decals for City Vehicles		
Special 50th logo on letterhead and business cards		



AGENDA NO: D-4

MEETING DATE: 11/12/2013

Mayor Report

TO: MAYOR AND CITY COUNCIL **DATE:** November 7, 2013

FROM: MAYOR IRONS

SUBJECT: Discuss amending the contract with Simas & Associates for the purpose of transferring signator from Mayor Irons to Interim City Attorney, and discuss authorizing additional funds for the purpose of completing personnel matters with our City Attorney and City Manager not to exceed 20 hours or \$5000.00 dollars

RECOMMENDATION

City Council to authorize the Interim City Attorney to become the signator for the contract between Simas & Associates and the City of Morro Bay and authorize additional funds for the purpose of completing personnel matters with our City Attorney and City Manager not to exceed 20 hours or \$5000.00 dollars.

FISCAL IMPACT

\$5000.00 dollars allocated from the Risk Management Fund.

BACKGROUND

On September 24, 2013 at a regular City Council meeting, City Council authorized Mayor Irons to obtain outside legal counsel to assist in personnel matters regarding the City Attorney and City Manager. Council authorized funds in the amount of \$12,500.00 dollars for legal services.

CONCLUSION

To date, a negotiated separation agreement is in progress with the City Attorney. The current status of the billing for legal service from Simas and Associates to date is \$11,200.00. In anticipation of exceeding the \$12,500.00 dollars, a request for additional funds in the amount of \$5000.00 dollars is before Council, it is recommended that City Council approve additional funds to conclude this matter.

Prepared By: J.Irons

City Manager Review: _____

City Attorney Review: _____