

# 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 – MAY 26, 2009  
VETERANS MEMORIAL HALL - 6:00 P.M.  
209 SURF ST., MORRO BAY, CA**

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

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

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

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

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

A. CONSENT CALENDAR

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

A-1 APPROVAL OF MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF MAY 11, 2009; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 RESOLUTION TO AUTHORIZE A SIX-MONTH LICENSE AGREEMENT FOR USE OF CITY FACILITIES WITH BIG ROCK CHARTERS/CHABLIS; (HARBOR)

**RECOMMENDATION: Adopt Resolution No. 26-09.**

A-3 ADOPTION OF ORDINANCE NO. 548 REPEALING, AMENDING, AND REENACTING TITLE 10 VEHICLES AND TRAFFIC OF THE MORRO BAY MUNICIPAL CODE; (POLICE)

**RECOMMENDATION: Adopt Ordinance No. 548.**

A-4 RESOLUTION NO. 25-09 ADOPTING FISCAL YEAR 2009/10 OPERATING BUDGET; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Adopt Resolution No. 25-09.**

A-5 STATUS REPORT ON APPLICATIONS FOR ECONOMIC STIMULUS FUNDING; (ADMINISTRATION)

**RECOMMENDATION: Receive report for information.**

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 DISCUSSION/INTERPRETATION OF GENERAL PLAN AND LOCAL COASTAL PLAN POLICIES RELATING TO THE LOCATION AND PLACEMENT OF COMMERCIAL AND RECREATIONAL FACILITIES IN THE BAY IN THE AREA OF THE CITY WEST OF MAIN STREET BETWEEN ACACIA AND BARLOW; (CITY ATTORNEY)

**RECOMMENDATION: Direct staff to interpret the City's General Plan/Local Coastal Plan to allow for commercial uses in the Bay/Tidelands area of the City west of Main Street between Acacia and Barlow, subject to a project-by-project review and environmental analysis.**

C. UNFINISHED BUSINESS

C-1 RESOLUTION NO. 24-09 APPROVING THE GREEN BUILDING INCENTIVES PROGRAM; (PUBLIC SERVICES)

**RECOMMENDATION: Adopt Resolution No. 24-09.**

D. NEW BUSINESS

D-1 PRESENTATION ON IMPLEMENTATION ON GOALS A & B FROM THE MANAGEMENT PARTNERS GOAL SETTING WORKSHOP; (ADMINISTRATION)

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

D-2 APPROVAL OF RESIDENTIAL LISTING AGREEMENT WITH MORRO BAY REALTY FOR EXCLUSIVE AUTHORIZATION AND RIGHT TO SELL THE CITY-OWNED PROPERTY AT THE SEC OF CORAL AND SAN JACINTO; (CITY ATTORNEY)

**RECOMMENDATION: Authorize the City Manager to execute a Residential Listing Agreement with Morro Bay Realty to sell the property at the SEC of Coral and San Jacinto.**

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

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

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

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



MINUTES - MORRO BAY CITY COUNCIL  
CLOSED SESSION – MAY 11, 2009  
CITY HALL CONFERENCE ROOM - 5:00 P.M.

AGENDA NO: A-1

MEETING DATE: 5/26/09

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

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

STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney

### CLOSED SESSION

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

Mayor Peters read the Closed Session Statement.

**CS-1 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY TRANSACTIONS.** Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to three (3) parcels.

- Property: Embarcadero/Market Properties  
Negotiating Parties: Potential Buyers and City of Morro Bay.  
Negotiations: Voluntary Purchase and Sale.
- Property: Vacant Lot/Corner of Coral/San Jacinto.  
Negotiating Parties: Potential Buyers and City of Morro Bay.  
Negotiations: Voluntary Purchase and Sale.
- Property: City slip and/or the Tidelands Park Side Tie Dock  
Negotiating Parties: Big Rock Charters d.b.a. The "Chablis" and City of Morro Bay.  
Negotiations: Berthing-License Terms and Conditions.

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

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

The meeting adjourned at 5:45 p.m.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 11, 2009  
VETERANS MEMORIAL HALL - 6:00 P.M.

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

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Bridgett Bauer	City Clerk
	Rick Algert	Harbor Director
	Bruce Ambo	Public Services Director
	Janeen Burlingame	Management Analyst
	Rob Livick	City Engineer
	Tim Olivas	Police Commander
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &  
PRESENTATIONS

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

PUBLIC COMMENT

Keith Taylor referred to the boat that washed ashore on Azure Street, and noted Patriot Environmental was able to clear the debris in a professional manner within 1½ day.

Joyce Lundy reviewed the monthly statistics for the Visitors Center, and announced this month's Chamber of Commerce mixer would be held at Baron's Orchids.

Susan Heinemann stated the AAUW Garden Tour was a huge success. She introduced Lina Rigolhuth who received one of the scholarships from AAUW to attend the Tech Trek Science Fair.

Lina Rigolhuth shared her goals, interests and hobbies that include her interest in science. She expressed her appreciation to those who purchased tickets for the AAUW Garden Tour in order to support the scholarships for the Tech Trek Science Fair that she will be attending.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 11, 2009

Peter Candela stated the Visitors Center hands out approximately 3,000 brochures on the trolley per year. He also said the City Council discretionary funds have had an impact on special events in the City, and he hoped the City Council would reinstate those funds.

Susan Brown, General Manager for Dial-a-Ride and the trolley announced the trolley service would start running during the Memorial weekend, and reviewed the where the trolley stops are located.

Lynda Merrill thanked a man named Bob for his contributions to Morro Bay Beautiful. She also thanked staff and the City Council for their efforts on the pending budget. Ms. Merrill thanked past Council Members for their efforts on the City's bike paths and trolley service.

Melody DeMeritt suggested Council consider a 5% salary reduction for the upper level City staff; place the primary election back on the ballot; place a paramedic fee on the ballot; and increase revenues in emergency funds.

Ken Vesterfelt stated 531 registrants picked up packets for the car show. He said the Rotary Club, Chamber of Commerce and Police Explorers all did a fine job in making this a successful event. Mr. Vesterfelt also thanked our local firefighters who are fighting the Jesusita fire in Santa Barbara.

Mayor Peters closed the hearing for public comment.

Mayor Peters called for a break at 7:03 p.m.; the meeting resumed at 7:10 p.m.

A. CONSENT CALENDAR

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

A-1 APPROVAL OF MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF APRIL 27, 2009; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 PROCLAMATION DECLARING MAY 2009 AS "COMMUNITY ACTION MONTH"; (ADMINISTRATION)

**RECOMMENDATION: Adopt Proclamation.**

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 11, 2009

A-3 PROCLAMATION DECLARING MAY 17 TO MAY 23, 2009 AS “2009 NATIONAL BEACH SAFETY WEEK”; (RECREATION & PARKS)

**RECOMMENDATION: Adopt Proclamation.**

MOTION: Councilmember Winholtz moved the City Council approve Items A-2 and A-3 of the Consent Calendar. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

Mayor Peters presented the proclamations to members of the public.

Mayor Peters requested the City Council add the following emergency Item D-4 to the agenda, which requires 2/3 vote by Council:

D-4 RESOLUTION NO. 23-09 FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL CITY PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA

MOTION: Mayor Peters moved the City Council add emergency Item D-4 to the agenda. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

Mayor Peters called for a break at 7:03 p.m.; the meeting resumed at 7:10 p.m.

MOTION: Councilmember Winholtz moved the City Council approve Item A-1 of the Consent Calendar. The motion was seconded by Councilmember Borchard and carried unanimously. (4-0-1/Councilmember Grantham was absent during the vote)

**B. PUBLIC HEARINGS, REPORTS & APPEARANCES**

B-1 CONSIDERATION OF MORRO BAY DIAL-A-RIDE FARE INCREASE;  
(PUBLIC SERVICES)

Management Analyst Janeen Burlingame stated approval and enactment of the fare increase would result in an increase to the Morro Bay Dial-a-Ride fare revenue by approximately \$12,000 and furthers the goal recommended in the Management Partners study towards eliminating the use of general funds for an enterprise fund. Not approving the fare increase would result in weekday service level cuts that would have to be made as the fiscal year 2009/10 budget developed only included the elimination of Saturday service. Ms. Burlingame recommended the City Council consider increasing the Morro Bay Dial-a-Ride Regular and Discount fares, and authorize staff to enact the new fare July 1, 2009.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 11, 2009

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

Mayor Peters stated costs have gone up which mean rates must go up, and she supports increasing the Regular fare to \$2.50 and the Discount fare to \$2.00.

Councilmember Winholtz stated she would support increasing the Regular fare to \$1.75 and increase the Discount fare to \$1.25. She said she would prefer to increase the trolley fare rather than the Dial-a-Ride fare because that is more discretionary money.

Councilmember Grantham stated he would support increasing the Regular fare to \$2.50 and the Discount fare to \$1.50 with the consideration of increasing the trolley fare.

Councilmember Smukler stated consideration should be given to the Discount fare with the addition of low-income into the program, and reiterated this is an essential service for members of the community.

Councilmember Borchard stated she would support increasing the Regular fare to \$2.00 and the Discount fare to \$1.50 since the last fare increase occurred in 2005.

**MOTION:** Councilmember Grantham moved the City Council approve a fare increase to Morro Bay Dial-a-Ride effective July 1, 2009 as follows: \$2.00 Regular one-way fare, \$1.25 Discount one-way fare, \$20.00 Regular 11 ride punch pass, and \$12.50 Discount 11 ride punch pass. The motion was seconded by Councilmember Smukler.

Councilmember Borchard stated her impression was the one-way Discount fare was going to be set at \$1.50; Mayor Peters concurred.

Councilmember Grantham amended his motion to \$1.50 for Discount one-way fare, and \$15.00 Discount 11 ride punch pass. Councilmember Smukler withdrew his second to the motion. Councilmember Borchard seconded the motion.

**VOTE:** The motion carried with Councilmember Winholtz and Councilmember Smukler voting no. (3-2)

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 11, 2009

B-2 CONSIDERATION OF CONTRACT EXTENSION WITH MV  
TRANSPORTATION; (PUBLIC SERVICES)

Management Analyst Janeen Burlingame stated at the San Luis Obispo Council of Governments Board meeting in December 2008, the Board requested its staff establish a Transit Efficiencies Sub-Committee comprised of Board Members and Transit Agency Staff to examine possible efficiencies to operating transit services within the County and develop efficiency improvement strategies for consideration. The current Operations and Management Agreement with MV Transportation expires on June 30, 2009. All terms and conditions are applicable during any extension period. MV Transportation began providing transit service for the City in July 2001. The existing agreement with MV Transportation began July 1, 2004 and a two-year contract extension was approved and became effective July 2007. The City has not had any issues with MV Transportation during the existing contract period and there are no major changes that need to be made to the Operations and Management Agreement at this time. As there is the potential for transit efficiency strategies that may impact the City's transit system and how it is operated that could differ from existing operations, staff feels that going through an Request for Proposals process for a one-year agreement while the SLOCOG Transit Efficiencies Sub-Committee study is completed is not warranted given the staff time and expense involved; particularly since there are no issues with MV Transportation that need to be corrected. Ms. Burlingame recommended the City Council approve a month-to-month extension of the current Morro Bay Dial-a-Ride and Trolley Operations and Management Agreement with MV Transportation.

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

Dwight Broshear, MV Transportation, stated they would like to continue their partnership with the City. He said MV Transportation is amenable to a month-to-month as well as a long-term relationship with the City.

Councilmember Borchard, Councilmember Smukler, and Councilmember Grantham all agreed with the month-to-month contract.

Councilmember Winholtz expressed concern with a month-to-month contract; and said there would be more security with a one-year extension.

**MOTION:** Councilmember Winholtz moved the City Council approve a one-year extension to the MV Transportation contract. The motion was seconded by Mayor Peters and carried with Councilmember Borchard and Councilmember Grantham voting no. (3-2)

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 11, 2009

**B-3 PUBLIC HEARING TO RECEIVE PUBLIC TESTIMONY ON GRANT REQUEST TO STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR FEDERAL TRANSIT ADMINISTRATION (FTA) SECTION 5311 PROGRAM FUNDING TO PURCHASE REPLACEMENT DIAL-A-RIDE AND TROLLEY VEHICLES; (PUBLIC SERVICES)**

Management Analyst Janeen Burlingame stated on February 16, 2009, President Obama signed into law the American Recovery and Reinvestment Act (ARRA), which includes funding for Transit Capital Assistance programmed through the existing Federal Transit Administration (FTA) Section 5311 program. Current programming of 5311 funding is through the San Luis Obispo Council of Governments (SLOCOG). Project requests were submitted to the SLOCOG on March 4, 2009 and the City submitted to SLOCOG requests for two projects: purchase one Dial-a-Ride vehicle (\$69,000) and one trolley vehicle (\$160,000) that would replace vehicles that are beyond the FTA's useful life criteria by the time funding and procurement are completed. On April 8, 2009 the SLOCOG Board approved a Program of Projects that included the City's two requested projects on the recommended list for funding. An application was made to CalTrans, and a public hearing to receive public testimony on the grant application was noticed on April 9, 2009. No further action is required by the City Council as a resolution authorizing the grant application and contract execution was adopted at the April 13, 2009 City Council meeting and submitted along with the public hearing notice affidavit in the grant application package.

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

This item was for information only, and no action was taken.

**B-4 RESOLUTION APPROVING THE ENGINEERS REPORT AND DECLARING THE INTENT TO LEVY THE ANNUAL ASSESSMENT FOR THE CLOISTERS LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)**

Recreation & Parks Director Joe Woods stated on April 13, 2009 the City Council adopted Resolution No. 15-09, which initiated the proceedings to levy the annual assessment to fund the maintenance of the Cloisters Park and Open Space. Additionally, staff was directed to have an Engineer's Report prepared, detailing the estimated annual assessment for the parcel owners for fiscal year 2009/10. Based on the Engineers Report, which estimates the annual costs of maintaining the Cloisters Park and Open Space for the upcoming year, the fiscal impact is estimated at \$148,944. These costs will be offset by the collection of an assessment for the same amount from the parcel owners in the Cloisters Subdivision. Upon adoption of Resolution No. 21-09, the next and final step in the annual levy of assessment process is the protest hearing/public hearing after which the City Council actually orders the levy of assessment.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 11, 2009

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

MOTION: Councilmember Grantham moved the City Council adopt Resolution No. 21-09 declaring the intent to levy the annual assessment for the Cloisters Landscaping and Lighting Maintenance, and approving the Engineers Report. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

B-5 RESOLUTION APPROVING THE ENGINEERS REPORT AND DECLARING THE INTENT TO LEVY THE ANNUAL ASSESSMENT FOR THE NORTH POINT LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods stated on April 13, 2009 the City Council adopted Resolution No. 16-09, which initiated the proceedings to levy the annual assessment to fund the maintenance of the North Point Natural Area. Additionally, staff was directed to have an Engineer's Report prepared, detailing the estimated annual assessment for the parcel owners for fiscal year 2009/10. Based on the Engineers Report, which estimates the annual costs of maintaining the North Point Natural Area for the upcoming fiscal year, the fiscal impact is estimated at \$5,645. These costs will be offset by the collection of an assessment for the same amount from the parcel owners in the North Point Subdivision. Upon adoption of Resolution No. 22-09, the next and final step in the annual levy of assessment process is the protest hearing/public hearing after which the City Council actually orders the levy of assessment.

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

MOTION: Councilmember Grantham moved the City Council adopt Resolution No. 22-09 declaring the intent to levy the annual assessment for the North Point Natural Area, and approving the Engineers Report. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

B-6 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 548 REPEALING, AMENDING, AND REENACTING TITLE 10 (VEHICLES AND TRAFFIC) OF THE MORRO BAY MUNICIPAL CODE; (POLICE)

City Attorney Robert Schultz stated Title 10 provides for regulations for the placement and enforcement of Traffic Control within the City of Morro Bay. Certain parts of the current Title 10 date back to 1964 and therefore are outdated, cumbersome, and unenforceable. Staff brought to City Council a draft rewrite of Title 10 at your Council meeting on January 12, 2009. City Council provided staff with direction and

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 11, 2009

recommended changes to the draft ordinance. The City Council again reviewed the draft ordinance on April 27, 2009 and provided further direction to staff. Staff has since made these changes and presents the ordinance for introduction and first reading by number and title only.

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

**MOTION:** Councilmember Borchard moved the City Council approve Ordinance No. 548 repealing, amending, and reenacting Title 10 (Vehicles and Traffic) of the Morro Bay Municipal Code for first reading and introduction by number and title only. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

City Manager Andrea Lueker read Ordinance No. 548 by number and title only.

Mayor Peters called for a break at 8:17 p.m.; the meeting resumed at 8:25 p.m.

C. UNFINISHED BUSINESS – NONE.

D. NEW BUSINESS

D-1 REVIEW OF 2008 TROLLEY SEASON PERFORMANCE AND UPCOMING 2009 SEASON; (PUBLIC SERVICES)

Management Analyst Janeen Burlingame stated the City's trolley service is a seasonal fixed route transit system serving the general public by linking the Downtown Business District, Waterfront, State Parks in the north and south ends of the community, and the Museum of Natural History through the use of three trolley routes operating within the City limits. In addition, the service provides a connection to the regional transit system at City Park. The trolley service operates weekends only from Memorial Day weekend to the first weekend in October, and on Friday and Monday from Memorial Day through Labor Day. Ms. Burlingame recommended the City Council receive the report on the 2008 trolley season performance; authorize the continued use of in-lieu parking fee funds for the operating costs associated with the operation of the Waterfront trolley route for fiscal year 2009/10; and, authorize the use of in-lieu parking fee funds for the operating costs associated with the operation of the Downtown trolley route for fiscal year 2009/10.

**MOTION:** Councilmember Winholtz moved the City Council approve the following: 1) cut hours of service to 7:00 p.m. on days that do not currently end at 6:00 p.m.; 2) increase fares to \$1 one-way/\$3 all day for passengers 12 years and older; under 12 years will remain the same; and 3) a summer survey will be taken on where passengers are from. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 11, 2009

D-2 CONSIDERATION OF CO-SPONSORSHIP OF THE 2009 DAHLIA DAZE  
CELEBRATION; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods stated the Morro Bay Garden Club sponsors an annual event to celebrate the City of Morro Bay's official flower, the Dahlia. The Dahlia Daze event has increased in popularity over the two years since inception and the Club is seeking a larger venue for their third annual celebration on August 15, 2009. In co-sponsoring Dahlia Daze, the Club would realize an increased ability to reallocate resources to enhance Club operations and community involvement. The City will have shown action towards a stated goal as well as increase the opportunities for sales tax enhancement. Mr. Woods recommended the City Council review and discuss the possibility of co-sponsoring the Morro Bay Garden Club's annual Dahlia Daze event, and direct staff accordingly.

MOTION: Councilmember Grantham moved the City Council not support the co-sponsorship of the City of Morro Bay Garden Club with their annual Dahlia Daze event on August 15, 2009 at the Morro Bay Community Center. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

D-3 REPORT ON CITIZENS BIKE COMMITTEE'S LETTER OF  
RECOMMENDATIONS ON THE CITY BIKEWAYS PLAN; (PUBLIC  
SERVICES)

City Engineer Rob Livick stated on March 9, 2009 Public Services staff updated City Council and requested direction regarding the desired design of North Main Street bike lanes and whether to pursue the project should funding become available. At that same meeting, Council directed staff to return with a bike plan within three months with potential funding sources, and a survey of the businesses along North Main Street. On April 22, 2009 the Morro Bay Citizens Bike Committee met to review unmet bike needs and made recommendations that these unmet needs be included in the City's Bikeways Plan, which was included as Attachment 1 in the staff report. Mr. Livick recommended the City Council consider the letter from the Morro Bay Citizens Bike Committee (Attachment 1) and give direction to staff on these or any other potential projects or issues to be included in the City's Bicycle Transportation Plan.

Councilmember Winholtz stated any of the items on the Citizens Bike Committee's list referring to striping should be prioritized.

Councilmember Smukler requested staff review the City's previous support on the "Adopt-a-Bike Rack" policy.

No further action was taken on this item.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MAY 11, 2009

D-4 RESOLUTION NO. 23-09 FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL CITY PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA

MOTION: Councilmember Grantham moved the City Council adopt Resolution No. 23-09 finding a severe fiscal hardship will exist if additional City property tax funds are seized and additional unfunded mandates are adopted by the State of California. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Winholtz requested to agendize a discussion on San Luis Obispo County's Integrated Regional Water Management Plan Memorandum of Mutual Understandings; Council concurred.

Councilmember Winholtz requested the presentation of a proclamation thanking Principal Zotovich for his efforts as Principal at Morro Bay High School at the next City Council meeting; Council concurred.

Councilmember Winholtz requested a memorandum clarifying the North Point boundaries, and requested the status on Dial-a-Ride and trolley ridership.

ADJOURNMENT

The meeting adjourned at 9:28 p.m.

Recorded by:

Bridgett Bauer  
City Clerk



AGENDA NO:   A-2  

MEETING DATE:   5/26/09  

## Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** May 26, 2009  
**FROM:** Harbor Director  
**SUBJECT:** Resolution to Authorize a Six-Month License Agreement for Use of City Facilities with Big Rock Charters/Chablis

### **RECOMMENDATION:**

Staff recommends authorization of the proposed six-month license agreement for use of City facilities with Big Rock Charters.

The proposed license agreement is in keeping with the Council's established goals/priorities of C. Establishing new revenue sources and M. Developing ways to retain existing businesses and attract new ones.

**MOTION:** I move that the City Council adopt Resolution No. 26-09 approving a six-month license agreement between the City of Morro Bay and Big Rock Charters.

### **FISCAL IMPACT:**

Fiscal impact: \$200 per month in facility use fees for six months, with a maximum of \$500 per month if Big Rock Charters docks overnight at City facilities.

### **BACKGROUND:**

The charter vessel "Chablis" run by Big Rock Charters was operating out of Virg's Landing at Lease Site 124-128/124W-128W, but Virg's cannot currently accommodate them and they would be forced to close their business for at least the summer if extraordinary action isn't taken to allow them to load/unload passengers at City facilities (see attached letter dated April 28, 2009). Council approved Harbor Department Rules and Regulations state:

"No sport fishing, tour boat, charter boat or rental business operation shall be conducted from any City slip, pier, street end dock, mooring, anchorage or other City facility or beach except as specifically allowed under a lease or license agreement.

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

Chapter 15.12.020 and 15.16.050 of the Morro Bay Municipal Code allows the Council to permit special events or uses at City piers and harbor facilities by Resolution.

**DISCUSSION:**

Staff has drafted a license agreement that would allow the Chablis to board passengers at City facilities under certain conditions for a period of six months only. The attached resolution and license agreement would permit the activity under the Municipal Code on an interim basis while the owners of Chablis attempt to secure permanent berthing and operating space.

**CONCLUSION:**

In order to retain the local business, Big Rock Charters, staff recommends that the City Council adopt Resolution No. 26-09 authorizing a six-month license agreement between the City of Morro Bay and Big Rock Charters to allow Big Rock Charters to operate from City facilities on a temporary basis.

**RESOLUTION NO. 26-09**

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

**AUTHORIZATION OF A SIX-MONTH LICENSE AGREEMENT  
FOR USE OF CITY FACILITIES WITH BIG ROCK CHARTERS/CHABLIS**

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

**WHEREAS**, Zoe Anders and Annie Clapp, owners of Big Rock Charters have been operating a charter boat operation in Morro Bay with the vessel Chablis since 2007; and,

**WHEREAS**, Big Rock Charters has requested permission to temporarily operate their charter business from City facilities to provide them time to find a permanent berthing location in Morro Bay; and,

**WHEREAS**, Big Rock Charters provides the benefit of local jobs and adds to the activities visitors and residents can enjoy in Morro Bay; and

**WHEREAS**, the current Harbor Department Rules and Regulations, prohibits the operation any sport fishing, tour boat, charter boat or rental business operation from any City facility or beach except as specifically allowed under a lease or license agreement; and,

**WHEREAS**, the Morro Bay Municipal Code 15.12.020 and 15.16.050 allows the council to permit special events or uses at City piers and harbor facilities by resolution..

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Morro Bay, California, that the attached six-month license agreement between the City of Morro Bay and Big Rock Charters is hereby approved, and that the Mayor is hereby authorized to execute said license agreement.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 26<sup>th</sup> day of May 2009 on the following vote:

AYES:

NOES:

ABSENT:

---

Janice Peters, Mayor

ATTEST:

---

Bridgett Bauer, City Clerk

**ORDINANCE NO. 548**

**AN ORDINANCE OF THE CITY OF MORRO BAY  
REPEALING, AMENDING, AND REENACTING  
TITLE 10 VEHICLES AND TRAFFIC OF THE  
MORRO BAY MUNICIPAL CODE**

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

**WHEREAS**, certain parts of the current Title 10 of the Morro Bay Municipal Code date back to 1964 and therefore are outdated, cumbersome, and unenforceable; and

**WHEREAS**, for the purpose of providing a system of traffic regulations that are consistent with state law and generally conform to similar regulations throughout the State of California and the nation, the City of Morro Bay desires to repeal its previous traffic regulations and amend and reenact Title 10 as contained herein; and

**WHEREAS**, City Staff made recommended amendments to Title 10 and presented the draft Title 10 Ordinance to City council at its council meeting on January 12, 2009 for review and comment; and

**WHEREAS**, the City Council provided staff with direction and recommended changes to the draft Ordinance and City Staff has since made these changes and believes this rewritten Ordinance will serve the city's needs well and address enforcement issues that have been a concern; and

**WHEREAS**, a public hearing was scheduled for April 27, 2009, for consideration of this Ordinance and appropriate public notices were given.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORRO BAY DOES HEREBY ORDAIN AS FOLLOWS:**

Title 10 of the Morro Bay Municipal Code is hereby repealed, amended, and reenacted to read as follows:

## **Title 10**

### **VEHICLES AND TRAFFIC**

#### **Chapters:**

- 10.04**      **Definitions**
- 10.08**      **Administration**
- 10.12**      **Enforcement and Obedience to Traffic Regulations**
- 10.16**      **Traffic-Control Devices**
- 10.20**      **Turning Movements**
- 10.24**      **One-Way Streets and Alleys**
- 10.28**      **Special Stops Required**
- 10.32**      **Miscellaneous Driving Rules**
- 10.36**      **Pedestrian Regulations**
- 10.40**      **Stopping, Standing and Parking for Certain Purposes or in Certain Places**
- 10.44**      **Stopping, Standing or Parking Restricted or Prohibited in Certain Areas**
- 10.48**      **Stopping for Loading or Unloading Only**
- 10.52**      **Restricted Use of Certain Streets**
- 10.56**      **Speed Zones**
- 10.60**      **Obstructions to Visibility**
- 10.64**      **Parking Revenues, Fines and Forfeitures**
- 10.68**      **Inoperative Vehicles**
- 10.72**      **Bicycles and Motorized Bicycles**
- 10.76**      **Coasters, Roller Skates and Similar Devices**
- 10.80**      **Oversize and Overweight Vehicles**
- 10.84**      **Police Towing Services**
- 10.88**      **Street Use by Vehicles Used As Living Quarters**
- 10.92**      **Off Highway Vehicles**
- 10.96**      **Penalty for Traffic Violations**

## Chapter 10.04

### DEFINITIONS

#### Sections:

- 10.04.010**     **Generally.**  
**10.04.020**     **Definitions.**

#### **10.04.010**     **Generally.**

A. The words and phrases set out in this chapter when used in this title shall, for the purposes of this title, have the meanings respectively ascribed to them in this chapter.

B. Whenever any words or phrases used in this title are not defined, but are defined in the Vehicle Code of the state and amendments thereto, such definitions shall apply.

#### **10.04.020**     **Definitions.**

A. "Alley" means that roadway defined in Section 110 of the Vehicle Code.

B. "Bicycle" means a device as defined in Section 231 of the Vehicle Code.

C. "Business District" shall mean as defined in Section 235 of the Vehicle Code.

D. "Central business district" is the district within Morro Bay that includes all streets or portions of streets within the area bounded by the following streets: Bounded on the south by Pacific Street, on the north by Beach Street, Main Street and Radcliff, on the west by the Embarcadero and Front street and on the east by Kern Avenue, Morro Bay Boulevard and Quintana Road.

E. "Code enforcement officer" means and includes enforcement officers regularly employed or designated in that capacity by the city.

F. "Curb" means the lateral boundary of the roadway whether such curb be marked by curbing construction, or not so marked: the word curb as used in this title shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from the tracks or rights-of-way of public utility companies.

G. "Divisional island" means a raised island located in the roadway and separating opposing or conflicting streams of traffic.

H. "Highway" means a way or place of whatever nature, publicly maintained and opened to the use of the public for purposes of vehicular travel. Highway includes streets.

I. Within the meaning of this title, "holidays" are those dates as described in the federal holiday law.

J. "Loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

K. "Official time standard" - Whenever certain hours are named in this title, they shall mean standard time or daylight savings time as may be in current use in this city.

L. "Owner of the land" means the owner of the land on which the vehicle or parts thereof is located as shown on the last equalized assessment roll.

M. "Park" or "Parking" means the definition as described in Section 463 of the Vehicle Code.

N. "Parking meter" means a mechanical device installed within or upon the curb or sidewalk area immediately adjacent to a parking space, for the purpose of controlling the period of time occupancy of such parking meter space by any vehicle.

- O. "Parkway" means that portion of a street other than a roadway or a sidewalk.
- P. "Passenger loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.
- Q. "Pedestrian" means the definition as described in Section 467 of the Vehicle Code.
- R. "Police department volunteer" means persons who are registered and approved volunteers with the police department who are authorized and trained in traffic control and to enforce parking regulations.
- S. "Police officer" means every officer of the police department of this city as defined in Section 830.1 of the California Penal Code.
- T. "Public Property: means any property owned by a public agency, but does not include highways.
- U. "Skateboard" means a board with two small wheels fixed to the bottom of both ends, on which (as a recreation or sport) a person can ride in a standing or crouching position, propelling themselves by occasionally pushing one foot against the ground.
- V. "Stop or Stopping" means the definition as described in Section 587 of the Vehicle Code.
- W. "Stop or stand," when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.
- X. "Traffic Control devise" means a sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or shared-use path by authority of a public agency having jurisdiction.
- Y. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, exempting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.
- Z. "Vehicle Code" means the Vehicle Code of the state of California.

## Chapter 10.08

### ADMINISTRATION

#### Sections:

- 10.08.010 Office of city traffic engineer established—Authority to place and maintain traffic-control devices.**
- 10.08.020 Traffic engineer’s powers and duties.**
- 10.08.030 Traffic-control devices and markings—Installation and maintenance.**
- 10.08.040 City staff traffic advisory committee—Established—Membership.**
- 10.08.050 City staff traffic advisory committee—Duties.**
- 10.08.060 Enforcement.**
- 10.08.070 Declared Streets.**
- 10.08.080 Placement by Council.**

#### **10.08.010 Office of city traffic engineer established—Authority to place and maintain traffic-control devices.**

The office of city traffic engineer is established. The city traffic engineer shall be the city engineer until the council shall authorize the creation of a separate officer, and he/she shall exercise the powers and duties as provided in Section 10.08.020 and in the traffic regulations of this city. Whenever the city traffic engineer is required or authorized to place or maintain official traffic-control devices or signals, he/she may cause such devices or signals to be placed or maintained.

#### **10.08.020 Traffic engineer’s powers and duties.**

It shall be the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic-control devices, signs and signals, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering and traffic investigations of traffic conditions, to recommend traffic-control devices for inclusion in the capital improvement program and present plans for consideration by the council, and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city. Whenever, by the provisions of this title, a power is granted to the city traffic engineer or a duty imposed upon him/her, the power may be exercised or the duty performed by him/her or by his/her deputy or by a person authorized in writing by him/her .

#### **10.08.030 Traffic-control devices and markings—Installation and maintenance.**

The physical maintenance of traffic-control devices and markings shall be handled by the Public Services Department. The installation of devices, signs or markings authorized by city traffic engineer will be either by contract or through the public services department.

#### **10.08.040 City staff traffic advisory committee—Established—Membership.**

There is established an advisory traffic committee consisting of a minimum of the following city staff members or their representatives: the city traffic engineer, the chief of police and the fire chief.

**10.08.050 City staff traffic advisory committee—Duties.**

It shall be the duty of the city staff traffic advisory committee to consider public suggestions having to do with traffic matters and recommend ways and means of improving traffic conditions and the administration and enforcement of traffic regulations.

**10.08.060 Enforcement.**

A. All adopted state and city parking ordinances shall be administered and enforced by the police chief, the fire chief, and the City Traffic Engineer, or such other persons as they shall designate as enforcing officers.

B. It is the duty of the police chief to enforce the street traffic regulations of the city and all of the state vehicle laws applicable to street traffic in the city, to make arrests for traffic violations, to investigate traffic accidents and to collaborate with other city departments and the staff traffic safety committee with the administration of the traffic laws and in developing ways and means to improve traffic conditions.

**10.08.070 Declared Streets.**

A. All of the streets and highways in the city now existing or hereafter created or dedicated are declared streets, and all the city parking lots or public areas (whether improved or unimproved) upon which driving, stopping, standing or parking of vehicles shall be limited and restricted; provided, that such street, lot or public area is properly signposted or marked so as to designate the limitation or restriction placed herein. The council may from time to time limit or restrict the driving, stopping, standing or parking of vehicles upon any public street, city parking lot or public area in the city. Such limitation or restriction shall be effectuated by resolution of the council specifying the streets, lots and public areas and limitations or restrictions on driving, standing, stopping or parking therein, followed by proper signposting of the street, lot or public area.

B. When authorized signs are in place giving notice thereof, no person shall drive, stop, stand or park any vehicle on any street, city parking lot or public area in the city in violation thereof.

**10.08.080 Placement by Council.**

Notwithstanding the above sections, the City Council shall have the power to place and maintain or cause to be placed or maintained official traffic-control devices when and as required under this chapter to make effective the provisions of this chapter and may place and maintain such additional traffic-control devices as it deems necessary to regulate traffic under this chapter or under the State law, or to guide or warn traffic.

## Chapter 10.12

### ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

#### Sections:

- 10.12.010** Traffic direction—Police and fire department officials authority.
- 10.12.020** Obedience to traffic regulations—Required.
- 10.12.030** Obedience to traffic regulations—Persons riding bicycles or animals.
- 10.12.040** Obstruction or interference with police or authorized officers prohibited.
- 10.12.050** Removal of chalk marks.
- 10.12.060** Exemption of certain vehicles.
- 10.12.070** Report of damage to certain property required.
- 10.12.080** Authority to remove vehicles.

#### **10.12.010 Traffic direction—Police and fire department officials authority.**

A. Officers, assigned employees and authorized volunteers of the police department are primarily responsible to direct all traffic by voice, hand, audible or other signals in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, other assigned city employees may direct traffic as conditions may require, notwithstanding that provisions to the contrary are contained in this title or the Vehicle Code. No other person shall direct traffic in any emergency situation unless so directed by the incident commander of the emergency situation.

B. During non emergency situations such as construction, the chief of police or traffic engineer may authorize and/or require the construction firms to provide adequate and proper traffic control and direction during construction.

#### **10.12.020 Obedience to traffic regulations—Required.**

It is a misdemeanor or infraction for any person driving any vehicle or other conveyance upon any street, or any pedestrian, to do any act forbidden or fail to perform any act required as applicable to any such person under this title.

#### **10.12.030 Obedience to traffic regulations—Persons riding bicycles or animals.**

Every person riding a bicycle or riding or driving an animal upon a highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except those provisions which by their very nature can have no application.

#### **10.12.040 Obstruction or interference with police or authorized officers prohibited.**

No person shall interfere with or obstruct in any way any police officer or other officer or employee of this city in their enforcement of the provisions of this title.

#### **10.12.050 Removal of chalk marks**

A. The owner or operator of any motor vehicle exercising the privilege of parking a vehicle on any street or portion thereof where regulations are in effect restricting the length of time vehicles may be parked on a street or portion thereof does so on the condition that the police

officers or other designated city personnel may place chalk or other removable marks on the tire of the vehicle for the purpose of enforcing such parking regulations.

B. It is unlawful for any person to erase, rub out, conceal or otherwise remove, any chalk or other mark so placed by a police officer or other designated city personnel while the marked vehicle remains parked on the street or portion thereof. For the purpose of this section, the movement of a previously marked vehicle in such a manner as to cause the tire marking to be concealed or removed, and without leaving the parking space or the block where such vehicle was parked when its tires were previously marked shall be deemed to be an erasure or removal of such chalk or other marking.

**10.12.060 Exemption of certain vehicles.**

A. The provisions of this title regulating the operation, parking and standing of vehicles shall not apply to authorized emergency vehicles.

B. The provisions of this title regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction, repair work, or during an emergency, or any vehicle owned or operated by the United States Postal Service while in use for the collection, transportation or delivery of the United States mail.

**10.12.070 Report of damage to certain property required.**

The operator of any vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including, but not limited to, any fire hydrant, parking meter, lighting post, telephone pole, electric light or power pole, or resulting in damage to any tree, traffic-control device or other property of a like nature located in or along any street, shall immediately or as soon as practical after such accident make a written report of such accident to the police department of this city.

**10.12.080 Authority to remove vehicles.**

A. Any police officer of the city police department may remove a vehicle as specified in Section 22650-22856 of the California Vehicle Code.

B. Any trained police volunteer may remove a vehicle as specified in Section 22651.05 of the California Vehicle Code.

## Chapter 10.16

### TRAFFIC-CONTROL DEVICES

#### Sections:

- 10.16.010 Authority to place and maintain.**
- 10.16.020 Traffic-control signs required for enforcement purposes.**
- 10.16.030 Obedience required.**
- 10.16.040 Traffic signal installation.**
- 10.16.050 Lane marking.**
- 10.16.060 Distinctive roadway markings—Authority to place.**
- 10.16.070 Removal, relocation and discontinuance—Authority.**
- 10.16.080 Hours of operation.**
- 10.16.090 Unauthorized painting on curbs prohibited.**
- 10.16.100 Signs and signals—Tampering with**

#### **10.16.010 Authority to place and maintain.**

A. The city traffic engineer shall have the power and duty to place or cause to be placed official traffic-control devices when and as required to make effective the provisions of this title.

B. Whenever the Vehicle Code requires for the effectiveness of any provision thereof that traffic-control devices be installed to give notice to the public of the application of such law, the city traffic engineer is authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

C. The city traffic engineer may also place or cause to be placed such additional traffic-control devices as he/she may deem necessary or proper to regulate traffic or to guide or warn traffic, but he/she shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations and rules as may be set forth in this chapter or as may be determined by ordinance or resolution of the council.

D. The police chief may also place or cause to be placed temporary traffic-control signs as he/she may deem necessary or proper to regulate traffic or to guide or warn traffic in emergency situations, special events, or other temporary events.

E. It is unlawful for any person to place or maintain any device other than an official warning or directional sign or signal erected under competent authority, on or in view of the street, which purports to be, or is an imitation of, or resembles an official warning or direction sign or signal, or which attempts to direct the movement of traffic or the actions of operators of vehicles; and any such prohibited device shall be a public nuisance and the police department may remove it, or cause it to be removed without notice.

#### **10.16.020 Traffic-control signs required for enforcement purposes.**

No provision of the Vehicle Code or of this title for which signs are required shall be enforced against an alleged violator unless appropriate legible signs are in place giving notice of such provisions of the traffic regulations.

**10.16.030 Obedience required.**

The operator of any vehicle shall obey the instructions of any official traffic-control device placed in accordance with this title unless otherwise directed by a police officer or other authorized person subject to the exceptions granted the operator of an authorized emergency vehicle when responding to emergency calls.

**10.16.040 Traffic signal installation.**

A. The city traffic engineer is directed to install official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

B. The city traffic engineer shall ascertain and determine the locations where such signals are required by field investigation, input from the City Staff Traffic Advisory Committee, traffic counts and other traffic information as may be pertinent and his determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the Traffic Manual issued by the California Department of Transportation.

C. Whenever the city traffic engineer installs an official traffic signal at any intersection, he/she shall likewise erect at such intersection street name signs visible to the principal flow of traffic unless such street name signs have previously been placed and are maintained at any such intersection.

**10.16.050 Lane marking.**

The city traffic engineer is authorized to mark centerlines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway.

**10.16.060 Distinctive roadway markings—Authority to place.**

The city traffic engineer is authorized to place distinctive roadway markings as described in the Vehicle Code on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such markings or signs and markings shall have the same effect as similar markings placed by the State Department of Transportation pursuant to the provisions of the Vehicle Code.

**10.16.070 Removal, relocation and discontinuance—Authority.**

The city traffic engineer is authorized to remove, relocate or discontinue the operation of any traffic-control device not specifically required by the Vehicle Code or this title whenever he/she shall determine in any particular case that the conditions which warranted or required the installation no longer exist.

**10.16.080 Hours of operation.**

The city traffic engineer shall determine the hours and days during which any traffic-control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this title.

**10.16.090 Unauthorized painting on curbs prohibited.**

No person, unless authorized by city traffic engineer, shall paint any street or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinance of this city pertaining thereto.

**10.16.100 Signs and signals—Tampering with.**

It is unlawful for any person to deface, injure, move or interfere with any official warning or directional signal or sign.

## Chapter 10.20

### TURNING MOVEMENTS

#### Sections:

- 10.20.010**      **Turning markers—Authority to place—Obedience to required.**
- 10.20.020**      **Restricted turn signs—Authority to place.**
- 10.20.030**      **No-turn signs - Obedience required.**
- 10.20.040**      **No free right turn on red light signs—Obedience required—Sign posting.**
- 10.20.050**      **U-Turns**

#### **10.20.010**      **Turning markers - Authority to place—Obedience to required.**

A. The city traffic engineer is authorized to place markers, buttons or other official traffic-control signs within or adjacent to intersections and indicating the course to be traveled by vehicles turning at such intersections, and the city traffic engineer is authorized to locate and indicate more than one lane of traffic from which drivers of vehicles may make right or left hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning there, no driver of a vehicle shall disobey the directions of such indications.

#### **10.20.020**      **Restricted turn signs—Authority to place.**

The traffic engineer is authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

#### **10.20.030**      **No-turn signs—Obedience required.**

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of such sign.

#### **10.20.040**      **No free right turn on red light signs—Obedience required—Sign posting.**

A. No driver of a vehicle shall make a right turn against a red or stop signal at any intersection which is sign-posted giving notice of such restriction as provided in subsection B of this section.

B. The city traffic engineer shall post appropriate signs giving effect to this section where he/she determines that the making of right turns against a traffic signal “stop” indication would seriously interfere with the safe and orderly flow of traffic.

#### **10.20.050**      **U-Turns**

A. No vehicle in a business district shall be turned so as to proceed in the opposite direction except at an intersection.

B. No vehicle in a residential district shall be turned so as to proceed in the opposite direction when any other vehicle is approaching from either direction within two hundred feet except at an intersection.

## **Chapter 10.24**

### **ONE-WAY STREETS AND ALLEYS**

#### **Sections:**

#### **10.24.010 Sign posting.**

#### **10.24.010 Sign posting.**

Whenever any ordinance or resolution of this city designates any one-way street or alley, the city traffic engineer shall place signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

## Chapter 10.28

### SPECIAL STOPS REQUIRED

#### Sections:

**10.28.010 Stop signs—Erection—Removal—Obedience to required.**

**10.28.020 Vehicles emerging from an alley, driveway or building.**

#### **10.28.010 Stop signs—Erection—Removal—Obedience to required.**

The city traffic engineer is authorized to erect stop signs at those locations where he or she deems such controls to be necessary or remove those signs no longer warranted in order to protect the public safety. When signs are erected giving notice thereof, drivers of vehicles shall stop at the entrance or entrances to such intersections.

#### **10.28.020 Vehicles emerging from an alley, driveway or building.**

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or driveway.

## Chapter 10.32

### MISCELLANEOUS DRIVING RULES

#### Sections:

- 10.32.010** Driving through funeral procession.
- 10.32.020** Commercial vehicles using private driveways.
- 10.32.030** Riding or driving on sidewalk.
- 10.32.040** Riding or driving on new pavement markings.
- 10.32.050** Driving on limited access roadways.
- 10.32.060** Barriers and signs—Placing or erecting—Tampering with—Obedience to required.
- 10.32.070** Entering intersections and crosswalks.
- 10.32.080** Driving over fire hose prohibited

#### **10.32.010 Driving through funeral procession.**

No operator of any vehicle shall drive between the vehicles comprising a funeral procession or a parade; provided, that such vehicles are conspicuously so designated. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be subject to the orders of the police department.

#### **10.32.020 Commercial vehicles using private driveways.**

A. No person shall operate or drive a commercial vehicle in, on or across any private driveway approach or sidewalk area itself without the consent of the owner or occupant of the property, if a sign or markings are in place indicating that the use of such driveway is prohibited.

B. For the purpose of this section, a “commercial vehicle” means a vehicle having a rated capacity in excess of one-half ton.

#### **10.32.030 Riding or driving on sidewalk.**

No person shall ride, drive, propel, or cause to be propelled, any vehicle or animal across or upon any sidewalk excepting over permanently constructed driveways and excepting when it is necessary for any temporary purpose to drive a loaded vehicle across a sidewalk; provided further, that the sidewalk area be substantially protected by wooden planks two inches thick, and written permission be previously obtained from the city traffic engineer. Such wooden planks shall not be permitted to remain upon such sidewalk area during the hours of darkness.

#### **10.32.040 Riding or driving on new pavement markings.**

No person shall ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted markings in any street when a barrier, sign, cone-marker or other warning device is in place warning persons not to drive over or across such pavement or marking, or when any such device is in place indicating that the street or any portion thereof is closed.

#### **10.32.050 Driving on limited access roadways.**

No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are lawfully established.

**10.32.060 Barriers and signs—Placing or erecting—Tampering with—Obedience to required.**

No person, public utility or department in the city shall erect or place any permanent barrier or sign on any street unless of a type approved by the city traffic engineer or disobey the instructions, remove, tamper with or destroy any permanent or temporary barrier or sign lawfully placed on any street by any person, public utility or by any department of this city.

**10.32.070 Entering intersections and crosswalks.**

A. No operator of any vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

B. It is unlawful for the operator of a vehicle to drive into any marked crosswalk while there is in such crosswalk on the half of the roadway or street on which such vehicle is traveling any pedestrian engaged in crossing the street or roadway, until such pedestrian shall have passed beyond the path of said vehicle.

**10.32.080 Driving over fire hose prohibited**

No vehicle shall be driven over any unprotected hose of the fire department when laid on any street or private driveway without the consent of the fire chief or fire personnel in command of the incident.

## Chapter 10.36

### PEDESTRIAN REGULATIONS

#### Sections:

**10.36.010 Crosswalks—Establishment.**

**10.36.020 Crosswalks—Use required when.**

#### **10.36.010 Crosswalks—Establishment.**

A. The city traffic engineer shall establish and designate crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway as follows:

Crosswalks may be established and maintained at all intersections within the central business district and at such intersections outside such districts, and at other places within or outside the district where the city traffic engineer determines that there is particular hazard to pedestrians crossing the roadway, subject to the limitations contained in subsection B of this section.

B. Other than crosswalks at intersections, no crosswalk shall be established in any block which is less than four hundred feet in length and such crosswalk shall be located as nearly as practicable at midblock.

C. The city traffic engineer may place signs at or adjacent to an intersection in respect to any crosswalk directing that pedestrians shall not cross in the crosswalk so indicated.

#### **10.36.020 Crosswalks—Use required when.**

No pedestrian shall cross a roadway other than by a crosswalk in the central business district or in any business district.

## Chapter 10.40

### STOPPING, STANDING AND PARKING FOR CERTAIN PURPOSES OR IN CERTAIN PLACES

#### Sections:

- 10.40.010** Applicability of provisions—Temporary alteration of parking controls and regulations by traffic engineer and police chief.
- 10.40.020** Stopping or standing in parkways prohibited.
- 10.40.030** Maintenance of no stopping and no parking zones—Traffic engineer's duty—Compliance with markings required.
- 10.40.040** No stopping and parking areas.
- 10.40.050** Parking for more than seventy-two hours prohibited.
- 10.40.060** Parking/Storage of boats, trailers, and RVs upon certain streets prohibited.
- 10.40.070** Repairing or greasing vehicles on public streets prohibited—Exception.
- 10.40.080** Washing or polishing vehicles on public streets.
- 10.40.090** Parking adjacent to schools.
- 10.40.100** Parking prohibited on narrow streets.
- 10.40.110** Parking on grades.
- 10.40.120** Peddlers, vendors—Unlawful parking.
- 10.40.130** Emergency parking signs.
- 10.40.140** Parking of large or commercial vehicles near intersections.
- 10.40.150** Nighttime parking of large vehicles.
- 10.40.160** Nighttime parking of vehicles with operating air-conditioning or refrigeration units.
- 10.40.170** Restricted parking in certain city parking lots except the boat launch area.
- 10.40.180** Violation—Penalty.

#### **10.40.010** Applicability of provisions—Temporary alteration of parking controls and regulations by traffic engineer.

A. The provisions of this chapter prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times as specified in this chapter, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

B. The provisions of this chapter imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

C. The city traffic engineer and/or police chief, or his or her designated alternate may, at his or her discretion, set aside, suspend or relocate parking controls and regulations on a temporary basis when it is found to be in the public interest or required for traffic safety. Before any such temporary change may become effective, the city traffic engineer shall receive the police department's approval for the change and have the change posted.

**10.40.020 Stopping or standing in parkways prohibited.**

No person shall stop, stand or park a vehicle within any parkway.

**10.40.030 Maintenance of no stopping and no parking zones—Traffic engineer’s duty—Compliance with markings required.**

A. The city traffic engineer is authorized to maintain, by appropriate signs or by paint upon the curb surface, all no stopping zones, no parking areas, and restricted parking areas, as defined and described in this chapter.

B. When the curb markings or signs are in place, no operator of any vehicle shall stop, stand or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this chapter.

**10.40.040 No stopping and parking areas.**

No operator of any vehicle shall stop, stand, park or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal:

A. Within any divisional island, unless authorized and clearly indicated with appropriate signs or markings;

B. On either side of any street between the projected property lines of any public walk, public steps, street, or thoroughfare terminating at such street when such area is indicated by appropriate signs or by red paint upon the curb surface;

C. In any area where the city traffic engineer determines that the parking or stopping of a vehicle would constitute a traffic hazard, endanger life or property, or for other reasons deemed necessary, when such area is indicated by appropriate signs or by red paint upon the curb surface;

D. In any area established by resolution of the council as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface;

E. In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property;

F. On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided, that signs giving notice of such no parking are erected or placed at least twenty-four hours prior to the effective time of such no parking;

G. At any place within fifteen feet of a crosswalk at an intersection when such place is indicated by appropriate signs or by red paint upon the curb surface, except that a bus may stop at a designated bus stop;

H. Within fifteen feet of the approach to any traffic signal, boulevard stop sign, or official electric flashing device;

I. Within any parkway;

J. Within ten feet of any intersection;

K. Within ten feet of any fire hydrant;

- L. Directly in front of any building in which is housed fire fighting apparatus belonging to the city;
- M. In any intersection;
- N. In a crosswalk;
- O. In any reserved space, except to take on or let off passengers or merchandise, unless otherwise provided in this chapter.

**10.40.050 Parking for more than seventy-two hours prohibited.**

Pursuant to California Vehicle Code Section 22507, no vehicle, boat, trailer shall be parked or left standing upon any street, highway, city parking lot or public area (whether improved or unimproved) within the city for seventy-two or more consecutive hours without having been moved at least one-tenth of a mile during that period.

**10.40.060 Parking/Storage of boats, trailers, and RVs upon certain streets prohibited.**

No person shall park or store any boat, trailer, or recreational vehicle upon any street, highway, city parking lot or public area (whether improved or unimproved) within a Business District, as defined in Section 235 of the California Vehicle Code, between the hours of 2:00 a.m. and 6:00 a.m., unless such area is designated by the City for such parking or storage.

**10.40.070 Repairing or greasing vehicles on public streets prohibited—Exception.**

No person shall construct or cause to be constructed, repair or cause to be repaired, change the oil, grease or cause to be greased any vehicle or any part thereof upon any public street in this city. Temporary emergency repairs may be made upon a public street.

**10.40.080 Washing or polishing vehicles on public streets.**

No person shall wash or cause to be washed, polish or cause to be polished any vehicle or any part thereof upon any street in this city, when a charge is made for such service.

**10.40.090 Parking adjacent to schools.**

A. The city traffic engineer is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in his or her opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected prohibiting parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place.

**10.40.100 Parking prohibited on narrow streets.**

A. The city traffic engineer is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet.

B. When official signs or markings prohibiting parking are erected upon narrow streets as authorized in this section, no person shall park a vehicle upon any such street in violation of any such sign or marking.

**10.40.110 Parking on grades.**

No person shall park or leave standing any vehicle unattended on a highway when upon any grade exceeding three percent without blocking the wheels of the vehicle by turning them against the curb or by other means.

**10.40.120 Peddlers, vendors—Unlawful parking.**

A. Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunchwagon or eating cart or vehicle, on any portion of any street within this city, except that such vehicles, wagons or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place. The provisions of this subsection shall not apply to nonprofit organizations who have obtained prior approval of council or are part of an approved special event issued a public area use permit.

B. No person shall park or stand on any street any lunchwagon, eating cart or vehicle, or pushcart from which tamales, peanuts, popcorn, candy or other articles of food are sold or offered for sale. The provisions of this subsection shall not apply to nonprofit organizations who have obtained prior approval of the council or are part of an approved special event issued a public area use permit.

**10.40.130 Emergency parking signs.**

A. Whenever the chief of police shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, special event, gatherings or functions, or for other reasons, the chief of police shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the chief of police shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the chief of police shall cause such signs to be removed promptly thereafter.

B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

**10.40.140 Parking of large or commercial vehicles near intersections.**

No person shall park any vehicle greater than six feet in height, including any load thereon, within one hundred feet of any intersection at any time. This section shall not apply to any particular intersection until signs or markings giving adequate notice thereof have been placed as determined appropriate by the city traffic engineer.

**10.40.150 Nighttime parking of large vehicles.**

Between the hours of ten p.m. and seven a.m., it is unlawful to park or leave standing upon any public right-of-way within two hundred feet of any dwelling, any vehicle exceeding (1) twenty feet in length, or (2) six thousand pounds unladen weight, except trailer coaches, housecars, campers or motorhomes.

**10.40.160 Nighttime parking of vehicles with operating air-conditioning or refrigeration units.**

Between the hours of ten p.m. and seven a.m., no person shall park or leave standing on any street or public right-of-way any vehicle, except a passenger vehicle, with an operating refrigeration or other unit to cool, heat, humidify, or otherwise air-condition the cargo area, except for locations at least two hundred feet distant from the nearest dwelling.

**10.40.170 Restricted parking in city parking lots except the boat launch area.**

No person shall stop, stand or park a vehicle on any city parking lot which signs are posted between the hours of two a.m. and five a.m. of any day or between the hours established by resolution of the council; provided that this section shall not apply to Tidelands Boat Launch area.

**10.40.180 Violation—Penalty.**

Every person convicted of a violation of any of the provisions of this chapter shall be punished by a fine for each separate offense as provided in Section 10.64.030.

## Chapter 10.44

### STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED IN CERTAIN AREAS

#### Sections:

- 10.44.010**      **Timed parking.**
- 10.44.020**      **Parking parallel on one-way streets.**
- 10.44.030**      **Diagonal parking.**
- 10.44.040**      **Parking space markings.**
- 10.44.050**      **No stopping/parking zones.**
- 10.44.060**      **All night parking prohibited in central business district—Exception.**

#### **10.44.010**      **Timed parking.**

When authorized signs, parking meters or curb markings have been determined by the city traffic engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle for a period of time longer than the designated length of time, hours and days posted by sign, parking meter or curb marking. Green curb markings shall mean time limit parking specified by local ordinance or resolution. All other time designations shall be from one hour up to ten hours. Vehicle must move a minimum of one hundred fifty meters once designated time at occupied space has elapsed.

#### **10.44.020**      **Parking parallel on one-way streets.**

A. Subject to other more restrictive limitations, a vehicle may be stopped or parked within eighteen inches of the left-hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.

B. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.

C. The city traffic engineer is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way roadway or a highway having two or more separate roadways and shall erect signs giving notice thereof.

D. The requirements of parallel parking imposed by this section shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case such vehicle may be backed up to the curb; provided, that such vehicle does not extend beyond the centerline of the street and does not block traffic thereby.

#### **10.44.030**      **Diagonal parking.**

A. On any of the streets or portions of streets established by resolution of the council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it is unlawful for the operator of any vehicle to park the vehicle except:

1. At the angle to the curb indicated by sign or pavement markings allotting space to parked vehicles and entirely within the limits of the allotted space;
2. With the front wheel nearest the curb within six inches of the curb.

B. The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight or goods, in which event the provisions applicable in Section 10.40.040 shall be complied with.

**10.44.040 Parking space markings.**

A. The city traffic engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs on city streets and in municipal parking lots where authorized parking is permitted.

B. When such parking space markings are placed on the highway or in a municipal parking lot, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space, unless the size or shape of such vehicle makes compliance impossible.

**10.44.050 No stopping/parking zones.**

A. The city traffic engineer shall designate established no stopping zones by placing and maintaining appropriate signs indicating that stopping of vehicles is prohibited and indicating the hours and days when stopping is prohibited.

B. During the hours and on the days designated on the signs, it is unlawful for the operator of any vehicle to stop said vehicle on any of the streets or parts of streets established by the city traffic engineer as no stopping zones.

**10.44.060 All night parking prohibited in central business district—Exception.**

No person shall stop, stand or park a vehicle on any street upon which signs are posted in the central business district between the hours of two a.m. and five a.m. of any day or between the hours established by resolution of the council.

## Chapter 10.48

### STOPPING FOR LOADING OR UNLOADING ONLY

#### Sections:

- 10.48.010 Loading zones—Marking—Authority.**
- 10.48.020 Curb markings—Meanings—Authority to place.**
- 10.48.030 Yellow loading zone—Time restrictions for loading and unloading.**
- 10.48.040 White zones—Time restrictions for loading and unloading.**
- 10.48.050 Standing in any alley.**
- 10.48.060 Bus zones—Establishment—Authority.**
- 10.48.070 Handicapped parking.**
- 10.48.080 Violation—Penalty.**

#### **10.48.010 Loading zones—Marking—Authority.**

A. The city traffic engineer is authorized to determine and to mark loading zones and passenger loading zones as follows:

1. At any place in the central business district or any business district;
2. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.

B. Loading zones shall be indicated by yellow paint upon the top of all curbs in the zones.

C. Passenger loading zones shall be indicated by white paint upon the top of all curbs in the zones.

#### **10.48.020 Curb markings—Meanings—Authority to place.**

The city traffic engineer is authorized, subject to the provisions and limitations of this chapter, to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations, and the curb markings shall have the meanings as set forth in this section.

A. “Red” means no stopping, standing or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone.

B. “Yellow” means no stopping, standing or parking at any time between seven a.m. and six p.m. of any day, except Sundays, for any purpose other than the commercial loading or unloading of materials by a commercially registered and licensed vehicle or a professionally signed passenger vehicle that displays an authorized commercial loading zone permit. The commercial loading zone permit requirements and fee shall be established by resolution.

C. “White” means no stopping, standing or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mailbox, which shall not exceed three minutes, and such restrictions shall apply between seven a.m. and six p.m. of any day, except Sundays, and except as follows:

1. When such zone is in front of a hotel or in front of a mailbox the restrictions shall apply at all times.
2. When such zone is in front of a theater the restrictions shall apply at all times.

D. When the city traffic engineer as authorized under this chapter has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb markings in violation of any of the provisions of this section.

**10.48.030 Yellow loading zone—Time restrictions for loading and unloading.**

A. No person shall stop, stand or park a vehicle in any yellow loading zone for any purpose other than loading or unloading material for such time as is permitted in this section.

B. The loading or unloading of materials shall be allowed only for those deliveries made by commercially registered and licensed vehicles or professionally signed passenger vehicles displaying an authorized commercial loading zone permit that is used for commercial business deliveries; also, the delivery or pickup of express and parcel post packages and United States mail. All other passenger vehicles not meeting the sign and permit requirements may not use a loading zone for any purpose except when the zone is not effective.

C. Permission herein granted to stop or stand a vehicle for the purpose of loading or unloading materials shall not extend beyond the time necessary therefor, and in no event for more than thirty minutes. Evidence that there was no activity involving the loading or unloading of materials into or from a vehicle during any continuous period of time of eight minutes or longer shall constitute prima facie evidence that the vehicle was parked longer than the time necessary for loading or unloading. The council may, by resolution, temporarily extend the time for unloading and loading of materials at select locations when it is deemed in the best interest of the public due to temporary conditions such as construction, street or public parking lot closures.

**10.48.040 White zones—Time restrictions for loading and unloading.**

A. No person shall stop, stand or park any vehicle in any passenger loading zone or any vehicle other than a taxicab in a specially marked loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in this section.

B. Permission herein granted to stop or park for purposes of loading or unloading passengers shall include the loading or unloading of personal baggage and shall not extend beyond the time necessary therefor and in no event for more than three minutes.

C. The council may, by resolution, allow taxicabs to stand in specially marked passenger loading zones and regular parking spaces for extended periods of time providing the driver is present in the cab.

D. Within the total time limits specified in this section the provisions of this section and Section 10.44.030 shall be enforced so as to accommodate necessary and reasonable loading or unloading, but without permitting abuse of the privileges hereby granted.

**10.48.050 Standing in any alley.**

No person shall stop, stand or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley. Time limits for loading shall be as established in Sections 10.44.020, 10.44.030 and 10.44.040, except that these limitations shall apply twenty-four hours per day seven days a week, including Sundays and holidays. (Prior code § 3211.5)

**10.48.060 Bus zones—Establishment—Authority.**

A. The city traffic engineer is authorized to establish bus zones for the loading and unloading of buses and common carriers or passengers, and to determine the location thereof.

B. Bus zones shall normally be established on the far side of an intersection. (Prior code § 3211.6)

**10.48.070 Handicapped parking.**

No person other than a person described in Vehicle Code Section 22511.5 shall stop, stand or park in a parking space designated expressly for the use of handicapped persons.

A. The city traffic engineer shall designate special “blue curb” parking spaces for the purpose of providing on-street parking for exclusive use by disabled persons.

B. The city traffic engineer shall designate parking stalls or spaces in publicly owned, leased or controlled off-street parking facilities for exclusive use by disabled persons.

C. The city declares that there are privately owned and operated parking facilities which may reserve parking space for exclusive use by disabled persons.

D. Designation of parking spaces for disabled persons shall be made by posting immediately adjacent to and visible from same a sign consisting of the international symbol of access; on-street spaces shall be designated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. All off-street parking facilities shall display a white on blue sign not less than seventeen inches by twenty-two inches in size with lettering not less than one inch in height, which clearly states: This facility is subject to public traffic regulations and control. Unauthorized vehicles not displaying distinguishing license plates or placards issued for physically handicapped persons will be issued citations and towed away at owners expense.

This sign shall also display the international symbol of access, and shall be posted at the entrance to the parking facility or immediately adjacent to and visible from the reserved space(s).

E. No person shall park or stand any vehicle in a disabled persons parking space designated as required in subsection D of this section, unless the vehicle bears a special license or displays a special placard issued under the provisions of Section 9105 or Section 22511.5 of the California Vehicle Code.

F. Blue curb on-street parking spaces shall be operative twenty-four hours a day, Sundays and holidays included; off-street disabled persons parking spaces shall be operative at all times the parking facilities in which they are located are open.

G. Parking zones for disabled persons are subject to any temporary parking prohibitions established by the city including daily prohibitions necessary for traffic control, construction and street maintenance.

H. Notwithstanding the provisions of Section 10.64.030, fines for violation of this section shall be as set out in Vehicle Code Section 42001(a).

**10.48.080 Violation—Penalty.**

Every person convicted of a violation of any of the provisions of this chapter shall be punished by a fine for each separate offense as provided in Section 10.64.020.

## Chapter 10.52

### RESTRICTED USE OF CERTAIN STREETS

#### Sections:

- 10.52.010 Advertising vehicles.**
- 10.52.020 Non-motor-drawn vehicles.**
- 10.52.030 Truck routes.**
- 10.52.040 Commercial vehicles prohibited from using certain streets—Sign posting.**
- 10.52.050 Maximum gross weight limits of vehicles on certain streets.**

#### **10.52.010 Advertising vehicles.**

No person, without prior permission of the council, shall operate or drive any vehicle used solely for advertising purposes or any advertising vehicle equipped with a sound-amplifying or loud speaking device upon any street or alley at any time within the central business district.

#### **10.52.020 Non-motor-drawn vehicles.**

A. No person shall drive any animal-drawn vehicle into or within the central business district, and no person shall operate any non-motor-driven vehicle, cart, cab or other device for hire within the central business district, except by special permit.

B. The chief of police shall establish, and make available upon request, administrative procedures and standards for permit processing and approval.

C. A nonrefundable fee, as established by council resolution, may be required with each permit application to defray administrative costs for processing and inspection.

#### **10.52.030 Truck routes.**

A. Whenever the city designates and describes any street or portion thereof as a street, the use of which is permitted by any vehicle exceeding a maximum gross weight limit of five tons, the city traffic engineer is authorized to designate such street or streets by appropriate signs as “truck routes” for the movement of vehicles exceeding a maximum gross weight limit of five tons.

B. When any such truck route or routes are established and designated by appropriate signs, the operator of any vehicle exceeding a maximum gross weight limit of five tons shall drive on such route or routes and none other except that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of five tons coming from a “truck route” having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups and deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained.

C. The provisions of this section shall not apply to (1) passenger buses under the jurisdiction of the Public Utilities Commission, (2) any vehicle owned by a public utility, or (3) any vehicle under contract to the city.

**10.52.040 Commercial vehicles prohibited from using certain streets—Sign posting.**

A. Whenever any resolution of the city designates and describes any street or portion thereof as a street, the use of which is prohibited by any commercial vehicle, the city traffic engineer shall erect and maintain appropriate signs on those streets affected by such designation.

B. Those streets and parts of streets established by resolution of the council are declared to be streets, the use of which is prohibited by any commercial vehicle. The provisions of this section shall not apply to passenger buses under the jurisdiction of the public utilities commission or under contract to the city.

**10.52.050 Maximum gross weight limits of vehicles on certain streets.**

No person shall operate or drive a motor vehicle with a gross vehicle weight in excess of five tons on any portion of Ironwood Avenue between California State Highway No. 41 and Avalon Street. Vehicles with bona fide points of destination on this street segment and vehicles subject to Sections 1032 and 1036, inclusive, of the Public Utilities Code are exempt from compliance with this section. (Ord. 345, 1989)

## Chapter 10.56

### SPEED ZONES

#### Sections:

**10.56.010** Speed limit designation.

**10.56.020** Regulation of speed by traffic signals—Sign posting.

#### **10.56.010** Speed limit designation.

Prima facie speed limits shall be determined by the city traffic engineer pursuant to provisions set forth in the California Vehicle Code. A speed limit established pursuant to this section shall be effective when appropriate signs giving notice thereof are erected upon a street. The following speed limits are so designated:

Name of Street or Portion Affected	Speed Limit (miles per hour)
Main Street: Yerba Buena Street to Atascadero road (State Highway 41)	40
Main Street: Atascadero Road (State Highway 41) to Radcliff	35
Main Street: Marina Street to Morro Bay State Park	30
Quintana Road: Morro Bay Blvd. to La Loma Ave.	35
Quintana Road: La Loma Ave. to Easterly City Limits	40
South Bay Blvd.: State Highway 1 to Southerly City Limits	40
Avalon Street: Laurel Avenue to Main Street	25
Atascadero Road: State Highway 1 to Embarcadero Road	25
Piney Way: Morro Bay Blvd. to Main street	25
Embarcadero road: Beach Street to Coleman Drive	30
Coleman Drive: Embarcadero Road to Morro Rock	25

#### **10.56.020** Regulation of speed by traffic signals—Sign posting.

The city traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and may erect appropriate signs giving notice thereof.

## Chapter 10.60

### OBSTRUCTIONS TO VISIBILITY

#### Sections:

- 10.60.010**     **Scope.**
- 10.60.020**     **Intersections.**
- 10.60.030**     **Exceptions.**
- 10.60.040**     **Violations deemed nuisance—Abatement.**

#### **10.60.010**     **Scope.**

No obstruction to cross-visibility shall be deemed to be excepted from the application of this chapter because of its being in existence at the time of the adoption of the provisions set out in this chapter, unless expressly exempted by the terms of this chapter.

#### **10.60.020**     **Intersections.**

At intersections not controlled by a stop sign or traffic signal, no plant, structure, or other solid object over three feet high (above adjacent curb) which would obstruct visibility may be located within the area indicated in Section 17.48.210 of the zoning regulations. At controlled intersections, the city engineer may determine visibility requirements for proper sight distance.

#### **10.60.030**     **Exceptions.**

The provisions set out in Section 10.60.020 shall not apply to public utility poles; trees trimmed (to the trunk) so that only the trunk obstructs the view; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view; and permanent buildings.

#### **10.60.040**     **Violations deemed nuisance—Abatement.**

In addition to the remedy by prosecution for violation of this chapter, any obstruction maintained in violation of this chapter shall be deemed a nuisance, and upon failure to abate the same within fourteen days after the posting upon the premises of notice to abate the nuisance, signed by the director of public services or his or her authorized representative, they may enter upon the premises and remove or eliminate the obstruction. In such event the cost to the city of the abatement of the nuisance shall be a personal obligation against the owner of the premises upon which the nuisance was maintained, recoverable by the city in an action before any court of competent jurisdiction.

## Chapter 10.64

### PARKING REVENUES, FINES AND FORFEITURES

#### Sections:

- 10.64.010** Persons violating the provisions of title to be fined for each separate offense.
- 10.64.020** Parking fines.
- 10.64.030** Disposition of fine and forfeitures.

#### **10.64.010** Persons violating the provisions of title to be fined for each separate offense.

Every person convicted of a violation of any of the provisions of this title shall be punished by a fine for each separate offense as provided in Section 10.64.030. For the purposes of this section: (1) a separate offense occurs when the initial citation is issued for a parking violation; and (2) an additional separate offense occurs, and an additional citation shall be issued, whenever, after the issuance of any citation, the vehicle remains parked for a subsequent period of time equaling or exceeding the parking limitation for the space or zone in which the vehicle is parked.

#### **10.64.020** Parking fines.

The fines for parking violations written under the provisions of the Morro Bay Municipal Code and the California Vehicle Code shall be established by resolution of the council or as included in this Title.

#### **10.64.030** Disposition of fine and forfeitures.

All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of this title, shall be paid into the city treasury.

## Chapter 10.68

### INOPERATIVE VEHICLES

#### Sections:

<b>10.68.010</b>	<b>Findings and declarations.</b>
<b>10.68.020</b>	<b>Exceptions.</b>
<b>10.68.030</b>	<b>Applicability of other laws.</b>
<b>10.68.040</b>	<b>Administration and enforcement.</b>
<b>10.68.050</b>	<b>Initiation of proceedings.</b>
<b>10.68.060</b>	<b>Notice of vehicle abatement—Service of notice.</b>
<b>10.68.070</b>	<b>Notice of vehicle abatement—Contents.</b>
<b>10.68.080</b>	<b>Hearing and determination.</b>
<b>10.68.090</b>	<b>Vehicle abatement.</b>
<b>10.68.100</b>	<b>Notice to Department of Motor Vehicles.</b>
<b>10.68.110</b>	<b>Collection of removal and administration costs.</b>

#### **10.68.010 Findings and declarations.**

In accordance with the determinations made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, as public nuisances, the council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, on private or public property is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the public health, safety and general welfare. Therefore, the presence of such vehicles, or a part thereof, on private or public property, as defined in Section 10.68.020, and except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter as set forth under Section 38773.5 of the California Government Code.

#### **10.68.020 Exceptions.**

A. This chapter shall not apply to the following as set forth in Section 22661 of the California Vehicle Code:

1. A vehicle or parts thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;
2. The storage of one vehicle or parts thereof which is located behind a solid fence six feet in height and which is not plainly visible from a street, highway or other property;
3. A vehicle or parts thereof which is stored or parked in a lawful manner on private property on an approved site in connection with the business of a licensed dismantler, vehicle dealer, junk dealer, a towing service, or an auto repair or body shop, when such storage or parking is necessary to the operation of an otherwise lawfully conducted business or commercial enterprise.

B. Nothing in this section shall authorize the maintenance of a public or private nuisance as prohibited in Chapter 8.14.

**10.68.030 Applicability of other laws.**

This chapter does not constitute the exclusive procedure for removal of abandoned, wrecked, dismantled or inoperative vehicles within the city, but supplements and is in addition to all other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, the county, the state or any other legal entity or agency having jurisdiction, relating thereto.

**10.68.040 Administration and enforcement.**

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the police chief of the city or such other persons as he or she shall designate as enforcing officers, or by the city code enforcement officer, or other person(s) so directed by the city manager.

**10.68.050 Initiation of proceedings.**

When the enforcing employee has reason to believe or observes that the accumulation and the storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on public or private property constitutes a public nuisance as described in Section 10.68.010, he or she shall immediately investigate the same. In the performance of such investigation the enforcing employee and his or her designees may enter upon private or public property to examine a vehicle or parts thereof and to obtain information as to the identity and the ownership thereof.

**10.68.060 Notice of vehicle abatement—Service of notice.**

If the enforcing employee determines from his or her investigation that a public nuisance exists, he or she shall serve or cause to be served, either by personal service or by registered or certified mail, a copy of a notice of vehicle abatement upon every person concerned, including the owner of the property on which the alleged public nuisance exists, as shown on the last equalized assessment roll, and the last known registered and legal owner of the subject vehicle if the identification numbers are available to determine ownership. If a notice sent by registered or certified mail is returned unclaimed, a subsequent notice sent by first class mail, postage prepaid, to the last known address of the party concerned shall be sufficient and such notice shall be effective upon mailing. The failure of any person to receive such notice shall not affect in any manner the validity of the proceedings taken under this chapter.

**10.68.070 Notice of vehicle abatement—Contents.**

The notice of vehicle abatement served pursuant to Section 10.68.070 shall contain the following information:

- A. The findings, in brief, that the vehicles constitute a public nuisance;
- B. That it is the intention of the enforcing employee to abate the vehicles on the premises, as both are described, fifteen days from service of notice of vehicle abatement, and that the costs of removal may be assessed against the premises;
- C. A common description of the premises by address or assessor's parcel number and a description of the vehicles, including license numbers or identification numbers if these are available on the vehicles;
- D. That the owner of the property or any owner of the vehicles may, within ten days of receipt of the notice, file a written request for a hearing before the council, or such person as they may designate to hear the matter, to show any cause why the vehicles should not be abated by the enforcing officer;

E. That the owner of the property on which the vehicles are located may either appear at a hearing or present a sworn statement denying responsibility for the presence of the vehicles and giving the reasons for the denial, and that such statement shall be deemed a request for a hearing not requiring the presence of the requestor.

#### **10.68.080 Hearing and determination.**

A. All hearings under this chapter shall be held before the council, or any person they may designate to hear the matter, who may hear all the relevant evidence pertaining to the alleged public nuisance, including testimony on the condition of the vehicle or parts thereof, the circumstances concerning its location on the private or public property, and the costs of removal and disposal.

B. The hearing need not be conducted according to technical rules relating to evidence and witnesses. The hearing shall commence within twenty days of the filing of the written request, and it may be continued from time to time. Any person affected may be present at such hearing, may be represented by counsel, may present testimony, and may cross-examine witnesses. The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing denying responsibility for such denial.

C. After the conclusion of the hearing, the council or hearing officer may:

1. Impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purposes of this chapter;

2. Delay the time for removal of the vehicle or parts thereof if, in its opinion, the circumstances justify it; or

3. Find that the vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided in Section 10.68.100; and determine the administrative costs and the cost of removal and charge the same against the owner or other person in possession of the parcel of land on which the vehicle or parts thereof is located, or against the owner of the vehicles, or against them jointly. Any such order requiring removal shall include a description of the vehicle or parts thereof, and the correct identification number and license number of the vehicles if available at the site.

D. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, the city shall not charge the costs of administration or of removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such landowner.

E. If an interested party makes a written presentation to the council, but does not appear, he or she shall be notified in writing of the decision.

#### **10.68.090 Vehicle abatement.**

After a finding has been made by the enforcing employee that any vehicle or parts thereof is a public nuisance under this chapter and if no hearing has been requested pursuant to subsections D and E of Section 10.68.080, or if the council after a hearing so orders, the vehicle or parts may be disposed of by removal to a scrapyards or automobile dismantler's yard, or to any suitable site operated by a local agency for processing as scrap or other final disposition consistent with this section. The party removing the vehicle or parts thereof may in so doing

enter upon the private or public property on which it is located. Except as provided in the Vehicle Code, after removal a vehicle shall not be reconstructed or made operative.

**10.68.100 Notice to Department of Motor Vehicles.**

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time, there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificate, certificate of title, and license plates.

**10.68.110 Collection of removal and administration costs.**

The council may, from time to time, determine and set an amount to be assessed as administrative costs under this chapter. If no hearing is requested and held by the council, the enforcing employee shall determine the cost of removal and charge the same against the owner or other person in possession of the parcel of land on which the vehicle or parts thereof are located or against the owner of the vehicle, or against them jointly. If the administrative costs and the cost of removal which are charged against the owner of a parcel of land, pursuant to this section or to Section 10.68.090 are not paid within thirty days of the date of the order, such costs shall be assessed against the parcel of land pursuant to Section 25845 of the Government Code and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other county and city taxes.

## Chapter 10.72

### BICYCLES AND MOTORIZED BICYCLES

#### Sections:

- 10.72.010**     **Definitions**
- 10.72.020**     **Operation of bicycles and motorized bicycles**
- 10.72.030**     **Violations and penalties**

#### **10.72.010**     **Definitions**

For purposes of this chapter the words set out in this section are defined as follows:

- A. A “bicycle” is a device as described in Section 231 of the California Vehicle Code.
- B. A “motorized bicycle” is a device as described in Section 406 of the California Vehicle Code.
- C. The provisions of this chapter apply to bicycles and motorized bicycles.

#### **10.72.020**     **Operation of bicycles and motorized bicycles.**

A. As per California Vehicle Code Section 21200, every person riding a bicycle upon a highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle by Division 11 of the California Vehicle Code. However any police officer operating a bicycle during the course and scope of his/her duties is exempt from the requirements of this chapter if the bicycle is being operated under any of the following circumstances:

- 1. In response to an emergency call.
- 2. While engaged in rescue operations.
- 3. In the immediate pursuit of an actual or suspected violator of the law.

B. It is unlawful to operate a bicycle on a roadway unless it is equipped with the required equipment as set forth in California Vehicle Code Section 21201.

C. It is unlawful to violate any of the following provisions of the California Vehicle Code:

- |                 |  |
|-----------------|--|
| Section 21202   | Operation on Roadway                                   |
| Section 21203   | Hitching Rides   |
| Section 21204   | Riding on a Bicycle                                    |
| Section 21205   | Carrying Articles                                      |
| Section 21207.5 | Prohibited Operation of Motorized Bicycles             |
| Section 21208   | Permitted Movements from Bicycle Lanes                 |
| Section 21209   | Motor Vehicles and Motorized Bicycles in Bicycle Lanes |
| Section 21210   | Bicycle Parking  |
| Section 21211   | Obstruction of Bikeways or Bicycle Paths or Trails     |

D. It is unlawful to operate any bicycle which is in an unsafe condition, which is not equipped as required by this code, or which is not safely loaded.

E. Any person under the age of 18 years old and any parent or legal guardian having control or custody of an unemancipated minor, must comply with the requirements of California Vehicle Code Section 21212 pertaining to helmets.

F. No person shall equip a bicycle with a siren or operate or use a bicycle so equipped; provided, that nothing in this section prohibits the equipping, operation or use of a public safety department bicycle with a siren as approved by the Chief of Police.

G. Every bicycle equipped with a carrier must have the carrier securely attached to the bicycle.

H. Every bicycle that is equipped with handlebar grips must have the grips securely fitted, glued or cemented to the handlebars.

I. No person shall ride or operate a bicycle upon any sidewalk in a business district unless such sidewalk is officially designated as a bicycle route.

J. Any person riding or operating a bicycle upon any street where a bicycle lane or path appropriate to his/her direction of travel is established and officially designated may ride or operate such bicycle in such bicycle lane or path or on the sidewalk where otherwise allowed by this code. "Street" means an way or place of whatever nature publicly maintained and open to the use of the public for purposes of travel.

K. No person riding or operating a bicycle, moped, motorcycle, sled, toy vehicle, or any other similar human-powered or motor-powered device upon a public right-of-way or upon park or open space lands owned and/or controlled by the city shall tow any other vehicle or person, including a skateboard and rider, except that bicycle trailers used for the delivery or transportation of newspapers, magazines, people or merchandise may be towed when being used in such activity.

L. No person riding or operating a bicycle, moped, skateboard, roller skates, roller blades, sled, toy vehicle, or any other similar human-powered or motor-powered device upon a public right-of-way or upon any land, property, or facilities owned or controlled by the city, shall participate in any race, speed, or endurance contest unless such race, speed or endurance contest has been approved by the city.

M. No person riding or operating a bicycle, moped, skateboard, roller skates, roller blades, sled, toy vehicle, or motorcycle shall perform any acrobatic, fancy, stunt, or trick riding upon a public right-of-way or upon any land, property, or facilities owned or controlled by the city.

N. No person shall park a bicycle against any window or on the main-traveled portion of the sidewalk, nor in such a manner as to constitute a hazard to pedestrians, traffic or property.

O. No person shall willfully or maliciously remove, destroy, mutilate or alter the identification number of any bicycle frame.

### **10.72.030 Violations and penalties**

Any person who is convicted of violation of any provision of this chapter is guilty of an infraction, punishable by:

A. A fine not exceeding fifty dollars for a first violation;

B. A fine not exceeding one hundred dollars for a second violation of the same ordinance within one year;

C. A fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year.

## Chapter 10.76

### COASTERS, ROLLER SKATES AND SIMILAR DEVICES

#### Sections:

- 10.76.010** Use of prohibited on streets and sidewalks.
- 10.76.020** Application of foreign substance
- 10.76.030** Reckless skateboarding and rollerskating
- 10.76.040** Violations and penalties

#### **10.76.010 Use of prohibited on streets and sidewalks.**

A. Skateboarding and rollerskating shall be prohibited on any public street, sidewalk, parking lot or other public property when such area is prohibited or restricted by resolution of the city council.

B. Skateboarding and rollerskating shall be prohibited on any private property when the owner or person in charge of the property has posted an appropriate sign restricting or prohibiting such use.

C. Skateboarding and rollerskating shall be prohibited on downtown streets between Market Avenue and Shasta Avenue on Morro Bay Blvd. and between Dunes Street and Pacific Street on Main Street when posted.

#### **10.76.020 Application of foreign substance**

It is unlawful for any person to apply any foreign substance, including wax, oil or other similar material, whether as a solid or a liquid, on to or remove any non-slip material from any curb, stair, railing, ramp, sidewalk, bench or other abutment for the purpose of aiding any stunt, turn or other acrobatic action while riding a skateboard or rollerskates. Such application is prohibited from any public or private property without notice.

#### **10.76.030 Reckless skateboarding and rollerskating**

No person shall use or operate any skateboard or rollerskate on any public or private property in such a negligent and/or reckless manner with disregard for the safety of persons or property, and/or interfere with the orderly flow and right-of-way of vehicular traffic in such a manner as to be a hazard to pedestrians, vehicular traffic, the skateboarder/rollerskater themselves, or any other persons.

#### **10.76.040 Violations and penalties**

Any person who is convicted of violation of any provision of this chapter is guilty of an infraction, punishable by:

- A. A fine not exceeding fifty dollars for a first violation;
- B. A fine not exceeding one hundred dollars for a second violation of the same ordinance within one year;
- C. A fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year.

## Chapter 10.80

### OVERSIZE AND OVERWEIGHT VEHICLES

#### Sections:

<b>10.80.010</b>	<b>Purpose of provisions.</b>
<b>10.80.020</b>	<b>Permit—Required.</b>
<b>10.80.030</b>	<b>Permit—Application—Contents.</b>
<b>10.80.040</b>	<b>Permit—Good for one-time move only—Blanket permit issuance.</b>
<b>10.80.050</b>	<b>Permit—Denial—Restrictions—Permit holder’s responsibilities.</b>
<b>10.80.060</b>	<b>Permit holder’s responsibility for damages to public property.</b>
<b>10.80.070</b>	<b>Liability insurance required.</b>
<b>10.80.080</b>	<b>Notification of police department required prior to move.</b>

#### **10.80.010 Purpose of provisions.**

The purpose of this chapter is to establish regulations and procedures for permitting the movement of oversize and overweight vehicles and loads on city streets.

#### **10.80.020 Permit—Required.**

No vehicle or structure which exceeds the size and/or weight limitations established by the California Vehicle Code shall be allowed on city streets without first obtaining a permit issued by the city traffic engineer and complying with the conditions set forth by the permit.

#### **10.80.030 Permit—Application—Contents.**

Each permit application shall include a full description of the vehicle, and its contents, for which the permit is issued. The description shall indicate the extent of the oversize and/or overweight, the routes to be followed, date and time of day when the move will be made.

#### **10.80.040 Permit—Good for one-time move only—Blanket permit issuance.**

The permit issued shall be for a one-time move unless noted otherwise. Blanket permits may be issued for a time period not to exceed one year, but may not be issued for vehicles or loads which cannot be moved at normal traffic speeds.

#### **10.80.050 Permit—Denial—Restrictions—Permit holder’s responsibilities.**

A. The city traffic engineer may deny the issuance of a permit or set special requirements based upon public safety and the limitation of the street system to handle the proposed vehicle or structure.

B. The permit holder is fully responsible to arrange with the appropriate utility companies and with the city for the relocation and replacement of wires, poles, traffic-control devices and other facilities. The permit holder shall not cut or trim trees, attach cables to them or otherwise disturb them. The permit holder shall not puncture or mark the pavement in any way.

C. The permit holder shall not park the vehicle or structure upon a public street unless the permit is so endorsed.

D. Upon completion of a move, and as directed by the city traffic engineer or the police department, the permit holder shall clear the right-of-way of materials left by his or her operation and restore it to the condition existing prior to the move.

**10.80.060 Permit holder's responsibility for damages to public property.**

The permit holder shall be responsible for the repair of all damage to public property, including trees, pavement, curb, gutter, sidewalk, and other facilities both above and below ground. The State of California financial responsibility laws shall apply in all cases where motor vehicles are used.

**10.80.070 Liability insurance required.**

The permit holder is responsible for personal injury or private property damage which may occur through any act or omission when acting under a permit; and in the event any claim is made against the city or any department, officer, agent or employee thereof, by reason of, or in connection with, any such act or omission, the permit holder shall defend, indemnify and hold each of them harmless from such claim. The permit shall not be effective for any purpose unless and until the permit holder files with the city traffic engineer an insurance certificate and an "additional insured endorsement" to the satisfaction of the city attorney. The insurance certificate supplied shall reflect the endorsement naming the city, its officers, agents and employees, as additional insured, and indicate that the policy will not be canceled or the coverage reduced without ten days' advance written notice to the city. The amount of coverage shall not be less than that required by the California Vehicle Code for vehicles weighing in excess of seven thousand pounds unladen weight per Section 16600.5 or such other amount considered appropriate for unusually large or heavy loads which pose a substantial risk to public facilities, as determined by the city engineer and city attorney.

**10.80.080 Notification of police and fire departments required prior to move.**

The permit holder shall notify the police and fire departments twenty-four hours in advance of moving on the public streets and obtain clearances regarding the need for front and rear escorts, sufficient personnel to handle traffic or utility problems and proper signing.

## Chapter 10.84

### POLICE TOWING SERVICES

#### Sections:

<b>10.84.010</b>	<b>Establishment of authority</b>
<b>10.84.020</b>	<b>Definitions</b>
<b>10.84.030</b>	<b>Police tow service agreements</b>
<b>10.84.040</b>	<b>Agreement termination</b>
<b>10.84.050</b>	<b>Application</b>
<b>10.84.060</b>	<b>Compensation</b>
<b>10.84.070</b>	<b>Rates and fees</b>
<b>10.84.080</b>	<b>Independent contractor status</b>
<b>10.84.090</b>	<b>Requirements of tow service providers</b>
<b>10.84.100</b>	<b>City indemnification</b>
<b>10.84.110</b>	<b>Insurance</b>
<b>10.84.120</b>	<b>Police tow service provider files</b>
<b>10.84.130</b>	<b>Disputes and claims</b>
<b>10.84.140</b>	<b>Appeal</b>

#### **10.84.010 Establishment of authority**

In exercise of their power, the City Council may regulate the operations of police towing services contracted to the City to include rates and fees charged resulting from police towing services requested pursuant to California Vehicle Code Section 21100(g). The chief of police is authorized and directed to enter into and regulate police towing services contracted to private tow companies. Tow service providers shall provide tow service to the City on request in accordance with all the rules and regulations outlined in this Agreement. The provisions of this Agreement shall apply only to the towing and storage of vehicles, contracted as a result of police activity or in the performance of duties as a City contracted tow service provider.

#### **10.84.020 Definitions**

The following words shall have the meaning given herein:

“City” is the City of Morro Bay.

“Person” is any person, firm, partnership, association, corporation, company, or organization of any kind.

“Tow Service Provider” is a person under contract with the City to provide the services of a vehicle tow truck or trucks or towing service, whereby motor vehicles are towed or otherwise moved by use of a tow truck so designed for that purpose or by a truck, automobile, or other vehicle so adapted to that purpose. Tow Service Providers must be under current contract with the California Highway Patrol to provide towing services unless granted an exception by the Police Chief.

#### **10.84.030 Police tow service agreements**

Police tow service contracts are valid for a period of one year and effective from July 1st through June 30th of the following year. Tow service providers will be required to sign an initial Agreement, which will automatically renew annually unless canceled by either party. The Chief

of Police may review the tow service agreement on an annual basis to evaluate the service provided by the tow company. Only towing service providers under contract with the City as provided herein shall be entitled to participate in the distribution of City towing service orders. Any agreement entered into pursuant to these regulations shall not affect any other permit or license requirements imposed by federal, state or local law.

#### **10.84.040 Agreement termination**

A. Default. The agreement may be terminated by the City if the tow service provider:

1. Ceases operations for any reason, or fails or refuses to promptly answer City calls for towing services;
2. Fails to comply with the provisions of this chapter or the fee schedule;
3. Fails to respond to the twenty-minute maximum response time requirements without previously notifying the police dispatchers.

B. Termination for Cause - If, through any cause, the tow service provider shall fail to fulfill in a timely and proper manner its obligations under the contract, or if the tow service provider violates any of the covenants, agreements or stipulations of the contract, the City will thereupon have the right to terminate the contract by giving written notice to the tow service provider of such termination and specifying the effective date thereof, at least three days before the effective date of such termination.

Notwithstanding the above, the tow service provider will not be relieved of liability to the City for damages sustained by the City by virtue of any breach of the contract by the tow service provider.

C. Termination for Convenience of the City - The City may terminate the contract at any time by notice in writing from the City to the tow service provider at least five days before the effective date of such termination.

D. Either party may terminate this Agreement at any time for any other reason by tendering written notice to the other party thirty (30) days before the effective date of termination. In the event of such termination, or at the expiration of this Agreement, within fifteen (15) days of such date, Tow Service Provider shall prepare and file with City all written reports required and due under this Agreement, a closing statement of any fees payable to City, and remit full payment of all fees due and payable (if applicable).

#### **10.84.050 Application**

A. Application for tow services agreement shall be made to the Chief of Police by submitting the following documents:

- Copy of the California Highway Patrol Rotation Tow Listing Application
- Copy of current liability and automotive insurance
- Copy of Worker=s Compensation insurance
- Copy of City of Morro Bay business license
- Description of storage areas including photos
- Description of all tow trucks including photos

B. An initial application hereunder shall be accompanied by a nonrefundable application fee as determined by the City.

C. The Chief of Police may recommend to the City council that a contract be entered into with the applicant if the operator meets all the requirements of these regulations, and any other requirements imposed by federal, state or local law. The Chief of Police may regulate the number of tow service providers.

#### **10.84.060 Compensation**

Tow service providers shall receive no compensation except those fees payable by parties responsible for fees due to towing services rendered. In no event shall the City be under obligation to compensate tow service provider for services rendered to other parties. As Tow Service Provider's sole compensation for Services provided under this Agreement, Tow Service Provider shall be entitled to keep and retain all profits realized from the lawful redemption, sale or disposition of all vehicles, vehicle parts, or equipment removed, towed or stored under this Agreement.

#### **10.84.070 Rates and fees**

A. Towing fees of the Tow Service Provider will be reasonable and not exceed those rates established by the local area California Highway Patrol.

B. Rates and Charges shall be posted in the tow service provider's office, visible to the public.

C. A copy of the schedule of current rates shall be provided to the police department. The police department shall be advised in writing of any proposed adjustment of the rates prior to any change taking place. The Chief of Police must approve any rate changes.

D. In the event the police department accepts liability for a tow, no charge will be made for storage fees to the City or other person or business.

#### **10.84.080 Independent contractor status**

A. The relationship between the tow service provider and the City is that of independent contractor. The tow service provider is not an employee of the City, and is not entitled to the benefits provided by the City to its employees, including, but not limited, to group insurance and retirement plans.

B. The conduct and control of the services to be performed by the tow service provider under this contract will lie solely with the tow service provider. The tow service provider will perform its services for the City in accordance with currently approved methods and ethical standards applicable to its professional capacity. The tow service provider will be free to practice its profession and/or trade for others during those periods when it is not performing work under the contract for the City.

C. The tow service provider will provide its own motor vehicles and will maintain and operate the vehicles at its own expense. The vehicles will be maintained by the tow service provider in a safe and serviceable condition and meet all California regulations.

#### **10.84.090 Requirements of tow service providers**

A. Response to Tow Requests.

1. Tow service providers shall be available for response within the incorporated area of the City and within a reasonable distance of those limits on a twenty-four hour, seven-day per week basis. Services originating as a result of a call from the police department shall not be

subcontracted to another contracting tow service provider or to any other person or business at any time of the day or night.

2. Tow service providers shall be capable of responding a minimum of two tow service vehicles within the defined area within twenty minutes. If the tow service provider is unable to respond as required, the police dispatcher will be so advised so that another tow service may be summoned.

3. Tow service providers shall conduct business in an ethical, orderly manner, endeavoring to obtain and keep the confidence of the community. They will abide by the decisions of police officers or code enforcement officers.

B. Training and Experience. Tow service provider shall provide proper and adequate training and supervision of its agents and personnel. No charge will be permitted if, in the opinion of the City, a charge, or part of a charge, results from inadequate training and/or inexperience of the tow service provider, its employees, personnel, or agents. Each tow service provider requesting an agreement shall have been operating as a towing service in the San Luis Obispo County for not less than one year prior to requesting the agreement unless this requirement is waived by the Chief of Police. Any tow truck driver employed by a tow service provider shall have had sufficient training and/or experience to enable the driver to safely and competently tow vehicles.

C. Employee Records. The tow service provider shall keep complete and accurate records of its employees and maintain these records for at least two years after an employee or agent leaves its employment, and that these records shall be made available to the office of the Morro Bay City attorney upon request.

D. Towing and Storage Records. The tow service provider shall maintain complete and thorough records of all City requested towing and storage transactions, including consecutively numbered receipts and the same shall be open for inspection by the City at any reasonable time with or without notice. The records and receipts shall be maintained in good condition in a safe and secure area for a period of not less than two years and shall be kept longer if requested by the City. Information in the records shall include times and dates of towage, locations from which vehicles are towed, their descriptions, license numbers, etc. and the fees paid by the claimant of the vehicle.

E. Office and Storage Facility. Tow service providers shall maintain a physical location within five miles of the geographic boundaries of the City. The Chief of Police may exempt this requirement. All structures and property involved in the operator's wrecking, towing and storage operations shall be in compliance with all applicable building, fire, and zoning codes and ordinances, and with all adopted or proposed land use plans. All towed vehicles must be stored within an area that is screened from street view by a minimum six foot high view-obscuring fence. No towed vehicle may be parked by the tow service provider or its employees or agents outside its authorized and licensed storage yard.

F. Vehicle Storage. Tow service providers shall be solely responsible for the safekeeping of all vehicles towed, and for any personal property within the towed vehicle. In keeping with this responsibility, tow service providers shall provide secured areas in which towed vehicles may be safely stored in an area until ready for release to authorized persons.

1. No vehicle will be stored in "inside storage" and charged as such without prior approval of the police department watch commander.

2. Tow service providers shall have the capability for releasing vehicles between eight a.m. and five p.m., normal business days (generally Monday through Friday or Saturday), and by appointment after hours and during nonbusiness days.

3. Tow service providers have the responsibility for safeguarding all articles left in impounded/stored vehicles. Bulk property left in vehicles will normally be listed on the vehicle impound report by the police officers. Any article removed for any reason will be properly identified on the tow service provider's copy of the impound report.

G. Abandoned Vehicles. Tow service providers will furnish the necessary personnel and equipment to pick up, tow away and lawfully dispose of all motor vehicles abandoned in the City or removed in violation of the 72 hour parking restrictions, irrespective of value, as designated by the police department.

1. Abandoned vehicles will be removed from City streets and private property without charge to the City if requested by police or code enforcement personnel. Abandoned vehicle impounds requested by private property owners are not a police matter and will be subject to rates and fees established by the tow company.

2. Abandoned vehicles will, if at all possible, be towed during Monday through Friday, eight a.m. to five p.m.

H. Equipment. A tow service provider must have the following equipment:

1. A minimum of two tow trucks with at least one being a flat bed; each having at least ten thousand pound gross vehicle weight capacity.

2. Each tow truck shall have a winch and cable; each of a weight bearing or pulling capacity equal to the gross load capacity of the tow truck to which they are attached. Each boom tow truck shall have cables at least one hundred fifty feet long. All winches shall have safety dogs or equivalent braking devices.

3. Each tow truck shall be maintained in compliance with the provisions of sections 24605, 25300, 27700, and 27907 of the California Vehicle Code.

I. Other Duties.

1. Tow service providers shall, upon request by the police department, protect from disturbance and touching all surfaces and contents of an impounded vehicle, until released from such obligation by a representative of the police department.

2. Allow inspection for impounded or stored vehicles by any person estimating or appraising damage to such vehicles, and shall assist police representatives making such inspections.

3. Remove hazards and clean up debris at the area of a towing operation.

4. Comply with all instructions of City dispatchers, police officers, and fire personnel at the scenes of towing operations.

J. Legal Requirements. All tow service vehicles and all tow vehicle operators will meet all legal requirements in respect to proper licensing, mechanical equipment, emergency lighting, towing, storage, lien selling, or junking. Tow service providers will comply with all vehicle code sections pertaining to required equipment (VC 27700), lighting equipment (VC24605-06, 25110, 25253), signs (VC27907), drivers (VC2430, 2431, 2436.5, 2436.7, 2432). Tow service providers will also comply with Vehicle Code Section 10652 requiring the reporting of vehicles stored for a period of thirty days or more.

K. Assignment of Tow Requests. The tow service provider will accept the decision of the Chief of Police as it relates to the assignment of calls, if more than one business or company operates as a tow service provider. The City will make every attempt to equally distribute the

calls-for-service on a “rotation” basis. The City retains the right to assign at its election, where in its sole discretion it determines that a particular service or equipment is required and convenience to the particular need, which would permit them, when they feel a particular operator can service a particular need better than another, or has equipment more appropriate than another, to exercise discretion in the assignment.

#### **10.84.100 City indemnification**

Tow service providers shall indemnify and save the City and its officers, agents and employees harmless against all claims for damages to persons or property arising out of tow service providers execution of the work, or otherwise by the conduct of the operator or its employees, agents, subcontractors, or others (including the active and passive negligence of the City, its officers, agents and employees) in connection with the execution of the work covered by this agreement and any and all costs, expenses, attorney’s fees and liability incurred by the City, its officers, agents, or employees in defending against such claims, whether the same proceed to judgment or not, except only for those claims arising from the sole negligence or willful conduct of the City, its officers, agents, or employees. Further, tow service provider at his/her own expense shall, upon written request by the City, defend any such suit or action brought against the City, its officers, agents or employees.

Tow service providers shall reimburse the City for all costs and expenses (including but not limited to fees and charges of engineers, attorneys, and other professionals and court costs) incurred by City in enforcing the provisions of this section.

#### **10.84.110 Insurance**

A. Tow service provider shall, throughout the duration of its contract, maintain comprehensive general liability and property damage insurance, or commercial general liability insurance, covering all its operations, its agents and employees, performed in connection with the contract including but not limited to premises and automobile.

B. Tow service provider shall maintain the following minimum limits:

General liability: combined single limit per occurrence--two million dollars;  
Automobile liability; combined single limit per occurrence--two million dollars.

C. All insurance companies affording coverage to the tow service provider shall be required to add the City of Morro Bay as “additional insured” under the insurance policy.

D. All insurance companies affording coverage to the tow service provider shall be insurance organizations authorized by the Insurance Commissioner of the State Department of Insurance to transact business of insurance in the state of California.

E. All insurance companies affording coverage shall provide thirty days’ written notice to the City should the policy be canceled before the expiration date. For the purposes of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.

F. Tow service provider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City attorney, concurrently with the submittal of the application. A statement of the insurance certificate which states that the insurance company “will endeavor” to notify the certificate holder, “but failure to mail such notice shall impose no obligation or liability of any kind upon

the company, its agents or representatives” does not satisfy the requirements. The tow service provider shall ensure that the above quoted language is stricken from the certificate by the authorized representative of the insurance company.

G. Tow service provider shall provide a substitute certificate of insurance no later than thirty days prior to the policy expiration date. Failure by the operator to provide such a substitution and extend the policy expiration date shall be considered a default by tow service provider.

H. Maintenance of insurance by the tow service provider as specified in this chapter shall in no way be interpreted as relieving the tow service provider of any responsibility whatever and the tow service provider may carry, at its own expense, such additional insurance as it deems necessary.

I. Pursuant to Labor Code Section 3700, the tow service provider shall be insured against liability for worker’s compensation at the statutory limit or undertake self-insurance in accordance with provisions of that code, and provide certification of such compliance as part of the application process.

#### **10.84.120 Police tow service provider files.**

The chief of police or designee will maintain a record file of each tow service provider. Such file will include the tow service provider’s application for a tow services contract, a copy of the contract, copy of insurance coverages, and a record of all inspections and complaints regarding the respective tow service providers.

#### **10.84.130 Disputes and claims.**

The City council designates authority to the Chief of Police and/or the City Attorney or authorized agent to settle any claim or dispute involving the City and the tow service provider.

#### **10.84.140 Appeal**

Any tow service provider whose application for a permit has been denied or whose permit has been revoked may appeal in writing within five days of notice of such action to the City Manager. The City Manager or his/her representative will review the decision for reasonableness and may receive evidence and testimony from all interested parties. The decision of the City Manager shall be final.”

## Chapter 10.88

### STREET USE BY VEHICLES USED AS LIVING QUARTERS

#### Sections:

- 10.88.010** Prohibited on certain streets.
- 10.88.020** Individual use permit for residents on restricted streets.
- 10.88.030** Exhibit A – Streets designated.

#### **10.88.010 Prohibited on certain streets.**

Except as provided in Section 10.88.020, it is unlawful for any person to operate any vehicle containing or carrying a compartment designed or used as temporary or permanent living quarters for human occupancy, or to pull or tow any trailer designed or used as temporary or permanent living quarters for human occupancy, over, across or upon any portion of portions of the streets designated in Exhibit A, in Section 10.88.030.

#### **10.88.020 Individual use permit for residents on restricted streets.**

Upon application by any person residing on any street or portion of any street set forth in Exhibit A, the traffic engineer may issue to such person an individual use permit, granting to such permittee, the members of his/her household and his/her agents and employees, the right to operate or tow the vehicles or trailers particularly described in such use permit over, upon and across the streets designated in Exhibit A. The provisions of Section 10.88.010 shall not apply to any person operating or towing any vehicle or trailer pursuant to such individual use permit.

#### **10.88.030 Exhibit A – Streets designated.**

Streets and portions of streets affected by use restrictions of this chapter are as follows:

All streets east of Juniper from Avalon to City Limits

Andros

Azure, except that portion of Azure Street lying westerly of Sandalwood Street

Bali

Beachcomber

Capri

Coral

Danmar

Driftwood

Easter

Formosa

Gilbert

Hatteras

Island

Java

Kodiak

Luzon

Mindoro

Nassau Court

Nassau Street

Oahu

Oceanside

Orcas

Panay

Rennel

Sandalwood, except for the portion of Sandalwood between Azure Street and Indigo Street

Sicily

Sienna

Tahiti

Terra

Tide

Trinidad

Toro Lane

Vashon

Verdon

Whidbey

Zanzibar

## Chapter 10.92

### OFF HIGHWAY VEHICLES

#### Sections:

**10.92.010**      **Definitions.**

**10.92.020**      **Prohibition.**

#### **10.92.010**      **Definitions.**

As used in this chapter, "off-highway motor vehicle" means and includes any motorcycle, motor-driven cycle, minibike, trailbike, or motor vehicle commonly referred to as a sand buggy, dune buggy, all-terrain vehicle (ATV) or jeep (38012 CVC).

#### **10.92.020**      **Prohibition.**

A. No person shall operate or drive any off-highway vehicle upon any public property which is not held open to the public for vehicular use and which is not subject to the provisions of the California Vehicle Code except for emergency vehicles, the vehicles of governmental agencies and public utilities and the vehicles of persons holding a written permit from the city.

B. No person shall operate any off-highway motor vehicle on any private property of another which is not held open to the public for vehicular use, and which is not subject to the provisions of the California Vehicle Code except for emergency vehicles, the vehicles of governmental agencies or public utilities and to persons or vehicles driven upon such property without the written consent of the owner or person in lawful possession of such property. Such written consent shall be displayed upon request of a peace officer and shall contain as a minimum: the name and address of the person to whom the permit is issued; any restrictions as to days or hours of operation; designation of a definite expiration date which will be automatically six months from the date of issue if none is so designated; and signature of property owner or person in lawful possession of such property.

C. It is unlawful for any person operating or driving an off-highway vehicle within the city limits to violate any of the provisions of California Vehicle Code Division 16.5.

D. No person shall operate or drive an off-highway vehicle in such a manner as to disturb the peace and quiet of any neighborhood or person by noise, dust, smoke, fumes or other cause arising out of the operation of such vehicle.

**Chapter 10.96**

**PENALTY FOR TRAFFIC VIOLATIONS**

**Sections:**

**10.96.010 Amount designated.**

**10.96.010 Amount designated.**

Unless otherwise specified in this Title all fines and penalties for violation of any provisions of Title 10 will be established by resolution of the council.

This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall be published once, with the names of the City Council members voting for and against the same, in a newspaper of general circulation published in the City of Morro Bay.

**INTRODUCED** at a regular meeting of the City Council of the City of Morro Bay held on the 27th day of April 2009, by motion of Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Morro Bay on the \_\_\_\_ day of \_\_\_\_\_, 2009 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Janice Peters, Mayor

**ATTEST:**

\_\_\_\_\_  
Bridgett Bauer, City Clerk

**APPROVED AS TO FORM:**

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



**RESOLUTION NO. 25-08**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MORRO BAY, CALIFORNIA  
ADOPTING 2009/10 FISCAL YEAR OPERATING BUDGET**

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

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

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

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

**WHEREAS**, the City Council recognizes that Capital Improvement Projects authorized and approved in prior fiscal years may not be completed by June 30, 2009; and

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

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

1. The Fiscal Year 2009/10 Operating Budget is adopted, as presented in the Preliminary Budget and in the subsequent Amendments A, and any further amendments made at this meeting;
2. Staff is directed to prepare and publish a final budget document;
3. The City Manager is authorized to transfer appropriations within the adopted budget, so long as the appropriations changes do not have a significant policy impact, and total appropriations are not exceeded;
4. City Council approval is required to transfer appropriations between funds;
5. The City Council authorizes and directs the carry-forward of balances for capital projects approved in prior fiscal years, but not completed by June 30, 2009, to the Capital Improvement Project Fund(s) for the 2009/10 fiscal year;
6. The City Council directs that the hiring freeze for positions in the City workforce continue for those positions funded within the General fund, and the City Council reserves the right to review any vacancies on a case-by-case basis as to its official policy; and

7. The City Council will take action to improve the City's financial outlook for the future by restructuring the City's business model, locating and securing new revenue sources and reviewing services for possible reductions.

**PASSED AND ADOPTED**, by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 26<sup>th</sup> day of May 2009, by the following vote:

AYES:

NOES:

ABSENT:

---

Janice Peters, Mayor

---

Bridgett Bauer, City Clerk

**City of Morro Bay  
2009/10 Amendments to Preliminary Budget**

<u>Category</u>	<u>Original Preliminary Budget</u>	<u>As Amended</u>	<u>Impact</u>
<b>General Fund:</b>			
Decrease City Council contingency	\$5,000	\$0	\$5,000
Decrease City Council personnel costs	\$85,565	\$73,686	\$11,879
Increased transfer out to Transit	\$19,414	\$24,874	(\$5,460)
Decrease capital project – ADA facilities	\$45,586	\$37,376	\$8,210
<b>District Transaction Tax (Measure Q):</b>			
Fire	\$0	359,121	(\$359,121)
Streets	\$0	275,000	(\$275,000)
Storm Drains	\$0	150,000	(\$150,000)
Police	\$0	64,700	(\$64,700)
Public Safety	\$0	43,250	(\$43,250)
<b>Community Development Grants:</b>			
Decrease revenue - CDBG	\$500,000	\$140,475	(\$359,525)
Decrease revenue – HOME	\$500,000	\$123,150	(\$376,850)
Decrease revenue – CalHOME	\$500,000	\$120,000	(\$380,000)
Decrease revenue - FESG	\$100,000	\$24,000	(\$76,000)
<b>Parking In-Lieu:</b>			
Increase revenue for fees	\$0	\$13,447	\$13,447
Increase revenue for interest income	\$0	\$4,200	\$4,200
Decrease transfer out to Transit	\$41,523	\$24,345	\$17,178
<b>Transit:</b>			
Increase DAR farebox	\$50,668	\$53,418	\$2,750
Increase Trolley farebox	\$8,500	\$15,500	\$7,000
Increase transfer in from G/F	\$19,414	\$24,874	\$5,460
Decrease transfer in from SRF	\$41,523	\$24,345	(\$17,178)
Increase DAR expenses	\$321,411	\$326,411	(\$5,000)
Increase RTA assistance	\$68,046	\$71,256	(\$3,210)
Decrease Trolley expenses	\$62,284	\$55,885	\$6,399
<b>Harbor Operating:</b>			
Increase transfer in from Accumulation	\$0	\$16,786	\$16,786

<u>Category</u>	<u>Original Preliminary Budget</u>	<u>As Amended</u>	<u>Impact</u>
Water Accumulation:			
Increase outlay for capital improvements	\$0	\$100,000	(\$100,000)
Sewer Accumulation:			
Increase outlay for capital improvements	\$0	\$400,000	(\$400,000)
Harbor Accumulation:			
Increase transfer out to enterprise	\$0	\$16,786	(\$16,786)
Decrease outlay for capital improvements	\$75,000	\$65,000	\$10,000
Schedule of Capital Projects:			
Decrease ADA facilities	\$45,586	\$37,376	\$8,210
Increase Nutmeg Tank	\$0	\$100,000	(\$100,000)
Increase Lift Station #3	\$0	\$200,000	(\$200,000)
Increase Lift Station #2	\$0	\$200,000	(\$200,000)
Decrease self-pay parking kiosks	\$25,000	\$15,000	\$10,000

2010/11 Amendments to Preliminary Budget

<u>Category</u>	<u>Original Preliminary Budget</u>	<u>As Amended</u>	<u>Impact</u>
<b>General Fund:</b>			
Decrease City Council contingency	\$5,000	\$0	\$5,000
Decrease City Council personnel costs	\$85,565	\$63,148	\$22,417
Decrease transfer out to Transit	\$4,414	\$1,664	\$2,750
<b>Community Development Grants:</b>			
Decrease revenue - CDBG	\$500,000	\$140,475	(\$359,525)
Increase revenue – HOME	\$0	\$123,150	\$123,150
Increase revenue – CalHOME	\$0	\$120,000	\$120,000
Increase revenue - FESG	\$0	\$24,000	\$24,000
<b>Parking In-Lieu:</b>			
Increase revenue for fees	\$0	\$8,532	\$8,532
Increase revenue for interest income	\$0	\$4,000	\$4,000
Decrease transfer out to Transit	\$41,523	\$25,913	\$15,610
<b>Transit:</b>			
Increase DAR farebox	\$50,668	\$53,418	\$2,750
Increase Trolley farebox	\$8,500	\$15,500	\$7,000
Decrease transfer in from G/F	\$4,414	\$1,664	(\$2,750)
Decrease transfer in from SRF	\$41,523	\$25,913	(\$15,610)
Decrease DAR grant	\$109,000	\$40,000	(\$69,000)
Decrease capital outlay	\$69,000	\$0	\$69,000
Decrease Trolley expenses	\$63,843	\$57,453	\$6,390
<b>Harbor Operating:</b>			
Increase transfer in from Accumulation	\$0	\$9,504	\$9,504
<b>Harbor Accumulation:</b>			
Increase transfer out to Enterprise	\$0	\$9,504	(\$9,504)

Amendment A



AGENDA NO: A-5

MEETING DATE: 5/26/09

## Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** May 19, 2009  
**FROM:** Andrea K. Lueker, City Manager  
**SUBJECT:** Status Report on Applications for Economic Stimulus Funding

**RECOMMENDATION:**

Staff recommends the City Council review this information and accept this report.

**MOTION: I move the City Council accept the Status Report on Applications for Economic Stimulus Funding for file.**

**FISCAL IMPACT:**

Not Applicable.

**SUMMARY:**

In order to keep the City Council, staff and residents of Morro Bay informed regarding the City's efforts in attracting Economic Stimulus funds, staff will be presenting a status report to the City Council on a monthly basis outlining the applications to date.

**BACKGROUND:**

On February 17, 2009 President Barack Obama signed into law the American Recovery and Reinvestment Act (ARRA) of 2009. The stated purpose of the ARRA is:

- (1) To preserve and create jobs and promote economic recovery.*
- (2) To assist those most impacted by the recession.*
- (3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health.*
- (4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.*
- (5) To stabilize state and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.*

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

The ARRA provides funds for investments in many programs, including health care, energy, infrastructure, education, and public safety. The total cost of the package is \$787 billion, and consists of nearly \$355 billion for upgrades to transportation, infrastructure, construction, health care programs, education and housing assistance, and energy efficiency projects, \$144 billion in state and local fiscal relief, and \$288 billion in personal and business tax credits.

Specifically in California, the League of California Cities has compiled a “City Funding Book” to assist cities in their pursuit for funding. There will be regular updates made available on the League’s website at [www.cacities.org](http://www.cacities.org) as more information becomes available.

**DISCUSSION:**

Attached is a chart of the applications that have been submitted to date for funds related to the Economic Stimulus funding. **The programs listed represent only those which funding has been requested and or application have been submitted.** Staff is tracking a number of other programs through a spreadsheet as well as “grant tracking report” form whose application dates are forthcoming.

u.w.council.status report economic stimulus 5 26 09

**American Recovery and Reinvestment Act of 2009**

Last updated: 5/19/2009, 1:10 P.M.

Fund Source	Application Due Date	Date Submitted	Project Description	Funds Requested	Award Timeline and When Expend Funds
Clean Water State Revolving Fund	2/27/09 fast app; 3/24/09 fast app	2/26/2009	Lift Station #2 & #3 Replacement & Improvement	\$2,000,000	Unknown at this time
Clean Water State Revolving Fund	2/27/09 fast app; 3/24/09 fast app	2/26/2009	Sewer Main Rehabilitation & Replacement	\$1,200,000	Unknown at this time
Clean Water State Revolving Fund	2/27/09 fast app; 3/24/09 fast app	3/24/2009; 4/9/2009	Low Impact Development (LID) Boat Yard Phase I	-	Under review and additional information requested from CWSRF.
Safe Drinking Water State Revolving Fund	2/27/2009	2/26/2009	Blanca Pipeline	\$85,500	Received project rankings; project not high enough to receive funding
Safe Drinking Water State Revolving Fund	2/27/2009	2/26/2009	Chorro Valley Pumping Line Slip Lining	\$4,200,000	Received project rankings; project not high enough to receive funding
Safe Drinking Water State Revolving Fund	2/27/2009	2/26/2009	Meter Replacement Program	\$3,000,000	Received project rankings; project not high enough to receive funding
Safe Drinking Water State Revolving Fund	2/27/2009	2/26/2009	Nutmeg Water Tank	\$750,000	Received project rankings; project not high enough to receive funding
Safe Drinking Water State Revolving Fund	2/27/2009	2/26/2009	Chorro Valley Nitrate Treatment	\$500,000	Received project rankings; project not high enough to receive funding
Transit Capital Assistance	3/4/09 COG; 4/17/09 Caltrans	3/4/2009; 4/16/2009	Replacement Dial-A-Ride Vehicle	\$69,000	4/8 COG Board approved amended TIP for submission to Caltrans/FTA/FHWA; tent. 7/1 can expend \$
Transit Capital Assistance	3/4/09 COG; 4/17/09 Caltrans	3/4/2009; 4/17/2009	Replacement Vintage Trolley Vehicle	\$165,000	4/8 COG Board approved amended TIP for submission to Caltrans/FTA/FHWA; tent. 7/1 can expend \$
Transit Capital Assistance	3/4/09 COG; 4/17/09 Caltrans	1/6/1900	Corporation Yard Modernization	\$1,800,000	4/8 COG Board - project not on list of approved list for amended TIP
Highway Infrastructure	3/6/2009	3/6/2009; 3/13 updated	Maintenance Overlay-Main St. (Surf St. to HWY 1)	\$269,000	3/13 updated funding amounts to SLOCOG per their 3/10 request; 4/8 COG Board amend FTIP then goes to Caltrans/FTA/FHWA for FTIP approval; tent. 7/1 can spend \$
Highway Infrastructure	3/6/2009	3/13/2009	North Main Street Bike Path	\$480,000	3/10 project moved to this funding source from Competitive STP per SLOCOG as Avalon overlay not eligible
Highway Infrastructure	3/6/2009	3/6/2009	Maintenance Overlay - Avalon (all)	-	3/10 project not eligible per SLOCOG; North Main Bike Path project moved to this funding source
USDA	no due date	3/10/2009	Harbor Office	\$748,500	pre-application submitted and under review; award timeline unknown
USDA	open	submitted	Fire Station Phase II	\$3,000,000	
HOME Investment Partnerships	tent. 8/2009		Owner-Occupied Rehabilitation Program	-	Ineligible - must spend 50% of current allocation by 6/2009
Community Development Block Grant	7/14/2009		Owner-Occupied Rehabilitation Program	-	Tentative September 2009
Army Corps of Engineers	no due date		Marina Maintenance Dredging	-	Have been notified of \$5.24 million award; tent. start date Sept/Oct '09; additional funding to complete project to come from ACOE regular funding cycle



AGENDA NO: \_\_\_\_\_

MEETING DATE: 5/26/09

## Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** May 20, 2009

**FROM:** Rob Schultz, City Attorney

**SUBJECT:** Discussion/Interpretation of General Plan and Local Coastal Plan Policies Relating to the Location and Placement of Commercial and Recreational Facilities in the Bay in the Area of the City West of Main Street between Acacia and Barlow

### **RECOMMENDATION:**

Staff recommends that the Mayor & Council discuss and interpret the applicable City General Plan and Local Coastal Plan policies related to the location and placement of commercial and recreational facilities in the Bay and provide input to Staff. It is Staff's interpretation that in the area of the City west of Main Street between Acacia and Barlow commercial uses are allowed in the Bay/Tidelands area, subject to a project-by-project review and environmental analysis.

**Motion: I move that Staff interpret the City's GP/LCP to allow for commercial uses in the Bay/Tidelands area of the City west of Main Street between Acacia and Barlow, subject to a project-by-project review and environmental analysis.**

### **FISCAL IMPACT:**

None.

### **BACKGROUND:**

The City's General Plan and Local Coastal Plan Policies relating to the location and placement of commercial uses, commercial fishing uses and recreational boating uses in the Bay in the area of the City west of Main Street between Acacia and Barlow has been the subject of controversy for a while. Many residents in this area have spoken at public comment that commercial uses are not allowed. This controversy has caused confusion and frustration for Staff and Applicants, particularly with regard to what are the allowable uses in the area of the City west of Main Street between Acacia and Barlow.

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

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

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

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

In an effort to reduce this controversy and provide more certainty in the planning process, the Harbor Advisory Board and the Planning Commission held public hearings and provided recommendations on the interpretation of the City's General Plan and Local Coastal Plan policies on these issues. In addition, Staff has spent an incredible amount of time researching files and minutes to determine the legislative history of our policies.

On April 2, 2009, the Harbor Advisory Board held a public hearing to discuss and interpret the GP/LCP Policies relating to the location and placement of commercial and recreational facilities in the Bay. Attached as Exhibit "A" are the minutes of the meeting. After receiving public testimony, the Harbor Advisory Board on a 5-1 vote recommended to City Council to insert the word fishing into the first sentence of LCP Policy 7.05 and Program LU 63.4 to read: "Vessels of a commercial **fishing** nature...."

On April 6, 2009, the Planning Commission held a public hearing to discuss and interpret the GP/LCP Policies relating to the location and placement of commercial and recreational facilities in the Bay. Attached as Exhibit "B" are the minutes of the meeting. After receiving public testimony, the Planning Commission on a 5-0 vote recommended that if City Council desires Planning Commission to make an interpretation, they direct staff to make a full presentation to Planning Commission before taking action.

## **DISCUSSION**

Based upon previous discussions at City Council and Planning Commission meetings, there has been confusion as to allowable uses in our Bay in the Mixed Use area "B". Mixed Use area "B" is shown on the Map in the City's Coastal Land Use Plan as the area of the City west of Main Street between Acacia and Barlow.

The City's Coastal Land Use Plan, Chapter I, p. 16 states:

### **Area 9 – Harbor and Navigable Ways**

**This planning area incorporates the area within the city limits covered by bay water, wetlands areas and tidelands.**

#### **a. Existing Use**

**The harbor is being utilized for a variety of harbor dependent uses which include dockage, moorage, government, commercial and recreational navigation, swimming, commercial and recreational fishing, mariculture and other similar uses. The harbor serves as de facto safe moorage during inclement weather.**

#### **b. Potential Development**

**It is anticipated that existing uses will be expanded. It is possible that the harbor could be utilized for some coastal-dependent energy uses in the future.**

**c. Major Coastal Issues**

**The major coastal issues in this planning area are commercial fishing, energy, access and recreation, diking, dredging and filling, environmentally sensitive habitat protection and locating and planning new development.**

The City's Coastal Land Use Plan, Chapter II, pp. 24-25 states:

**Mixed Uses: The mixed uses land use designation combines neighborhood and visitor-serving commercial uses, high-density residential and professional uses. It recognizes those areas in the City which have existing mixed use development patterns which appear to be a positive land use function worth maintaining. Uses allowed in this designation will be those which can function compatibly and include but are not limited to apartments and condominiums, professional offices, small convenience stores and gift shops, and small capacity restaurants. Businesses which have later hours or tend to be noisy would be encouraged to locate in other areas with more appropriate land use categories.**

**In addition, the mixed land use designation may apply to certain vacant parcels, that because of this large size, can accommodate two or more types of uses with careful planning. The following descriptions of these areas shall be the basic planning policy for these areas. These mixed uses, designated by specific areas on Figure 5, are defined as follows:**

**Mixed Use Area B: Existing coastal-dependent and coastal-related uses shall be protected, maintained and provided where feasible in new development. Mixed Harbor Uses shall be for recreational boating and fishing rather than commercial fishing. Visitor-serving commercial/recreational uses shall have priority over other land uses consistent with traffic, circulation and parking constraints in the Embarcadero.**

In 1983, the Planning Commission received several letters requesting that the LUP designation for Mixed Use Area "B" be changed to a strictly residential district. Hearings were held before the Harbor Commission on January 12, 1984 and before the Planning Commission on February 6. The minutes of the Planning Commission meeting are attached as Exhibit "C". The Planning Commission's and the Harbor Commission's discussions highlighted several important points bearing on this issue. The Points were summarized in a Staff Report to the City Council as follows:

- 1) This part of the City has been long characterized by a mix of residences and water-oriented commercial. Which type of use was there first may be debatable, but there is no doubt both kinds of uses have long histories in this area.
- 2) Given the well-established character of the area, significant recycling from one kind of use to another is not likely in the near term (five-ten years).

- 3) There is evidence of existing and potential conflicts between the commercial and residential uses. Given that the two kinds of uses are so well-established and wholesale recycling highly unlikely, the potential for conflicts will continue in this area for a long time.
- 4) The road access and circulation in this area is poor. Main Street is winding and narrow; maneuvering of large trucks for loading and unloading or simply for ingress to commercial sites is frequently difficult and requires interruption of traffic flow or blocking of the bike trail and sidewalk. The area is clearly not suitable for the full range of commercial uses because of circulation problems.
- 5) The terrain puts restriction on possible development. There is a bluff separating the area and adjacent to Main Street from the waterfront itself. The areas above and below the bluff are relatively narrow. Access to the waterfront from Main Street is difficult because of the bluff.
- 6) There is a limited amount of waterfront available and there is a need being served by the existing water-oriented commercial establishments in this part of the City. The Coastal Act generally gives priority to water-oriented commercial uses over other kinds of commercial or residential uses along the waterfront.
- 7) The residents in the existing neighborhood on both sides of Main Street are concerned about potential noise, traffic and glare impacts if commercial activities increase; the owners, operators and customers of the existing commercial establishments are concerned about unreasonable restrictions on their present operation or on future expansion and about further residential encroachment onto the limited waterfront.

After considering these findings and objectives, the Planning Commission concluded that the best approach would be to establish the following policies in the LUP:

1. Designate the area below the bluff from the fuel dock property north as Mixed-Use: Harbor.
2. Designate the southernmost two parcels and existing residential above the bluff for low-medium density residential.
3. All existing residences and commercial establishments in this area shall be considered conforming; existing commercial use above the bluff shall not be permitted to expand.
4. Vehicular accessways and parking lots serving commercial properties below the bluff may be permitted above the bluff.

5. The entire area shall be designated with a “P.D.” overlay so that CUPs (and public hearing) are required for new development. In approving a CUP for new uses the Planning Commission shall make the following findings:
  - a. That any proposed commercial use is generally serving a water-borne clientele or serving a water-oriented purpose.
  - b. That the proposed commercial use, by its nature or design, will result in minimal noise, glare, odor and traffic impacts on other nearby uses.
  - c. That any new residential development shall be of a density and design which minimizes potential exposure to and would not unreasonably restrict water-oriented commercial activities.
  - d. That any new use shall not generate significant traffic/circulation impacts and shall include adequate parking, loading and access (turning and driveway) facilities.
  - e. That any new use shall not result in any harmful (eg: toxic waste) discharge into the bay.

In response to the Planning Commission’s recommendations, the City Council held a public hearing on August 13, 1984 and adopted resolution 95-84 and Ordinance 262. The minutes, Staff Report, Resolution and Ordinance are attached hereto as Exhibit “D”. The Resolution and Ordinance approved changes to the LUP and zoning as follows:

**LUP: For properties above the bluff, from mixed uses: harbor to low-medium density residential.**

**Zoning: For properties above the bluff, from WF/PD to R-1/PD.**

**Added the following policies to the LUP text:**

**For the area of the City west of Main Street between Acacia and Barlow (ie: those parcels west of Main Street between APN 66-251-01 and 07, inclusively), the following policies shall apply:**

1. All existing residences and commercial establishments in this area shall be considered conforming; existing commercial use above the bluff shall not be permitted to expand.
2. Vehicular accessways and parking lots serving commercial properties below the bluff may be permitted above the bluff.
3. The entire area shall be designated with a “P.D.” overlay so that CUPs

**(and public hearings) are required for new development. In approving a CUP for new uses the Planning Commission shall make the following findings:**

- a. That any proposed commercial use is generally serving a water-borne clientele or serving a water-oriented purpose.**
- b. That the proposed commercial use, by its nature or design, will result in minimal noise, glare, odor and traffic impacts on other nearby uses.**
- c. That any new residential development shall be of a density and design which minimizes potential exposure to and would not unreasonably restrict water-oriented commercial activities.**
- d. That any new use shall not generate significant traffic/circulation impacts and shall include adequate parking, loading and access (turning and driveway) facilities.**
- e. That any new use shall not result in any harmful (eg: toxic waste) discharge into the bay.**

It is Staff's interpretation that the above policies clearly allow for commercial uses on the bay in the area of the City west of Main Street between Acacia and Barlow, subject to a project-by-project review and environmental analysis. The primary reason for this interpretation is that Planning Commission and City Council in 1984 specifically addressed this issue based upon Citizen letters and decided only to restrict residential uses above the bluff and continued to allow commercial uses below the bluff and in the Bay.

There has also been some confusion with the meaning of certain terms in our General Plan and Local Coastal Plan Policies regarding "commercial fishing vessel". Typically, a "commercial fishing vessel" is required to be registered with the State as such and follow a prescribed set of demands. However, a "commercial vessel" is not required to be registered as a "commercial fishing vessel" and does not have the same criteria.

The City's Coastal Land Use Plan, Chapter IX, p. 148 states:

**Recently, the City has taken steps to ensure the priority of commercial fishing within the Morro Bay Harbor while still providing for recreational boating. With a demand greater than the City-owned slips could provide, it was necessary to establish priority for commercial fishing craft use of these slips and for the slips waiting list. Vessels of a commercial nature refer to boats which have a current Department of Fish and Game commercial fishing license and whose owner or operator holds a commercial fishing license which within the calendar year has been actively used for commercial fishing activities. In order to be consistent with Coastal Act policies, it is necessary that private slip development within the harbor also give priority to commercial fishing,**

**balanced with the needs of recreational boating.**

**Program LU-52.1: Future harbor expansion, specifically for commercial fishing, should occur in the northern portion of the bay. This area is better suited to accommodate the larger boats which are becoming more prevalent in the fishing industry. If this future harbor expansion reduces the demand for existing commercial fishing facilities, those areas south of Tidelands Park should be utilized by recreational boats.**

**LCP Policy 7.01 & Program LU-63.1: New commercial fishing facilities shall be located in the northern portion of the Bay north of Beach Street. New recreational boating facilities shall be located south of Beach Street. Commercial fishing shall be accommodated as long as facilities and space allow, consistent with providing for other coastal-dependent uses. New development must be found consistent with Section 30236 and other resource protection policies contained in the LUP and Chapter 3 policies in the Coastal Act.**

**LCP Policy 7.05 & Program LU-63.4: "Vessels of a commercial nature" shall mean vessels for which the State of California, Department of Fish and Game has issued a current commercial fishing license, and whose owner or operator holds a current commercial fishing license, and which within the current calendar year has been actively used for commercial fishing activities. Such use shall be evidenced by proof that the vessel has grossed a minimum \$5,000 during the calendar year or that the vessel has fished at least 60 days during the calendar year. Gross earnings for fish sales shall be evidenced by State of California, Department of Fish and Game commercial fish receipts of other west coast states. This definition shall be used to identify commercial fishing vessels for priority for coastal-dependent facilities.**

It is Staff's interpretation and determination that these policies do not prohibit commercial uses in the bay in the area of the City west of Main Street between Acacia and Barlow.

**Conclusion:**

It is Staff's interpretation that the above policies allow commercial uses on the bay in the area of the City west of Main Street between Acacia and Barlow, subject to a project-by-project review and environmental analysis. Staff requests that you discuss and decide whether you agree with this interpretation.



AGENDA NO:

MEETING DATE: May 11, 2009

## Staff Report

**TO: Planning Commission**

**DATE: May 11, 2009**

**FROM: Bruce Ambo, Public Services Director  
Christine Rogers, Housing Programs Coordinator**

**SUBJECT: Green Building Incentives Program**

### **RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. \_\_\_\_\_ implementing the Green Building Incentive Program.

The Green Building Incentive Program will assist the City in achieving the following goals as identified by the City Council in February 2009:

A. Develop and maintain a sustainable budget.

While the awarding of incentive fees results in a reduction in building and plan check fees for the associated projects, the resulting benefits are felt to outweigh the costs as follows:

- Job Creation and Preservation
- Increased Local Sales Tax (Construction related)
- Promotion of Ecotourism
- Reduced Energy Consumption and Carbon Emissions
- Reduced Operating Costs/Increased Cash Flow
- Market Transformation (Enhanced understanding of Sustainable Development principles)

**MOTION: I move that the City Council adopt Resolution No. \_\_\_\_ approving the Green Building Incentive Program.**

### **FISCAL IMPACT:**

Building and Plan Check fees rebates for associated projects will be based upon the level of commitment. It is not anticipated that the number of certified projects will increase dramatically however, for those individuals intent upon developing a sustainable project, the incentives may increase the level of consideration given to development within the City of Morro Bay as the incentives are not offered elsewhere in San Luis Obispo County. In addition to the indirect benefits, an increase in the number of permitted project would impact permit fee revenues.

**SUMMARY:**

The “Green Building Incentive Program” will reward project proponents committed to implementing either broad or focused sustainability measures. Fee rebates vary depending on the level of commitment and/or beneficial outcomes, and have been based upon regional norms.

Thresholds are consistent with those adopted nationwide, and are documented to be achievable through research and available case studies. Professional resources and materials are known to be available locally.

**BACKGROUND:**

A review of the “Reduced Fee Incentive for Green Building and Low Impact Development” proposal was conducted by City Council on April 13, 2009, and was unanimously approved. Staff was directed to return with a Resolution refining the program structure and process.

**DISCUSSION:**

**Green Building Certification Incentives**

The previously proposed LEED Certification rebate amount of 40% has been addressed in further detail. The current proposal sets the 40% award at the LEED Certification level of Platinum, and decreases in 5% intervals at each subsequent certification level. It is important to note that all awards are based upon a percentage of the Building and Plan Check fees, thus rewards will be appropriate for the project size and scope. Maximum fee rebate amounts have been identified.

<b>RESIDENTIAL</b>	<b>FUNDING LEVEL</b>
GreenPoint Rated – New Residential	\$2,000
GreenPoint Rated – Remodel	\$2,000
LEED for Homes – New Residential	\$3,000
<b>COMMERCIAL</b>	<b>FUNDING LEVEL</b>
GreenPoint Rated Multi-Family	20% maximum \$10,000
LEED – New Construction, Commercial Interiors	
Certified	25% maximum fee rebate \$20,000
Silver	30% maximum fee rebate \$30,000
Gold	35% maximum fee rebate \$40,000
Platinum	40% maximum fee rebate \$50,000

## Optional Sustainability Incentives

Staff has evaluated various existing programs, resolutions and ordinances. Based upon those findings, additional incentives have been proposed to encourage specific energy efficiency reductions as follows (in addition to currently implemented toilet and energy efficient washing machine rebates):

MEASURES	FUNDING LEVEL
Exceed Title 24 by 20%	5% fee rebate maximum fee rebate \$2,500
On-site renewable energy system that produces a minimum of 75% of the annual energy use (building and site amenities).	100% fee rebate maximum fee rebate \$5,000
Green Roof	5% fee rebate

The attached “Green Building Incentive Program Guidelines” (“Guidelines”) have been developed to provide program structure and clarification of requirements related to eligible rating systems and/or optional sustainability incentives, documentation submittals, inspections, approval authority, etc.

## Discretionary Findings

In addition to the incentives identified above, the granting of exceptions or variances based upon the incorporation of sustainable design components in a project could also be considered an incentive, and thus indirectly tied to the Green Building Incentive Program. Often value engineering as a result of budgetary constraints during the construction document and plan check process mandates significant changes. The City does not currently have adopted policies or code to ensure the proposed sustainability components are realized in the final constructed project.

In cases where compliance is considered to be critical in projects granted findings of public benefit related to sustainable design, either by recommendations of Staff, or at the option of Planning Commission and/or City Council members, conditions of approval could require adherence to the documentation, review and inspection requirements identified in the Guidelines. This would mandate the inclusion of the proposed components in building plans, verification and inspection, etc., prior to building permit or final occupancy approval.

In applying such discretion, additional consideration must be given to how non-compliance issues will be addressed, and outcomes clearly defined.

**CONCLUSION:**

Compelling research now demonstrates that the integration of green building features into development projects can generate substantial energy, water and materials efficiencies, resulting in reduced operating costs of 20-80% over the life of the building. Reduced operating costs generate increased cash flow, which helps free capital for other investments. More recently, research is showing that with proper planning even the first costs of building green can be the same as or less than conventional building techniques.

The purpose of this report is to provide recommendations to the City Council on a conceptual framework and work plan related to possible incentives, as well as general thresholds for requirements, and processing procedures.

<b>Prepared By:</b> _____	<b>Dept Review:</b> _____
<b>City Manager Review:</b> _____	
<b>City Attorney Review:</b> _____	

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY,  
ANNOUNCING FINDINGS AND APPROVAL OF  
THE GREEN BUILDING INCENTIVE PROGRAM

THE CITY COUNCIL  
City of Morro Bay, California

**WHEREAS**, the City of Morro Bay's (City) General Plan and Local Coastal Plan set forth goals for preserving and improving the natural and built environment of the City, protecting the health of its residents and visitors, and fostering its economy; and

**WHEREAS**, the General Plan and Local Coastal Plan directs the City to enforce and implement the goals and policies of the General Plan; and

**WHEREAS**, green building is a whole systems approach to the design, construction and operation of buildings that employs materials and methods that promote natural resource conservation, energy efficiency and good indoor air quality; and

**WHEREAS**, conventional design and construction methods can produce buildings that negatively impact the environment; these buildings can be unnecessarily expensive to operate and contribute to excessive resource consumption, waste generation, and pollution due to unnecessary landfilling of wasted materials, and inefficient use of energy and water; and

**WHEREAS**, emissions from conventional construction materials, including paints, carpets, and particleboard can lead to a host of health problems associated with poor indoor air quality; these health impacts can be exacerbated by conventional ventilation technology and can result in lost productivity and increased costs for maintenance, waste disposal and health care; and

**WHEREAS**, green building design, construction, and operation can minimize or avoid these adverse impacts in a variety of ways, including by incorporating energy and water efficient technologies and landscaping, using recycled content materials, reducing construction and demolition waste, improving indoor air quality and promoting long-term economic efficiency; and

**WHEREAS**, in recent years, green building design, construction, and operational techniques have become increasingly widespread; many homeowners, businesses, and building professionals have voluntarily sought to incorporate green building techniques into their projects and a number of local and national systems have developed to serve as guides to green building practices; and

**WHEREAS**, the benefits of green building design, construction, and operation should be enjoyed by the residents, workers, and visitors of the City;

**NOW THEREFORE, BE IT RESOLVED**, that the City hereby finds that green building design, construction and operation furthers the goals set forth in the City’s General Plan, including the Land Use Element, Conservation Element, Open Space Element, and Housing Element, and the Local Coastal Plan;

**NOW THEREFORE, BE IT FURTHER RESOLVED**, that private residential and commercial developers should be encouraged to use green building design, construction and operation whenever feasible; and

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

In accordance with the requirements identified in the “Green Building Incentive Program Guidelines” (“Guidelines”), attached and incorporated by reference herein,

Upon submittal and approval of LEED or GreenPoint Rated certification documented by the appropriate third-party organization; or

Inclusion of components identified as eligible “Optional Sustainability Incentives”, verified by the Building Official;

Applicants will be eligible for a building and plan check fee rebate(s) as identified in Sections V and VI of the Guidelines.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the \_\_\_ day of \_\_\_\_\_, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

JANICE PETERS, MAYOR

ATTEST:

---

BRIDGETT BAUER, CITY CLERK



# CITY OF MORRO BAY

## GREEN BUILDING INCENTIVE

### PROGRAM GUIDELINES

---

#### **I. Purpose.**

The purpose of the Green Building Incentive Program is to enhance the public welfare and assure that further commercial, residential and civic development is consistent with the City's desire to create a more sustainable community by incorporating green building measures into the design, construction and maintenance of buildings.

The Green Building Incentive Program has been developed to achieve the following goals:

- A. To conserve natural resources;
- B. To reduce the waste generated by construction projects;
- C. To increase energy efficiency;
- D. To promote the health and productivity of residents, workers, and visitors to the City; and
- E. To implement the green building policies and goals set forth in the City's General Plan and Local Coastal Plan.

#### **II. Definitions.**

As used in these guidelines, certain words and terms shall be defined as follows:

"Applicant" means any individual, partnership, association, limited liability company, public or private corporation, political subdivision, or any other entity that applies to the City for the applicable permits or approvals to undertake any covered project within the City.

"Build It Green" means the nonprofit organization that publishes the New Home Construction Green Building Guidelines, the New Home Green Points Checklist, and the Multifamily GreenPoint Checklist, and any successor nonprofit entity that assumes responsibility for the programs and operations of Build It Green.

"Building" means any structure used or intended for support or shelter of any use or occupancy, as defined in the California Building Code.

"Building and Plan Check Fees" means,

- 1) For Green Building Certification Incentives - the total amount of building and plan check fees attributed to the overall project.
- 2) For Optional Sustainability Incentives - the total amount of building and plan checks fees attributed to the optional green building component.
- 3) Planning fees for use permits, zone changes, lot line adjustments, variances, etc. are not included in Building and Plan Check fees, nor are they included in the fee rebate calculations.

"City" means the City of Morro Bay.

"Commercial interior project" means new construction within the interior of a commercial structure for which the core and shell of the structure has been completed, including interior walls and partitions, drop ceilings, electrical and plumbing connections and fixtures and HVAC systems (commonly referred to as tenant improvements). A commercial interior project also includes the construction of mechanical, electrical,

plumbing, or other energy using building systems (other than any fire or life safety systems required by the City or the fire department) within a commercial shell project.

“Commercial project” means any new construction of a retail, office, industrial, warehouse, or service building, or portion of a building, which is not a residential project or a City-sponsored project.

“Conditioned space” means any area within a building that is heated or cooled by any equipment.

“Covered project” means the project described in the “Green Building Incentive Application”.

“Credits” means points assigned under the applicable rating system using the appropriate checklist for a covered project.

“ Dwelling unit” means a room or group of rooms including living, sleeping, eating, cooking and sanitation facilities, constituting a separate and independent housekeeping unit, designed, occupied, or intended for occupancy by one family on a permanent basis.

“Green building” means a whole system approach to the design, siting, construction, and operation of buildings that helps mitigate the environmental impacts of buildings by seeking to minimize the use of energy, water, and other natural resources and by providing a healthy, productive indoor environment. The term applies to those measures, techniques, materials and technologies that implement the green building approach, as well as to development projects that properly utilize them.

“Green building accredited professional” means an individual who satisfies either of the following requirements, as may be applicable:

- A. Where the covered project involves application of any LEED rating system, the individual must be a LEED Accredited Professional (LEED AP) who has taken and passed an exam administered by the U.S. Green Building Council to recognize the knowledge and skills necessary to support integrated design and streamline the LEED application and certification process.
- B. Where the covered project involves application of any GreenPoint Rating System, the individual must be a Certified GreenPoint Rater who has completed the training and been certified as such by Build It Green.

“Building Official” means the City’s Building Official or his or her authorized representative.

“Green Building Project Checklist” means a checklist or scorecard developed for the purpose of calculating a score on a LEED or GreenPoint Rated Rating System. Covered projects shall utilize the green building project checklist that corresponds with the green building rating system approved for use.

“Green Building Worksheet” means a form provided by the City to be used by applicants to explain how their project qualifies for credits listed on the submitted green building project checklist.

“Gross floor area” means the sum of the gross horizontal areas of all floors of a building measured from the interior face of the exterior walls or columns.

“LEED” means Leadership in Energy and Environmental Design.

“LEED Commercial Interior Rating System” means the most recent version of the LEED commercial interior rating system approved by the U.S. Green Building Council.

“LEED New Commercial Construction Rating System” means the most recent version of the LEED New Commercial Construction Rating System, also referred to as “LEED-NC (New Construction),” approved by the U.S. Green Building Council. As new rating systems are developed by the U.S. Green Building Council, the Building Official shall have the authority to specify the applicable LEED commercial green building rating system for a covered project.

“LEED for Homes Rating System” means the most recent version of the LEED for Homes rating system approved by the U.S. Green Building Council.

“Mixed use project” means one or more buildings that combine the uses of a commercial project and a residential project.

“Multifamily GreenPoint Checklist” means the most recent version of the checklist developed by Build It Green for use in determining rating points under the Multi-family Green Building Guidelines.

“Multi-family Green Building Guidelines” means the most recent version of Build it Green’s green building rating system for multi-family residential projects that provides detailed information, resources, and standards for the multi-family green building rating system, including information regarding the documentation required for certification. As new rating systems are developed by Build it Green, the Building Official shall have the authority to specify the applicable multi-family green building rating system for a covered project.

“New Home Construction Green Building Guidelines” means the most recent version of the single-family green building guidelines published by Build It Green that provides detailed information, resources, and standards for the single-family green building rating system, including information regarding the documentation required for certification. As new rating systems are developed by Build It Green, the Building Official shall have the authority to specify the applicable single-family green building rating system for a covered project.

“New Home Green Points Checklist” means the most recent version of the checklist developed by Build It Green for use in determining rating points under the New Home Construction Green Building Guidelines.

### **III. Incentive Standards**

A. All qualifying residential projects consisting of single-family dwelling units shall achieve:

- a. LEED for Homes minimum certification level “certified”.
- b. GreenPoint certification by earning the minimum number of total points allocated between categories in accordance with the most recent version of such checklist.

As of the date of initial adoption of these guidelines, the single-family GreenPoint Rated certification requires at least fifty (50) points, of which a minimum of:

- i. Eleven (30) points shall be in the category of Energy;
- ii. Five (5) points shall be in the category of Indoor Air Quality-Health;
- iii. Six (6) points shall be in the category of Resources;
- iv. Three (9) points in the category of Water;
- v. Additional points can be earned from any category to achieve a total of fifty (50).

B. All qualifying residential projects consisting of multi-family buildings shall achieve:

- a. LEED for Homes minimum certification level “certified” (three stories or less)
- b. LEED for New Construction minimum certification level “certified” (four stories or more).
- b. GreenPoint Rated certification by earning the minimum number of total points allocated between categories in accordance with the most recent version of such checklist, unless the Building Official determines that the single-family New Home Green Points Checklist is more appropriate for the building.

As of the date of initial adoption of these guidelines, the Multifamily GreenPoint Rated certification is achieved by earning at least fifty (50) total points, of which:

- i. Six (6) points shall be in the category of Community;
- ii. Eleven (30) points shall be in the category of Energy; a minimum of five (5) points shall be in the category of Indoor Air Quality/Health;
- iii. Six (6) points shall be in the category of Resources;
- iv. Three (3) points shall be in the category of Water;

v. Additional points can be earned from any category to achieve a total of fifty (50).

C. All qualifying commercial projects, major renovations projects shall achieve:

a. LEED for New Construction minimum certification level “certified”.

D. All qualifying commercial interior and tenant improvement projects shall achieve:

a. LEED for Commercial Interiors minimum certification level “certified”.

E. Additional Standards.

In the event new guidelines or standards are adopted by the U.S. Green Building Council, or Build It Green, pertaining to types of projects that are not specifically described or defined in this chapter, the Building Official shall have authority to apply such guidelines or standards to the type of project to which they relate, as long as the same do not conflict with any of the provisions of this chapter.

**IV. Green Building Certification Incentives.**

Applicants achieving LEED or GreenPoint Rated certification, upon documentation by the appropriate third-party organization, shall receive a building and plan check fee rebate per Schedule A below.

**SCHEDULE A**

<b>RESIDENTIAL</b>	<b>FUNDING LEVEL</b>
GreenPoint Rated – New Residential	\$2,000
GreenPoint Rated – Remodel	\$2,000
LEED for Homes – New Residential	\$3,000
GreenPoint Rated - Multi-Family	20% maximum fee rebate \$10,000
LEED for New Construction – Multi Family	25% maximum fee rebate \$20,000
<b>COMMERCIAL</b>	<b>FUNDING LEVEL</b>
LEED – New Construction, Commercial Interiors	
Certified	25% maximum fee rebate \$20,000
Silver	30% maximum fee rebate \$30,000
Gold	35% maximum fee rebate \$40,000
Platinum	40% maximum fee rebate \$50,000

**V. Optional Sustainability Incentives.**

As an alternative to the above incentives for LEED or GreenPoint Rated certification, which require a significant level of commitment, the City is offering rebates on “Optional Sustainability Incentives” to encourage specific energy efficiency measures. The “Optional Sustainability Incentives” are not intended to be combined with or in addition to the Green Building Certification Incentives identified above in Schedule A.

Such actions shall include proper calibration and monitoring of building systems, regular maintenance and repair of equipment as needed, appropriate training of personnel responsible for operation of the building systems, and education of employees, tenants, and other regular occupants of the structure on practices that can be followed to promote energy conservation and other green building objectives.

Applicants including optional green building components which have been verified and documented in accordance with Section VI of the Guidelines, shall receive a building and plan check fee rebate per Schedule B below.

**SCHEDULE B**

MEASURES	FUNDING LEVEL
Exceed Title 24 by 20%	5% fee rebate maximum fee rebate \$2,500
On-site renewable energy system that produces a minimum of 75% of the annual energy use ( building and site amenities).	100% fee rebate maximum fee rebate \$5,000
Green Roof	5% fee rebate

**PROJECTS RECEIVING “GREEN BUILDING CERTIFICATION INCENTIVES” ARE NOT ELIGIBLE FOR “OPTIONAL SUSTAINABILITY INCENTIVES”.**

**VI. Submittal and review of green building documentation.**

**A. Submittal of Documents.**

1. Each applicant shall submit an “Enrollment Form”.
2. Certification Incentives - In conjunction with any application for certification by the U.S. Green Building Council or Build it Green, the applicant shall submit to the Building Official documentation indicating the measures that will be taken to achieve the applicable green building rating required by this chapter (“green building documentation”).

The green building documentation shall be prepared by a green building accredited professional or other qualified person approved by the Building Official. The green building documentation shall include:

- a. The applicable LEED or GreenPoint Rated Checklist;
  - b. Narrative summary with analysis of each credit claimed; and
  - c. Any other documentation that may be necessary to show compliance with this chapter, as submitted by the applicant or requested by the Building Official.
  - d. The application for incentives of the covered project shall not be deemed complete until certification documentation has been submitted to Building Official and has been deemed sufficient.
3. Optional Incentives – In conjunction with any application for Optional Sustainability Incentives, (not to be combined or in addition to Certification Incentives), the applicant shall submit to the Building Official documentation demonstrating the threshold has been met:
    - a. Exceed Title 24 by 15% - Documentation by a certified energy analyst which demonstrates building performance.
    - b. On-Site Renewable – Documentation by a certified energy analyst which demonstrates building performance, and on-site renewable generation.
    - c. Green Roof – Building Plans shall demonstrate a minimum of 60% of the roof surface is green and a minimum of 6 inches of soil or substrate shall be used. Building Official shall verify that building and safety codes are respected, and that the roof structure is sound.
    - d. Any other documentation that may be necessary to show compliance with this chapter, as submitted by the applicant or requested by the Building Official.

- e. The application for incentives of the covered project shall not be deemed complete until certification documentation has been submitted to Building Official and has been deemed sufficient.

C. Review of Green Building Documentation.

For the green building documentation submittal to be complete, the Building Official must determine that the documentation is sufficient.

The Building Official may retain the services of a consultant having expertise in green building techniques to review and evaluate the material and provide recommendations as to methods for compliance with the requirements of this chapter. The cost of such consultant shall be paid by the applicant.

D. Approval of Green Building Documentation.

The Building Official shall only approve the green building documentation if such documentation indicates that the covered project can or has achieved the applicable threshold(s).

If the Building Official confirms that these conditions have been met, the green building documentation shall be marked "approved", returned to the applicant, and a fee rebate processed.

E. Non-Approval of Green Building Documentation.

If the Building Official determines that the green building documentation is incomplete or fails to indicate that the covered project will meet the required threshold(s), the Building Official shall either:

1. Return the green building documentation to the applicant marked "denied," including a statement of reasons; or
2. Return the green building documentation to the applicant marked "further explanation required," and detail the additional information needed.

F. Resubmission of Green Building Documentation.

If the green building documentation is returned to the applicant, the applicant may resubmit the green building documentation with such additional information as may be required.

G. Participation

1. Applicant agrees as a participant in the Green Building Incentive Program to notify the Building Official of all design charette and/or integrated design process meetings which will result in project concept or critical component related determinations. The Building Official may attend such meetings at their discretion.
2. Applicant agrees as a participant in the Green Building Incentive Program that the Building Official, in achieving an expedited review process, may submit requests for clarification, either in writing or by telephone, to contractual design consultants.

## VII. Compliance review.

A. Building Permit Documentation.

As part of the application for a building permit for any covered project, the applicant shall furnish a completed Green Building Project Checklist or other documentation as may be identified by the Building Official. All construction plans and specifications shall indicate in the general notes or individual detail drawings the green building measures to be used to attain the applicable incentive or green building rating. Notwithstanding any other provision of this code, no building permit shall be issued for any covered project until the Building Official has approved the green building documentation for the covered project, in accordance with these guidelines, and the building department has determined that the plans

and specifications submitted for the building permit are consistent with the approved green building documentation.

B. Compliance Review.

The City shall verify that the green building measures and provisions indicated in the green building documentation are being implemented at foundation, framing, electrical, plumbing, mechanical, and any other required inspections, and prior to issuance of a final certificate of occupancy. Additional inspections may be conducted as needed to ensure compliance with these guidelines.

During the course of construction and following completion of the project, the City may require the applicant to provide information and documents showing use of products, equipment, and materials specified in the green building documentation. The compliance inspections may be conducted by the Building Official, the City's building department staff, or a consultant retained by the City at the expense of the applicant. If, as a result of any such inspection, the City determines that the project is not being constructed in accordance with the green building documentation, a stop work order may be issued. At the discretion of the Building Official, the stop work order may apply to the portion of the project impacted by noncompliance or to the entire project. The stop work order shall remain in effect until the Building Official determines that the project will be brought into compliance with the green building documentation and these guidelines.

C. Final Determination of Compliance.

Prior to final building approval or issuance of a final certificate of occupancy, the Building Official shall review the information submitted by the applicant and determine whether the applicant has constructed the project in accordance with the green building documentation approved by the City.

If the Building Official determines that the applicant has failed to construct the project in accordance with the approved green building documentation, then the final building approval and final certificate of occupancy may be withheld.



# Green Building Incentive Program

## Enrollment Process

### *Discover your better*

The following procedures have been established to assist in expediting projects through the submittal, review, and approval processes as required for participation in the City of Morro Bay Green Building Incentive Program.

#### **1. PROJECT QUALIFICATION**

Prior to completion of project construction documents, applicants should schedule a meeting with the Staff to review project for qualification into the Program—please call (805) 772-6261. It is important that the project participants (designer, owner, and builder) become involved in the green qualification process as early as possible. The green building checklist could play a major role in the design of your project.

For each project enrolled in the Green Building Program the applicant shall complete the following documents (all available on city green building web site – [www.morro-bay.ca.us](http://www.morro-bay.ca.us)):

- A. Enrollment Form
- B. Rating Worksheet

As part of the qualification, your application will be approved by Staff. This entitles the project to be designated as a “Green Building” when submitting plans to the “Plan Review/Permit Services” counter for review.

#### **2. APPLICATION FOR PLAN REVIEW AND BUILDING PERMIT**

After receiving green building qualification, building plans may be submitted. Please include a copy of the approved Green Building Incentive Application with your submittal. Your plans will then be assigned a “Green Building” designation for expedited plan review.

#### **3. RESUBMITTALS**

Any major project changes that may affect the project’s green building rating should be brought to the attention of Staff.

#### **4. BUILDING PERMIT & INSPECTIONS**

Upon approval of plans, a building permit will be issued along with a Green Building Inspection Card. The City shall verify that the green building measures and provisions indicated in the green building documentation are being implemented at foundation, framing, electrical, plumbing, mechanical, and any other required inspections, and prior to issuance of a final certificate of occupancy. Additional inspections may be conducted as needed to ensure compliance with these guidelines.

If you have any questions regarding the Enrollment Procedures or the Green Building Incentive Program in general, you may contact our office at (805) 772-6261.

City of Morro Bay  
Public Services Department  
955 Shasta Avenue  
Morro Bay, Ca. 93442  
(805) 772-6261  
(805) 772-6268 Fax)



# Green Building Incentive Program

## Enrollment Form

*Discover your better nature.*

An enrollment form must be submitted for each project, along with a completed checklist. A meeting is required prior to plan review submittal to qualify each project into the program. For further information or to schedule a meeting, please call (805) 772-6261.

GREEN BUILDING INFORMATION	
<b>Certification Incentives:</b> <input type="checkbox"/> LEED <input type="checkbox"/> GreenPoint Rated  <b>Optional Sustainability Incentives:</b> <input type="checkbox"/> Exceed Title 24 by 15% <input type="checkbox"/> On-site Renewable 75% <input type="checkbox"/> Green Roof	<b>Type:</b> <input type="checkbox"/> New Construction <input type="checkbox"/> Remodel  <input type="checkbox"/> Single Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Commercial
<b>Rating System:</b>	<b>Square Footage:</b>
<b>Level/Points:</b>	<b>Conditioned Area:</b> <b>Un-Conditioned Area:</b>
PROJECT INFORMATION	
<b>Project Address:</b>	
<b>Project or Owner's Name:</b>	<b>Phone:</b>
<b>Architect/Designer:</b>	<b>Phone:</b>
<b>LEED AP/GreenPoint Rater:</b>	<b>Phone:</b>
<b>Certified Energy Analyst:</b>	<b>Phone:</b>
<b>Builder:</b>	<b>Phone:</b>
<b>Submitted by:</b>	<b>Title:</b> <b>Date:</b>
<b>Approved by:</b>	<b>Title:</b> <b>Date:</b>
<b>I acknowledge by signature below, that I have reviewed the Green Building Incentive Program Guidelines, have the authority and do hereby agree to the terms and requirements outlined therein.</b>	
<b>By:</b>	<b>Date:</b>
If you have any questions regarding the Enrollment Procedures or the Green Building Incentive Program in general, you may contact our office at (805) 772-6261.	
City of Morro Bay Public Services Department 955 Shasta Avenue Morro Bay, Ca. 93442 (805) 772-6261 (805) 772-6268 Fax)	



AGENDA NO: D-1

MEETING DATE: 5/26/09

## Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** May 18, 2009  
**FROM:** Andrea K. Lueker, City Manager  
**SUBJECT:** Presentation on Implementation on Goals A & B from the Management Partners Goal Setting Workshop

**RECOMMENDATION:**

Staff recommends the City Council review Goals A and B as well as the “What Success Looks Like” and “Timeline” sections from the Goal Setting Workshop Outcomes for 2009 document (attached) and provide further direction to staff.

**MOTION:** I move that the City Council prioritize the implementation of Goals A and B in the following manner and in the following time line (insert specifics).

**FISCAL IMPACT:**

Unable to determine at this time.

**SUMMARY:**

During the Goal Setting Workshop held in February, staff and the City Council discussed the breadth of the items the City Council indicated they were interested in exploring in the “What Success Looks Like” section of the Goal Outcomes document. During the workshop, staff clearly indicated that any research done and/or information provided would not be completed or available prior to the 2009/2010 budget adoption. The City Council asked staff to come back with some time lines/schedule for completion of the tasks. The time lines were based on the parameters established by the City Council at the Goal Setting Workshop, divided into short-term (1-3 months), medium-term (3-9 months), long-term (9 months+) and on-going (started/continuing). In late April, staff provided to the City Council a document entitled Goal Setting Workshop Outcomes for 2009 that outlined details to accomplish the “What Success looks Like” section as well as proposed time lines for completion. This staff report is meant to further specify the priority in which the City Council would like to receive this information.

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

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

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

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

**BACKGROUND:**

In November 2007, the City Council determined that conducting an annual Goal Setting Process was an important part of strategic planning for the City of Morro Bay. As a result, in June 2008, the City Council held their first such workshop, facilitated by Amy Paul of Management Partners, which resulted in the establishment of six Priority Goals (accompanied by success factors for those goals) and 13 Other Goals.

The City Council held their second Goal Setting Workshop on February 17 & 18, 2009, which entailed reviewing the progress made on the goals established last year as well as progress toward the Management Partners Recommendations from the August 2008 meeting. The 2009 Goal Setting Workshop concluded with the City Council identifying five priority goals, nine other goals and two other carryover goals from last year’s process. Finally, the City Council, at their March 9, 2009 meeting unanimously adopted the Goal Setting Workshop Outcomes for 2009 as designated priorities by the City Council of the City of Morro Bay.

**DISCUSSION:**

In the attached document Goal Setting Workshop Outcomes for 2009, staff has further identified those tasks that have been completed (highlighted in yellow). Below is a further prioritization of the pending items presented for Council’s review, further discussion and/or prioritization.

**Goal A: Develop and Maintain a Structurally Sustainable Budget**

1.

<b>What Success Looks Like</b>	<b>Timeline</b>	<b>Who is Responsible</b>	<b>Resources</b>
b. Sheriff Evaluation.	City Manager, Police Chief	Short-term (4/09-7/09)	Staff research and time

The proposal has been completed and analyzed by staff. Staff recommends the proposal be presented during the Police Department assessment (Goal A, Item 10). Anticipated presentation to City Council (Sheriff’s Evaluation and Police Department Assessment) - by 09/09.

2.

<b>What Success Looks Like</b>	<b>Timeline</b>	<b>Who is Responsible</b>	<b>Resources</b>
10. Develop a schedule for assessing departments	City Manager, Department Heads	Short-term (4/09-7/09)	Staff research and time

Staff has developed the follow schedule for assessing Departments:

Police Department and Information Technology	07/09 – 09/09
Harbor Department and City Attorney	10/09 - 12/09
Public Services Department	01/10 – 03/10
Recreation and Parks Department	04/10 – 06/10
Administrative Services Department	07/10 – 09/10
Fire Department	10/10 – 12/10

As a guideline for the departmental assessment, staff will be using the items listed under Goal B for an assessment template.

3.

<b>What Success Looks Like</b>	<b>Timeline</b>	<b>Who is Responsible</b>	<b>Resources</b>
2. Provide information so that Council can decide whether to establish tiered benefits for new hires.	City Manager, Administrative Services Director	Medium-term (7/09-3/10)	Staff research and time

Staff to investigate the options available for retirement formulas and the process required to implement such a change. Staff will also contact City’s that have implemented a tiered system to discuss success and pitfalls. Anticipated presentation to City Council - by 08/09.

4.

<b>What Success Looks Like</b>	<b>Timeline</b>	<b>Who is Responsible</b>	<b>Resources</b>
a. Present to the City Council a variety of opinions and corresponding costs for assessing the public’s opinion on services and service levels which could include a website survey, a survey through a service such as Survey Monkey, neighborhood meetings, water bill survey, staff determination, council determination as well as others.	City Manager, Department Heads, City Council	Medium-term (7/09-3/10)	Staff research and time

Staff will provide a report with a variety of options for the City Council to consider designed to assess the public’s opinion on City Services and service levels and the associated costs of those survey options. Anticipated presentation to City Council by 11/09.

5.

<b>What Success Looks Like</b>	<b>Timeline</b>	<b>Who is Responsible</b>	<b>Resources</b>
a. The City Council reviewed the Management Partners report in August 2008 and will meet again in August/September 2009 for an update.	City Manager, Department Heads, City Council	Medium-term (7/09-3/10)	Staff research and time

The City Council will be polled to determine a date for a City Council Workshop to discuss the Management Partners Report to look at progress to date and future work. Anticipated date confirmation by 07/09.

6.

<b>What Success Looks Like</b>	<b>Timeline</b>	<b>Who is Responsible</b>	<b>Resources</b>
a. Review the trolley program and Recreation and Parks Department Programs	City Manager, Department Heads	Medium-term (7/09-3/10)	Staff research and time

Review of the Recreation and Parks programs was also a recommendation in the Management Partners report. The City Council's direction in the Management Partners report review was to work on this item in 2-3 years. As such, staff recommends studying these programs during the 2010/2011 fiscal year. Anticipated presentation to City Council by 12/10.

The 2009/2010 budget portrays the trolley program as a non-general fund supported program with funding coming from revenue from advertisements and sponsorships, fares and a parking in-lieu contribution. The City Council may want to provide further direction to staff in regard to the funding scenario for 2010/2011, specifically the contribution from the parking in-lieu fund. Anticipated presentation to City Council by 04/10

### **Goal B: Reduce Overall Administrative Costs**

1.

<b>What Success Looks Like</b>	<b>Timeline</b>	<b>Who is Responsible</b>	<b>Resources</b>
1. Calculate benefits and other personnel expenses.	City Manager, Department Heads	Medium-term (7/09-3/10)	Staff time and research
2. Explore alternative work schedules and work weeks	City Manager, Department Heads	Medium-term (7/09-3/10)	Staff time and research
3. Provide total staffing costs (with service reductions).	City Manager, Department Heads	Medium-term (7/09-3/10)	Staff time and research

4. Provide a list of potential early retirements and the implications of replacement costs/or whether some positions remain vacant.	City Manager, Department Heads	Medium-term (7/09-3/10)	Staff time and research
5. Explore job sharing.	City Manager, Department Heads	Medium-term (7/09-3/10)	Staff time and research
6. Explore ways that inter-agency collaboration might help reduce administrative costs.	City Manager, Department Heads	Medium-term (7/09-3/10)	Staff time and research

In the assessment of each Department(Goal A, item 10), the above items will be addressed. However, City Council may want to take some of the items and review them city-wide versus within the context of each Department assessment. Should the City Council determine that looking at certain items on a city-wide approach is a priority, staff requests the City Council identify those specific areas to review and a time line. However, as Council is aware, the City has an obligation to meet and confer in good faith with its represented employee groups prior to changing wages, hours or working conditions. Specific areas could include but are not limited to the following:

- Furlough concept (voluntary/other)
- Extended closure during holidays (specifically Thanksgiving and Christmas)
- Golden handshake options and eligibility
- Deferral of pay scheduled COLA's
- Reduction of the Work Week (i.e. 38 hours)



AGENDA NO: \_\_\_\_\_

MEETING DATE: May 26, 2009 \_\_\_\_\_

## Staff Report

**TO:** Honorable Mayor and City Council **DATE:** May 19, 2009  
**FROM:** Rob Schultz, City Attorney  
**SUBJECT:** Approval of Residential Listing Agreement with Morro Bay Realty for Exclusive Authorization and Right to Sell the City-Owned Property at the SEC of Coral and San Jacinto.

### **RECOMMENDATION:**

Authorize the City Manager to execute a Residential Listing Agreement with Morro Bay Realty for exclusive authorization and right to sell the City-Owned Property at the SEC of Coral and San Jacinto.

**Motion: I make a motion to authorize the City Manager to execute a Residential Listing Agreement with Morro Bay Realty to sell the property at the SEC of Coral and San Jacinto.**

### **FISCAL IMPACT:**

None at this time.

### **DISCUSSION:**

As you are aware, the City obtained ownership of the property at SEC Coral/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 Resolution 30-05, the City Council authorized the sale of the City-owned property at SEC Coral/San Jacinto Street. The City received a few unacceptable bids for the property. In 2006, the City Council decided to subdivide the property to maximize its value. After the subdivision was completed in 2007, the City relisted the property for \$2.4 million dollars. To date, the City has received no offers for the property. Due to the lack of interest in the property, the City Council in 2008 directed Staff to prepare and solicit a Request for Proposals for real estate contract services for the sale of City-owned property located at the SEC of Coral Avenue and San Jacinto Street. Staff has completed that process and recommends that you direct Staff to enter into a Residential Listing Agreement with Morro Bay Realty for exclusive authorization and right to sell the City-Owned Property at the SEC of Coral and San Jacinto.

### **CONCLUSION:**

Hopefully, Morro Bay Realty can assist the City in finding a buyer for the property at an acceptable price. Therefore, Staff recommends that you authorize the City Manager to execute an agreement with Morro Bay Realty.

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