



CITY OF MORRO BAY CITY COUNCIL AGENDA

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

Regular Meeting Tuesday, June 13, 2023 – 5:30 P.M. Veterans Memorial Hall 209 Surf St., Morro Bay, CA

Public Participation:

Public participation is allowed in the following ways:

- Community members may attend the meeting in person at the Morro Bay Veterans Hall.
- Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the “raise hand” feature to indicate your desire to provide public comment.

Please click the link below to join the webinar:

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcwTHIRTk9xaTlmWVNW/RWFUQT09>
Password: 135692
 - Or Telephone Attendee: 1 (408) 638-0968 or 1 (669) 900 6833 or 1 (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press * 9 to “Raise Hand” for Public Comment
- Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).
 - Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the City Council at council@morrobayca.gov prior to the meeting. Agenda Correspondence received at council@morrobayca.gov by 10 a.m. on the meeting day will be posted on the City website.

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE
PLEDGE OF ALLEGIANCE
RECOGNITION
CLOSED SESSION REPORT
MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS
CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

PRESENTATIONS

PUBLIC COMMENT

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

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

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

A. CONSENT AGENDA

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

A-1 APPROVAL OF MINUTES FOR THE MAY 9, 2023, CITY COUNCIL MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE MAY 18, 2023, CITY COUNCIL SPECIAL CLOSED SESSION MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF MINUTES FOR THE MAY 23, 2023, CITY COUNCIL SPECIAL CLOSED SESSION MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-4 APPROVAL OF MINUTES FOR THE MAY 23, 2023, CITY COUNCIL MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-5 APPROVAL OF MINUTES FOR THE MAY 24, 2023, CITY COUNCIL SPECIAL MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-6 APPROVAL OF MINUTES FOR THE MAY 30, 2023, CITY COUNCIL SPECIAL CLOSED SESSION MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-7 APPROVAL OF MINUTES FOR THE JUNE 5, 2023, CITY COUNCIL SPECIAL CLOSED SESSION MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-8 APPROVAL OF ISSUANCE OF REQUEST FOR PROPOSALS ON LEASE SITES 49/49W AND 50-51/50W-51W; (HARBOR DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council approve the Request for Proposals (RFP) document for Lease Sites 49/49W and 50-51/50W-51W and authorize putting the site out to bid under the RFP as adopted by the Council.

A-9 APPROVAL OF A NEW LEASE AGREEMENT WITH THE MORRO BAY COMMERCIAL FISHERMEN'S ORGANIZATION (MBCFO) FOR LEASE OF THE GEAR STORAGE AREA; (HARBOR DEPARTMENT)

RECOMMENDATION: Staff recommends the Council adopt Resolution No. 34-23 to renew a ten-year lease for Commercial Fishing Gear Storage area located at 1622 Embarcadero.

A-10 COUNCIL AUTHORIZATION TO DESIGNATE THE COMMUNITY DEVELOPMENT DIRECTOR AS SUBORDINATE OFFICER FOR DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR PERSONS/PREMISES APPLYING FOR AN ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE (COMMUNITY DEVELOPMENT DEPARTMENT)

RECOMMENDATION: Designate the Community Development Director as Subordinate Officer for the purposes of determining the Public Convenience or Necessity (PCN) for persons/premises applying for an ABC license in the City of Morro Bay.

A-11 ADOPTION OF RESOLUTION NO. 35-23 AUTHORIZING THE CITY OF MORRO BAY TO ENTER INTO A 2023/2024 OIL RESPONSE EQUIPMENT FUNDING AGREEMENT WITH THE DEPARTMENT OF FISH AND WILDLIFE'S OFFICE OF SPILL PREVENTION AND RESPONSE (OSPR) IN THE AMOUNT OF UP TO \$40,000 FOR IMMEDIATE OIL SPILL RESPONSE NEEDS IN THE MORRO BAY HARBOR; (HARBOR DEPARTMENT)

RECOMMENDATION: Staff recommend the City Council adopt Resolution No. 35-23 authorizing the Harbor Director to enter into a FY 2023/2024 Oil Response Equipment Funding Agreement with the Department of Fish and Wildlife's OSPR in the Amount of up to \$40,000.

B. PUBLIC HEARING ITEMS

- B-1 PUBLIC HEARING TO REPORT ON DELINQUENT SOLID WASTE COLLECTION ACCOUNTS AND ADOPT RESOLUTION NO. 36-23 AUTHORIZING SAN LUIS OBISPO COUNTY ASSESSOR TO ASSESS AMOUNTS DUE ON DELINQUENT SOLID WASTE COLLECTION ACCOUNTS AS TAX LIENS AGAINST THE PROPERTIES; (PUBLIC WORKS DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council conduct a public hearing to receive the report on delinquent solid waste collection fees, hear any objections or protests to the report, authorize the addition of the City's 2% administration fee to the delinquent fees, and adopt Resolution No. 36-23 authorizing the San Luis Obispo County Tax Assessor to assess amounts due on delinquent solid waste collection accounts as tax liens against the properties. Pursuant to California Health and Safety Code Section 5473, this Resolution should be adopted by a two-thirds vote of the members of the City Council.

C. BUSINESS ITEMS

- C-1 ADOPTION OF RESOLUTION NO. 37-23 APPOINTING YVONNE KIMBALL AS CITY MANAGER AND APPROVING A CITY MANAGER EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MORRO BAY AND YVONNE KIMBALL; (INTERIM CITY MANAGER)

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 37-23 appointing Yvonne Kimball as the City Manager of the City of Morro Bay and approve an employment agreement between the City of Morro Bay and Yvonne Kimball.

- C-2 ADOPTION OF ORDINANCE NO. 658 AUTHORIZING AN AMENDMENT TO THE CALPERS CONTRACT FOR EMPLOYEES SHARING ADDITIONAL COSTS; (HUMAN RESOURCES MANAGER)

RECOMMENDATION: Staff recommends the City Council adopt, by second reading and by title only with further reading waived, Ordinance No. 658, "An Ordinance of the City Council of the City Of Morro Bay, California authorizing an Amendment to the Contract Between the City of Morro Bay and the Board of Administration of the California Public Employees' Retirement System Implementing Section 20516 (Employees Sharing Additional Cost) for Local Members in the Service Employees International Union, Unrepresented Confidential, Unrepresented Management, and Unrepresented Department Heads."

- C-3 ADOPT: RESOLUTION NO. 38-23 ADOPTING THE FISCAL YEAR 2023-24 OPERATING AND CAPITAL BUDGETS; RESOLUTION NO. 39-23 ADOPTING THE CITY'S FY 2023-24 SALARY SCHEDULE; RESOLUTION NO. 40-23 APPROVING THE PUBLIC WORKS INSPECTOR JOB CLASSIFICATION; RESOLUTION NO. 41-23 READOPTING THE CITY'S INVESTMENT POLICY; AND, RESOLUTION NO. 42-23 ADOPTING THE FY 2023-24 GANN APPROPRIATIONS LIMIT; (INTERIM CITY MANAGER/ADMIN SERVICES DEPARTMENT/HUMAN RESOURCES MANAGER)

RECOMMENDATION: Staff recommends the City Council:

1. Adopt Resolution No. 38-23 adopting the Fiscal Year (FY) 2023-24 Operating and Capital Budgets; and
2. Adopt Resolution No. 39-23 approving the FY 2023-24 Salary Schedule; and
3. Adopt Resolution No. 40-23 approving Public Works Inspector Job Classification
4. Adopt Resolution No. 41-23 readopting the City's Investment Policy; and

5. Adopt Resolution No. 42-23 setting the FY 2023-24 GANN Appropriations Limit at \$34,249,744.

C-4 INTERSECTION IMPROVEMENTS AT STATE ROUTE 41, STATE ROUTE 1, AND MAIN STREET; (PUBLIC WORKS DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council recommend the roundabout alternative to Caltrans for approval and, if approved, direct City staff to begin design phase and pursue additional funding opportunities for the project.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

E. ADJOURNMENT

The next Regular Meeting will be held on **Tuesday, June 27, 2023 at 5:30 p.m.**

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, 595 HARBOR ST, MORRO BAY, CA 93442 FOR ANY REVISIONS OR CALL THE CLERK'S OFFICE AT 805-772-6205 FOR FURTHER INFORMATION.

MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST BY CALLING THE CITY CLERK'S OFFICE AT 805-772-6205.

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

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MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MAY 9, 2023
VETERAN'S MEMORIAL HALL – 5:30 P.M.

AGENDA NO: A-1
MEETING DATE: June 13, 2023

PRESENT: Carla Wixom Mayor
Laurel Barton Council Member
Cyndee Edwards Council Member
Jennifer Ford Council Member
Zara Landrum Council Member

ABSENT: None

STAFF: Greg Carpenter Interim City Manager
Chris Neumeyer City Attorney
Dana Swanson City Clerk
Sarah Johnson-Rios Assistant City Manager/Admin Services Dir.
Greg Kwolek Public Works Director
Scot Graham Community Development Director
Daniel McCrain Fire Chief
Amy Watkins Police Chief
Ted Schiafone Harbor Director

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Wixom called the meeting to order at 5:33 p.m., with all members present.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION – None

CLOSED SESSION REPORT – City Attorney Neumeyer stated no reportable action was taken by the City Council in accordance with the Brown Act.

MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS

https://youtu.be/8j_qgVxKa-w?t=86

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

https://youtu.be/8j_qgVxKa-w?t=2443

PRESENTATIONS

https://youtu.be/8j_qgVxKa-w?t=572

- National Police Week and Peace Officers' Memorial Day Proclamation
- National Public Works Week Proclamation
- National Foster Care Month Proclamation
- National Estuary Program "State of the Bay" by Melodie Grubbs and Ann Kitajima

PUBLIC COMMENT

https://youtu.be/8j_qgVxKa-w?t=2653

Aaron Ochs, Morro Bay, spoke in support of Item C-3 and thanked the National Estuary Program volunteers for their work.

Jacob Naschne, Morro Bay, spoke regard short-term rentals and asked that the City classify ADUs as home shares rather than whole home rentals.

Terry Simons, Morro Bay, shared his appreciation for the Police and Public Works Departments and suggested the paper street extension of Beachcomber offers an alternative to resolve concerns regarding use of Toro Lane for the bike path connector.

Betty Winholtz, Morro Bay, aired concerns about a dead seagull hanging from a tree near the Fire Department.

Margaret Carman, Morro Bay, expressed concerns regarding health impacts of EMF exposure.

Natallia Merzoyan, Morro Bay, concurred with Ms. Carman and added her concerns regarding EMF exposure.

Linda Winters, Morro Bay, wished the decision regarding the Cayucos to Morro Bay Bike Connector project could be revisited, and announced she was appointed Region 8 Associate Manager to the GSMOL Onbudsman Group with access to statewide information and legal counsel to help mobile home residents better understand their rights.

Judy Setting, Morro Bay, thanked the NEP for their report and efforts to preserve the Morro Bay ecosystem, asked for clarification on the definition of political signs, and requested line item expenditure reports for the Cloisters Assessment District.

Mayor Wixom closed public comment.

The Council and staff responded to issues raised during public comment.

A. CONSENT AGENDA
https://youtu.be/8j_qgVxKa-w?t=4126

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

A-1 APPROVAL OF MINUTES FOR THE APRIL 11, 2023, CITY COUNCIL MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE APRIL 25, 2023, CITY COUNCIL CLOSED SESSION MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF MINUTES FOR THE APRIL 26, 2023, CITY COUNCIL CLOSED SESSION MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-4 CONSIDERATION OF APPOINTMENT OF BRIAN DORFMAN TO THE CITIZENS OVERSIGHT/FINANCE ADVISORY COMMITTEE; (CITY CLERK)

RECOMMENDATION: Staff recommends the City Council consider the appointment of Brian Dorfman to the Citizens Oversight/Finance Advisory Committee ("CFAC") to complete an unexpired term through January 31, 2026.

A-5 ADOPTION OF RESOLUTION NO. 28-23 APPROVING AN EXTENSION OF A CONSENT OF LANDOWNER FOR CALIFORNIA COASTAL INVESTMENTS, LLC, DOING BUSINESS AS LIBERTINE BREWING COMPANY, LEASE SITE 86/86W, 801 EMBARCADERO, MORRO BAY; (HARBOR DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 28-23, approving a six-month Extension of a Consent of Landowner (COL) for Libertine Brewing Company, lease site 86/86/W.

A-6 PROCLAMATION ACKNOWLEDGING NATIONAL POLICE WEEK AND NATIONAL PEACE OFFICERS MEMORIAL DAY; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-7 PROCLAMATION DECLARING MAY 21-27, 2023 AS NATIONAL PUBLIC WORKS WEEK; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-8 PROCLAMATION DECLARING MAY NATIONAL FOSTER CARE MONTH; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

Mayor Wixom opened the public comment for the Consent Agenda; seeing none, the public comment period was closed.

Council Member Ford pulled Item A-4.

MOTION: Mayor Wixom moved approval of all items on Consent except Item A-4. The motion was seconded by Council Member Barton and carried 5-0 by roll call vote.

A-4 CONSIDERATION OF APPOINTMENT OF BRIAN DORFMAN TO THE CITIZENS OVERSIGHT/FINANCE ADVISORY COMMITTEE; (CITY CLERK)
https://youtu.be/8j_qqVxKa-w?t=4404

Mayor Wixom invited Mr. Dorfman to introduce himself.

MOTION: Mayor Wixom moved approval of Item A-4. The motion was seconded by Council Member Barton and carried 5-0.

The Council took a brief recess at 6:47 p.m. The meeting reconvened at 6:54 p.m. with all members present.

B. PUBLIC HEARINGS - NONE

C. BUSINESS ITEMS

C-1 ADOPTION OF RESOLUTION NO. 29-23 APPROVING THE ENGINEER'S REPORT AND DECLARING THE INTENT TO LEVY THE ANNUAL ASSESSMENT FOR THE CLOISTERS LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT (LLMAD); (PUBLIC WORKS DEPARTMENT)
https://youtu.be/8j_qqVxKa-w?t=4459

Council Member Edwards recused herself from Item C-1 to avoid a potential conflict of interest.

Public Works Director Kwolek provided the report and responded to Council inquiries.

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

https://youtu.be/8j_qgVxKa-w?t=4881

Betty Winholtz, Morro Bay, asked if repaving the bike path from Morro Bay High School to State Park would come out of the assessment fees or some other funding mechanism. She also thought it was worthwhile to ask for a Prop 218 vote to increase the assessment.

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

MOTION: Council Member Ford moved to adopt Resolution No. 29-23 approving the Engineer's Report and Declaring the Intent to Levy the Annual Assessment for the Cloisters Landscaping and Lighting Maintenance Assessment District (LLMAD). The motion was seconded by Council Member Barton and carried 4-0-1 by roll call vote with Council Member Edwards having recused herself due to a potential conflict of interest.

Council Member Edwards returned to the dais.

C-2 ADOPTION OF RESOLUTION NO. 30-23 APPROVING THE ENGINEER'S REPORT AND DECLARING THE INTENT TO LEVY THE ANNUAL ASSESSMENT FOR THE NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (PUBLIC WORKS DEPARTMENT)

https://youtu.be/8j_qgVxKa-w?t=5146

Public Works Director Kwolek provided the report and responded to Council inquiries.

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

https://youtu.be/8j_qgVxKa-w?t=5288

Terry Simons, Morro Bay, suggested the paper street extension of Beachcomber may offer a solution to resident concerns.

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

MOTION: Council Member Barton moved to adopt Resolution No. 30-23 approving the Engineer's Report and Declaring the Intent to Levy the Annual Assessment for maintenance of the North Point Natural Area for Fiscal Year (FY) 2023/2024. The motion was seconded by Council Member Edwards and carried 5-0 by roll call vote.

C-3 ADOPTION OF AN URGENCY ORDINANCE NO. 656, AND INTRODUCTION OF REGULAR ORDINANCE NO. 657, TO AMEND CHAPTER 10.56 OF THE MORRO BAY MUNICIPAL CODE TO UPDATE SPEED ZONES AND SPEED LIMITS IN THE CITY OF MORRO BAY; (PUBLIC WORKS DEPARTMENT)

https://youtu.be/8j_qgVxKa-w?t=5452

Public Works Director Kwolek provided the report and responded to Council inquiries.

The public comment period for Item C-3 was opened.

https://youtu.be/8j_qgVxKa-w?t=6301

Betty Winholtz, Morro Bay, objected to lowering the speed limit on Main Street between Radcliffe and Hwy 41.

Terry Simons, Morro Bay, appreciated there would soon be signage on Quintana and look forward to providing input on the public safety package.

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

MOTION: Council Member Barton moved to receive the 2023 Citywide Speed Survey and: 1) Adopt by title only with further reading waived, Urgency Ordinance 656 Amending Section 10.56.010 of the Morro Bay Municipal Code (MBMC) to Update Speed Limits and add New Speed Zones in the City of Morro Bay; and 2) Introduce for first reading by title only, with further reading waived, Ordinance No. 657 Amending Section 10.56.010 of the MBMC to Update Speed Limits and add New Speed Zones in the City of Morro Bay. The motion was seconded by Council Member Ford

Council Member Landrum requested a friendly amendment to keep the section of Main Street between Radcliffe and Hwy 41 at its current speed limit of 35 MPH. Council Member Barton declined to amend her motion.

Following discussion, the motion carried 5-0 by roll call vote.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS
https://youtu.be/8j_qqVxKa-w?t=7417

Council Member Landrum requested but did not receive support for consideration of a zoning amendment that would reduce the building height limit in the downtown area.

E. ADJOURNMENT

The meeting adjourned at 7:46 p.m.

Recorded by:

Dana Swanson
City Clerk

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MINUTES - MORRO BAY CITY COUNCIL
SPECIAL CLOSED SESSION MEETING –
MAY 18, 2023 AT 11:00 A.M.
CITY HALL CONFERENCE ROOM

AGENDA NO: A-2
MEETING DATE: June 13, 2023

PRESENT: Carla Wixom Mayor
Laurel Barton Council Member
Cyndee Edwards Council Member
Jennifer Ford Council Member
Zara Landrum Council Member

ABSENT: None

STAFF: Greg Carpenter Interim City Manager
Chris Neumeyer City Attorney
Stephen Onstot Special Counsel
Greg Kwolek Public Works Director
Paul Amico WRF Program Manager, Carollo Engineers
Greg Nelson Mosaic Public Partners

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Wixom called the meeting to order at 11:04 a.m. with all but Council Member Landrum present. Council Member Landrum joined the meeting at 11:07 a.m.

SUMMARY OF CLOSED SESSION ITEMS – The Mayor read a summary of Closed Session item(s).

CLOSED SESSION PUBLIC COMMENT – Mayor Wixom opened public comment for items on the agenda; seeing none, the public comment period was closed.

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

CS-1 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to Government Code subdivision 54956.9(d)(2)

CS-2 **PUBLIC EMPLOYEE EMPLOYMENT**
City Manager pursuant to Government Code section 54957

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

ADJOURNMENT - The meeting adjourned at 12:35 p.m.

Recorded by:

Dana Swanson
City Clerk

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PRESENT: Carla Wixom Mayor
Laurel Barton Council Member
Cyndee Edwards Council Member
Jennifer Ford Council Member
Zara Landrum Council Member

ABSENT: None

STAFF: Greg Carpenter Interim City Manager
Chris Neumeyer City Attorney
Scot Graham Community Development Director
Ted Schiafone Harbor Director

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Wixom called the meeting to order at 3:00 p.m. with all but Council Member Barton present. Council Member Barton arrived at 3:11 p.m.

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

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

Jeremiah O'Brien, Morro Bay, thanked the City for considering the Morro Bay Commercial Fishermen's Association's request for a 2-year lease of the gear storage area.

Jon Nowaczyk and Natalie Teichmann shared their proposed business plan for use of the 781 Market Avenue property.

Dwain Davis shared his proposed business plan for use of the 781 Market Avenue property.

The public comment period was closed.

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

CS-1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8

Property: Lease Site 49/49W and 50-51/50W-51W located at 431/451 Embarcadero
Property Negotiator: Potentially Interested Parties
Agency Negotiators: Greg Carpenter, Interim City Manager; Ted Schiafone, Harbor Director; and Chris Neumeyer, City Attorney
Negotiation: Price and Terms of Payment

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

Property: Portion of APN 066-331-24, Gear Storage Area
Property Negotiator: Morro Bay Commercial Fishermen's Organization
Agency Negotiators: Greg Carpenter, Interim City Manager; Ted Schiafone, Harbor Director; and Chris Neumeyer, City Attorney
Negotiation: Price and Terms of Payment

CS-3 CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8

Property: 781 Market Avenue (APN 066-321-027)
Property Negotiator: Natalie Teichmann & Jon Nowaczyk
Agency Negotiators: Greg Carpenter, Interim City Manager; Scot Graham, Community Development Director; and Chris Neumeyer, City Attorney
Negotiation: Price and Terms of Payment

CS-4 CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8

Property: 781 Market Avenue (APN 066-321-027)
Property Negotiator: Dwain Davis
Agency Negotiators: Greg Carpenter, Interim City Manager; Scot Graham, Community Development Director; and Chris Neumeyer, City Attorney
Negotiation: Price and Terms of Payment

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

ADJOURNMENT - The meeting adjourned at 4:00 p.m.

Recorded by:

Dana Swanson
City Clerk

PRESENT: Carla Wixom Mayor
Laurel Barton Council Member
Cyndee Edwards Council Member
Jennifer Ford Council Member
Zara Landrum Council Member

ABSENT: None

STAFF: Greg Carpenter Interim City Manager
Chris Neumeyer City Attorney
Dana Swanson City Clerk
Sarah Johnson-Rios Assistant City Manager/Admin Services Dir.
Greg Kwolek Public Works Director
Scot Graham Community Development Director
Daniel McCrain Fire Chief
Amy Watkins Police Chief
Ted Schiafone Harbor Director

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Wixom called the meeting to order at 5:32 p.m., with all members present.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION – None

CLOSED SESSION REPORT – City Attorney Neumeyer stated no reportable action was taken by the City Council in accordance with the Brown Act.

MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS

<https://youtu.be/C6A6wx8Mzal?t=137>

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

<https://youtu.be/C6A6wx8Mzal?t=1125>

PRESENTATIONS

<https://youtu.be/C6A6wx8Mzal?t=1666>

- Hunger Awareness Day Proclamation to Garret Olson, SLO Food Bank
- National Safe Boating Week Proclamation to Harbor Director Ted Schiafone and Harbor Department staff
- Emergency Medical Services Week Proclamation to Fire Chief Dan McCrain and Fire Department staff

PUBLIC COMMENT

<https://youtu.be/C6A6wx8Mzal?t=2544>

Sharon O'Leary, Morro Bay, spoke regarding the need for regional collaboration to address homelessness.

Aaron Ochs, Morro Bay, commented on the citizens' initiative being circulated and his efforts to engage residents to discuss local issues.

Rachel Wilson, Cayucos, commented on the citizens' initiative being circulated for signatures.

Linda Winters, Morro Bay, commented on Hwy 41/Hwy1/Main Street intersection improvements.

Terry Simons, Morro Bay, shared his appreciation for the successful hosting of the Ironman triathlon event.

Shirley Frasier, Morro Bay, commended staff on an outstanding inaugural Ironman event.

Erica Crawford, Morro Bay Chamber of Commerce, announced upcoming events and added her kudos to Visit Morro Bay for a strong partnership and support hosting the Ironman event.

Betty Winholtz, Morro Bay, encouraged the Council to observe and understand traffic patterns at the Hwy 41/Hwy 1/Main Street intersection before the upcoming decision.

Nicole Dorfman, Morro Bay, shared her appreciation for the Grizzly Academy volunteers for their support during the Ironman event and appreciated Council updates regarding offshore wind.

Margaret Carmen, Morro Bay, commented on Hwy 41/Hwy 1/Main Street intersection improvements and asked for clarification regarding maintenance costs for the traffic light alternative.

Judy Setting, Morro Bay, opposed a roundabout at the Hwy 41/Hwy1/Main Street intersection.

Mayor Wixom closed public comment.

A. CONSENT AGENDA
<https://youtu.be/C6A6wx8Mzal?t=4406>

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

A-1 APPROVAL OF MINUTES FOR THE APRIL 25, 2023, CITY COUNCIL MEETING;
(CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE MAY 4, 2023 AND MAY 5, 2023, CITY COUNCIL SPECIAL CLOSED SESSION MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF MINUTES FOR THE MAY 5, 2023, CITY COUNCIL CLOSED SESSION MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-4 ADOPTION OF RESOLUTION NO. 31-23 APPROVING CONTINUED PARTICIPATION WITH THE URBAN COUNTY (CDBG PROGRAM) FOR YEARS 2024-2026;
(COMMUNITY DEVELOPMENT DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council review and approve Resolution No. 31-23 approving continued participation in the Urban County (CDBG Program) for Program Years 2024-2026.

- A-5 THIRD QUARTER INVESTMENT REPORT (PERIOD ENDING MARCH 31, 2023) FOR FISCAL YEAR (FY) 2022-23; (ADMINISTRATIVE SERVICES DEPARTMENT)

RECOMMENDATION: Receive the Third Quarter Investment Report (period ending March 31, 2023) for FY 2022-23.

- A-6 GENERAL PLAN ANNUAL PROGRESS REPORT FOR REPORTING YEAR 2022; (COMMUNITY DEVELOPMENT DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council review and accept the General Plan Annual Progress Report.

- A-7 APPROVAL OF AMENDMENT NO. 2 TO CONTRACT WITH PAPICH CONSTRUCTION COMPANY, INC. FOR THE PAVEMENT MANAGEMENT PROJECT FY 21/22; (PUBLIC WORKS DEPARTMENT)

RECOMMENDATION: Staff recommends that the City Council approve in substance an Amendment No. 2 (Attachment 1 hereto) to an existing Agreement with Papich Construction Company, Inc., for Project No. MB2021-ST01, Pavement Management Project FY 21/22 for the amount of \$300,000 and authorize the City Manager to execute the contract amendment.

- A-8 ADOPTION OF RESOLUTION ESTABLISHING A POLICY WHICH DELEGATES TORT LIABILITY CLAIMS HANDLING RESPONSIBILITIES TO THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY; (HUMAN RESOURCES/RISK MANAGER)

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 33-23 to delegate tort liability claims handling responsibilities to the California Joint Powers Insurance Authority.

- A-9 ADOPTION OF ORDINANCE NO. 657: AMENDING SECTION 10.56 OF THE MORRO BAY MUNICIPAL CODE TO UPDATE SPEED ZONES AND SPEED LIMITS IN THE CITY OF MORRO BAY; (PUBLIC WORKS DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council consider adoption, by second reading and by title only with further reading waived, of Ordinance No. Ordinance No. 657 Amending Section 10.56.010 of the MBMC to Update Speed Limits and add New Speed Zones in the City of Morro Bay.

- A-10 SUPPORT LETTER FOR COUNTY ENCAMPMENT RESOLUTION FUNDING GRANT APPLICATION; (COMMUNITY DEVELOPMENT DEPARTMENT)

RECOMMENDATION: Authorize the City Manager to provide a letter of support to the County Homeless Service Division in support of an ERF-2-R grant application to the State.

- A-11 PROCLAMATION DECLARING JUNE 2, 2023 AS "HUNGER AWARENESS DAY"; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-12 PROCLAMATION DECLARING THE WEEK OF MAY 21-27, 2023 AS EMERGENCY MEDICAL SERVICES WEEK; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-13 PROCLAMATION DECLARING JUNE 2023 AS PRIDE MONTH; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-14 PROCLAMATION DECLARING NATIONAL SAFE BOATING WEEK AS MAY 20-26, 2023; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

Mayor Wixom opened public comment for the Consent Agenda.

<https://youtu.be/C6A6wx8Mzal?t=4409>

Betty Winholtz, Morro Bay, spoke regarding Item A-4.

The public comment period was closed.

Council Member Ford pulled Item A-13.

MOTION: Council Member Barton moved approval of all items on Consent except Item A-13. The motion was seconded by Council Member Edwards and carried 5-0 by roll call vote.

A-13 PROCLAMATION DECLARING JUNE 2023 AS PRIDE MONTH; (ADMINISTRATION)

<https://youtu.be/C6A6wx8Mzal?t=4563>

Council Member Ford attended the event where Council Member Barton presented the Pride Month Proclamation and looked forward to raising the Pride Flag at City Hall.

MOTION: Council Member Ford moved approval of Item A-13. The motion was seconded by Council Member Landrum and carried 5-0.

The Council took a brief recess at 6:49 p.m. The meeting reconvened at 7:02 p.m. with all members present.

B. PUBLIC HEARINGS - NONE

C. BUSINESS ITEMS

C-1 RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) AND THE CITY COUNCIL OF THE CITY OF MORRO BAY; AND INTRODUCTION (FIRST READING) OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF MORRO BAY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA EMPLOYEES' RETIREMENT SYSTEM; (HUMAN RESOURCES MANAGER)

<https://youtu.be/C6A6wx8Mzal?t=5466>

Human Resources Manager Hendricks presented the report.

4

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

<https://youtu.be/C6A6wx8Mzal?t=5652>

Terry Simons, Morro Bay, was appreciative employees are willing to participate in their retirement program.

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

MOTION: Council Member Edwards moved to take the following separate actions:

- 1) Adopt Resolution No. 32-23 giving notice of the City's intention to approve an amendment to the contract between the City of Morro Bay and the California Public Employees' Retirement System (CalPERS) Board of Administration, and
- 2) Introduce for first reading by title only, with further reading waived, Ordinance No. 658 Authorizing an Amendment to the Contract between the City of Morro Bay and the Board of Administration of the California Public Employees' Retirement System (CalPERS) Implementing Section 20516 (Employees Sharing Additional Cost) for local members in the Service Employees International Union (SEIU) and Unrepresented Confidential, Unrepresented Management and Unrepresented Department Heads, and
- 3) Authorize the Mayor, City Manager, City Clerk, or their designees, to execute CalPERS forms as required to facilitate the CalPERS contract amendment process.

The motion was seconded by Council Member Landrum and carried 5-0 by roll call vote.

C-2 BUDGET STUDY SESSION – REVIEW OF FISCAL YEAR 2023-24 DRAFT PROPOSED BUDGET; (ADMINISTRATIVE SERVICES DEPARTMENT)

<https://youtu.be/C6A6wx8Mzal?t=5952>

Interim City Manager Carpenter and Assistant City Manager/Admin Services Director Johnson-Rios provided the report and responded to Council inquiries.

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

<https://youtu.be/C6A6wx8Mzal?t=9752>

Terry Simons, Morro Bay, appreciated the presentation of the proposed budget and suggested terminating the City's contract with Carollo Engineering.

Betty Winholtz, Morro Bay, offered comments and recommendations regarding the proposed budget.

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

Staff responded to questions raised during public comment and further Council inquiries.

No formal action was taken by the City Council.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

<https://youtu.be/C6A6wx8Mzal?t=11246>

None

E. ADJOURNMENT

The meeting adjourned at 8:39 p.m.

Recorded by:

Dana Swanson
City Clerk

PRESENT: Carla Wixom Mayor
Laurel Barton Council Member
Cyndee Edwards Council Member
Jennifer Ford Council Member
Zara Landrum Council Member

ABSENT: None

STAFF: Greg Carpenter Interim City Manager
Dana Swanson City Clerk
Chris Neumeyer City Attorney
Sarah Johnson-Rios Assistant City Manager/Admin Services Dir.
Greg Kwolek Public Works Director
Amy Watkins Interim Police Chief
Ted Schiafone Harbor Director
Eric Riddiough City Engineer
Damaris Hanson Utilities Division Manager
Paul Amico WRF Program Manager
Dan Heimel Recycled Water Project Manager

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Wixom established a quorum and called the meeting to order at 5:33 p.m. with all but Council Member Barton present. Council Member Barton arrived at 5:35 p.m.

FLAG SALUTE

PUBLIC COMMENT FOR ITEMS ON THE AGENDA

<https://youtu.be/46GddDC3KwE?t=88>

Jeff Heller, Morro Bay, asked that the management team provide within 30 days with total cost of recycled water project, estimated cost per acre foot, and rate increases necessary to support the project.

The public comment period was closed.

SPECIAL MEETING AGENDA:

- I. BUDGET STUDY SESSION – REVIEW OF FISCAL YEAR 2023-24 DRAFT PROPOSED BUDGET; (INTERIM CITY MANAGER/ASSISTANT CITY MANAGER/ADMIN SERVICES DIRECTOR/PUBLIC WORKS DEPARTMENT)
<https://youtu.be/46GddDC3KwE?t=219>

Public Works Director Kwolek and WRF Program Manager Amico presented the report and, along with City Engineer Riddiough, responded to Council inquiries.

Following individual comments, there was Council consensus to respectfully decline recommendations made by the Citizens Finance Advisory Committee (CFAC) and bring the budget forward for adoption on June 13, 2023, as presented.

No formal action was taken on this item.

The Council took a brief recess at 8:16 p.m. The meeting reconvened at 8:28 with all members present.

- II. APPROVE WRF CONTRACT AMENDMENTS AND REVIEW AND COMMENT ON FISCAL YEAR 2023 QUARTER 3 WRF QUARTERLY REPORT; (PUBLIC WORKS DEPARTMENT)
<https://youtu.be/46GddDC3KwE?t=9885>

WRF Program Manager Amico and Recycled Water Project Manager Heimel provided the report and responded to Council inquiries.

MOTION: Council Member Barton moved to review and provide input on the Fiscal Year (FY) 2023 Quarter 3 WRF Program Quarterly Report. Staff also recommends the City Council authorize the City Manager to execute the following WRF Program contract and budget amendments:

1. Amendment No. 8 to the agreement with Anvil Builders, Inc. for the WRC Lift Stations and Offsite Pipelines construction for a total not to exceed contract amount of \$36,384,606.
2. Amendment No. 9 to the agreement with Filanc, Black & Veatch (FBV) for the Water Reclamation Facility Construction project for \$409,028 which increases the Guaranteed Maximum Price to \$78,424,326, to extend the Final Completion Date to August 31, 2023.
3. Amendment No. 4 to the agreement with Cogstone Resource Management for cultural resources monitoring services during construction of the WRC Lift Station and Offsite Pipelines for a total amount of \$31,033.52, resulting in a total not to exceed amount of \$1,524,560.64.
4. Amendment No. 8 to the agreement with Carollo Engineers, Inc. to extend their contract expiration date to June 30, 2024. This is a non-compensable contract extension.
5. Amendment No. 2 to the agreement with Confluence Engineering Solutions to extend their contract expiration date to June 30, 2024. This is a non-compensable contract extension.

The motion was seconded by Mayor Wixom and carried 5-0 by roll call vote.

ADJOURNMENT

The meeting adjourned at 8:53 p.m.

Recorded by:

Dana Swanson
City Clerk

MINUTES - MORRO BAY CITY COUNCIL
SPECIAL CLOSED SESSION MEETING –
MAY 30, 2023 AT 2:00 P.M.
CITY HALL CONFERENCE ROOM

AGENDA NO: A-6
MEETING DATE: June 13, 2023

PRESENT: Carla Wixom Mayor
 Laurel Barton Council Member
 Cyndee Edwards Council Member
 Jennifer Ford Council Member
 Zara Landrum Council Member

ABSENT: None

STAFF: Greg Carpenter Interim City Manager
 Chris Neumeyer City Attorney

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Wixom called the meeting to order at 2:08 p.m. with all members present.

SUMMARY OF CLOSED SESSION ITEMS – The Mayor read a summary of Closed Session item(s).

CLOSED SESSION PUBLIC COMMENT – Mayor Wixom opened public comment for items on the agenda; seeing none, the public comment period was closed.

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

CS-1 **PUBLIC EMPLOYEE EMPLOYMENT**

City Manager pursuant to Government Code section 54957

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

ADJOURNMENT - The meeting adjourned at 2:45 p.m.

Recorded by:

Dana Swanson
City Clerk

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MINUTES - MORRO BAY CITY COUNCIL
SPECIAL CLOSED SESSION MEETING –
JUNE 5, 2023 AT 8:00 A.M.
CITY HALL CONFERENCE ROOM

AGENDA NO: A-7
MEETING DATE: June 13, 2023

PRESENT: Carla Wixom Mayor
 Laurel Barton Council Member
 Cyndee Edwards Council Member (*via teleconference per AB 2449*)
 Jennifer Ford Council Member
 Zara Landrum Council Member

ABSENT: None

STAFF: Greg Carpenter Interim City Manager
 Chris Neumeyer City Attorney
 Stephen Onstot Special Counsel
 Greg Kwolek Public Works Director
 Ken Wilkins Carollo Engineers

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Wixom called the meeting to order at 8:04 a.m. with all but Council Member Landrum present. Council Member Landrum joined the meeting at 8:08 a.m.

SUMMARY OF CLOSED SESSION ITEMS – The Mayor read a summary of Closed Session item(s).

CLOSED SESSION PUBLIC COMMENT – Mayor Wixom opened public comment for items on the agenda; seeing none, the public comment period was closed.

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

CS-1 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to Government Code subdivision 54956.9(d)(2)

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

ADJOURNMENT - The meeting adjourned at 9:14 a.m.

Recorded by:

Dana Swanson
City Clerk

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AGENDA NO: A-8

MEETING DATE: June 13, 2023

Staff Report

TO: Honorable Mayor and City Council

DATE: May 24, 2023

FROM: Ted Schiafone, Harbor Director

SUBJECT: Approval of Issuance of Request for Proposals on Lease Sites 49/49W and 50-51/50W-51W

RECOMMENDATION

Staff recommends the City Council approve the Request for Proposals (RFP) document for Lease Sites 49/49W and 50-51/50W-51W and authorize putting the site out to bid under the RFP as adopted by the Council.

ALTERNATIVES

Council could elect to not issue an RFP for this lease site, and direct staff accordingly.

FISCAL IMPACT

There will be little to no fiscal impact until the site is redeveloped, provided it continues to operate as it has in the past. Since this site is currently on modern lease terms, some positive fiscal impact would be anticipated after redevelopment provided the site's redevelopment better and more fully utilizes the available space for revenue-generating purposes.

BACKGROUND

Lease site 49/49W is currently not leased. The existing lease on site 50-51/50W-51W expires on June 30, 2025. Since design, planning and permitting can take substantial time, the City may leave the existing tenant in place on a lease holdover until Concept Plans for site development are approved and a new lease is executed with the successful respondent to this RFP. The Council's last direction on May 23, 2023, was to put the site out to bid.

DISCUSSION

The Council's desired elements are incorporated into the RFP document (page 4), primarily in the "Key Objectives" section. The draft RFP is included with this staff report as Attachment 1.

CONCLUSION

Staff recommend the City Council approve issuance of the RFP document for Lease Site 49/49W and 50-51/50W-51W and authorize putting the site out to bid under the RFP as adopted by the Council.

ATTACHMENT

1. Request for Proposals document for Lease Sites 49/49W and 50-51/50W-51W.

Prepared By: LS

Dept Review: TS

City Manager Review: GC

City Attorney Review: CFN



City of Morro Bay Request for Proposals



50-51/50W-51W



49/49W

**Redevelopment of
Lease Site 49/49W and
Lease Sites 50-51/50W-51W
431 Embarcadero and
451 Embarcadero
Morro Bay, CA 93442
Project: MB-2023-HD01**



CITY OF MORRO BAY

HARBOR DEPARTMENT

1275 Embarcadero Road
Morro Bay, CA 93442

June 15, 2023

SUBJECT: REQUEST FOR PROPOSALS FOR:

Lease Site 49/49W and Lease Sites 50-51/50W-51W
431 Embarcadero and 451 Embarcadero, Morro Bay, CA 93442

Prospective Proposers:

The City of Morro Bay invites the submittal of proposals from qualified individuals and entities (Proposer) to redevelop public land and water located on the Embarcadero for Lease Site 49/49W and Lease Sites 50-51/50W-51W, located at 431 Embarcadero and 451 Embarcadero, Morro Bay, CA 93442 (Property).

The City of Morro Bay intends to select a Proposer to redevelop the Property. The Property will be available on a long-term ground lease basis after Concept Plans for site redevelopment are approved. The existing lease on site 50-51/50W-51W expires on June 30, 2025. There is no existing lease agreement for site 49/49W. Since design, planning and permitting can take substantial time, the City may leave the existing tenant for lease site 50-51/50W-51W in place on a lease holdover until Concept Plans for site redevelopment are approved and a new lease executed with the successful respondent to this Request for Proposals (RFP).

Instructions and forms to be used in preparing a proposal are found in the information included in the RFP document. The activity schedule for the RFP is included.

For more information and a copy of the City of Morro Bay Harbor Department Lease Management Policy, as well as a copy of the City's standard lease format, visit the Harbor Department's page of the City website under "Harbor Administration and Leases." If you cannot agree to the requirements exactly as set forth in the RFP, then please do not submit a proposal.

For general questions, please contact Ted Schiafone, Harbor Director, by email at tschiafone@morrobayca.gov. Specific questions relevant to the RFP must be submitted as directed in the "Invitation to Participate" section of the RFP. It is the responsibility of any Proposer to review the City's website for any revisions or answers to questions regarding the RFP prior to submitting a proposal in order to ensure all proposals are complete and responsive.

Sincerely,

Ted Schiafone
Harbor Director

**Redevelopment of
Lease Site 49/49W and Lease Sites
50-51/50W-51W, 431 Embarcadero and
451 Embarcadero, Morro Bay, CA 93442
Project: MB-2023-HD01**

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INTRODUCTION

Purpose

The City of Morro Bay (City) is seeking proposals from qualified individuals and entities (Proposer) to redevelop Lease Site 49/49W and Lease Sites 50-51/50W-51W, public land and water located at 431 Embarcadero and 451 Embarcadero, Morro Bay, CA 93442, currently operating as vacant land and vacation rentals, and hereinafter referred to as the “Property” or the “Site.” The Site includes land and water lease sections and will be available for long-term lease after Concept Plans for the selected Proposer’s proposal are approved and a lease negotiated and executed. The term (length) and conditions of the long-term lease to be awarded as a result of this Request for Proposals (RFP) will be negotiable, depending on the investment and redevelopment plan of the Proposer. The subsequent lease agreement will become effective once approved by the City Council.

Objectives

The Morro Bay City Council has determined it is in the best interest of the City and public to consider redevelopment proposals for the Site. The City desires to have the Property redeveloped to continue to provide affordable visitor-serving opportunities that provide access to the bay, as well as an economic return to the City, while meeting modern design criteria that incorporate current planning and building codes for uses that are the most beneficial to the Embarcadero visitor-serving and business environments.

Key Objectives with the RFP are design improvements that include:

- Best and highest use of both the land and water portions of the Site to maximize revenues and return on investment.
- Improved viewshed and façade.
- Adds to overall tourism draw.
- Restore and/or enhance the environment, where applicable.
- Incorporation of an independent public restroom on the Site, if practical.
- Include safety enhancements in the area, where applicable.
- Proposals must conform to the City’s Downtown Waterfront Strategic Plan and Local Coastal Program, including, but not limited to:

- Minimum 8-foot wide sidewalks and 10-foot wide lateral public access along the waterfront
- Architectural, and perhaps functional, emphasis on fishing village / marine heritage / working waterfront / national estuary themes.
- ADA compliance.
- Incorporation of sustainability or “LEED” features, such as (but not limited to) solar, rainwater retention, drought-tolerant landscaping, recycling and waste management and stormwater runoff best management practices.

The City desires to solicit proposals to ensure maximization of public benefit from redevelopment and a long-term lease agreement for the Site. To do so, it is seeking Proposers who have the proven experience, financial resources, and professional expertise to deliver the highest quality and economically feasible project that is consistent with and best implements the land and water uses outlined in the City’s Downtown Waterfront Strategic Plan, General Plan, Local Coastal Program, Harbor Department Lease Management Policy and City Council Goals and Objectives.

SECTION I: SITE HISTORY

Tracing back to English Common law the Public Trust Doctrine establishes navigable water or lands subject to tidal influence are “sovereign,” held open to the public for commerce, fisheries or navigation. In 1942-1944, the federal government constructed a revetment along the Morro Bay waterfront and filled most of the area now known as the commercial strip along the Embarcadero. The State of California claimed ownership of the newly created land as at least a portion of it had previously been below the high tide line. After many years of dispute with private property owners, who also claimed an interest in the land, most title issues were settled in the 1950s-1960s by designating those lands west of Embarcadero Road as public trust lands owned by the State, and those lands east of Embarcadero Road as privately owned.

In 1947, the State of California granted those public trust lands in Morro Bay to the County of San Luis Obispo. The City of Morro Bay assumed trusteeship of the granted lands upon incorporation in 1964-1965. The tidelands grant in Morro Bay is in perpetuity, provided the City conforms to the terms of the legislative grant. The granted lands must be used for commerce, fisheries, navigation, recreational purposes, parklands, public access, public parking and environmental protection or enhancement. Residential use of the public lands is specifically prohibited. The City may lease out the lands to private businesses for a period up to 50 years and all revenues from such leases must be expended within the area of the granted lands for the purposes of the public trust.

It is primarily with those lease revenues the City manages the waterfront leases, provides and maintains various public, commercial fishing and other facilities and amenities, manages open spaces and the moorings in the bay and provides for the public safety with Harbor Patrol and Lifeguard services.

Lease Site 50-51/50W-51W has operated under a few different leases since the 1960’s, and the current lease expires June 30, 2025.

SECTION II: SITE DATA

Lease Site 49/49W is delineated on Exhibit A, page 3 of City of Morro Bay Resolution 119-89, and was recorded on October 10, 1989, in the Office of the County Recorder, San Luis Obispo, California. The Property is located within the visitor-serving Tidelands Trust granted lands. The designated Site, located at 431 Embarcadero, has been surveyed and contains approximately 1000 square feet of land and 2500 square feet of water.

Lease Sites 50-51/50W-51W are delineated on Exhibit A, page 3 of City of Morro Bay Resolution 119-89, and was recorded on October 10, 1989, in the Office of the County Recorder, San Luis Obispo, California. The Property is located within the visitor-serving Tidelands Trust granted lands. The designated Site, located at 451 Embarcadero, have been surveyed and contains approximately 2020 square feet of land and 3611 square feet of water.

A. Current Uses

The Site currently serves as vacant land and vacation rentals. There are public sidewalks and access on the eastern boundary of the land site.

B. Topography/Soil Conditions

The Site is generally flat on filled land, with a seawall/rock revetment leading down to the water. Investigation of land, soil, seawall, revetment, and harbor bottom conditions for suitability of the proposed development shall be the responsibility of the Proposer.

C. Hazards

The Site is subject to all conditions and hazards commonly associated with a bay/ocean-front setting including, but not limited to:

1. Flooding: the Site is not in a designated flood zone.
2. Tsunami: the Site is within the tsunami 50-foot inundation zone.
3. Earthquake: the Site is within an earthquake hazard zone.
4. Storms: the Site is subject to periodic storm conditions.
5. Tidal Overflow: the Site can be subject to periodic tidal overflow.
6. Seawalls/Revetments: subject to erosion, scouring, tidal influences and normal deterioration in the marine environment.

D. Archeology

The Site is not listed as, nor is it within 300 feet of a known archaeological site.

E. Zoning

The lease site is zoned Waterfront (WF) with Planned Development (PD) and Special Treatment (S.4) overlays. The waterfront zone is also subject to requirements in the City's Downtown Waterfront Strategic Plan, which includes design guidelines. Allowable uses in the waterfront zone can be found at Morro Bay Municipal Code (MBMC) 17.24.170 and include a mixture of visitor-serving commercial, recreational and harbor-dependent land uses. Planning entitlements require both a conditional use permit and a coastal development permit. The Planned Development overlay describes the conditional use permit process, which requires concept plan approval by both Planning Commission and the City Council. Coastal Development Permit approval is then required by the California Coastal Commission prior to Planning Commission approval of the Precise Plan. Specific submittal requirements can be found at MBMC 17.40.030. The Waterfront Master Plan document is available on the City's website at <http://www.morro-bay.ca.us/documentcenter/view/1061>.

F. Parking

There are currently zero (0) parking spaces attributed to the Site when calculating parking requirements for proposals.

SECTION III: INVITATION TO PARTICIPATE

The City is seeking proposals from Proposers with experience in commercial facilities, with the financial resources and capabilities to fund a proposed project, and whose general development approach and concept for the site best meets the City’s objectives in this Request for Proposals.

A. Proposal Process

1. All proposals must be submitted per Section V, “Request for Proposals Submittal Package.” All proposals become the property of the City and will not be returned.
2. All times referenced in the RFP are “Verizon” cell phone time.
3. Submittals will be initially screened to ensure they are complete and conform to the RFP. City staff will review and evaluate the qualifying proposals and make recommendations in a Staff Report to the Selection Panel, defined below.
4. The City will convene the Selection Panel to review the proposals, and to interview each qualified proposing party. The Selection Panel shall consist of any combination of the following, as the City Manager, in consultation with the Harbor Director, determines in the City’s best interest:
 - Members from City staff.
 - Members of the public.
 - Members of the Harbor Advisory Board and/or other constituencies.
5. The Selection Panel will make Primary and Secondary Proposers recommendations to the City Council.
6. The City Council will determine the final Primary and Secondary proposals, and approve a Consent of Landowner agreement with the Primary Proposer to begin the Concept Plan approval process. The Consent of Landowner will include specific milestones, such as, but not limited to, dates for submissions of plans and financial capacity information. If the Primary Proposer declines to participate, then the Secondary Proposer will ascend to the Primary Proposer position.
7. Concurrent with the Concept Plan approval process, City staff will begin preliminary negotiations for a long-term lease agreement with the Primary Proposer. Upon approval of the Concept Plan by the City Council, City staff will be in a position to complete lease negotiations and recommend to the City Council

approval and execution of the lease agreement. Proposing parties must assume the basic terms of the new lease agreement will be as set forth in the City's draft standard master lease format and in compliance with the Harbor Department Lease Management Policy.

B. Permitting and Project Costs

ANY AND ALL COSTS INCURRED BY A PROPOSER RELATED TO THE RFP PROCESS, INCLUDING, BUT NOT LIMITED TO, PERMITTING, DESIGN, ENGINEERING, AND PLAN PREPARATION AND SUBMITTAL WILL BE THE SOLE RESPONSIBILITY OF EACH PROPOSER. THE CITY SHALL INCUR NO COST OR LIABILITY FOR ANY COSTS RELATED TO THE RFP OR IF THE PROPOSER IS UNABLE TO COMPLETE THE PROJECT APPROVAL OR PERMITTING PROCESS.

C. City's Right to Amend RFP

The City reserves the right to amend the RFP process and the selection procedures at any time. It is the responsibility of any Proposer to review the City's website for any RFP revisions or answers to questions prior to submitting a proposal in order to ensure all proposals are complete and responsive.

D. Contact Person

RFP Packets and written inquiries regarding the RFP or the project site can be obtained by contacting:

Harbor Director Ted Schiafone, Morro Bay Harbor Department
1275 Embarcadero
Morro Bay, CA 93442
805-772-6254
tschiafone@morrobayca.gov

E. Pre-Proposal Meeting and Questions

Attendance is recommended at the Pre-Proposal Meeting and Site Walk-Through on Thursday June 22, 2023, at 10:00 a.m. starting at the Harbor Office, 1275 Embarcadero in Morro Bay. All questions on the RFP are due by 4:00 p.m. on Thursday June 29, 2023. For any questions posed, a response will be posted on the City website under the original proposal posting by 4:00 p.m. on Thursday July 6 2023.

SECTION IV: SELECTION PROCESS

The City reserves the right in its sole discretion to waive any defect or omission in any proposal that does not materially affect the terms of the response to the RFP. The City reserves the right in its sole discretion to reject any and all proposals submitted, to revise its selection process at any time, and to rescind the RFP at any time.

A. Criteria for Selection of Proposer

The City will select a Proposal on the basis of maximization of public benefit in the proposed project, in addition to the proposing party's potential to bring the project to completion and successfully operate the lease site based on financial capability and experience. The City expects to negotiate with the selected Proposer on all aspects of the development program including a long-term lease for the Property.

Important elements influencing selection of a proposal are:

- Proposal best meets the Key Objectives of the RFP.
- Maximization of public benefit of the project and best utilization of both the land and water portions of the Site.
- Demonstrated financial capability, capacity and capitalization at the time of submitting proposal to undertake the redevelopment and successfully maintain ongoing operations.
- Proven capabilities, history and expertise in commercial development and redevelopment projects.
- Professionally-prepared business plan and ten-year pro forma with industry-standard elements expected of such documents.
- Best balance between uses and requirements in the City’s General Plan, Local Coastal Program, Zoning Ordinance, building codes, and design elements.
- The overall quality of the development team as evidenced by the professional reputations and experience of the principals and agents.
- Lease terms proposed.
- Knowledge and experience in economic development and revitalization.
- Experience in commercial leasing and property management.

- The architectural excellence, engineering and overall quality of previous projects of like scope and scale.
- Anticipated financial benefit to the City.
- Proposed timing and progress through the design, planning, and permitting processes in order to minimize redevelopment timeline.

Proposed uses on the Site shall be in conformance with the Tidelands Trust and consistent with current planning, zoning and land use policies of the City. The selected Proposal will be subject to the normal planning, permitting and approval processes of the City and other regulators, including, but not necessarily limited to, the California Coastal Commission, Army Corps of Engineers and Central Coast Regional Water Quality Control Board.

B. Proposer Selection

The City reserves its right to seek input from various community and business representatives, staff, and other agencies. In addition, the City may utilize the services of leading consultants in the areas of design, land and marine architecture and engineering, real estate, economics, and law to assist in the evaluation of the proposals and to negotiate a new lease.

In order to submit a proposal, a \$5,000 deposit is required as outlined in Section V. Deposits from proposing parties reviewed by the City will be held in trust during the proposal review period. After City Council selection, the City will refund Deposits from parties not in Primary or Secondary position, if any. The City will hold the Deposits from the proposing party under final Primary and Secondary consideration in trust during the approximate 12-month Concept Plan processing period. If the Primary Proposer successfully completes Concept Plan approval of the selected Proposal, then all Deposits will be fully refunded. If the Primary Proposer fails to complete Concept Plan approval within the specified time, then the City will retain the Deposit as a processing fee and the Secondary Proposer may ascend to Primary status and the remaining Deposit handled accordingly.

C. Selection Methodology

In reviewing and evaluating the qualifications of the Proposers and the Proposals, the following criteria will be considered:

1. The Proposal's compliance with the RFP – **Pass/Fail**
2. Overall quality of the conceptual design of the facilities and site plan. – **up to 15 points**
3. Proposer's financial strength and current relationships with financing sources, and demonstrated ability to finance the proposal through to completion – **up to 20 points**

4. Proposal that includes Key Objectives as outlined – **up to 20 points**
5. Demonstrated understanding of the development constraints on the Embarcadero, and market knowledge of the Morro Bay and Central Coast local and visitor serving needs – **up to 10 points**
6. Proposed lease terms, including financial benefit to the City – **up to 15 points**
7. Overall Proposer and team qualifications and experience in similar projects – **up to 15 points**
8. Proposed development schedule – **up to 5 points**

D. Exclusive Lease Negotiation

The City intends to enter into a long-term ground lease with the selected Proposer. The Harbor Department’s typical ground lease is “triple net” and includes base rent and percentage rent terms. The selected Proposer will be financially responsible for all construction activities.

The lease will outline roles, expectations, responsibilities, goals, objectives and timelines with regard to the proposed development and specific financial parameters to which both the selected Proposer and City will adhere. Proposers will be responsible for all costs associated with the RFP process including all costs incurred by the Proposer associated with the negotiation and development of the lease, as well as all costs associated with the entitlement, permitting, CEQA processing, and development. The selected Proposer will work closely with the City to establish general design parameters for the proposed development.

The City and the selected Proposer shall negotiate a long-term ground lease agreement not to exceed a term of 50 years, the maximum allowable under State law.

SECTION V: REQUEST FOR PROPOSALS SUBMITTAL PACKAGE

1. **Proposal Submittal.** All responses to the RFP must be received by U.S. mail or in person no later than 4:00 p.m. on **October 5, 2023** Postmarks and proposals submitted by facsimile or email will not be accepted.

Proposals shall be delivered in person or mailed to:

**City of Morro Bay
Attention: City Clerk
595 Harbor Street
Morro Bay, CA 93442**

Submittal envelopes shall be clearly marked “MB-2023-HD01” No fax or email proposals will be accepted.

2. **Acknowledgement Form.** Each proposing party must review, complete, and sign the attached Acknowledgement Form and include it with the Proposal.
3. **Deposit Check.** A \$5,000 Deposit check or bank draft payable to the City of Morro Bay must be included with the Proposal. Deposit disposition shall be in accordance with Section IV. B.

All Proposers must submit four copies of the following information:

A. Proposer Information

1. **Identification.** Name of the individual(s) and entity submitting the proposal and, if any, the type of entity and individuals who control the entity. Also, provide known members of development team such as architect, engineer, landscape architect, major equity investors, consultants, including project organizational and management roles in implementation of development.
2. **Experience.** Provide a brief description of the Proposer’s and key team members’ recent development experience. That experience should include projects in which the Proposer was instrumental, and which are similar to the kind of project or similar project being proposed. Please be specific and indicate references for each project.
3. **Financial and Business Data.** Provide information indicating:
 - a. How the Proposer has sufficient financial resources to undertake the project, including a statement of proof of financial capability to plan and construct the proposed project.
 - b. Bank references where appropriate. The latter may be in the form of letters of financial approval from bank or financing institutions.

- c. A minimum of three credit references.
- d. Financing for prior or current development projects.
- e. A current Credit Report, including Credit Score.
- f. If the Proposer is involved in any litigation or other disputes that could affect its ability to fulfill the terms of a commercial lease.
- g. Any other documents or reports that would assist in determining the financial condition of the Proposer.
- h. The length of time and locations at which the Proposer has operated like or other businesses.
- i. Contact information for three business references.
- j. A current or most recent Landlord reference, if applicable.

The City will independently investigate the financial background of proposing parties as agreed to in the required Acknowledgment Form.

B. Business Plan and Pro Forma

The Proposal shall include a business plan and ten-year pro forma for the entire development to include, but not be limited to, design, planning, permitting, construction, operation and maintenance, and stabilization. A description of the Proposal’s financing as it pertains to the pro forma shall also be included. The Proposal should include an estimate of the total value of the project, broken down into land and water improvement values. The pro forma must reflect all income and expense line items necessary to the proper functioning of the operation, including, but not limited to, ground lease payments, with sufficient detail and clarity, for the Proposal to be properly evaluated by the City.

C. Proposal Narrative

- 1. **Narrative.** The written narrative must be included in the Proposal describing the redevelopment of the Site, the type of development envisioned and its market orientation, which best implements both the land and water elements of the Site.
- 2. **Design.** The narrative should include the basic design elements, especially as they pertain to the City’s waterfront design criteria, and all current planning conditions and zoning standards.

D. Proposal Visuals

ALL DRAWINGS SHALL BE 24” X 36” BLACKLINE PRINTS WITH A HORIZONTAL LAYOUT. FOUR SETS ARE REQUIRED.

EACH 24” X 36” DRAWING SHALL ALSO BE PROVIDED IN 8 ½” X 11” BLACK AND WHITE REDUCTIONS WHICH CAN BE PHOTO-COPIED.

1. **Site Plan.** Site Plan illustrating at an appropriate scale the outline of all buildings and improvements, including proposed building locations, landscape and hardscape areas, adjoining public areas, and proposed public improvements. Tabulations in square footage and percentage of the following shall be shown on the Site Plan:
 - a. Building footprint, landscaped areas and hardscaped areas,
 - b. Individual building tabulations depicting gross floor area and gross leasable floor area as well as proposed use, and
 - c. Designation of parking designated as standard, compact, handicap and loading spaces, if applicable.
2. **4-Sided Elevations.** Four sided elevations shall be at appropriate scale and overall dimensions shall not exceed 24” X 36.” All elevations shall be dimensioned to illustrate the height of roof and height of parapet. Material details shall be illustrated on those elevations.
3. **Section Drawings.** Section drawings shall be provided of all street frontages, and shall show true dimensions and the outlines of buildings on the adjoining lots. Section drawings shall include the adjacent roadway.
4. **Colored Site Plan Rendering.** A rendering utilizing the above-mentioned Site Plan shall be provided. The Site Plan rendering is intended to provide a colored overall view of the entire project.
5. **Building.** A narrative description of proposed treatment of building facades and features shall be included. If appropriate, photographs of existing buildings with similar facades may be included to further illustrate the concept.
6. **Water Portion.** Proposals must include plans, elevations and other depictions for the water portion of the Site as well.

NOTE: Each Site Plan will be considered “pre-Conceptual” and will be subject to adjustment and City-approval once a proposal has been selected and the details of the project are finalized through the planning, permitting, and negotiation processes.

E. Terms of Lease

The proposal must include an accurate estimate of the total cost of redevelopment, and a set of draft lease and business terms and conditions the Proposer would be willing to negotiate for development of the project and subsequent ground lease.

F. Schedule

Include a preliminary time schedule including any proposed phasing of land and/or water redevelopment. The schedule should include any financial scheduling, amortization, etc.

G. Ownership of Materials

All drawings, plan documents, proposals and other materials submitted by the Proposer shall become the permanent property of the City.

SECTION VI: TENTATIVE PROPOSAL SCHEDULE

ACTIVITY/Key Steps	DATE
Issue Request for Proposals	Thursday, June 15, 2023
Recommended Pre-Proposal Meeting and Site Walk-Through	Thursday, June 29, 2023
Questions Due by	Thursday, July 6, 2023
Responses to Questions Posted by	Thursday, July 13 2023
Proposals Due by	Thursday, October 12, 2023
Proposals Evaluated	October 2023
Consent of Landowner Approval Granted Winning Proposer (estimated)	November 2023
Winning Proposer Submits Complete Plans to Begin Concept Plan Approval Process (estimated)	February 2024
Concept Plans Approved, Lease Negotiation (estimated)	Spring 2024
New Lease Approved and Inaugurated (estimated)	Fall 2024
Site Redevelopment Begins (estimated)	Winter-Spring 2025
Site Redevelopment Completion (estimated)	Winter-Spring 2026

SECTION VII: ATTACHMENTS

Attachment 1: Acknowledgement Form

Attachment 2: Proposer Information

Attachment 3: Lease Site Map

THANK YOU FOR YOUR INTEREST IN WORKING WITH THE CITY OF MORRO BAY
ON THIS EXCITING OPPORTUNITY.

WE LOOK FORWARD TO RECEIVING YOUR PROPOSAL.

ATTACHMENT 1

**Lease Site 49/49W and Lease Sites
50-51/50W-51W, 431 Embarcadero and
451 Embarcadero, Morro Bay, CA 93442
Project: MB-2023-HD01**

Initial Below

1. _____ I have reviewed all of the information in this Request for Proposals, and all additions, changes and answer provided on the City’s website and agree to all of the terms and conditions outlined therein.

2. _____ I understand each proposing party must review the City’s General Plan, Local Coastal Program, and any and all planning and permitting elements as they pertain to this lease site.

3. _____ Any new lease with the City must be in the City’s approved Master Lease format and should comply with the City’s Harbor Department Lease Management Policy.

4. _____ I have reviewed the City’s Master Lease format and Harbor Department Lease Management Policy and agree the lease policy and basic lease format is acceptable for any future lease negotiations.

5. _____ I agree the City may take all steps necessary to investigate any financial information provided in response to this Request for Proposals. The City has my permission and consent to investigate such information however it deems appropriate.

6. _____ Enclosed is a check or bank counter draft in the amount of \$5,000 made out to the City as a Deposit and an indication of good faith interest for consideration in this Request for Proposals.

7. _____ I agree that check will be handled as outlined in this Request for Proposals including that the check may be retained by the City as a processing fee under certain conditions.

8. _____ The parties signing below are all the parties in interest in our proposal to the City in response to this Request for Proposals, and, if part of a partnership or other entity, affirm that they have the authority to enter into this Request for Proposals.

Printed Name

Signature

Date

Printed Name

Signature

Date

ATTACHMENT 2
PROPOSER INFORMATION
REQUEST FOR PROPOSALS
Lease Site 49/49W and Lease Sites
50-51/50W-51W, 431 Embarcadero and
451 Embarcadero, Morro Bay, CA 93442
Project: MB-2023-HD01

Include the personal information for all individuals or entities submitting this proposal. If a corporation or partnership, then include corporation or partnership information (*i.e.*, type, state of incorporation, articles of incorporation and by-laws, officers’/members’ names and contact information and length of time of office or membership, when registered to do business in California):

Name _____

Address _____

Phone(s) _____(home) _____(work)
_____ (cell)

Email _____

Name _____

Address _____

Phone(s) _____(home) _____(work)
_____ (cell)

Email _____

Name _____

Address _____

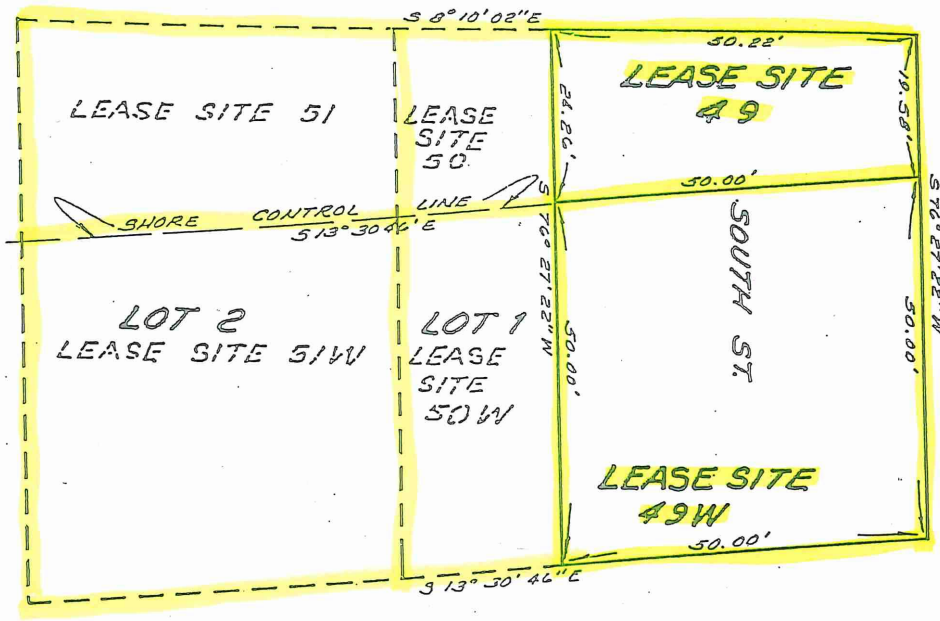
Phone(s) _____(home) _____(work)
_____ (cell)

Email _____

ATTACHMENT 3
LEASE SITE MAP
(follows)

ATTACHMENT 3

EMBARCADERO



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AGENDA NO: A-9

MEETING DATE: June 13, 2023

Staff Report

TO: Honorable Mayor and City Council

DATE: June 5, 2023

FROM: Ted Schiafone, Harbor Director

SUBJECT: Approval of a New Lease Agreement with the Morro Bay Commercial Fishermen’s Organization (MBCFO) for lease of the Gear Storage Area

RECOMMENDATION

Staff recommends the Council adopt Resolution No. 34-23 to renew a ten-year lease for Commercial Fishing Gear Storage area located at 1622 Embarcadero.

ALTERNATIVES

Do not approve the renewal of the lease and provide staff direction accordingly.

FISCAL IMPACT

Lease payments for the prior ten years amounted to a total of \$53,400. Lease payments for this ten-year period will amount to a total of \$60,000. The lease has been structured to allow for no rent payments for the first two years.

BACKGROUND

The Commercial Fishing Storage lot is approximately 1 acre and includes two storage buildings and multiple parking spaces. The area is used to store trailers and fishing gear that is not in use during off season.

Commercial fishing has been a staple of our community for decades and has supported many families throughout Morro Bay and San Luis Obispo County. State and Federal regulations have slowly eliminated territories to fish commercially, required new engines and closed seasons for specific fish species. Commercial fishing in Morro Bay has been reduced to a fleet of less than 45 vessels due to these issues.

DISCUSSION

MBCFO has held the lease for this area for over two decades. They have maintained and improved the area without any cost to the Harbor Department. Storage for the fishing community is very important to their fleet of vessels.

CONCLUSION

This lease has been structured to provide a little relief to the financial burden that has been placed on our Commercial Fisherman’s Organization of Morro Bay, while still providing a modest increase in rent to the Harbor Department.

Staff recommends the Council approve Resolution No. 34-23 to renew a ten-year lease for Commercial Fishing Gear Storage.

Prepared By: <u>LS/TS</u>	Dept Review: <u>TS</u>
City Manager Review: <u>GC</u>	City Attorney Review: <u>CFN</u>

ATTACHMENTS

1. Proposed License Agreement
2. Resolution No. 34-23

RESOLUTION NO. 34-23

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
APPROVAL OF A NEW LEASE AGREEMENT WITH THE
MORRO BAY COMMERCIAL FISHERMAN'S ORGANIZATION FOR THE
FISHERMAN'S GEAR STORAGE AREA LOCATED AT
1622 EMBARCADERO**

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

WHEREAS, the City of Morro Bay constructed a gear storage facility on Morro Bay Power Plant Property in 1994 under a grant agreement with the California Coastal Conservancy; and

WHEREAS, the City of Morro Bay was granted an easement for use of the gear storage facility site in 1998 by Pacific Gas and Electric which is now held by their successor to the Morro Bay Power Plant, Dynegy; and

WHEREAS, the City of Morro Bay leased a portion of the area to the Morro Bay Commercial Fisherman's Organization for operation of a non-profit, low-cost, safe and convenient gear storage area for commercial fishermen; and

WHEREAS, the lease agreement for the Fisherman's Gear Storage Area has a termination date of June 30, 2023; and

WHEREAS, the City of Morro Bay and the Morro Bay Commercial Fisherman's Organization desire to continue the operation of the Fisherman's Gear Storage Area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that the Mayor is hereby authorized to execute a new lease agreement with the Morro Bay Commercial Fisherman's Organization for the Fisherman's Gear Storage area, located at 1622 Embarcadero, in the form presented at the Council meeting June 13, 2023.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 13th day of June 2023 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

CARLA WIXOM, Mayor

ATTEST:

DANA SWANSON, City Clerk

LEASE AGREEMENT

This Lease Agreement (Lease) is made as of this ____ day of _____, 2023 by and between the CITY OF MORRO BAY (CITY) and COMMERCIAL FISHERMAN'S ORGANIZATION OF MORRO BAY, INC., a California non-profit corporation (TENANT).

WHEREAS, the California Coastal Conservancy granted the CITY funds to construct a Fisherman's Gear Storage area in Morro Bay as outlined in Agreement #91-055 dated January 22, 1992; and

WHEREAS, Pacific Gas and Electric (PG&E) endorsed the project and executed a lease agreement dated August 31, 1993 with the CITY for the project to be constructed on a portion of the Morro Bay Power Plant (MBPP) property; and

WHEREAS, CITY constructed building improvements on the project site with Coastal Conservancy funds and CITY funds; and

WHEREAS, CITY and Pacific Gas and Electric (PG&E) subsequently entered into an easement agreement dated January 12, 1998 for use of the project site (Easement) and terminated said lease agreement dated August 31, 1993 by mutual agreement; and

WHEREAS, Dynegy Inc. (Dynegy) has succeeded PG&E in the ownership interest of the MBPP and in the Easement; and

WHEREAS, on April 15, 1998 CITY and TENANT entered into a 10-year lease for a portion of the easement area; and

WHEREAS, after a holdover period, CITY and TENANT extended that lease though June 30, 2023;

WHEREAS, Morro Bay Power Company LLC, a Delaware LLC, a subsidiary of Vistra Corp, a Delaware corporation (Property Owner) has succeeded Dynegy in the ownership of the MBPP property and Easement;

WHEREAS, CITY and TENANT now desire to enter into a new lease agreement for a portion of the Easement to replace the existing extended lease so TENANT may continue to provide a low-cost and convenient gear storage area for commercial fishermen.

NOW THEREFORE, the parties hereto agree as follows:

1. LEASED AREA

The Leased area, hereinafter called "Site", shall be that portion of the Gear Storage Area Project outlined in yellow as shown on the attached Site Map labeled Exhibit A and incorporated herein by reference. CITY hereby leases the Site to TENANT for the Lease Term (as defined in Section 3). The Site is leased to TENANT in an "as is" condition and TENANT agrees it has investigated the condition of the Site and determined the Site is suitable to the operations of TENANT.

2. MAINTENANCE, REPAIR AND MANAGEMENT OF THE SITE

TENANT agrees to repair and maintain the improvements constructed on the Site and CITY shall have no obligation to repair or maintain the Site. herein. TENANT agrees to repair and maintain the asphalt surface, landscaping, building improvements and all other aspects of the Site in good, usable and safe condition at all times. TENANT acknowledges that safety and maintenance of the Site are a critical concern to CITY and Property Owner and agrees to cooperate with CITY and Property Owner in

conducting inspections of the Site at any reasonable time set by CITY or Property Owner and to promptly and fully comply with CITY's or Property Owner's requests for any repair or maintenance which may result from said inspections, including removal of any personal property.

TENANT shall designate one or two persons to coordinate the on-site management, maintenance, and operation responsibilities under this Lease. TENANT shall submit the designated person's or persons' name(s) and qualifications to CITY. TENANT shall notify CITY of any change in the person or persons designated under this provision.

TENANT's designee shall actively operate and manage the Site by performing any duties which are required to operate, maintain and manage the Site in good order and condition and to avoid unfavorable impact upon the environment, ecology and aesthetics of the surrounding neighborhood, including, but not limited to, the following:

- a. Ensure the Site is used only for the sole purposes of commercial fishing gear storage, and commercial fishing equipment repair. Prohibit any fibreglassing, power sanding, welding, sand blasting, grinding or any similar types of maintenance or repair or repair of motor engines, compressors or other similar types of equipment which involves the storage or use of oil, fuel or other potentially hazardous substances on the Site.
- b. Prohibit storage or use of potentially hazardous substances on the Site, including, but not limited to, paints, paint thinners, gasoline, solvents, resins, epoxies, tars, and petroleum distillates.
- c. Prohibit storage of any fish, fish products or fish by-products on the Site.
- d. Prohibit any alteration to or construction on the Site without express prior written approval of CITY's Harbor Director.
- e. Keep the Site and all appurtenances to it in good condition and free from vandalism and avoidable wastage. Provide occupants with key locks for their storage units and hold a key deposit during the term of occupancy. Retain a copy of each occupant's key for their lock. Provide locks for gates on fences surrounding the Site. Provide occupants with a copy of the gate lock keys and retain a key deposit during the term of occupancy.
- f. Require each occupant of the Site to agree to sign a rental agreement. Enforce the terms of the rental agreements between TENANT and occupants, including, but not limited to, providing termination notices to and, if necessary, initiating eviction proceedings for occupants more than one month delinquent in the payment of their rental amount or in violation of any other covenant of their rental agreement. TENANT shall hire a bookkeeper to maintain accurate records of payment of rental amounts and submit an annual financial statement to CITY in conformance with Section 19 hereof.
- g. Assure occupants store and repair their gear in a safe manner. If a occupant's activities are deemed unsafe, then issue a warning to the occupant with instructions on how the occupant can cure the safety problem; if, within a reasonable amount of time determined by the severity of the hazardous condition, the occupant does not correct the problem, then inform the occupant in writing the occupant is in violation of their rental agreement and terminate the rental agreement. If the safety problem is of a nature which could foreseeably result in an immediate injury or property damage, then TENANT shall take action as necessary to minimize the risk of injury or damage.

- h. Periodically, at intervals not to exceed once a month during the term of this Lease, inspect the Site for any evidence of physical deterioration or hazardous conditions, and report such findings to the CITY, including any recommendation for actions necessary to maintain the Site in good condition and order. Upon discovery of any hazardous condition which could foreseeably result in injury or property damage, the TENANT shall additionally: (a) take such action as is reasonable and necessary to minimize the risk of injury or damage, including, without limitation, the posting of warning signs, and notify the CITY of specific actions taken; and (b) cooperate with the CITY in curing any hazardous condition.

3. TERM

The term of this Lease (Lease Term) shall have commenced on July 1, 2023 and terminate on June 30, 2033 (Termination Date). At least 9 months prior to the Termination Date, the CITY will provide written notice of the Termination Date and a notice detailing TENANT's Option to Extend.

4. RENT

Commencing July 1, 2025, TENANT shall pay to CITY in lawful money of the United States of America, a monthly rent of Five Hundred Fifty-five Dollars (\$555.00) payable in advance on the first of each month for the first year of this Lease.

Commencing July 1, 2026 rent for the following years of this Lease shall increase at Twenty Dollars (\$20.00) per month each succeeding July 1st. For example, monthly rent for the period July 1, 2026 through June 30, 2027 shall be Five Hundred Seventy-five Dollars (\$575.00) per month, monthly rent for the period July 1, 2028 through June 30, 2029 shall be \$Five Hundred Ninety-five Dollars (595.00) per month, etc.

5. OPTION TO EXTEND

Subject to all other terms and conditions of this Lease, TENANT shall have the option of extending the Lease Term for one (1) additional period of five (5) years. TENANT must exercise said option at least six (6) months prior to the Termination Date of this Lease by notifying the CITY of its intention in writing (the "Option Notice"). However, if TENANT is in default on the date of giving the Option Notice or by the passage of time will be in default, the Option Notice shall be totally ineffective. If the TENANT is in default on the date the extended term is to commence, then the extended term shall not commence and the Lease shall expire at the end of the previous term. The monthly rent for the option period shall be as set out in Section 6. Holdover, and shall be subject to annual increases as outlined in Section 4.

6. HOLDOVER

Any holdover of this Lease beyond the Termination Date shall be on a month-to-month basis, terminable on 30-days' notice by either party for any reason. Monthly rent for the holdover period shall be either One Thousand Dollars (\$1000.00) or Twenty Dollars per month increase annually, whichever is greater.

7. RESTRICTIONS AND PERMITTED USES

TENANT shall not violate or cause CITY to be in violation of the easement agreement between CITY and predecessor-in-interest of Property Owner dated January 12, 1998 and attached as Exhibit B. TENANT agrees that, in connection with the use and operation of the Site, TENANT shall use the Site only for rental of commercial gear storage areas to individual owners of commercial fishing vessels. Repairs shall be limited to net or gear repair work as outlined in Section 2. Any other use, without prior written approval of the CITY's Harbor Director shall be a violation of this Lease. Furthermore, TENANT agrees that it shall not:

- a. Permit any use of the Site or any part thereof in a manner likely to cause injury, damage or an unsafe condition for the general public or the guests, employees, agents, renters and contractors of TENANT or CITY.

- b. Permit undue accumulations of garbage, trash, rubbish or any other refuse by the guests, employees, agents, renters and contractors of TENANT or cause or allow any circumstances or acts on the Site by the guests, employees, agents, renters and contractors of TENANT which will result in pollution of any kind.
- c. Permit any use of the Site by the guests, employees, agents, renters and contractors of the TENANT which will cause a cancellation of any insurance policy covering the Harbor area, or any part thereof, or any building or improvements thereon, any activity by the guests, employees, agents, renters and contractors of TENANT which may be prohibited by any insurance policies covering the Harbor area, said buildings or improvements.
- d. Waste water.
- e. Erect, place, operate or maintain any improvement within the Site, nor allow to be conducted any business from the Site in violation of the terms of this Lease, or in violation of any regulation, order of law, statute, bylaw or ordinance of a governmental agency having jurisdiction over the Site.
- f. Allow storage in or use of the roadway in a manner that will block CITY access to the Site of the Harbor Maintenance Yard.
- g. Discriminate against any qualified user who desires to store commercial fishing gear at the Site by making the use of the facility available at a reasonable fee to all commercial fishermen on a first come, first serve basis. For the purpose of this Lease a Commercial Fisherman is defined as any person who earned 50% or more of his or her income or at least \$7,500 of his or her income (adjusted annually for inflation based on the Anaheim, Riverside, Los Angeles Consumer Price Index (CPI) per year during either of the previous two years from fishing or diving activities. The CITY may require and TENANT shall provide CITY within 30 days of request by CITY, documentation that proves any user of the Site is a qualified user under the terms of this Lease. No individual may rent directly or indirectly, partially, or wholly more than 2 storage units at any one time.
- h. Allow storage of any items or materials not related to commercial fishing on the Site.
- i. Permit welding, heavy industrial or mechanical repairs on the Site.

8. SIGNS

All signs shall be in accordance with the "Sign Ordinance of the CITY of Morro Bay". "Sign" shall have the meaning set for in said Sign Ordinance. The perimeter fence on the Site shall be conspicuously posted to restrict access beyond the fenced area.

9. GOVERNMENTAL REQUIREMENTS

TENANT shall at all times comply with and shall pay all costs and expenses which may be incurred or required to be paid in order to comply with any and all laws, statutes and ordinances which govern, apply to or are promulgated with respect to the operation and use of the Site by TENANT in connection with its business. So long as TENANT continues to operate and use the Site, TENANT shall comply with each and every requirement of all policies of public liability insurance with TENANT is required to have in force with respect to the Site. The judgment of any court of competent jurisdiction or the admission of TENANT in any action or proceeding against it, whether CITY be a party thereto or not, that TENANT has violated any such ordinance or statute in the use of the Site shall be conclusive of that fact as between CITY and TENANT.

10. TAXES

TENANT acknowledges and agrees this Lease may create a possessory interest subject to property taxation. TENANT agrees to pay and discharge, as additional rent for the Site during the term of this Lease, before delinquency, all taxes (including, without limitation, possessory interest taxes associated with TENANT's interest in the Site and the execution of this Lease), assessments, fees, levies, licenses and permit fees and other governmental charges of any kind or nature whatsoever upon the assessed value of its interest in the Site.

In the event the Site, or any possessory interest therein, is, at any time be, subject to ad valorem taxes or privilege taxes levied, assessed or imposed on such property, TENANT shall only pay taxes upon the assessed value of its interest.

11. ADDITIONAL ALTERATIONS AND REPAIRS

Prior to making any alterations to the Site, TENANT shall obtain the written approval of the CITY's Harbor Director. In addition TENANT will obtain any and all required permits, approvals or authorizations required by all governmental agencies for the proposed alterations or repairs.

12. OWNERSHIP OF IMPROVEMENTS AND SURRENDER OF THE SITE

CITY has constructed and owns all buildings and improvements on the Site at the time of execution of this Lease. All improvements to real property constructed on the Site by TENANT after initial project construction as permitted or required by this Lease shall, during this Lease Term, be and remain the property of TENANT, provided, however, that TENANT shall have no right to waste, destroy, demolish or remove the improvements, and provided, further, that TENANT's rights and powers with respect to the improvements are subject to the terms and limitations of this Lease. Upon termination all improvements, alterations or repairs to the Site shall, at the sole discretion of the CITY either become the property of CITY or be removed at TENANT's expense.

At the expiration or within 90 days after termination of this Lease, for any reason, TENANT will surrender the Site in good order and condition with all storage units vacant and clean. TENANT will fully repair any damage occasioned by removal of trade fixtures, equipment, furniture, alterations or stored items. All trade fixtures, equipment, furniture, alterations or stored items not removed at the expiration date or within 90 days after the termination date will conclusively be deemed to have been abandoned by TENANT and may be appropriated, sold, stored, destroyed or otherwise disposed of by CITY without notice to TENANT or any other person and without obligation to account for them. TENANT waives all claims against CITY for damage to TENANT or it's occupants resulting from CITY retention, storage or disposal of items not removed. TENANT will reimburse CITY for all costs and expenses incurred in connection with CITY disposition of such property, including without limitation the cost of storage or disposal and the cost of repairing any damage to the buildings or the site caused by removal of such property.

13. ASSIGNMENT AND SUBTENANCY

This Lease is personal in nature and may not be assigned or transferred by TENANT for any reasons. CITY may terminate this Lease if TENANT disincorporates or cease operations as an organization or assign its interest to another party. It is anticipated TENANT will directly rent out portions of the Site to numerous parties and TENANT shall not enter into any agreement with any other party to manage or operate the Site without prior approval by the CITY.

14. INSURANCE

TENANT shall provide insurance coverage as set forth in Exhibit C

TENANT shall within ten (10) days after the execution of this Lease and promptly thereafter when any such policy is replaced, rewritten, or renewed, deliver to CITY a true and correct copy of an insurance binder and within 45 days deliver to CITY a true and correct copy of each insurance policy required by this Article and an endorsement to the policy and a certificate executed by the insurance company or companies or their authorized agent evidencing such policy or policies.

Each insurance policy required by this Lease shall contain a provision that it cannot be cancelled for any reason, nor can the coverage or limits be reduced unless twenty (20) days prior written notice of the cancellations or reduction is given to CITY in the manner required by this Lease for service of notices on CITY by TENANT.

15. HOLD HARMLESS

TENANT agrees to investigate, defend, indemnify and hold harmless CITY, Property Owner and each of their employees and agents, from and against any and all losses, damage, liability, claims, demands, detriments, costs, charges and expenses (including attorney's fees) and causes of action whether real or alleged and of whatsoever character, which the CITY may incur due to the actual or alleged negligence of willful misconduct of TENANT or its guests, employees, agents, renters or contractors.

TENANT shall defend, indemnify and hold CITY, Property Owner and each of their officials, agents, employees and volunteers, free and harmless from any and all liability, claims, loss, damages, or expenses resulting from TENANT's occupation, operation or use of said Site, specifically including, without limitation, any liability, claim, loss, damage, or expense arising by reason of:

- (a) The death or injury of any person who is a guest, employee, agent, renter or contractor of TENANT, or by reason of the damage to or destruction of any property, owned by TENANT or by any person who is a guest, employee, agent, renter or contractor of TENANT, from any cause whatever while such person or property is in or on said Site or in any way connected with said Site or with any of the improvements or personal property on said Site;
- (b) The death or injury of any person who is a guest, employee, agent, renter or contractor of TENANT, or by reason of the damage to or destruction of any property, including property owned by TENANT or any person who is a guest, employee, agent, renter or contractor of TENANT, caused or allegedly caused by either (i) the condition of said Site or some building or improvement on said Site, or (ii) some act or omission on said Site of TENANT or any person in, on, or about said Site with or without the permission and consent of TENANT;
- (c) Any work performed on said Site or materials furnished to said Site at the instance or request of TENANT or any person or entity acting for or on behalf of TENANT; or
- (d) TENANT's failure to perform any provision of this Lease or to comply with any requirement of law or any requirement imposed on TENANT or said Site by any duly authorized governmental agency or political subdivision.

16. DESTRUCTION

This Lease shall remain in full force and effect, including TENANT's obligation to pay rent, in all events of destruction to the Site except as outlined below. In the case of partial damage as determined by CITY, TENANT shall use only undamaged portions of the Site while property insurance proceeds are obtained and reconstruction of the damaged or destroyed improvements is made. In the event of partial or full destruction this Lease can be otherwise modified or terminated by the mutual written agreement of CITY and TENANT. CITY shall have no obligation to reconstruct improvements. If the Site is destroyed to the extent that the remainder of the Site cannot be safely or efficiently used as determined solely by CITY, then CITY may terminate this Lease thirty (30) days after the event of destruction.

17. DEFAULT

In the event TENANT fails to perform any agreement, covenant or condition set forth in this Lease and TENANT fails to cure the default within a reasonable time, after receiving written notice of same, but not more than ninety (90) days, as determined by CITY at its sole discretion, this Lease may be terminated upon written notice from CITY. TENANT agrees that safety is a priority concern in this Lease. CITY and TENANT agree that in the case of hazardous or unsafe conditions or in the case of failure to pay rent fifteen (15) days shall be considered a reasonable time to cure a default or this Lease may be subject to termination.

18. NOTICES

Any and all notice or demands by or from CITY to TENANT, or TENANT to CITY, shall be in writing. They shall be served either personally, or by registered or certified mail. Any notice or demand to CITY may be given to:

Harbor Director
CITY of Morro Bay
1275 Embarcadero
Morro Bay, CA 93442

Any notice or demand to TENANT may be given at:

Morro Bay Commercial Fisherman's Organization
PO Box 450
Morro Bay, CA 93443

or to such other address as either party may have furnished to the other in writing as a place for the service of notice. Any notice so mailed shall be deemed to have been given as of the time the same is deposited in the United States mail.

19. UTILITIES

TENANT is responsible for all costs of installation and maintenance and monthly charges for any and all utilities or services required by TENANT at the Site. CITY shall not be liable for the failure of utilities or services to the Site or for payment of any utilities to the Site.

20. PURPOSE AND REQUIREMENTS FOR PROVISION OF A FINANCIAL STATEMENT

CITY and TENANT agree the purpose of this Lease is to provide a non-profit, low-cost, safe and convenient gear storage area for commercial fishermen. TENANT agrees to operate the Site at all times in conformance with that purpose. CITY may require TENANT to supply CITY within thirty (30) days a statement of financial activity including all revenues and expenses and a complete listing of the fee schedule or rental rates attributable to the Site so CITY may be assured that the Site is being operated for the purpose of this Lease.

21. SITE ACCESSIBILITY

TENANT shall provide CITY access to the Site at all times so that CITY may use the Harbor Department Maintenance Yard. TENANT agrees that it will not allow blocking or closing of access to the Harbor Department Maintenance Yard at any time. Failure to provide access at any time shall be cause for termination of this Lease.

22. TERMINATION OF EASEMENT

The easement agreement with Property Owner for this Site allows Property Owner to terminate the easement agreement under certain conditions. If Property Owner terminates the easement agreement for the Site, then CITY shall give TENANT thirty-days' (30-days') notice of termination of this Lease and in no case shall this Lease continue beyond the termination date, for any reason, of the easement agreement between the Property Owner and CITY.

23. OCCUPANCY OF SITE WITH COMMERCIAL FISHING GEAR

TENANT agrees to actively manage the Site at all times so it is fully occupied by commercial fishermen with commercial fishing gear as determined by the CITY. To assure broad based availability the Site shall be rented or leased to a minimum of 10 individuals or business entities at all times. TENANT shall provide a list of all the users in the previous calendar year concurrent with providing the CITY the financial statement required by Section 20, hereof. CITY shall during the entire term of this Lease have the right, upon resolution of the Morro Bay CITY Council, to determine that the Site is not being fully occupied or operated at the required capacity or on broad based availability and that the CITY could more effectively operate the Site for the public benefit. If the CITY Council makes such a determination, CITY and TENANT agree this Lease may be terminated on sixty-days' (60-days') written notice from CITY to TENANT.

24. TERMINATION OF PREVIOUS LEASE AGREEMENT

The parties hereto agree the extended lease agreement dated October 27, 2008 is hereby terminated by mutual agreement effective July 1, 2023.

25. MISCELLANEOUS

- a. In case any one or more of the provisions contained in this Lease shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Lease, but this Lease shall be construed as if such invalid, illegal or unenforceable provisions had not been contained herein.
- b. Nothing in this Lease shall be construed to create any duty to, any standard of care with reference to, or any liability to anyone not a party, except as otherwise expressly provided herein.
- c. Time is of the essence of each and all of the agreements, covenants and conditions of this Lease.
- d. This Lease shall be interpreted in accordance with and governed by the laws of the State of California. The language in all parts of this Lease shall be, in all cases, construed according to its fair meaning and not strictly for or against CITY or TENANT.
- e. This Lease constitutes the entire agreement between CITY and TENANT with respect to the subject matter hereof and supersedes all prior offers and negotiations, oral and written. This Lease may not be amended or modified in any respect whatsoever except by an instrument in writing signed by CITY and TENANT.

IN WITNESS WHEREOF, CITY and TENANT have executed this Lease by proper persons thereunto duly authorized as of the date first hereinabove written.

CITY OF MORRO BAY

MORRO BAY COMMERCIAL FISHERMAN'S ORGANIZATION

By: _____
Carla Wixom, Mayor

By: _____
Tom Hafer, President

ATTEST:

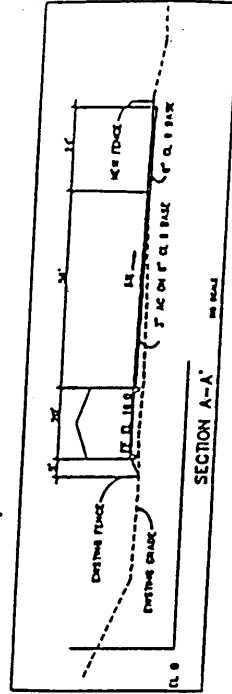
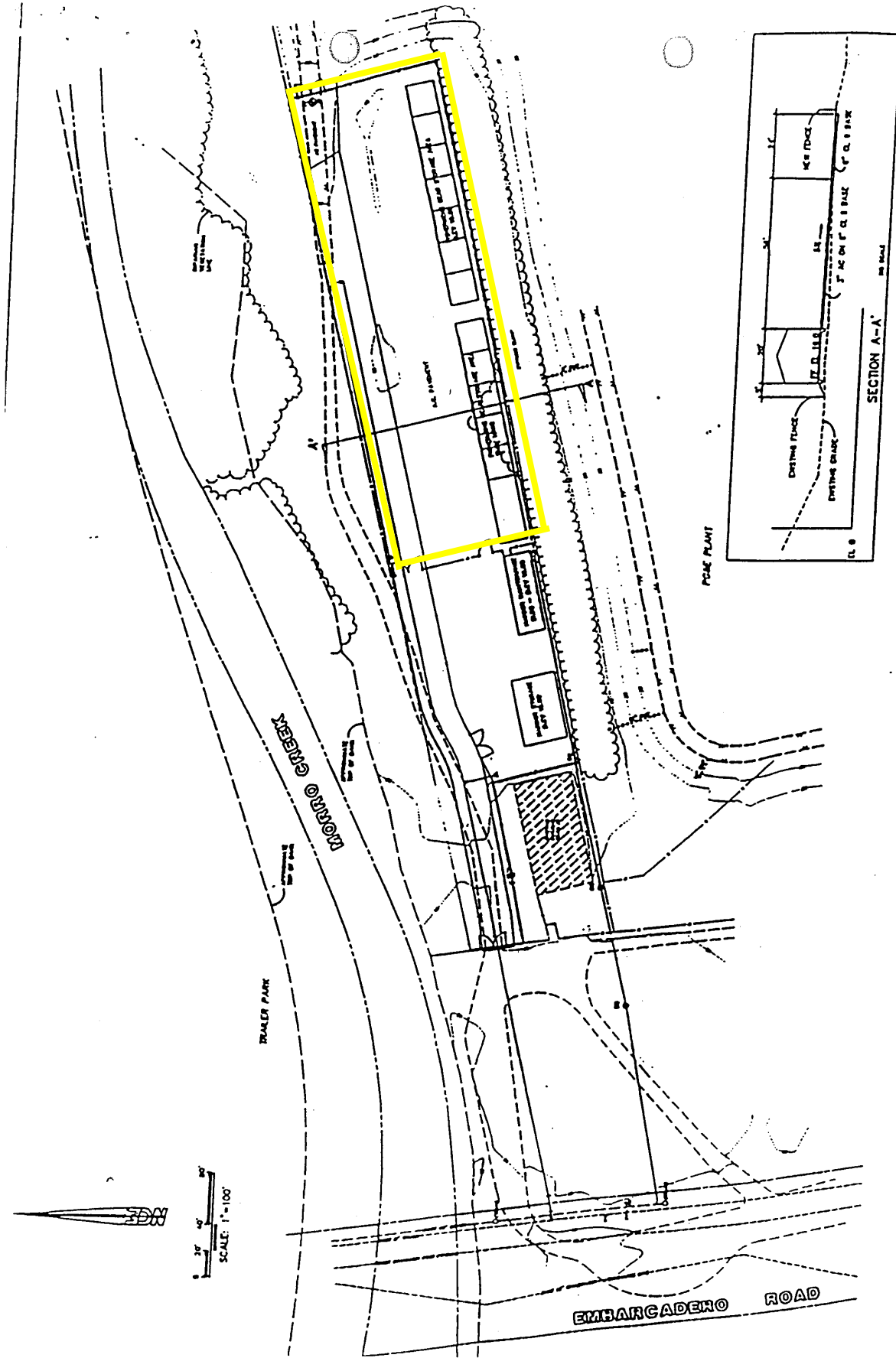
By: _____
Jeremiah O'Brien, Vice President

Dana Swanson, City Clerk

APPROVED AS TO FORM:

Chris Neumeyer, City Attorney

EXHIBIT A



NCE NORTH COAST ENGINEERING INC.
Civil, Structural, Mechanical, Electrical, Plumbing, Energy, and Environmental Engineering

REVISIONS	
NO.	DATE

PRELIMINARY SITE PLAN
FOR
CITY OF MORRIS, TEXAS

- LEGEND**
- EXISTING STRUCTURE
 - EXISTING FLOOR
 - EXISTING CEILING
 - EXISTING WALL
 - EXISTING ROOF
 - EXISTING CURB
 - EXISTING DRIVE
 - EXISTING DRIVE
 - EXISTING DRIVE
 - EXISTING DRIVE

EXHIBIT B

Doc No: 1998-11775

Rpt No: 00015161

LD 2229-10-0437
97181 (JBO) 10-97-1
Morro Bay Power Plant
Gear Storage Area

Official Records
San Luis Obispo Co.
Julie L. Rodewald
Recorder
Mar 04, 1998
Time: 14:55

NF -1 0.00

AFTER RECORDING, RETURN TO:

[6]

TOTAL 0.00

PACIFIC GAS AND ELECTRIC COMPANY
245 Market, N10A, Room 1015
P.O. Box 770000
San Francisco, California 94177

Location: City/Uninc _____
Recording Fee \$ _____
Document Transfer Tax \$ _____
 Computed on Full Value of Property Conveyed, or
 Computed on Full Value Less Liens & Encumbrances
Remaining at Time of Sale

Signature of declarant or agent determining tax

EASEMENT

PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called first party, hereby grants to the CITY OF MORRO BAY, a public body of the State of California, hereinafter called second party, subject to termination as hereinafter provided, the right to construct, reconstruct, maintain and use the existing gear storage area with all necessary improvements therefor, hereinafter called Storage Area, together with a right of way and non-exclusive easement, on, along, and in all of the hereinafter described easement area lying within first party's lands which are situate in the City of Morro Bay, County of San Luis Obispo, State of California, described as follows:

(APN 66-331-24)

Blocks 30B and 30C of the map of Atascadero Beach, recorded July 2, 1917 in Book 2 of Maps at Page 15, San Luis Obispo County Records.

The aforesaid easement area is described as follows:

The parcel of land described in "Exhibit A" attached hereto and made a part hereof.

Second party shall construct, reconstruct, maintain and use said Storage Area at its sole cost and expense.

Second party shall indemnify first party, its officers, agents and employees against all loss, damage, expense and liability resulting from injury to or death of persons, including, but not limited to, employees of first party or second party, or injury to property, including, but not limited to, property of first party or second party arising out of or in any way connected with the exercise of the rights herein granted or the use of said easement area by the public including the exposure to electric and magnetic fields, and any loss, damage, expense, or liability proximately caused or contributed to by the negligence, whether active or passive, of first party, excepting only such loss, damage, expense, or liability as may be caused by the sole negligence or willful misconduct of first party.

In the event that (a) said easement area, or any part thereof, is needed for the construction, reconstruction, maintenance, use or expansion of the Morro Bay Power Plant, and all governmental approvals, if any, have been obtained; provided however, that if no such governmental approvals are required for such construction, reconstruction, maintenance, use or expansion of the Morro Bay Power Plant, then the need of such easement area for Morro Bay Power Plant purposes shall be subject to second party's approval, which shall not be unreasonably withheld or delayed, or (b) if the existing land use for the Morro Bay Power Plant site should change from its current use to any other use, and all governmental approvals, if any, have been obtained for such other use; provided, however, that if no such governmental approvals are required for such other use, then such other use shall be subject to second party's approval, which approval shall not be unreasonably withheld or delayed, first party shall have the right to terminate this grant of right of way and non-exclusive easement by giving second party at least one hundred and eighty (180) days written notice of its intention to do so.

Upon termination of the rights granted herein, second party shall execute and deliver to first party within thirty (30) days after service of written demand therefor, a good and sufficient quitclaim deed to the rights arising hereunder. Should second party fail or refuse to deliver to first party such a quitclaim deed, a written notice by first party reciting the failure or refusal of second party to execute and deliver said quitclaim deed as herein provided and terminating said grant shall, after ten (10) days from the date of recordation of said notice, be conclusive evidence against second party and all persons claiming under second party of the termination of the said grant.

In the event that second party's use of said easement area shall at any time or times necessitate a rearrangement, relocation, reconstruction or removal of any of first party's facilities then existing on said easement area and second party shall notify first party in writing of such necessity, first party shall proceed to effect such rearrangement, relocation, reconstruction or removal and second party agrees to reimburse first party for its actual costs of performing such work.

This non-exclusive easement supersedes any prior leases, licenses or permits between first party and second party respecting said easement area and any such leases, licenses or permits are hereby terminated.

The easement granted in this agreement is non-exclusive, first party retains the right to grant concurrent easement(s) that do(es) not materially and adversely interfere with second party's use and enjoyment of the easement.

In the event that said easement area is no longer used by second party for the purposes herein stated, such easement right herein granted shall terminate upon first party's delivery of written notice to second party.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF the parties hereto have executed these presents this 12th day of January, 19 98.

First Party:
PACIFIC GAS AND ELECTRIC COMPANY

Second Party:
CITY OF MORRO BAY
Accepted:

By Lu de Silva
Lu de Silva
Director, Land Rights and Resource
Management

By Cathy Novak
Cathy Novak, Mayor

By Bridgett Bauer
Bridgett Bauer, City Clerk

Mission Trail Region
Los Padres Division
Auth: 3000221
SBE 135-40-5D, pcl. 2
T29S, R10E, MDB&M
Section 25: SW4 of NW4
Aff: 2229-10-0037
Prepared: JBO

EXHIBIT "A"

Page 1 of 1

That portion of Blocks 30B and 30C of the Map of Atascadero Beach, recorded July 2, 1917 in Book 2, Page 15 of Maps in the Office of the County Recorder of San Luis Obispo County lying in the City of Morro Bay, County of San Luis Obispo, State of California described as follows:

COMMENCING at the intersection of the centerline of "C" Street with the centerline of 79th Street as said streets are designated and so delineated on said Map; thence along the centerline of "C" Street North 08°56'10" West 595.24 feet to a point of intersection of last said centerline with an existing 6 foot high chain link fence, as said fence was surveyed on October 21, 1997, said point also being the **TRUE POINT OF BEGINNING**; thence leaving said fence and continuing along last said centerline North 08°56'10" West 30.17 feet to a point of intersection of last said centerline with an existing 6 foot high chain link fence, as said fence was surveyed on October 21, 1997; thence along last said chain link fence the following 7 courses; (1) North 73°42'45" East 106.42 feet; (2) North 65°04'56" East 89.03 feet; (3) North 74°14'01" East 453.24 feet; (4) South 17°29'48" East 109.98 feet; (5) South 74°10'07" West 535.25 feet; (6) North 16°14'10" West 66.05 feet; and (7) South 73°57'09" West 118.67 feet to the **TRUE POINT OF BEGINNING**.

Containing 1.421 acres more or less.

End of Description



S:\SURVEY\PGEO101\DOCUMENTS\GEAREASE.DOC

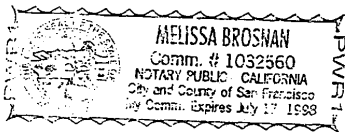
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

On 2/26/98 before me, Melissa Brosnan, Notary Public
personally appeared Lu de Silva,

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the
person(s) whose name(s) is/are

subscribed to the within instrument and
acknowledged to me the he/she/they
executed the same in his/her/their
authorized capacity(ies), and that by
his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of
which the person(s) acted, executed the
instrument.



WITNESS my hand and official seal.

Melissa Brosnan
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

- INDIVIDUAL
- CORPORATE OFFICER

TITLE(S)

TITLE OR TYPE OF DOCUMENT

- PARTNER(S) LIMITED
- GENERAL

NUMBER OF PAGES

- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

DATE OF DOCUMENT

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

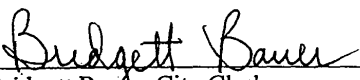
SIGNER(S) OTHER THAN NAMED ABOVE

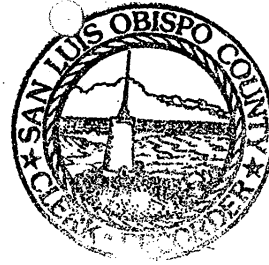
END OF DOCUMENT

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN LUIS OBISPO)

On January 12, 1998, before me, Bridgett Bauer, City Clerk for the City of Morro Bay, personally appeared Cathy Novak, Mayor for the City of Morro Bay, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.


Bridgett Bauer, City Clerk
City of Morro Bay, California



This is a true and correct copy of the record if
it bears the county seal and is printed in
purple ink

Julie L. Rodewald, Clerk-Recorder

MAR 04 1998

By W. A. French Deputy
San Luis Obispo County, California

City of Morro Bay
Insurance Requirements for Lessees

CITY OF MORRO BAY

595 Harbor St.
Morro Bay, CA 93442
(805) 772-6200
FAX (805) 772-7329

INSURANCE REQUIREMENTS FOR LESSEES

Lessee shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the Lessee's operation and use of the leased premises. The cost of such insurance shall be borne by the Lessee.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
2. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance (for lessees with employees).
3. Property insurance against all risks of loss to any tenant improvements or betterments.
4. Insurance Services Office Form Number C A 0001 covering Automobile Liability, code 1 (any auto).

Minimum Limits of Insurance

Lessee shall maintain limits no less than:

1. General Liability: **\$1,000,000** per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be **twice** the required occurrence limit.
2. Employer's Liability: **\$1,000,000** per accident for bodily injury or disease.
3. Property Insurance: Full replacement cost with no coinsurance penalty provision.

Deductibles and Self-Insured Retentions

Updated: 1/6/17
Spec C

City of Morro Bay
Insurance Requirements for Lessees

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees and volunteers; or the Lessee shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

Other Insurance Provisions

The general liability policy is to contain, or be endorsed to contain, the following provisions:

1. The City, its officers, officials, employees, and volunteers are to be covered as insureds with respect to liability arising out of ownership, maintenance or use of that part of the premises leased to the Lessee.
2. The Lessee's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the Lessee's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of section 2782 of the Civil Code.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

Verification of Coverage

Lessee shall furnish the City with original certificates and amendatory **endorsements** effecting coverage required by this clause. The endorsements should be on forms provided by the City or on other than the City's forms, provided those endorsements or policies conform to the requirements. All certificates and endorsements are to be received and approved by the City **before** use of City premises. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

Sub-lessee

Lessee shall include all sub-lessees as insureds under its policies or shall furnish separate certificates and endorsements for each sub-lessee. All coverages for sub-lessees shall be subject to all the requirements stated herein.



AGENDA NO: A-10

MEETING DATE: June 13, 2023

Staff Report

TO: Honorable Mayor and City Council

DATE: May 30, 2023

FROM: Scot Graham, Community Development Director

SUBJECT: Council Authorization to Designate the Community Development Director as Subordinate Officer for Determination of Public Convenience or Necessity for Persons/Premises Applying for an Alcoholic Beverage Control (ABC) License

RECOMMENDATION

Designate the Community Development Director as Subordinate Officer for the purposes of determining the Public Convenience or Necessity (PCN) for persons/premises applying for an ABC license in the City of Morro Bay.

ALTERNATIVES

1. Identify the City Council or other body as the entity to determine PCN for ABC licenses
2. Identify another City Officer as the Subordinate Officer
3. Decline to make a PCN determination reverting the PCN decision to the Department of Alcoholic Beverage Control

FISCAL IMPACT

None

BACKGROUND/DISCUSSION:

In January of 2023, the City of Morro Bay received a letter from the Department of Alcoholic Beverage Control requesting the City identify the entity that will review PCN requests associated with ABC license issuance (See attachment 1).

In 1994, the Legislature added Section 23958.4 to the State Business and Professions Code which provides that cities and counties review certain alcoholic beverage license applications in areas having an "undue concentration" of such beverage licenses. Local jurisdictions are to determine whether public convenience or necessity would be served by the issuance of these licenses and inform the State Department of Alcoholic Beverage Control. It is common for communities with busy commercial districts to exceed the "undue concentration" threshold established by ABC, especially in areas where there are a significant number of restaurants.

The Community Development Department will use the following criteria to make PCN determinations in association with ABC license applications:

1. The PCN request will be routed to the Police Department for review. The Police Department will review the application and determine whether approval of the proposed alcoholic beverage license sought by the retail outlet will have a negative influence on the

Prepared By: <u>SG</u>	Dept Review: <u>SG</u>
City Manager Review: <u>GC</u>	City Attorney Review: <u>LNL</u>

rate of criminal activity in the neighborhood. In making this determination, the Police Department will consider factors such as the incidence of:

- a. Loitering and vandalism.
 - b. Public drinking and drunkenness.
 - c. Illegal drug usage and sales.
 - d. Theft and violent behavior.
2. The Community Development Director will make a determination as to whether the proposed alcoholic beverage license is compatible with neighborhood character and would be of benefit to the neighborhood. In making this determination, the Community Development Director will consider factors such as:
- a. Proximity and number of other retail outlets selling alcohol.
 - b. Proximity of the retail outlet to schools, playgrounds, and other facilities serving young people.
 - c. Proximity of the retail outlet to residential neighborhoods.
 - d. Whether the alcoholic beverage license provides: (1) a wide range of desirable goods and services; or (2) a unique type of goods or services.
3. The Community Development Director will verify that the establishment for which the alcoholic beverage license is requested has no active Building Code or Health Code violations of record, and is permitted by the applicable use regulations of the City's zoning code.

CONCLUSION

The Department of Alcoholic Beverage Control has requested the City of Morro Bay identify the entity responsible for making PCN determinations on ABC license requests. Staff has discussed this request internally, and recommends the Council identify the Community Development Director as the Subordinate Officer for the purposes of determining the Public Convenience or Necessity (PCN) for persons/premises applying for an ABC license in the City of Morro Bay. The ABC license process can often be lengthy, extending the timeframe for a business to open and the proposed process provides a clear and streamlined licensing process for City review.

ATTACHMENT

1. January 25, 2023, Department of Alcoholic Beverage Control letter

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

SAN LUIS OBISPO DISTRICT OFFICE
 3220 S. Higuera Street, Suite 103A
 SAN LUIS OBISPO, CA 93401



January 25, 2023

JAN 27 2023

MORRO BAY CITY COUNCIL
 595 HARBOR ST
 MORRO BAY, CA 93442

Administration

RE: Public Convenience or Necessity
 23958.4 CA Business & Professions Code
 Designation of Subordinate Officer or Body

To Whom It May Concern:

Pursuant to Section 23958 of the California Business and Professions Code (BPC), the Department of Alcoholic Beverage Control (ABC) shall deny an application for a license if issuance would result in or add to an undue concentration of licenses. Section 23958.4 BPC defines what constitutes an “undue concentration” of ABC licenses.

Section 23958.4 further states, with respect to certain license types, e.g., off-sale (types 20,21), public premises (types 42,48), and certain club-type licenses (types 50,51,57), the Department may issue said licenses if the local governing body, or its designated subordinate officer or body, determines that issuance of the license would serve a public convenience or necessity (PCN).

In accordance with the above, the Department of Alcoholic Beverage Control (ABC) is requesting that the local governing body for each jurisdiction complete the applicable section below. With this information the Department will be able to assist our customers with the Public Convenience or Necessity (PCN) process, including but not limited to, which entity to contact for a PCN determination. Please complete one of the below sections and return to the Department of Alcoholic Beverage Control (ABC) so our records may be updated with current information.

- The City Council or Board of Supervisors of the City/County of _____ will make determinations of Public Convenience or Necessity (PCN) for persons/premises applying for an ABC license.
- The City Council or Board of Supervisors of the City/County of Morro Bay has designated the following subordinate officer or body to make determinations of Public Convenience or Necessity (PCN) for persons/premises applying for an ABC license.

Scot Graham, Community Development Director

- The City/County of _____ has declined to make determinations of Public Convenience or Necessity (PCN) for persons/premises applying for an ABC license. Under this circumstance, determinations for Public Convenience or Necessity (PCN) will revert to the Department of Alcoholic Beverage Control (ABC).

Pursuant to Section 23958.4 BPC, if the local governing body, or its designated subordinate officer or body, does not make a determination of Public Convenience or Necessity (PCN) within a period of 90 days, then the authority to make the determination will revert to the Department of Alcoholic Beverage Control (ABC).

Please contact us if you have any questions or concerns.

Sincerely,

Diana Lentz
Diana Lentz
Licensing Manager

Enclosure: 23958 & 23958.4 B.P.

Business & Profession Code § 23958

Upon receipt of an application for a license or for a transfer of a license and the applicable fee, the department shall make a thorough investigation to determine whether the applicant and the premises for which a license is applied qualify for a license and whether the provisions of this division have been complied with, and shall investigate all matters connected therewith which may affect the public welfare and morals. The department shall deny an application for a license or for a transfer of a license if either the applicant or the premises for which a license is applied do not qualify for a license under this division.

The department further shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4.

Business & Profession Code § 23958.4

(a) For purposes of Section 23958, “undue concentration” means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:

(1) The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.

(2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.

(3) As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(1) With respect to a nonretail license, a retail on-sale bona fide eating place license, a retail license issued for a hotel, motel, or other lodging establishment, as defined in subdivision (b) of Section 25503.16, a retail license issued in conjunction with a beer manufacturer’s license, or a winegrower’s license, if the applicant shows that public convenience or necessity would be served by the issuance.

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

If the local governing body, or its designated subordinate officer or body, does not make a determination within the 90-day period, then the department may issue a license if the applicant shows the department that public convenience or necessity would be served by the issuance. In making its determination, the department shall not attribute any weight to the failure of the local governing body, or its designated

subordinate officer or body, to make a determination regarding public convenience or necessity within the 90-day period.

(c) For purposes of this section, the following definitions shall apply:

(1) "Reporting districts" means geographical areas within the boundaries of a single governmental entity (city or the unincorporated area of a county) that are identified by the local law enforcement agency in the compilation and maintenance of statistical information on reported crimes and arrests.

(2) "Reported crimes" means the most recent yearly compilation by the local law enforcement agency of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

(3) "Population within the census tract or census division" means the population as determined by the most recent United States decennial or special census. The population determination shall not operate to prevent an applicant from establishing that an increase of resident population has occurred within the census tract or census division.

(4) "Population in the county" shall be determined by the annual population estimate for California counties published by the Population Research Unit of the Department of Finance.

(5) "Retail licenses" shall include the following:

(A) Off-sale retail licenses: Type 20 (off-sale beer and wine) and Type 21 (off-sale general).

(B) On-sale retail licenses: All retail on-sale licenses, except Type 43 (on-sale beer and wine for train), Type 44 (on-sale beer and wine for fishing party boat), Type 45 (on-sale beer and wine for boat), Type 46 (on-sale beer and wine for airplane), Type 53 (on-sale general for train and sleeping car), Type 54 (on-sale general for boat), Type 55 (on-sale general for airplane), Type 56 (on-sale general for vessels of more than 1,000 tons burden), and Type 62 (on-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement).

(6) A "premises-to-premises transfer" refers to each license being separate and distinct, and transferable upon approval of the department.

(d) For purposes of this section, the number of retail licenses in the county shall be established by the department on an annual basis.

(e) The enactment of this section shall not affect any existing rights of any holder of a retail license issued before April 29, 1992, whose premises were destroyed or rendered unusable as a result of the civil disturbances occurring in Los Angeles from April 29 to May 2, 1992, to reopen and operate those licensed premises.

(f) This section shall not apply if the premises have been licensed and operated with the same type license within 90 days of the application.



AGENDA NO: A-11

MEETING DATE: June 13, 2023

Staff Report

TO: Honorable Mayor and City Council

DATE: June 6, 2023

FROM: Ted Schiafone, Harbor Director

SUBJECT: Adoption of Resolution No. 35-23 Authorizing the City of Morro Bay to Enter into a 2023/2024 Oil Response Equipment Funding Agreement with the Department of Fish and Wildlife’s Office of Spill Prevention and Response (OSPR) in the Amount of Up To \$40,000 for immediate Oil Spill Response Needs in the Morro Bay Harbor

RECOMMENDATION

Staff recommend the City Council adopt Resolution No. 35-23 authorizing the Harbor Director to enter into a FY 2023/2024 Oil Response Equipment Funding Agreement with the Department of Fish and Wildlife’s OSPR in the Amount of up to \$40,000.

ALTERNATIVES

There are no alternatives being offered.

FISCAL IMPACT

Approval of this funding agreement for up to \$40,000 will provide funding for the procurement of such items as a mobile storage trailer, boom, absorbents, anchors, personal protective equipment, and equipment deployment training. No matching funds or out-of-pocket expenses are associated with receiving the equipment grant funding.

BACKGROUND

In order to be considered for the funding proposed, agencies must be at risk of an oil spill occurring in their jurisdiction. Grant awards will be selected based on the following:

- Threat and magnitude of an oil spill in waters of the state
- Proximity to ecological sensitive sites
- The proximity of existing nearby response equipment or personnel
- Ability to deploy spill response equipment

The Harbor Department recently met with the grant coordinator from the Department of Fish and Wildlife Office of Spill Prevention and Response, and it was determined that the Harbor Department is qualified to apply for the oil spill response equipment grant. The acceptance letter from OSPR is attached to this staff report.

DISCUSSION:

As stewards of the harbor and ocean environment, these types of grants enable the Harbor Department to continue to provide the utmost and immediate response needed in an emergency to

Prepared By: LS

Dept Review: TS

City Manager Review: GC

City Attorney Review: CFN

preserve the pristine nature of the bay and protect our local resources.

The funding would provide up to an additional \$40,000 to the Harbor's operating budget for the FY 23/24.

CONCLUSION

Staff recommend that the City Council adopt Resolution No. 35-23 accepting up to a \$40,000 Oil Response Equipment Funding grant.

ATTACHMENTS

1. Resolution No. 35-23
2. OSPR Grant Award Letter

RESOLUTION NO. 35-23

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
AUTHORIZING THE CITY OF MORRO BAY TO ENTER
INTO A 2023/2024 OIL RESPONSE EQUIPMENT GRANT FUNDING AGREEMENT
WITH THE DEPARTMENT OF FISH AND WILDLIFE'S OFFICE OF SPILL
PREVENTION AND RESPONSE IN THE AMOUNT OF \$40,000.00**

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

WHEREAS, City of Morro Bay (City) applied for an Office of Spill Prevention and Response (OSPR) equipment Funding Grant in the Amount of \$40,000.00; and

WHEREAS, OSPR awarded the City the funding grant in the amount of up to \$40,000.00, which will allow the City the ability to utilize the funds as deemed necessary to purchase such items as a mobile storage trailer, boom, absorbents, anchors, personal protective equipment, and equipment deployment training; and

WHEREAS, the funding will enable the Harbor Department to continue to provide upmost and immediate response needed in an emergency to preserve the pristine nature of the bay and protect our local resources; and

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

1. The City is hereby authorized to enter into a FY 2023/2024 OSPR oil response equipment grant agreement in the amount of up to \$40,000.00 for oil spill equipment, supplies and training.
2. Harbor Director, or designee, is hereby authorized to act as the City's agent in regard to all aspects of the grant contract agreement, including but not limited to execution of a grant contract agreement and related documents.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 13th day of June 2023 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

CARLA WIXOM, Mayor

ATTEST:

DANA SWANSON, City Clerk



State of California -The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Office of Spill Prevention and Response
1010 Riverside Pkwy
West Sacramento, California 95605
Telephone: (916) 616-4515
www.wildlife.ca.gov

Gavin Newsome, Governor
CHARLTON H. BONHAM, Director



April 5, 2023

Morro Bay Harbor District
1275 Embarcadero
Morro Bay, CA 93442

Dear Becka Kelly:

The Department of Fish and Wildlife's Office of Spill Prevention and Response (OSPR) has awarded the City of Morro Bay Harbor District an Oil Spill Response Equipment Grant of up to \$40,000 for the purchase of oil spill response equipment. The equipment will provide the City of Morro Bay Harbor District with the ability to respond to the immediate needs of an oil spill.

The City of Morro Bay Harbor District shall own the equipment and may use it without obligation or limitation. The equipment will include, but not be limited to, a mobile trailer, 600-1,000 feet of containment boom (4x6), absorbent materials, personal protective equipment, and a boom deployment-training course.

I look forward to working with you and your organization towards finalizing the Response Equipment Grant by August 1, 2023. If you have any questions, please feel free to e-mail me at cindy.murphy@wildlife.ca.gov or reach me by phone at (916) 616-4515.

Very respectfully,

Cindy Murphy
Local Government Outreach & Grants Coordinator
California Department of Fish and Wildlife
Office of Spill Prevention and Response



AGENDA NO: B-1
MEETING DATE: June 13, 2023

Staff Report

TO: Honorable Mayor and City Council **DATE:** June 13, 2023
FROM: Janeen Burlingame, Management Analyst
SUBJECT: Public Hearing to Report on Delinquent Solid Waste Collection Accounts and Adopt Resolution No. 36-23 Authorizing San Luis Obispo County Assessor to Assess Amounts Due on Delinquent Solid Waste Collection Accounts as Tax Liens Against the Properties

RECOMMENDATION

Staff recommends the City Council conduct a public hearing to receive the report on delinquent solid waste collection fees, hear any objections or protests to the report, authorize the addition of the City's 2% administration fee to the delinquent fees, and adopt Resolution No. 36-23 authorizing the San Luis Obispo County Tax Assessor to assess amounts due on delinquent solid waste collection accounts as tax liens against the properties. Pursuant to California Health and Safety Code Section 5473, this Resolution should be adopted by a two-thirds vote of the members of the City Council.

FISCAL IMPACT

The City will receive the 10% franchise fee per the Garbage, Recycling, & Green Waste Agreement on all liens paid in addition to a 2% administrative fee for costs associated with the processing of the liens with the San Luis Obispo County Assessor. Revenue to be received by the City (just for the collection of delinquent accounts, administrative fee thereon, and attendant franchise fee revenue remittable from the hauler on such delinquencies) will be \$273.01.

BACKGROUND

Per the Garbage, Recycling, & Green Waste Agreement, between the City and Waste Connections (operating as Morro Bay Garbage Service), the City Council establishes solid waste collection fees and Morro Bay Garbage Service (MBGS) bills for and collects these fees from residential and commercial customers.

Morro Bay Municipal Code (MBMC) §8.16.170 and §8.16.375 establish all places and premises in the City in or on which solid waste is created, accumulated or produced must use the solid waste collection and disposal service provided by the City's franchisee (MBGS).

MBMC §8.16.170 also states, for the purposes of establishing responsibility for the payment of fees and charges, the person who has applied for water service within the City is responsible for paying for the solid waste service. In addition, the owner of the property, which is furnished solid waste service, if different from that water customer, is jointly responsible for the payment of all solid waste rates, charges and fees, including penalties. Any unpaid obligations shall run with the land and lead to delinquency for the property involved.

MBMC §8.16.385 addresses delinquent solid waste accounts held by the City's franchisee, and

Prepared By: J Burlingame Dept Review: __GK__
City Manager Review: __GC__ City Attorney Review: __LNL__

defines the methodology related to collecting those debts including the preparation of a list of property owners whose accounts are more than 120 days past due, sending a certified letter to the property owner requesting payment within 45 calendar days, and presenting to the City a list of property owners that have failed to make the requested payment by the due date.

Government Code §38790.1 states any city collecting garbage fees or charges may collect delinquent fees or charges in the manner provided in Government Code §25831. Additionally, Health and Safety Code §5473 states a two-thirds majority vote of the City Council would be needed to have the hauler service delinquent charges be collected on the tax roll. These code sections detail activities that need to be performed when doing so, including at least once a year the preparation of and filing with the City a report on delinquent fees describing each real property parcel receiving solid waste collection services and the charges for each parcel; the City fixing a time, date, and place for hearing the report and any objections or protests to said report; and mailing a notice of the hearing to property owners listed on the report 10 days prior to the date of the hearing.

After conducting the public hearing to receive the report on delinquent solid waste collection fees and any objections or protests of the property owners liable for the delinquent solid waste fees, the City Council is then requested to confirm the delinquent fees presented in the report, authorize adding to those delinquent fees the City's 2% administration fee, and authorize the San Luis Obispo County Assessor to assess those amounts due on the delinquent accounts with the City's administration fee as liens against the property.

Should the City Council authorize the County Assessor to assess the delinquent solid waste and City administration fees as tax liens against the properties, staff will prepare a Direct Charge/Special Assessment packet and submit those charges to the Assessor for the upcoming 2023-24 tax roll year. As part of this packet preparation, staff will confirm with MBGS whether any of the delinquent fees were paid in between the time the City was provided the final lien list from MBGS and this public hearing. Any property that has paid its delinquent fees during that time will be removed from the list of properties with delinquent charges in the Direct Charge/Special Assessment packet. The County Assessor will collect the assessed lien amounts added to the tax roll and remit them to the City after taxes are paid to the Assessor.

DISCUSSION

MBGS has taken the actions prescribed within the MBMC §8.16.385 to collect delinquent solid waste collection accounts and on May 26, 2023 submitted to the City a list of delinquent solid waste collection accounts that did not pay by the due date after being properly noticed so that City staff could report these delinquent fees to the City Council and request authorization of the San Luis Obispo County Assessor to assess these amounts due as tax liens against the properties.

The properties listed in the report submitted to the City were Assessor Parcel Numbers (APN):

Parcel Number	Total Amount
068-257-003	\$ 422.20
068-249-030	\$ 296.07
066-201-027	\$ 345.33
066-152-003	\$ 303.81
068-395-003	\$ 248.05
065-061-024	\$ 255.75
068-321-004	\$ 111.42
066-081-015	\$ 292.47

The amounts reported to the City do not include the 2% administration fee assessed by the City for costs associated with the processing of the liens with the San Luis Obispo County Assessor. With the addition of the administration fee, the total fees staff recommends the City Council authorize the San Luis Obispo County Assessor to assess as tax liens against the above two properties is as follows:

Parcel Number	Total Amount
068-257-003	\$ 430.64
068-249-030	\$ 302.00
066-201-027	\$ 352.24
066-152-003	\$ 309.90
068-395-003	\$ 253.02
065-061-024	\$ 260.88
068-321-004	\$ 113.66
066-081-015	\$ 298.32

Per the Government Code and Health and Safety Code, on June 1, 2023 staff sent letters by certified mail notifying the property owners for the APNs listed above of the City Council public hearing date, time, and location, to receive the report of delinquent solid waste fees as well as any objections or protests to said report.

CONCLUSION

MBGS has gone through the process outlined in the MBMC and submitted the final list of property owners that failed to make the requested payment by the due date. In addition, City staff has gone through the process outlined in the Government Code by setting a hearing date to report to the City Council on delinquent solid waste fees, presenting to Council this report on delinquent fees, and notifying the affected property owners of the date, time, and location of the public hearing not less than 10 days prior to the hearing date.

Staff recommends the City Council conduct a public hearing to receive the report on delinquent solid waste collection fees, hear any objections or protests to the report, authorize the addition of the City’s 2% administration fee to the delinquent fees, and adopt Resolution No. 36-23 authorizing the San Luis Obispo County Assessor to assess amounts due on delinquent solid waste collection accounts as tax liens against the properties.

ATTACHMENTS

1. Resolution No. 36-23
2. Lien List Report from MBGS

RESOLUTION NO. 36-23

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
AUTHORIZING THE SAN LUIS OBISPO COUNTY ASSESSOR
TO ASSESS AMOUNTS DUE ON DELINQUENT
SOLID WASTE COLLECTION AND DISPOSAL ACCOUNTS AS
TAX LIENS AGAINST THE PROPERTIES
PURSUANT TO GOVERNMENT CODE SECTIONS 38790.1 AND 25828**

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

WHEREAS, Government Code section 38790.1 states “any city collecting garbage fees or charges may collect delinquent fees or charges in the manner provided in Section 25831 for counties;” and

WHEREAS, Government Code section 25831 states that at least once a year, a report shall be prepared of delinquent fees, and the City shall fix a time, date, and place for hearing the report and any objections or protests to the report; and

WHEREAS, the City send by certified mail notice of the hearing to the landowners listed on the report not less than 10 days prior to the date of the hearing; and

WHEREAS, at the hearing, the Council shall hear any objections or protests of landowners liable to be assessed for delinquent fees and may make revisions or corrections to the report as it deems just; and

WHEREAS, Sections 8.16.170 and 8.16.375 of the Morro Bay Municipal Code (MBMC) establish all places and premises in the City in or on which solid waste is created, accumulated or produced must use the solid waste collection and disposal service provided by the City's franchisee and the franchisee is responsible for collecting fees for the service; and

WHEREAS, Subsections 8.16.170 C. and D. of the MBMC states, for the purposes of establishing responsibility for the payment of fees and charges, the customer, who has applied for water service within the City and the owner of the property, which is furnished solid waste service, if different from that customer, shall jointly be responsible for the payment of all rates, charges and fees including penalties and unpaid obligations shall run with the land and shall lead to delinquency for the property involved; and

WHEREAS, Section 8.16.385 of the MBMC further provides a method by which the franchisee may take actions to collect fees from the owners of properties involved in delinquent solid waste collection and disposal accounts which includes requesting the City to file a tax lien; and

WHEREAS, the franchisee, Morro Bay Garbage Service, has taken the actions required within the MBMC to collect fees from delinquent accounts as certified by franchisee and incorporated herein, and has provided the required list of debtors whose account is still delinquent; and

WHEREAS, City staff has taken actions required within the Government Code and Health and Safety Code sections 5470 *et seq.* to prepare a report on delinquent solid waste fees, set a hearing date for the City Council to hear the report and any objections or protests to said report,

and sent by certified mail notice of the hearing to the landowners listed on the report not less than 10 days prior to the date of the hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, pursuant to Government Code sections 38790.1 and 25831, Government Code sections 5470 et seq., and MBMC section 8.16.385:

1. After conducting the public hearing to hear the report of delinquent solid waste collection fees and any objections or protests of landowners liable on the report on delinquent solid waste fees, the delinquent fees as reported below are confirmed:

Parcel Number	Total Amount
068-257-003	\$ 422.20
068-249-030	\$ 296.07
066-201-027	\$ 345.33
066-152-003	\$ 303.81
068-395-003	\$ 248.05
065-061-024	\$ 255.75
068-321-004	\$ 111.42
066-081-015	\$ 292.47

2. The San Luis Obispo County Assessor is hereby authorized to assess the amounts due on delinquent accounts, as established and certified by the franchisee Morro Bay Garbage Service as liens against the properties listed below with the additional 2% City administration fee added:

Parcel Number	Total Amount
068-257-003	\$ 430.64
068-249-030	\$ 302.00
066-201-027	\$ 352.24
066-152-003	\$ 309.90
068-395-003	\$ 253.02
065-061-024	\$ 260.88
068-321-004	\$ 113.66
066-081-015	\$ 298.32

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 13th day of June 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

CARLA WIXOM, Mayor

ATTEST:

DANA SWANSON, City Clerk

Janeen Burlingame

From: Amber Castro <Amber.Castro@WasteConnections.com>
Sent: Friday, May 26, 2023 6:19 AM
To: Janeen Burlingame
Subject: Tax Lien File
Attachments: MB-Final May 2023.xls

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Good morning Janeen,

Attached is the file for our tax lien customers this year. Please let me know if you should need anything else.

Thank you,

Amber Castro
Collections Administrator

**San Luis Garbage
South County Sanitary
Mission Country Disposal
Morro Bay Garbage
Coastal Rolloff**

4388 Old Santa Fe Rd
Office: 805-783-4495
Fax: 805-543-0620



- SAN LUIS GARBAGE
- SOUTH COUNTY SANITARY
- MISSION COUNTRY DISPOSAL
- MORRO BAY GARBAGE
- COASTAL ROLLOFF

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Cust No.	Customer Name	Parcel No.	Service Address	Bill Name	Bill Address	CITY,ST, ZIP	>120 Day	Fin Chrg	Total
		068-257-003					333.82	88.38	422.20
		068-249-030					269.35	26.72	296.07
		066-201-027					186.27	159.06	345.33
		066-152-003					233.81	70.00	303.81
		068-395-003					183.05	65.00	248.05
		065-061-024					200.75	55.00	255.75
		068-321-004					41.42	70.00	111.42
		066-081-015					262.47	30.00	292.47
							1,710.94	564.16	2,275.10

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AGENDA NO: C-1

MEETING DATE: June 13, 2023

Staff Report

TO: Honorable Mayor and City Council

DATE: June 13, 2023

FROM: Greg Carpenter, Interim City Manager

SUBJECT: Adoption of Resolution No. 37-23 Appointing Yvonne Kimball as City Manager and Approving a City Manager Employment Agreement Between the City of Morro Bay and Yvonne Kimball

RECOMMENDATION

Staff recommends the City Council adopt Resolution No. 37-23 appointing Yvonne Kimball as the City Manager of the City of Morro Bay and approve an employment agreement between the City of Morro Bay and Yvonne Kimball.

ALTERNATIVES

There are no recommended alternatives.

FISCAL IMPACT

See the attached Employment Contract. The salary range is within the established City salary schedule for 2023/2024 and the cost of the City Manager's compensation and benefits is budgeted for in the City's fiscal year 2023/24 budget.

BACKGROUND/SUMMARY

The recruitment process to assist the City Council with the recruitment of a permanent City Manager was initiated on February 27, 2023, when a contract was signed with Mosaic Public, a public employee executive search firm. Mayor Wixom and Councilmember Edwards formed a subcommittee to work with Mosaic Public. The recruitment process involved advertising the position widely, reviewing applications, conducting interviews, selecting the most qualified candidates for further consideration, and a thorough background and reference check.

After a careful review of 41 applications received, the City Council conducted interviews in closed session with six candidates on May 4, 2023. Following the initial interviews, two finalists were selected to proceed to the next stage. On the second day of interviews, the finalists participated in a series of panel interviews with community members, local City Managers, and the City's Executive team. Their input and feedback were instrumental in providing valuable insights to the City Council during the decision-making process.

Prepared By: RH

Dept Review:

City Manager Review: GC

City Attorney Review: MH

Yvonne Kimball emerged as the top candidate following a comprehensive evaluation of qualifications, experience, and alignment with the needs of the City of Morro Bay. Her extensive experience in city management, proven track record of successful leadership, and commitment to community engagement were key factors that set her apart from other candidates.

Yvonne currently serves as the City Manager for Jackson, CA, a position she has held since August 2017. In her role, she has overseen various operations, managed budgets, implemented capital improvement projects, and fostered economic development within the community. Yvonne's accomplishments demonstrate her ability to drive positive change and successfully navigate the complexities of municipal governance.

Key elements of Yvonne Kimball’s Employment Contract include:

Start Date	August, 14, 2023
Salary	\$217,474 annually, Step 4 of the City Manager salary range.
Health Insurance Benefits	City pays full family coverage for PERS Platinum.
Dental and Vision Insurance	City pays full family coverage for MetLife Dental and Vision.
Car Allowance	\$600 auto allowance monthly to equal \$7,200 annually
Deferred Compensation	City to match employee contributions up to \$5,000 per year.
Vacation	160 hours annually, accrued pro rata per pay period.
Administrative Leave	80 hours annually.
Retirement	CalPERS PEPPRA, 2% @ age 62.
Severance	Payment of 6 months' salary if terminated without cause, contingent upon execution of general release. Payment of 9 months' salary if within 90 days of an election, contingent upon execution of general release.

CONCLUSION

It is recommended that the City Council adopt Resolution No. 37-23 appointing Yvonne Kimball as the new City Manager for the City of Morro Bay, effective August 14, 2023, and approving the City Manager Employment Agreement.

ATTACHMENTS

1. Resolution No. 37-23
2. Employment Contract
3. Resume for Yvonne Kimball

RESOLUTION NO. 37-23

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
APPOINTING YVONNE KIMBALL AS CITY MANAGER AND
APPROVING A CITY MANAGER EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF MORRO BAY
AND YVONNE KIMBALL**

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

WHEREAS, Morro Bay Municipal Code section 2.12.010 creates and establishes the office of the city manager and provides that the city manager shall be appointed by the City Council wholly on the basis of their administrative and executive ability and qualifications and shall hold office for and during the pleasure of the City Council; and

WHEREAS, the City Council has been actively recruiting for the city manager position; and

WHEREAS, as a result of this active search and recruitment, the City has identified Yvonne Kimball, who possesses the experience, qualifications, knowledge, skills and abilities to serve as the permanent city manager; and

WHEREAS, pursuant to California Government Code Section 34851, the City Council shall fix the compensation of all appointive officers and employees by resolution and such officers and employees shall hold office at the pleasure of the City Council; and

WHEREAS, the city manager shall receive such salary and benefits as set forth in an employment agreement between the City Council and city manager which shall be approved by this resolution.

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

Section 1. The City Council finds that the above recitals are true and correct and, accordingly, are incorporated herein as findings and a material part of this Resolution.

Section 2. Yvonne Kimball is hereby appointed as the city manager of the City of Morro Bay beginning August 14, 2023.

Section 3. The City Manager Employment Agreement between the City of Morro Bay and Yvonne Kimball, a copy of which is attached hereto as an attachment, is approved.

Section 4. The Mayor is authorized to execute the City Manager Employment Agreement on behalf of the City subject to City Attorney approval as to form.

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Section 5. This Resolution shall immediately take effect upon passage.

PASSED AND ADOPTED by the City Council of the City of Morro Bay California at a regular meeting held on 13th day of June 2023 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

Carla Wixom, Mayor

ATTEST:

Dana Swanson, City Clerk

CITY OF MORRO BAY

CITY MANAGER EMPLOYMENT AGREEMENT

This CITY MANAGER EMPLOYMENT AGREEMENT (hereinafter referred to as the “AGREEMENT”) is entered into the 13th day of June, 2023, by and between the CITY OF MORRO BAY, a general law city and municipal corporation (hereinafter referred to as the “CITY”) and Yvonne Kimball, an individual (hereinafter referred to as “EMPLOYEE”). For purposes of this AGREEMENT, CITY and EMPLOYEE may be collectively referred to as the “Parties” or individually as a “Party.”

RECITALS

WHEREAS, California Government Code section 34852 provides that an ordinance establishing a city manager form of government shall define the powers and duties of the city manager; and

WHEREAS, the duties of the city manager of the CITY are set forth in full in Morro Bay Municipal Code (“MBMC”) sections 2.12.060 through 2.12.220 and in Exhibit “A” to this AGREEMENT; and

WHEREAS, pursuant to MBMC section 2.12.010, “[t]he city manager shall be appointed by the city council wholly on the basis of [her] administrative and executive ability and qualifications and shall hold office for and during the pleasure of the city council[;]” and

WHEREAS, the City Council of the City of Morro Bay (hereinafter the "City Council") has determined that EMPLOYEE has the required executive and administrative qualifications and ability along with the level of education, experience, skills and expertise to serve as the city manager of the CITY.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the CITY and EMPLOYEE hereby agree as follows:

AGREEMENT

1.0 EMPLOYMENT & DUTIES

1.1 Duties. The City Council hereby appoints EMPLOYEE as the City Manager for the CITY to perform the functions and duties of that position, as described in Exhibit “A” to this AGREEMENT, Morro Bay Municipal Code §§ 2.12.060 through 2.12.220, the California Government Code, and such other legally permissible and proper duties and functions as the City Council shall, from time to time, direct or assign to EMPLOYEE. CITY reserves the right to amend Morro Bay Municipal Code Chapter 2.12, including §§ 2.12.060 through 2.12.220, which define city manager functions and duties, as it deems necessary and appropriate, without requiring EMPLOYEE’s acquiescence or an amendment of this AGREEMENT. EMPLOYEE agrees to perform all such functions and duties to the best of her ability and in an efficient, competent, and ethical manner.

1.2 Work Schedule. It is recognized that the City Manager is expected to engage in the hours of work that are necessary to fulfill the obligations of the position, must be available at all times, and must devote a great deal of time outside the normal office hours to the business of the CITY. EMPLOYEE acknowledges that proper performance of the duties of city manager will require EMPLOYEE to generally observe normal business hours (currently 8:00 a.m. to 5:00 p.m., Monday through Friday, including a standard one-hour lunch period), as set by the CITY and as may be duly revised from time-to-time by the CITY, and will also often require the performance of necessary services outside of normal business hours. EMPLOYEE's compensation (whether salary or benefits) is not based on hours worked.

1.3 FLSA Exempt Status. EMPLOYEE acknowledges and agrees that the city manager position is that of an "exempt" classification under the overtime provisions of the federal Fair Labor Standards Act ("FLSA") and EMPLOYEE shall not be entitled to any compensation for overtime nor subject to such overtime provisions of the FLSA.

1.4 Other Activities. EMPLOYEE shall focus her professional time, ability, and attention to the CITY's business during the term of this AGREEMENT. EMPLOYEE shall not engage, without the express prior written consent of the City Council, in any other business duties or pursuits whatsoever, or directly or indirectly render any services of a business, commercial, or professional nature to any other person or organization, whether for compensation or otherwise, that is or may be competitive with the CITY, that might cause a conflict-of-interest with the CITY, or that otherwise might interfere with the business or operation of the CITY or the satisfactory performance of the functions and duties of the city manager.

1.5 Employment Status. EMPLOYEE shall serve at the will and pleasure of the City Council and understands that she shall be an "at-will" employee and shall be subject to summary dismissal without any right of notice or hearing, including any so-called due process pre-disciplinary "Skelly" hearing. The CITY may terminate EMPLOYEE at any time in accordance with Section 3.4 below.

1.6 Exemption from Personnel System. MBMC §2.32.040(A) expressly exempts the "city administrator" position, which position is now also known as the city manager position, from the CITY's Personnel System established in MBMC Chapter 2.32. EMPLOYEE understands, acknowledges and agrees that EMPLOYEE is exempt from the CITY's Personnel System.

1.7 CITY Documents. All data, studies, reports and other documents prepared by EMPLOYEE while performing her duties during the term of this AGREEMENT shall be furnished to and become the property of the CITY, without restriction or limitation on their use. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other materials either created by or provided to EMPLOYEE in connection with the performance of this AGREEMENT shall be held confidential by EMPLOYEE to the extent permitted by applicable law, except as may be required by any governmental agency or court of competent jurisdiction. Such materials shall not be used by EMPLOYEE, without the prior written consent of the City Council, for any purposes other than the performance of EMPLOYEE's duties. Additionally, no such materials may be disclosed to any person or entity not connected with the performance of services under this AGREEMENT,

except as required by law, any governmental agency, subpoena, or an order issued by a court of competent jurisdiction.

1.8 ICMA Code of Ethics. The Parties mutually desire for EMPLOYEE to be subject to and comply with the International City Management Association (“ICMA”) Code of Ethics as described in Exhibit “B” to this AGREEMENT. EMPLOYEE commits to comply with the ICMA Code of Ethics. The CITY and the City Council agree that the City Council will not require that EMPLOYEE violate the ICMA Code of Ethics as part of her employment with the CITY.

2.0 COMPENSATION AND REIMBURSEMENT

2.1 Base Salary Steps. For the services rendered pursuant to this AGREEMENT, the CITY has adopted the following five step salary range for the position of city manager effective July 1, 2023 pursuant to the City’s fiscal year 2023-2024 salary schedule:

<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
\$201,946	\$206,995	\$212,170	\$217,474	\$222,911

2.2 Current Base Salary. EMPLOYEE shall receive Step 4 of the salary range for the position of city manager, which is currently Two Hundred Seventeen Thousand Four Hundred Seventy Four Dollars (\$217,474.00), as her annual base salary for the city manager position (“Salary”) which shall be paid on a pro-rated basis bi-weekly at the same time as other employees of the CITY are paid. Such Salary shall be subject to normal and proper withholdings as determined by state and federal law and as determined appropriate by the City Council and shall be subject to payroll taxes, workers’ compensation, and other payroll-related liability costs.

2.3 Salary Review. Following the performance evaluations set forth in Section 5.2 hereof and based on the results of those performance evaluations, the City Council may, in its sole discretion, increase EMPLOYEE’s base salary to the next step. Any adjustments in the base salary following the annual performance evaluation under Section 5.2 are not automatic and instead shall be at the sole discretion of the City Council.

2.4 Business Expense Reimbursements. CITY shall reimburse EMPLOYEE for reasonable and necessary travel, subsistence, and other CITY related business expenses incurred by EMPLOYEE in the performance of her duties. All reimbursements shall be subject to and in accordance with California law, the CITY’s adopted policies, and IRS rules for reporting compensation through payroll or reimbursement through accounts payable.

3.0 TERM

3.1 Commencement and Effective Date. EMPLOYEE shall commence service as the city manager for the CITY effective August 14, 2023, which date shall also be deemed the effective date of this Agreement (“Effective Date”).

3.2 Term. CITY hereby employs EMPLOYEE indefinitely on an at-will basis until her services are terminated as provided for herein.

3.3 Termination by EMPLOYEE. EMPLOYEE may terminate this AGREEMENT at any time, provided EMPLOYEE provides the City Council with at least thirty (30) days' advance written notice. In the event EMPLOYEE terminates this AGREEMENT, EMPLOYEE expressly agrees that EMPLOYEE shall not be entitled to any severance pay.

3.4 Termination by CITY. The City Council may terminate this AGREEMENT at any time with or without cause, by providing written notice of the reason(s). The City Council's right to terminate EMPLOYEE pursuant to this Section 3.4 shall not be subject to or in any way limited by the CITY's Personnel Rules and Regulations, or any subsequent related resolutions, or past CITY practices related to the employment, discipline or termination of the CITY's employees. Nothing herein shall be construed to create a property interest, where one does not exist by rule of law in the position of city manager.

(a) Termination by CITY for Cause. The CITY may terminate this AGREEMENT at any time by providing EMPLOYEE with five (5) business days' written notice of the termination for cause and the facts and grounds constituting such cause. The term "cause" shall be defined to include any substantial and material misconduct related to performance of official duties, including but not be limited to any of the following: (1) willful or persistent material breach of duties or inattention to duties, (2) résumé fraud or other acts of material dishonesty, (3) unauthorized or excessive absence or leave, (4) conviction of a misdemeanor involving moral turpitude (i.e., offenses contrary to justice, honesty, or morality) or abuse of position as city manager, (5) conviction of a felony under California law, (6) willful and substantiated violation of federal, state or CITY discrimination and harassment laws/policies concerning race, religious creed, color, national origin, ancestry, physical handicap, marital status, sexual orientation, sex or age against a City official or employee, (7) violation of state law or the CITY's Municipal Code or ordinances, rules, and regulations, (8) use or possession of illegal drugs in violation of state law and/or CITY policy, (9) continued abuse of non-prescription drugs or alcohol that materially affects the performance of required duties as city manager, (10) engaging in conduct unbecoming for a public official or which brings disrepute to the CITY, (11) any illegal or unethical act involving personal gain, including conviction of theft or attempted theft, (12) EMPLOYEE's significant mismanagement of CITY finances, including act of using public funds such as donations to pay for unauthorized personal expenses, or similar acts, (13) any pattern of repeated, willful and intentional insubordination of the City Council, or (14) gross misfeasance or gross malfeasance. The term "cause" shall not be defined to include: (1) trivial misconduct; (2) immaterial misconduct; or (3) the mere loss of support or confidence by a majority of the City Council. For any of the foregoing, the CITY may, in its discretion, place EMPLOYEE on paid or unpaid administrative leave until resolution. If the CITY terminates for cause this AGREEMENT and the services of EMPLOYEE hereunder, the CITY shall have no obligation to pay EMPLOYEE any severance.

(b) Termination by CITY Without Cause. By providing EMPLOYEE at least thirty (30) days' prior written notice thereof, the CITY may terminate EMPLOYEE without cause but rather based upon management reasons such as implementing the CITY's goals or policies, including but not limited to: i) change of administration, or ii) incompatibility of

management styles. Termination without cause shall also include: a) a formal written request from three or more members of the City Council that the EMPLOYEE resign as City Manager; b) the elimination of the City Manager's position; c) a unilateral reduction in salary or other financial benefits of the EMPLOYEE. In the event EMPLOYEE is terminated without cause, EMPLOYEE expressly agrees that EMPLOYEE shall not be entitled to any severance pay as the result of the termination of this AGREEMENT **except as provided in Section 4.1 below.**

3.5 Waiver of Certain Discipline and Termination Rights. Except for the right under Government Code §54957(b) to have complaints or charges against an employee heard in a public session upon the employee's request, EMPLOYEE expressly waives any rights afforded under CITY's Personnel Rules and Regulations, and any rights afforded to EMPLOYEE under the Morro Bay Municipal Code (including Sections 2.12.230 and 2.12.240) or under State or Federal law, to any form of pre- or post- discipline or termination hearing, appeal, or other administrative process pertaining to discipline or termination, except those rights EMPLOYEE may have under the California or United States constitutions to a name-clearing hearing.

3.6 Limitation on Termination Following Election. Notwithstanding the provisions of Section 3.4 of this Agreement, EMPLOYEE shall not be terminated, except for cause as provided in Section 3.4(a) of this AGREEMENT, during or within a period of 90 days next succeeding any general municipal election held in the city at which election a member of the City Council is elected.

4.0 SEVERANCE

4.1 Severance Pay. In the event that EMPLOYEE is terminated without cause and does not challenge such termination, including but not limited to, by means of appeal or civil or administrative claim or liberty hearing, then CITY shall pay to EMPLOYEE severance in an amount equal to EMPLOYEE's monthly base salary then in effect multiplied by six (6). However, in the event that EMPLOYEE is terminated without cause either ninety (90) days before or after an election for one or more seats on the City Council, and provided she does not challenge such termination, including but not limited to, by means of appeal or civil or administrative claim or liberty hearing, then CITY, rather than the severance referenced immediately above, shall instead pay to EMPLOYEE severance in an amount equal to EMPLOYEE's monthly base salary then in effect multiplied by nine (9). Any severance payment shall not include the monetary value of benefits during said time, but salary only. Any and all severance rights are conditioned upon and in consideration for execution of the standard "Agreement of Separation, Severance, and General Release" attached hereto in form only as Exhibit "C."

The City is currently a member of the CJPIA which makes available to EMPLOYEE up to six (6) months of compensation and COBRA benefits according to the terms and conditions of the CJPIA's Chief Executive Separation Payment provision as provided in the then-current CJPIA Memorandum of Coverage ("CJPIA Program"). The terms and conditions of the CJPIA Program may vary from time to time. The terms and conditions of the CJPIA Program, if any, in effect at the time of termination of Employee's employment will govern. If, at the time of City's termination of City Manager's employment, City is no longer a member of CJPIA, this paragraph shall not apply, and the benefit, if any, available to City Manager under the CJPIA Program shall be determined at the time of City's termination of City Manager, if at all.

This AGREEMENT does not have a defined term, but in the event this AGREEMENT is construed by a court of law to have a fixed term, notwithstanding any other provision of this Section 4.1, should such proposed severance payment exceed the amount authorized to be paid under Government Code Section 53260, then the amount paid to EMPLOYEE shall be reduced in the amount necessary to comply with such statute. (Government Code Section 53260 provides that all contracts of employment with a city must include a provision limiting the maximum cash settlement for the termination of the contract to the monthly salary (excluding benefits) multiplied by the number of months left on the unexpired term, but not more than eighteen (18) months if the unexpired term exceeds 18 months.)

4.2 No Severance Pay if Termination for Cause or Initiated by EMPLOYEE. As provided in Section 3.4(a), should EMPLOYEE be terminated for cause, the CITY shall have no obligation to pay the severance provided for in Section 4.1 above. As provided in Section 3.3, should EMPLOYEE initiate termination of this AGREEMENT, the CITY shall have no obligation to pay the severance provided for in Section 4.1 above.

4.3 Sole Rights. The severance rights provided in this Section 4.0 shall constitute the sole and only entitlement of EMPLOYEE with respect to severance pay in the event of the termination, other than for cause. EMPLOYEE expressly waives any and all other rights with respect to severance pay except as provided herein.

5.0 PERFORMANCE EVALUATIONS

5.1 Purpose. The performance review and evaluation process set forth herein is intended to provide review and feedback to EMPLOYEE so as to facilitate a more effective management of the CITY. Nothing herein shall be deemed to alter or change the employment status of EMPLOYEE as city manager (as set forth in Section 1.5 above), nor shall this Section 5.0 be construed as requiring “cause” to terminate this AGREEMENT, or the services of EMPLOYEE hereunder.

5.2 Annual Evaluation. The City Council shall initially review the performance of EMPLOYEE after six (6) full calendar months following the Effective Date. Thereafter, the City Council shall endeavor to conduct a formal or informal review and evaluate the performance of EMPLOYEE on an annual basis each calendar year pursuant to a date mutually agreed to by the City Council and EMPLOYEE, but with the first such annual evaluation being no later than the first anniversary of the Effective Date. Such performance review and evaluation shall be conducted concurrently with the annual base salary review provided for in Section 2.3 above, and in accordance with the purpose noted in Section 5.1 above. The City Council and EMPLOYEE shall also meet no later than ninety (90) days following the Effective Date, to establish mutually agreed upon performance goals.

6.0 BENEFITS AND OTHER COMPENSATION

6.1 Professional Development. The CITY recognizes its obligation to the professional development of its city manager, and agrees that EMPLOYEE shall be given adequate opportunities to develop and maintain skills and abilities as a public administrator. EMPLOYEE is expected and encouraged to and agrees to participate in professional organizations and to attend

area and regional meetings and conferences related to matters of interest to the CITY consistent with the time required for such attendance in relationship to EMPLOYEE's other responsibilities as determined by the City Council. The City Council hereby agrees to budget an amount to be determined in the exercise of its sole discretion to pay the cost, travel and subsistence expense of EMPLOYEE for professional and/or official travel, meetings, and occasions adequate to continue professional development of EMPLOYEE and to adequately pursue necessary official functions for the CITY. EMPLOYEE shall be responsible for maintaining any professional certifications recognized as necessary or desirable in the performance of the duties hereunder.

6.2 Paid Leave.

(a) Sick Leave: EMPLOYEE shall be entitled to ninety six (96) hours of paid sick leave annually to be accrued pro rata per pay period over the course of the fiscal year. Upon commencement of employment, EMPLOYEE shall be advanced five (5) sick leave days. (Sick leave days equal eight (8) hours.) EMPLOYEE may convert up to ninety-six (96) hours of unused, accumulated sick leave into paid vacation once during the following fiscal year at a ratio of two sick leave hours for one vacation hour. At least twenty-four (24) hours shall remain in EMPLOYEE's sick leave bank after any conversion is authorized. In addition, the right to convert does not carry over or rollover from calendar year to calendar year; failure to request conversion, in any calendar year, eliminates the right to do so for that calendar year. Sick leave that is compensated or converted to vacation cannot be used towards the California Public Employees' Retirement System ("CalPERS") sick leave credit option at retirement. EMPLOYEE shall be entitled to receive cash payment for up to 50% of unused sick leave upon resignation, up to a maximum amount of \$4,500, provided that EMPLOYEE provides thirty (30) days written notice of intent to resign to the CITY. The CITY provides various leave banks for EMPLOYEE's use, with accrual and use record-keeping being required to properly maintain the leave banks. Time off of less than two (2) continuous hours in a day does not need to be recorded by EMPLOYEE as an exempt employee of the CITY. Abuse of this exception, such as daily use or random periods within a day, will not be allowed; however, this exception is also not allowed to be combined with other leaves.

(b) Vacation Leave. EMPLOYEE shall be entitled to one hundred sixty (160) hours of vacation leave annually to be accrued pro rata per pay period over the course of the fiscal year. Upon commencement of employment, EMPLOYEE shall be advanced ten (10) days of vacation. (Vacation days equal eight (8) hours.) Upon separation, for any reason, EMPLOYEE shall be entitled to one hundred percent (100%) of the unused vacation leave on the books then existing, at the EMPLOYEE's then current hourly rate of pay. Unused vacation leave may be carried over into the following year to a maximum accrual of three hundred (300) hours. Any hours exceeding the maximum accumulation of 300 hours as of November 1st of each year will be paid out in the pay period including December 1st. EMPLOYEE shall be eligible for vacation leave cash out up to a maximum amount of 40 hours per calendar year, subject to the rules and limitations provided in the then-current Resolution Adopting Maximum Compensation and Benefits for Certain City Department Head Positions, as it may be amended from time to time. The CITY provides various leave banks for EMPLOYEE's use, with accrual and use record-keeping being required to properly maintain the leave banks. Time off of less than two (2) continuous hours in a day does not need to be recorded by EMPLOYEE as an exempt employee of the CITY. Abuse of this exception, such as daily use or random periods within a day, will not

be allowed. Unrecorded time off shall not be allowed to be combined with other paid leave during any given work day.

(c) Holiday Leave. EMPLOYEE shall be granted the following paid holidays (as defined in the Department Head Benefits Resolution): New Year's Day, Martin Luther King Day, Spring Break Holiday, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving Day, Christmas Day, and Two (2) Floating holidays. Upon commencement of employment, EMPLOYEE shall be advanced two (2) floating holidays. Thereafter, two (2) floating holidays will be credited to EMPLOYEE's Holiday Leave bank July 1st each year. EMPLOYEE may accumulate up to a maximum of forty-eight (48) hours holiday time. Hours of holiday accumulated over forty-eight (48) hours will be paid off. Holiday time is a compensable leave, and any hours remaining in the employee's holiday bank will be paid out upon separation from CITY service, at EMPLOYEE's then current hourly rate of pay. The CITY provides various leave banks for EMPLOYEE's use, with accrual and use record-keeping being required to properly maintain the leave banks. Abuse of this exception, such as daily use or random periods within a day, will not be allowed. Unrecorded time off shall not be allowed to be combined with other paid leave during any given work day.

(d) Administrative Leave. EMPLOYEE shall be credited with eighty (80) hours of administrative leave annually on July 1. EMPLOYEE shall be provided seventy (70) hours of administrative leave beginning the first full pay period following the Effective Date of this AGREEMENT. Accrued administrative leave shall not exceed one hundred twenty (120) total banked hours at any time. The time during the fiscal year at which EMPLOYEE may take administrative leave shall be determined by the Mayor. Administrative leave is a compensable leave, and any hours remaining in EMPLOYEE's administrative leave bank will be paid out upon separation from CITY service, at EMPLOYEE's then current hourly rate of pay. Administrative leave time must be taken off on an hour by hour basis equaling employee actual time off, regardless of accumulation rates. Up to eighty (80) hours of administrative leave per fiscal year may be taken by EMPLOYEE. The City Council may, due to exceptional and documented circumstances warranting additional administrative leave, grant administrative leave in excess of the eighty (80) hour per fiscal year limit but no more than one hundred twenty (120) hours in a single fiscal year.

6.3 Health & Welfare Benefits. CITY shall contribute the full amount of the EMPLOYEE's preferred health, dental and vision plan, on offer currently by CITY for its employees, for EMPLOYEE plus her family.

6.4 Retirement.

(a) Retirement Plan. EMPLOYEE is believed to be a PEPRAs new member as defined by CalPERS and as mandated by the Public Employees' Pension Reform Act of 2013. Accordingly, EMPLOYEE shall be entitled to participate in the CITY's CalPERS Retirement Program with the 2% at 62 formula and 3 Year Average formula for calculating final retirement compensation.

(b) Employee Contribution. EMPLOYEE shall be responsible for the full member contribution for EMPLOYEE's CalPERS retirement plan.

6.5 Automobile. EMPLOYEE shall receive a Six Hundred Dollar (\$600.00) per month car reimbursement for use of a personal vehicle in pursuit of recognized official duties. EMPLOYEE shall be responsible for any personal income tax that may result from that reimbursement.

6.6 Deferred Compensation. CITY agrees that EMPLOYEE may, at her sole costs and expense, participate in a qualified Section 457 Plan from one of the CITY approved plans selected by EMPLOYEE. CITY further agrees that it shall match City Manager's contributions, if any, into CITY's Deferred Compensation Plan on a dollar-for-dollar basis, up to a maximum of Five Thousand Dollars (\$5,000.00) per year. Any amounts contributed under this section by CITY shall be to the benefit of EMPLOYEE in accordance with the CITY's Deferred Compensation Plan participation agreement. No requirement of any provision of this subsection shall be effective if it would violate any provision of the Internal Revenue Code or its related regulations, and the inability of the CITY to effectuate such requirements shall not constitute a breach of this Agreement.

6.7 Bonding. CITY shall bear the full cost of any fidelity or other bonds required for EMPLOYEE under any law or CITY ordinance.

6.8 Life Insurance. EMPLOYEE shall be entitled to a \$50,000.00 life insurance policy.

6.9 Long-Term Disability ("LTD") Insurance Program. The CITY shall provide LTD to EMPLOYEE in the same manner and benefit level as provided Department Heads, and pay the cost for the plan.

6.10 Business Equipment. The CITY will provide to EMPLOYEE any job-related personal tools or equipment, such as a computer, desk, land-line phone, file cabinets, table and chairs etc., that serve the professional development of EMPLOYEE and/or is needed to perform EMPLOYEE'S functions and duties. Upon termination, for any reason, EMPLOYEE shall return all business equipment to CITY no later than EMPLOYEE's last day of employment. CITY shall provide One Hundred Dollars (\$100) per month cell phone and data reimbursement for EMPLOYEE's use of a cell phone for City business. EMPLOYEE shall be responsible for any personal income tax that may result from that reimbursement.

6.11 Moving Expenses. City shall pay EMPLOYEE up to Seven Thousand Five Hundred Dollars (\$7,500) to help defray EMPLOYEE's moving and relocation expenses incurred related to her employment with CITY within one year of the Effective Date; provided, that those expenses shall only be due upon CITY's receipt of satisfactory proof of actual expenditures paid by EMPLOYEE for those expenses and approval of those expenditures by the Mayor and shall be paid within thirty days after submission of that satisfactory proof.

6.12 Bereavement Leave. EMPLOYEE shall be entitled to up to three (3) days paid bereavement leave in the event of the death of a spouse or a child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law as defined in Government Code Section 12945.2. For purposes of complying with Government Code Section 12945.7, EMPLOYEE will be

provided at least five days of bereavement leave total, and for any unpaid bereavement leave days may use accrued and available vacation leave, sick leave, or administrative leave.

7.0 INDEMNIFICATION

To the extent mandated by the California Government Code, the CITY shall defend, hold harmless, and indemnify EMPLOYEE against any tort, professional liability, claim or demand, or other legal action arising out of an alleged act or omission occurring in the performance of EMPLOYEE’s services under this AGREEMENT. This section shall not apply to any intentional tort or crime committed by EMPLOYEE, to any action outside the course and scope of EMPLOYEE’s employment, or any other intentional or malicious conduct or gross negligence of EMPLOYEE.

8.0 OTHER TERMS- CONDITIONS OF EMPLOYMENT

The City Council, in consultation with EMPLOYEE, may establish any such other terms and conditions of employment as it may determine from time to time, provided such terms and conditions do not exceed the maximum salary and benefits approved by the City Council and are reduced to writing and signed by EMPLOYEE and the Mayor.

9.0 GENERAL PROVISIONS

9.1 Entire AGREEMENT. This AGREEMENT represents the entire AGREEMENT and understanding between the Parties and supersedes any and all other agreements and understandings, either oral or in writing, between the Parties with respect to EMPLOYEE’s employment by the CITY and contains all of the covenants and agreements between the Parties with respect to such employment. No ordinances or resolutions of CITY governing employment, including the Personnel System, shall apply unless specified herein. Each Party to this AGREEMENT acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by either Party, or anyone acting on behalf of either Party, which are not embodied herein, and that no other agreement, statement or promises not contained in this AGREEMENT shall be valid or binding upon either Party.

9.2 Amendment. This AGREEMENT may be amended at any time by the mutual consent of the Parties by an instrument in writing, which amendment shall require City Council approval by the affirmative vote of three (3) members of the Council.

9.3 Notices. Any notice required or permitted by this AGREEMENT shall be in writing and shall be personally served or shall be sufficiently given when served upon the other Party as sent by United States Postal Service, postage prepaid and addressed as follows:

To CITY:

Mayor
City of Morro Bay
595 Harbor Street
Morro Bay, California 93442

To EMPLOYEE:

Yvonne Kimball

[Address on file with Human Resources]

Notices shall be deemed given as of the date of personal service or upon the date of deposit in the course of transmission with the United States Postal Service.

9.4 Conflicts Prohibited. During the term of this AGREEMENT, EMPLOYEE shall not engage in any business or transaction or maintain a financial interest which conflicts, or reasonably might be expected to conflict, with the proper discharge of EMPLOYEE's duties under this AGREEMENT. EMPLOYEE shall comply with all requirements of law, including but not limited to, Sections 87100 *et seq.*, Section 1090 and Section 1126 of the Government Code, and all other similar statutory and administrative rules. Whenever any potential conflict arises or may appear to arise, the obligation shall be on Employee to seek legal advice concerning whether such conflict exists and Employee's obligations arising therefrom.

9.5 Effect of Waiver. The failure of either Party to insist on strict compliance with any of the terms, covenants, or conditions of this AGREEMENT by the other Party shall not be deemed a waiver of that term, covenant, or condition, nor shall any waiver or relinquishment of any right or power at any one time or times be deemed a waiver or relinquishment of that right or power for all or any other times.

9.6 Partial Invalidity. If any provision in this AGREEMENT is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

9.7 Governing Law. This AGREEMENT shall be governed by and construed in accordance with the laws of the State of California, which are in full force and effect as of the date of execution and delivery by each Party hereto.

9.8 Government Code §§ 53243 - 53243.4. Assembly Bill 1344, which was subsequently enacted as Government Code §§ 53243 - 53243.4, sought to provide greater transparency in local government and institute certain limitations on compensation paid to local government executives. These statutes also require that contracts between local agencies and its employees include provisions requiring an employee who is convicted of a crime involving an abuse of her office or position to provide reimbursement to the local agency for the following forms of payment: (i) paid leave salary; (ii) criminal defense costs; (iii) cash settlement payments; and (iv) any non-contractual settlement payments. Accordingly, the Parties agree that it is their mutual intent to fully comply with these Government Code sections and all other applicable law as it exists as of the date of execution of this AGREEMENT and as such laws may be amended from time to time thereafter. Specifically, the following Government Code sections are called out and hereby incorporated by this AGREEMENT:

§53243. Reimbursement of paid leave salary required upon conviction of crime involving office or position.

§53243.1. Reimbursement of legal criminal defense upon conviction of crime involving office or position.

§53243.2. Reimbursement of cash settlement upon conviction of crime involving office or position.

§53243.3. Reimbursement of noncontractual payments upon conviction or crime involving office or position.

§53243.4. "Abuse of office or position" defined.

EMPLOYEE represents that EMPLOYEE has reviewed, is familiar with, and agrees to comply fully with each of these provisions if any of these provisions are applicable to EMPLOYEE, including that EMPLOYEE agrees any cash settlement or severance related to a termination EMPLOYEE may receive from the CITY shall be fully reimbursed to the local agency if EMPLOYEE is convicted of a crime involving an abuse of EMPLOYEE's office or position. The Government Code provisions referenced in this section are attached hereto in Exhibit "D".

9.9 Independent Legal Advice. The CITY and EMPLOYEE represent and warrant to each other that each has received legal advice from independent and separate legal counsel with respect to the legal effect of this AGREEMENT, or had the opportunity to do so, and the CITY and EMPLOYEE further represent and warrant that each has carefully reviewed this entire AGREEMENT and that each and every term thereof is understood and that the terms of this AGREEMENT are contractual and not a mere recital. This AGREEMENT shall not be construed against the Party or its representatives who drafted it or who drafted any portion thereof.

IN WITNESS WHEREOF, the City of Morro Bay has caused this AGREEMENT to be signed and executed on its behalf by its Mayor, and duly attested by its officers thereunto duly authorized, and EMPLOYEE has signed and executed this AGREEMENT, all in triplicate.

CITY OF MORRO BAY

Carla Wixom, Mayor

ATTEST:

Dana Swanson, City Clerk

APPROVED AS TO FORM:

Chris F. Neumeyer, City Attorney

EMPLOYEE

Yvonne Kimball

EXHIBIT A

**JOB DESCRIPTION
CITY MANAGER**

CITY OF MORRO BAY

CITY MANAGER

DEFINITION

Under broad policy guidance of the City Council, performs high level of administrative, technical and professional work in directing and supervising the administration of city government.

ESSENTIAL DUTIES & RESPONSIBILITIES

1. Manages and supervises all departments of the city to achieve goals within available resources.
2. Directs and monitors department assignments; reviews progress and directs changes as needed.
3. Trains, motivates and evaluates assigned staff.
4. Provides leadership and direction in the development of short and long range plans.
5. Gathers, interprets, and prepares data for studies, reports and recommendations.
6. Coordinates department activities with other departments and agencies as needed.
7. Provides professional advice to the City Council and Department Heads.
8. Makes presentations to the City Council, boards, commissions, civic groups and the general public.
9. Communicates official plans, policies and procedures to staff and the general public.
10. Performs cost control activities.
11. Monitors revenues and expenditures in assigned area to assure sound fiscal control
12. Assures effective and efficient use of budgeted funds, personnel, materials, facilities, and time.
13. Determines work procedures and expedites workflow.
14. Studies and standardizes procedures to improve efficiency and effectiveness of operations.
15. Issues written and oral instructions.
16. Assigns duties and examines work for exactness, neatness, and conformance to policies and procedures.
17. Maintains harmony among workers and resolves grievances.
18. Adjusts errors or complaints.
19. Prepares a variety of studies, reports and related information for decision-making purposes.
20. Appoints and removes all department heads and employees of the City.
21. Sees that all laws and ordinances are upheld.

CITY MANAGER

22. Prepares and submits a preliminary annual City budget.
23. Administers the adopted budget of the City.
24. Advises the City Council of financial conditions and current and future City needs.
25. Attends all meetings of the City Council, and meetings at which attendance may be required by the Council.
28. Other duties as required by the City Council and as set forth in the Morro Bay Municipal Code, Chapter 2.12.

QUALIFICATIONS

Knowledge of:

Modern policies and practices of public administration; working knowledge of municipal finance, human resources, public works, public safety, and community development; preparing and administering municipal budgets; planning, directing, and administering municipal programs.

Ability to:

Prepare and analyze comprehensive reports; carry out assigned projects to their completion; effectively communicate verbally and in writing; establish and maintain effective working relationships with employees, City officials and the public; efficiently and effectively administer a municipal government.

Education and Experience:

Graduation from an accredited four-year college or university with a degree in public administration, political science, business management or a closely related field; and, five (5) years experience in municipal administration. Masters degree preferred.

Valid and appropriate California Driver=s License.

TOOLS & EQUIPMENT USED

Requires frequent use of personal computer, including word processing and spreadsheet programs; calculator, telephone, copy machine and fax machine.

CITY MANAGER

PHYSICAL DEMANDS

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

While performing the duties of this job, the employee is frequently required to sit and talk or hear. The employee is occasionally required to walk; use hands to finger, handle, or feel objects, tools, or controls; and reach with hands and arms. The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

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

The noise level in the work environment is usually moderately quiet.

SELECTION GUIDELINES

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

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

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

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

h/jdctyadm

EXHIBIT B

ICMA Code of Ethics with Guidelines (April 2023)



ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in April 2023. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2020.

The mission of ICMA is to advance professional local government through leadership, management, innovation, and ethics. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. We believe professional management is essential to effective, efficient, equitable, and democratic local government.

Tenet 2. Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.

GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities in order to uphold local government professionalism.

Tenet 3. Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

Length of Service. For chief administrative/executive officers appointed by a governing body or elected official, a minimum of two years is considered necessary to render a professional service to the local government. In limited circumstances, it may be in the best interests of the local government and the member to separate before serving two years. Some examples include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or significant personal issues. It is the responsibility of an applicant for a position to understand conditions of employment, including expectations of service. Not understanding the terms of employment prior to accepting does not justify

premature separation. For all members a short tenure should be the exception rather than a recurring experience, and members are expected to honor all conditions of employment with the organization.

Appointment Commitment. Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

Credentials. A member's resume for employment or application for ICMA's Voluntary Credentialing Program shall completely and accurately reflect the member's education, work experience, and personal history. Omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a position should show professional respect for persons formerly holding the position, successors holding the position, or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report possible violations to ICMA. In reporting the possible violation, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members shall not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position that has an incumbent who has not announced his or her separation or been officially informed by the appointive entity that his or her services are to be terminated. Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.

Relationships in the Workplace. Members should not engage in an intimate or romantic relationship with any elected official or board appointee, employee they report to, one they appoint and/or supervise, either directly or indirectly, within the organization.

This guideline does not restrict personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

Influence. Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

Conflicting Roles. Members who serve multiple roles – either within the local government organization or externally – should avoid participating in matters that create either a conflict of interest or the perception of one. They should disclose any potential conflict to the governing body so that it can be managed appropriately.

Conduct Unbecoming. Members should treat people fairly, with dignity and respect and should not engage in, or condone bullying behavior, harassment, sexual harassment or discrimination on the basis of race, religion, national origin, age, disability, gender, gender identity, or sexual orientation.

Tenet 4. Serve the best interests of all community members.

GUIDELINES

Impacts of Decisions. Members should inform their governing body of the anticipated effects of a decision on people in their jurisdictions, especially if specific groups may be disproportionately harmed or helped.

Inclusion. To ensure that all the people within their jurisdiction have the ability to actively engage with their local government, members should strive to eliminate barriers to public involvement in decisions, programs, and services.

Tenet 5. Submit policy proposals to elected officials; provide them with facts, and technical and professional advice about policy options; and collaborate with them in setting goals for the community and organization.

Tenet 6. Recognize that elected representatives are accountable to their community for the decisions they make; members are responsible for implementing those decisions.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs. Encourage and facilitate active engagement and constructive communication between community members and all local government officials.

Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Manage all personnel matters with fairness and impartiality.

GUIDELINE

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

GUIDELINES

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term "Gift" includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member's official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member's official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

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In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on "Confidential Information"). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements,

marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

EXHIBIT C

AGREEMENT OF SEPARATION, SEVERANCE, AND GENERAL RELEASE

1. PARTIES

This Agreement of Separation, Severance, and General Release (hereinafter referred to as the “AGREEMENT”) is entered into by and between the City of Morro Bay, a general law city and municipal corporation (hereinafter referred to as “THE CITY”), and Yvonne Kimball, an individual (hereinafter referred to as “EMPLOYEE”).

2. RECITALS

2.1 EMPLOYEE was hired by THE CITY as an at-will city manager effective August 14, 2023 serving at the pleasure of the City Council of THE CITY pursuant to a written contract, a copy of which is attached hereto as Exhibit “A” (“THE CONTRACT”). EMPLOYEE is currently over 40 years of age.

2.2 THE CITY and EMPLOYEE desire that EMPLOYEE separate from employment with THE CITY and enter into a severance agreement whereby EMPLOYEE receives severance compensation in exchange for executing a general release and waiver of any and all claims that EMPLOYEE may have against THE CITY, including but not limited to its elected and non-elected officials, employees, attorneys, and agents. Accordingly, the parties hereto intend by this AGREEMENT to mutually conclude any and all employment relationships between THE CITY and EMPLOYEE by means of EMPLOYEE’s separation by means of _____ as of _____, _____. This AGREEMENT sets forth the full and complete terms and conditions concluding EMPLOYEE’s employment relationship with the CITY and any obligations related thereto, including any provided under THE CONTRACT.

2.3 In accordance with this AGREEMENT and with applicable state and federal laws, EMPLOYEE acknowledges that EMPLOYEE has been advised of EMPLOYEE’s post-employment rights, including but not limited to, EMPLOYEE’s rights under the Consolidated Omnibus Budget Reconciliation Act of 1985 (“COBRA”), the Employee Retirement Income Security Act of 1974 (“ERISA”), and the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”).

3. CONSIDERATION

3.1 EMPLOYEE shall receive payment to her at the time of her voluntary separation all earned salary, accrued fringe benefits as detailed in THE CONTRACT, and/or all other wage compensation/benefits owed to EMPLOYEE upon separation of employment, as required by state, federal or municipal law or THE CONTRACT or any other agreement with THE CITY.

3.2 In exchange for the waivers and releases set forth herein, THE CITY shall cause to be paid to EMPLOYEE an additional compensatory payment as severance pay by means of a lump sum payment of _____ and __ cents (\$_____.00), as set forth in THE CONTRACT in the form of a check made payable to EMPLOYEE to be mailed to EMPLOYEE at EMPLOYEE's home address via certified mail return receipt requested within thirty (30) business days after the EFFECTIVE DATE (as defined below) of this AGREEMENT. The lump sum payment shall be subject to applicable state and federal withholdings as determined appropriate by THE CITY.

3.3 In exchange for the severance payment provided for herein, EMPLOYEE, and on behalf of EMPLOYEE's spouse, heirs, representatives, successors, and assigns, hereby releases, acquits, and forever discharges THE CITY, and each of its predecessors, successors, assigns, officials, employees, representatives, agents, insurers, attorneys, and all persons and entities acting by, through, under, or in concert with any of them, and each of them (hereinafter referred to as "THE CITY PARTIES"), from any and all claims, charges, complaints, contracts, understandings, liabilities, obligations, promises, benefits, agreements, controversies, costs, losses, debts, expenses, damages, actions, causes of action, suits, rights, and demands of any nature whatsoever, known or unknown, suspected or unsuspected, which EMPLOYEE now has or may acquire in the future, or which EMPLOYEE ever had, relating to or arising out of any act, omission, occurrence, condition, event, transaction, or thing which was done, omitted to be done, occurred or was in effect at anytime from the beginning of time up to and including _____, _____ (hereinafter referred to collectively as "CLAIMS"), without regard to whether such CLAIMS arise under the federal, state, or local constitutions, statutes, rules or regulations, or the common law. EMPLOYEE expressly acknowledges that the CLAIMS forever barred by this AGREEMENT specifically include, but are not limited to, claims based upon any alleged breach of THE CONTRACT or any other agreement of employment, any demand for wages, overtime or benefits, any claims of violation of the provisions of ERISA, COBRA or HIPAA, any alleged breach of any duty arising out of contract or tort, any alleged wrongful termination in violation of public policy, any alleged breach of any express or implied contract for continued employment, any alleged employment discrimination or unlawful discriminatory act, or any claim or cause of action including, but not limited to, any and all claims whether arising under any federal, state or local law prohibiting breach of employment contract, wrongful termination, or employment discrimination based upon age, race, color, sex, religion, handicap or disability, national origin or any other protected category or characteristic, and any and all rights or claims arising under the California Labor Code or Industrial Welfare Commission Wage Orders, the Federal Fair Labor Standards Act, the California Fair Employment and Housing Act, California Government Code §§12900 *et seq.*, the Americans With Disabilities Act, Title VII of the Civil Rights Act of 1964, and any other federal, state, or local human rights, civil rights, or employment discrimination or employee rights statute, rule, or regulation. Nothing herein shall be interpreted as a release or waiver of any workers' compensation claims or in any way prohibit or prevent EMPLOYEE from participating in any claims or administrative action brought by a state or federal agency. Furthermore, nothing herein shall be interpreted as a release or waiver of THE CITY's statutory obligations relative to providing defense and indemnification of public employees, if any, including but not limited to Government Code Sections 825-825.6 and Sections 995-996.6. This AGREEMENT, however, does operate to prevent EMPLOYEE from seeking or recovering monetary damages or other individual-specific relief in connection with any such claims or administrative action brought by a state or federal agency.

3.4 Specific Acknowledgment of Waiver of Claims under ADEA and OWBPA

The Age Discrimination in Employment Act of 1967 (hereinafter referred to as the “ADEA”) makes it illegal for an employer to discharge any individual or otherwise discriminate with respect to the nature and privileges of an individual’s employment on the basis that the individual is age forty (40) or older. The Older Workers Benefit Protection Act (hereinafter referred to as the “OWBPA,” Pub L 101-433, 104 Stat. 978 (1990)) further augments the ADEA and prohibits the waiver of any right or claim under the ADEA, **unless the waiver is knowing and voluntary**. By entering into this AGREEMENT, EMPLOYEE acknowledges that EMPLOYEE knowingly and voluntarily, for just compensation in addition to anything of value to which EMPLOYEE was already entitled, waives and releases any rights she may have under the ADEA and/or OWBPA. EMPLOYEE further acknowledges that EMPLOYEE has been advised and understands, pursuant to the provisions of the ADEA and OWBPA, that:

(a) This waiver/release is written in a manner understood by EMPLOYEE;

(b) EMPLOYEE is aware of, and/or has been advised of, EMPLOYEE’s rights under the ADEA and OWBPA, and of the legal significance of EMPLOYEE’s waiver of any possible claims EMPLOYEE currently may have under the ADEA, OWBPA and/or similar age discrimination laws;

(c) EMPLOYEE is entitled to a reasonable time of at least twenty-one (21) days within which to review and consider this AGREEMENT and the waiver and release of any rights EMPLOYEE may have under the ADEA, the OWBPA and similar age discrimination laws; but may, in the exercise of EMPLOYEE’s own discretion, sign or reject this AGREEMENT at any time before the expiration of the twenty-one (21) days;

(d) The waivers and releases set forth in this AGREEMENT shall not apply to any rights or claims that may arise under the ADEA and/or OWBPA **after** the EFFECTIVE DATE of this AGREEMENT;

(e) EMPLOYEE has been advised by this writing that EMPLOYEE should consult with an attorney prior to executing this AGREEMENT;

(f) EMPLOYEE has discussed this waiver and release with, and been advised with respect thereto by, EMPLOYEE’s counsel of choice or at least had the opportunity to do so, and EMPLOYEE represents by signing this AGREEMENT that EMPLOYEE does not need any additional time within which to review and consider this AGREEMENT;

(g) EMPLOYEE has **seven (7) days following EMPLOYEE’s execution** of this AGREEMENT to revoke the AGREEMENT;

(h) Notice of revocation within the seven (7) day revocation period must be provided, in writing, to THE CITY pursuant to Paragraph 7.9 herein, and must state, “I hereby revoke my acceptance of our Agreement of Severance and General Release;” and

(i) This AGREEMENT shall not be effective until all parties have signed the AGREEMENT and ten (10) days have passed since EMPLOYEE's execution of same ("EFFECTIVE DATE").

4. UNKNOWN CLAIMS

In relation to the release provisions of Paragraph 3 above, EMPLOYEE understands that California Civil Code section 1542 reads as follows:

"General Release--Claims Extinguished"

"A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party."

EMPLOYEE hereby waives the protection of California Civil Code section 1542.

5. WAIVER OF ADDITIONAL CLAIMS

EMPLOYEE hereby waives any provisions of state or federal law that might require a more detailed specification of the claims being released pursuant to the provisions of Paragraphs 3 and 4 above.

6. REPRESENTATIONS AND WARRANTIES

Each of the parties to this AGREEMENT represents and warrants to, and agrees with, each other party as follows:

6.1 **Advice of Counsel:** The parties hereto have received independent legal advice from their respective attorneys concerning the advisability of entering into and executing this AGREEMENT or have been given the opportunity to obtain such advice. The parties acknowledge that they have been represented by counsel of their own choice in the negotiation of this AGREEMENT, that they have read this AGREEMENT; that they have had this AGREEMENT fully explained to them by such counsel, or have had such opportunity to do so and that they are fully aware of the contents of this AGREEMENT and of its legal effect.

6.2 **No Fraud in Inducement:** No party (nor any officer, agent, employee, representative, or attorney of or for any party) has made any statement or representation or failed to make any statement or representation to any other party regarding any fact relied upon in entering into this AGREEMENT, and neither party relies upon any statement, representation, omission or promise of any other party in executing this AGREEMENT, or in making the settlement provided for herein, except as expressly stated in this AGREEMENT.

6.3 **Independent Investigation:** Each party to this AGREEMENT has made such investigation of the facts pertaining to this settlement and this AGREEMENT and all the matters pertaining thereto, as it deems necessary.

6.4 Mistake Waived: In entering into this AGREEMENT, each party assumes the risk of any misrepresentation, concealment or mistake. If any party should subsequently discover that any fact relied upon by it in entering into this AGREEMENT was untrue, or that any fact was concealed from it, or that its understanding of the facts or of the law was incorrect, such party shall not be entitled to any relief in connection therewith, including without limitation on the generality of the foregoing any alleged right or claim to set aside or rescind this AGREEMENT. This AGREEMENT is intended to be, and is, final and binding between the parties, regardless of any claims of misrepresentation, promise made without the intent to perform, concealment of fact, mistake of fact or law, or any other circumstance whatsoever.

6.5 Later Discovery: The parties are aware that they may hereafter discover claims or facts in addition to or different from those they now know or believe to be true with respect to the matters related herein. Nevertheless, it is the intention of the parties that EMPLOYEE fully, finally and forever settle and release all such matters, and all claims relative thereto, which do now exist, may exist or have previously existed against THE CITY or THE CITY PARTIES. In furtherance of such intention, the releases given here shall be, and remain, in effect as full and complete releases of all such matters, notwithstanding the discovery or existence of any additional or different claims or facts relative thereto.

6.6 Indemnification: EMPLOYEE agrees to indemnify and hold harmless THE CITY or THE CITY PARTIES from, and against, any and all claims, damages, or liabilities sustained by them as a direct result of the violation or breach of the covenants, warranties, and representations undertaken pursuant to the provisions of this AGREEMENT. EMPLOYEE understands and agrees that EMPLOYEE shall be exclusively liable for the payment of all taxes for which EMPLOYEE is responsible, if any, as a result of EMPLOYEE's receipt of the consideration referred to in Paragraph 3 of this AGREEMENT. In addition, EMPLOYEE agrees fully to indemnify and hold the CITY PARTIES harmless for payment of tax obligations as may be required by any federal, state or local taxing authority, at any time, as a result of the payment of the consideration set forth in Paragraph 3 of this AGREEMENT.

6.7 Future Cooperation & Consultation fees: EMPLOYEE shall execute all such further and additional documents as shall be reasonable, convenient, necessary or desirable to carry out the provisions of this AGREEMENT. EMPLOYEE shall provide THE CITY with consultation services (including deposition or trial testimony) in any litigation involving THE CITY which is reasonably related to acts or occurrences transpiring during EMPLOYEE's employment. Said services shall be provided as needed by THE CITY at a rate of \$100.00 per hour.

6.8 Return of Confidential Information and Property: Prior to the separation date, EMPLOYEE shall submit a written inventory of, and return to the City Clerk, all City keys, equipment, computer identification cards or codes, and other equipment or materials or confidential documents provided to or obtained by EMPLOYEE during the course of EMPLOYEE's employment with THE CITY.

6.9 No Pending Claims and/or Actions: EMPLOYEE represents that EMPLOYEE has not filed any complaints or charges against THE CITY or THE CITY PARTIES with any local, state or federal agency or court; that EMPLOYEE will not do so at any time

hereafter for any claim arising up to and including the EFFECTIVE DATE of this AGREEMENT; and that if any such agency or court assumes jurisdiction of any such complaint or charge against THE CITY or THE CITY PARTIES on behalf of EMPLOYEE, whenever or where ever filed, EMPLOYEE shall forthwith withdraw and dismiss any such complaints or charges. Nothing herein shall be interpreted as a release or waiver of any workers' compensation claims or in any way prohibit or prevent EMPLOYEE from participating in any claims or administrative action brought by a state or federal agency.

6.10 Ownership of Claims: EMPLOYEE represents and warrants as a material term of this AGREEMENT that EMPLOYEE has not heretofore assigned, transferred, released or granted, or purported to assign, transfer, release or grant, any of the CLAIMS disposed of by this AGREEMENT. In executing this AGREEMENT, EMPLOYEE further warrants and represents that none of the CLAIMS released by EMPLOYEE thereunder will in the future be assigned, conveyed, or transferred in any fashion to any other person and/or entity.

6.11 Enforcement Fees and Costs: Should any legal action be required to enforce the terms of this AGREEMENT, the prevailing party shall be entitled to reasonable attorneys' fees and costs in addition to any other relief to which that party may be entitled.

6.12 Authority: Each party represents to the other that it has the right to enter into this AGREEMENT, and that it is not violating the terms or conditions of any other agreement to which they are a party or by which they are bound by entering into this AGREEMENT. The parties represent that they will obtain all necessary approvals to execute this AGREEMENT. It is further represented and agreed that the individuals signing this AGREEMENT on behalf of the respective parties have actual authority to execute this AGREEMENT and, by doing so, bind the party on whose behalf this AGREEMENT has been signed.

7. MISCELLANEOUS

7.1 No Admission: Nothing contained herein shall be construed as an admission by THE CITY of any liability of any kind. THE CITY denies any liability in connection with any claim and intends hereby solely to avoid potential claims and/or litigation and buy its peace.

7.2 Governing Law: This AGREEMENT has been executed and delivered within the State of California, and the rights and obligations of the parties shall be construed and enforced in accordance with, and governed by, the laws of the State of California.

7.3 Full Integration: This AGREEMENT is the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous oral and written agreements and discussions. This AGREEMENT may be amended only by a further agreement in writing, signed by the parties hereto.

7.4 Continuing Benefit: This AGREEMENT is binding upon and shall inure to the benefit of the parties hereto, their respective agents, spouses, employees, representatives, officials, attorneys, assigns, heirs, and successors in interest.

7.5 Joint Drafting: Each party agrees that it has cooperated in the drafting and preparation of this AGREEMENT. Hence, in any construction to be made of this AGREEMENT, the parties agree that same shall not be construed against any party.

7.6 Severability: In the event that any term, covenant, condition, provision or agreement contained in this AGREEMENT is held to be invalid or void by any court of competent jurisdiction, the invalidity of any such term, covenant, condition, provision or agreement shall in no way affect any other term, covenant, condition, provision or agreement and the remainder of this AGREEMENT shall still be in full force and effect.

7.7 Titles: The titles included in this AGREEMENT are for reference only and are not part of its terms, nor do they in any way modify the terms of this AGREEMENT.

7.8 Counterparts: This AGREEMENT may be executed in counterparts, and when each party has signed and delivered at least one such counterpart, each counterpart shall be deemed an original, and, when taken together with other signed counterparts, shall constitute one AGREEMENT, which shall be binding upon and effective as to all parties.

7.9 Notice: Any and all notices given to any party under this AGREEMENT shall be given as provided in this paragraph. All notices given to either party shall be made by certified or registered United States mail, or personal delivery, at the noticing party's discretion, and addressed to the parties as set forth below. Notices shall be deemed, for all purposes, to have been given and/or received on the date of personal service or three (3) consecutive calendar days following deposit of the same in the United States mail.

As to EMPLOYEE:

At EMPLOYEE's home address on file with THE CITY.

As to THE CITY:

Mayor
City of Morro Bay
595 Harbor Street
Morro Bay, California 93442

IN WITNESS WHEREOF, THE CITY has caused this AGREEMENT to be signed and executed on its behalf by its Mayor and duly attested by its City Clerk, EMPLOYEE has signed and executed this AGREEMENT, and the attorneys for THE CITY and EMPLOYEE, if any, have approved as to form as of the dates written below.

DATED: _____

EMPLOYEE

By: _____

DATED: _____

THE CITY

By: _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: _____
_____, City Attorney

[EMPLOYEE'S ATTORNEY'S LAW FIRM]

By: _____
[Counsel Name]

EXHIBIT D

GOVERNMENT CODE SECTION 53243-53243.4

53243. On or after January 1, 2012, any contract executed or renewed between a local agency and an officer or employee of a local agency that provides paid leave salary offered by the local agency to the officer or employee pending an investigation shall require that any salary provided for that purpose be fully reimbursed if the officer or employee is convicted of a crime involving an abuse of his or her office or position.

53243.1. On or after January 1, 2012, any contract executed or renewed between a local agency and an officer or employee of a local agency that provides funds for the legal criminal defense of an officer or employee shall require that any funds provided for that purpose be fully reimbursed to the local agency if the officer or employee is convicted of a crime involving an abuse of his or her office or position.

53243.2. On or after January 1, 2012, any contract of employment between an employee and a local agency employer shall include a provision which provides that, regardless of the term of the contract, if the contract is terminated, any cash settlement related to the termination that an employee may receive from the local agency shall be fully reimbursed to the local agency if the employee is convicted of a crime involving an abuse of his or her office or position.

53243.3. On or after January 1, 2012, if a local agency provides, in the absence of a contractual obligation, for any of the payments described in this article, then the employee or officer receiving any payments provided for those purposes shall fully reimburse the local agency that provided those payments in the event that the employee or officer is convicted of a crime involving the abuse of his or her office or position.

53243.4. For purposes of this article, "abuse of office or position" means either of the following:

- (a) An abuse of public authority, including, but not limited to, waste, fraud, and violation of the law under color of authority.
- (b) A crime against public justice, including, but not limited to, a crime described in Title 5 (commencing with Section 67), Title 6 (commencing with Section 85), or Title 7 (commencing with Section 92) of Part 1 of the Penal Code.

YVONNE KIMBALL

██████████, Jackson, CA 95642 • ██████████ • ██████████

EDUCATIONAL BACKGROUND

Master of Arts in Public Administration

University of Central Florida – Orlando, FL

Graduate Certificate in Urban and Regional Planning

University of Central Florida – Orlando, FL

Bachelor of Arts in Business English

Tianjin Institute of Technology – Tianjin, China

RELEVANT PROFESSIONAL EXPERIENCE

CITY Manager

City of Jackson, CA

August 2017 - Present

The City of Jackson, California is the seat of Amador County and is located in the northern foothills of the Sierra Nevada Mountains. Known for its rich gold-mining history, Jackson has become a commercial, governmental and cultural hub of the region with an abundance of weekend events. Given its close proximity to metropolitan locales including Sacramento, Stockton and San Francisco, Jackson is a popular destination for weekenders and retirees from cities. Jackson’s permanent population is approximately 5,000 with about 25,000 people coming to Jackson daily to work, attend schools, seek medical care, conduct business, shop, visit and play. The City’s commerce relies on a variety of sectors, including governmental services, health care, and hospitality. Jackson City provides a full array of municipal services in-house, including Police, Fire, Public Works (Water, Sewer, Streets, Cemetery and Facilities), Parks & Recreation, Planning, Building and Engineering. The City’s service area doubles city limits. The City’s combined annual operational budget is \$10 million, CIP \$20 million. The City employs approximately 50 individuals. As the City Manager, I oversee all operations, implement capital projects, negotiate and manage contracts, coordinate economic development, and prepare & deliver budgets.

Key accomplishments:

- Establish strong fiscal resiliency: having doubled the City’s General Fund balance, quadrupled available cash. Deliver concrete results for infrastructure improvements: have completed over \$15 million projects while maintaining a \$17 million running total each year. Drive productivity.
- Be a trusted advisor to Council. Maintain political neutrality while facilitating policy priorities.
- Recruitment of key positions and continued employee development. Key positions include Police Chief, Fire Chief, Public Works Superintendent, Deputy City Clerk (City Clerk is elected), Chief Sewer Plant Operator, Building Official. Address talent shortage through creative approaches.
- Perform labor negotiations with all bargaining units; conduct cost analysis. Implemented a pension cost-sharing strategy for Police.
- Expanded sewer treatment capacity by 30%; oversaw discharge permit negotiations with Regional Water Board; implemented sewer collection programs to reduce inflow and infiltration; prepared routine updates to the State. Addressed other outstanding orders by the Water Board.
- Oversaw the preparation, completion and implementation of various revenue studies including utility financial plans, cost allocation and user fee studies, development impact fees. Restructured cash reserves, liquidated funds, diversified investment portfolios.
- Address infrastructure needs. Achievements include a \$12M. sewer plant improvement project, water reservoir planning, major renovation to city hall/police dept., power back up systems to critical infrastructure, stormwater system and sewer collection improvements, regional park planning, roundabout planning, swimming pool improvements, CIP preparation and implementation.
- Employ technology in many city operations and turn manual processes into integrated applications to improve productivity and service efficiency.
- Serve as the Director of Emergency Services. Respond during disasters: prepare proclamation, activate operation center, obtain vital supplies/equipment, coordinate regional efforts, social media. Lead recovery after emergencies, prepare and improve preparedness plans. I have responded to floods, winter storms, draught, excessive heat, blackout days, earthquake.

- Deliver milestone results to various “brownfield” redevelopment projects. Work include grants, environmental studies, public outreach, federal and state compliance activities.
- Overseeing City’s 2040 General Plan all element update, including mandatory Housing Element.
- Effectively address homelessness issue through an outreach program which resulted in 30% call reduction and achieved noticeable outcomes. Program is fully funded through grants. Modified ordinances to provide tools for necessary enforcement.
- Manage claims against city and successfully resolved many expensive and complicated claims, including a long-term payroll issue.
- Have lead the City and the community through the Covid-19 pandemic.
- Render environmental leadership - installed LED lighting, acquired electric cars through grants; brought in Tesla and other EV charging stations; earned Beacon Spotlight Gold, Silver Awards for achieving greenhouse gas reduction & energy saving goals.
- Partnering with the Jackson Rancheria Band of Miwuk Indians to support development opportunities.

Town Manager **Town of Dewey-Humboldt, AZ** **January, 2012 - August, 2017**

The Town of Dewey-Humboldt, with a population of 4,000 encompasses 20 square miles of land area. Incorporated in December 2004, the Town has a Council – Manager form of government with a seven-member elected Town Council and an appointed professional manager. Dewey-Humboldt abuts to and contains state and federal land areas. To achieve the utmost in efficiency, the Town outsources services sensibly while directly providing public work services, land use, building safety, code enforcement, and court services. As the Town Manager, I oversaw all personnel, service provision operation and contracts.

Key achievements:

- Effectively served multiple Councils and remained as the Town’s longest tenured manager.
- Lead a young municipality towards maturity: expanded the Town’s infrastructure, acquired real property, extended essential services, advanced Town’s ISO rating.
- Designed a variety of programs and utilize technology to build trust with a divided and often at odds citizenry and governing body.
- Lead the City through the EPA’s superfund activities and addressed water quality concerns.
- Designed and implemented environmental and public health programs that gained state recognition. Achievements include a highly popular well water testing program.
- Built a high-performing team from the ground up and reversed the excessive employee turn-over rate that existed before my hiring.
- Successfully collaborated with the federal government for several projects that were completed in record times. For instance, I oversaw a trailhead (into a national forest) project from advocacy to construction, all within one year.
- Successfully led a FireWise Community program resulted in implementing defensible spaces and earning “firewire” designation.
- Remained strategic and visionary on infrastructure future expansion. Examples include preparation and implementation of Town’s multiyear road improvement plans, capital asset plans, obtaining real estate, drafting facility plans in preparation for a new town hall.
- Performed duties of the Zoning Administrator, interpret zoning regulations on a daily basis. Oversaw an annexation process.
- Administered and negotiated police service contracts, managed all property leases. Resolved historical right of way disputes.
- Town’s spokesperson for the news media. Prepared Town’s monthly newsletter.
- Contributed to national and state management publications. Called upon to speak to professional groups on various municipal issues.
- Appointed by the Governor Jan Brewer to the Governor’s Groundwater User Advisory Committee to address regional water issues.
- Officer for many state wide boards, including Arizona City/County Management Association Board, USDA Resource Advisory Committee, AZ Cities Municipal Risk Control Pool Finance Advisory Committee, University of Arizona Superfund Research Community Advisory Board.

City Manager **City of Bowling Green, FL** **October, 2008 – December, 2011**

The City of Bowling Green with a population of 3,000 is located in west central Florida. Incorporated in 1927, Bowling Green has a Council-Manager form of government with a five-member city commission and an appointed manager in charge of daily operations and policy implementation. The City provides a full array of services, including water, sewer, solid waste collection, public safety, animal control and a cemetery. I directly oversaw all operations, personnel and contracts.

Key achievements:

- Tactfully handled 10% budget shortfalls during the Great Recession without raising property tax rates.
- Improved City's relationship with the African American and Latino communities. Increased overall community confidence through responsiveness and leadership.
- Completed recovery efforts from hurricanes, including restoration of public safety buildings and repairs of other facilities, prepared and closed out FEMA, State EMS and County reports.
- Prepared Utility Asset Assessment. Then completed procurement and project management of capital projects including a water main design and construction, rehabilitation of the sewer plant, construction of a utility garage building, acquisition of City vehicles and heavy equipment, upgrading City streets.
- Successfully obtained a total of \$2.1 million in great recession Federal Stimulus funding for street paving, sidewalk construction and energy efficient street lighting.
- Expanded City's utility infrastructure with grant funding to prepare for future growth.
- Advanced the City's technological capability; upgraded utility billing software; developed a website for the City; transferred critical paper records to secure digital formats.
- Became a Certified Utility Manager through National Rural Water Association.
- Established and implemented the City's risk management program; obtained safety grants.
- Organized and updated job descriptions and pay scales, implemented performance evaluations.

Florida Tri-City City Manager Trainee/Intern **August, 2006 – August, 2008**

The Florida City/County Management Association sponsored the Tri-City City Manager Intern position with the purpose of preparing chosen professionals to take on leadership roles in local governments. This two-year position allowed me to work directly with the City Managers of Palm Bay, Titusville and Satellite Beach in the capacity of the Assistant to the City Manager.

Key achievements:

- Participated fully as a member of the City Managers' Executive Leadership Teams.
- In the City of Palm Bay, a full service city with 800 employees, I compiled the employee Administrative Codes.
- In the City of Titusville, whose economic base relies on the NASA space industry, I served in a City Planner's capacity and worked at the Marina.
- In the City of Satellite Beach, a quaint beach side community, I worked with the Fire Department on its "Communities for a Lifetime" initiative which earned national recognitions. I also worked on economic development and community redevelopment projects.

KEY PROFESSIONAL AFFILIATIONS

- Credentialed Manager through the International City/County Management Association
- California Society of Municipal Finance Officers - N. Cal. Municipal Management Association
- International Network of Asian Public Administrators - California City Management Foundation

BOARDS /COMMITTEES

- California League of Cities Policy Committee: Housing and Economic Development
- N. Cal. Cities Self Insurance Pool Executive Board (representing 22 cities on workers compensation, liability, vehicle, property insurance matters)
- Amador Senior Center Board of Director - Sutter Amador Hospital Community Advisory
- Amador County Transportation Commission (MPO) Advisory Committee



AGENDA NO: C-2

MEETING DATE: June 13, 2023

Staff Report

TO: Honorable Mayor and City Council

DATE: June 6, 2023

FROM: Rachael Hendricks / Human Resources Manager

SUBJECT: Adoption of Ordinance No. 658 Authorizing an Amendment to the CalPERS Contract for Employees Sharing Additional Costs

RECOMMENDATION

Staff recommends the City Council adopt, by second reading and by title only with further reading waived, Ordinance No. 658, "An Ordinance of the City Council of the City Of Morro Bay, California authorizing an Amendment to the Contract Between the City of Morro Bay and the Board of Administration of the California Public Employees' Retirement System Implementing Section 20516 (Employees Sharing Additional Cost) for Local Members in the Service Employees International Union, Unrepresented Confidential, Unrepresented Management, and Unrepresented Department Heads."

ALTERNATIVES

No alternatives are recommended.

FISCAL IMPACT

There is no fiscal impact associated with this report. Salaries and benefits for affected employees are approved with the FY 2023/24 Operating Budget. The adoption of this agreement enacts a portion of the Memorandum of Understanding on which approved personnel costs were based.

BACKGROUND

This is the final step in the CalPERS contract amendment process implementing Section 20516 Employees Sharing Additional Cost. The Council adopted Resolution No. 32-23 on May 23, 2023, giving notice of the City's intention to approve an amendment to the contract between the City and the Board of Administration of the California Public Employee's Retirement System (CalPERS) and introduced for first reading, with further reading waived, Ordinance No. 658 Authorizing an Amendment to the Contract between the City of Morro Bay and the Board of Administration of the California Public Employees' Retirement System Implementing Section 20516 (Employees Sharing Additional Cost) for SEIU members in the Morro Bay Service Employees International Union and Unrepresented Confidential, Management, and Department Heads. The staff report for Item C-1 and additional reference information from that meeting can be found here:

<https://www.morrobayca.gov/ArchiveCenter/ViewFile/Item/6179>

Upon approval of this contract amendment, which would bring the CalPERS contract into alignment with the current adopted MOUs and compensation and benefits resolutions, City of Morro Bay employees will have cost sharing as follows:

Prepared By: RH

Dept Review:

City Manager Review: _GC

City Attorney Review: _CFN

- a. CalPERS classic Miscellaneous Unit members in SEIU, Unrepresented Management, Unrepresented Department Heads, and Unrepresented Confidential (Tier 1) shall pay 8% as an employee contribution, plus 1% as employee cost sharing, for a total employee contribution of 9%.
- b. CalPERS classic Safety Unit members in SEIU, Unrepresented Management, and Unrepresented Department Heads (Tier 1) shall pay 9% as an employee contribution, plus 1% as employee cost sharing, for a total employee contribution of 10%.
- c. CalPERS classic Miscellaneous Unit members in SEIU, Unrepresented Management, Unrepresented Department Heads, and Unrepresented Confidential (Tier 2) shall pay 7% as an employee contribution, plus 1% as employee cost sharing, for a total employee contribution of 8%.
- d. CalPERS classic Safety Unit members in SEIU, Unrepresented Management, and Unrepresented Department Heads (Tier 2) shall pay 9% as an employee contribution, plus 1% as employee cost sharing, for a total employee contribution of 10%.
- e. CalPERS classic Safety Unit members in MBPOA and MBFFA (Tier 1) shall pay an additional 1% cost-sharing contribution, for a total employee contribution of 12%.
- f. CalPERS classic Safety Unit members in MBPOA and MBFFA (Tier 2) shall pay an additional 1% cost-sharing contribution, for a total employee contribution of 12%.
- g. CalPERS PEPRAs Safety Unit members in MBPOA shall have a reduction of 1% of their cost sharing (from current 2% cost sharing).

The chart below illustrates the changes to CalPERS contribution which were listed above with employer/employee cost-sharing to be implemented on July 1, 2023.

CalPERS Category	Benefit Tier	Benefit Formula	Effective City Rate (Employer) FY 23-24	Employee Rate FY 23-24	Employee Cost-Share Rate FY 23-24	Net Employee Rate with Cost-Sharing FY 23-24
Miscellaneous	Tier 1	2.7% @ 55	15.95%	8%	1%	9%
Miscellaneous	Tier 2	2% @ 60	10.10%	7%	1%	8%
Miscellaneous	PEPRA	2% @ 62	7.68%	7.75%	0%	7.75%
Fire/Police	Tier 1	3% @ 50	27.11%	9%	3%	12%
Fire/Police	Tier 2	3% @ 55	22.83%	9%	3%	12%
Fire	PEPRA	2.7% @ 57	13.54%	13.75%	2%	15.75%
Police	PEPRA	2.7% @ 57	13.54%	13.75%	1%	14.75%
Fire/Police Chiefs/Mgmt	Tier 2	3% @ 55	22.83%	9%	1%	10%
Harbor Patrol	Tier 1	3% @ 50	27.11%	9%	1%	10%
Harbor Patrol	Tier 2	3% @ 55	22.83%	9%	1%	10%
Harbor Patrol	PEPRA	2.7% @ 57	13.54%	13.75%	0%	13.75%

Cost sharing for CalPERS PEPRA Safety Unit members in MBFFA will remain unchanged at 2%. No cost sharing is being implemented for CalPERS Miscellaneous or Safety Unit PEPRA members represented by SEIU.

The additional amounts paid by the employee toward the City's contribution will be credited to each member's PERS account as normal contributions and will allow the City to process the full contribution as tax-deferred compensation in accordance with IRC414(h)(2).

As required by CalPERS as part of the contract amendment process, it was approved by a majority vote of employees of SEIU, Unrepresented Confidential, Management, and Department Heads in a secret ballot election. (See Attachment 1, Certification of Employee Election).

CONCLUSION

Staff recommends the Council adopt Ordinance No.658 Authorizing an Amendment to the contract between the City and the Board of Administration of the California Public Employees' Retirement System (CalPERS).

ATTACHMENTS

1. Certification of Employee Election
2. Ordinance No. 658 including attached CalPERS "Exhibit"



California Public Employees' Retirement System
 Financial Office | Pension Contracts and Prefunding Programs Division
 P.O. Box 942703, Sacramento, CA 94229-2703
 888 CalPERS (or 888-225-7377) | TTY: (877) 249-7442 | www.calpers.ca.gov

Certification of Employee Election

I hereby certify that the following employees of the City of Morro Bay have expressed their approval or disapproval of said agency's intention to amend its contract to provide Section 20516 (Employees Sharing Additional Cost) of 1% for classic local miscellaneous members in the Morro Bay Service Employees International Union-Local 620, Unrepresented Management, Unrepresented Department Head, and Unrepresented Confidential Employees; 1% for classic local police members in the Morro Bay Service Employees International Union-Local 620; and 1% for classic local safety members in the Unrepresented Department Head and Unrepresented Management on the basis described in the Resolution of Intention adopted by said agency's governing body on May 23, 2023, _____, in such manner as to permit each employee to separately and secretly express his choice and that the outcome of such election was as follows:

	Number of employees eligible to vote	Number of votes approving said participation	Number of votes disapproving said participation
Local Miscellaneous Members as defined in Govt. Code Section 20383 (SEIU, Unrep Dept. Head, Conf., Mgmt.)	<u>25</u>	<u>18</u>	<u>2</u>
Local Police Officers as defined in Govt. Code Section 20425 (SEIU, Unrep Dept. Head, Mgmt.)	<u>3</u>	<u>2</u>	<u>1</u>

Local Fire Fighters as
defined in Govt. Code
Section 20433

(Unrep Dept. Head,
Mgmt.)

2 2 0

Dana Swanson
Clerk or Secretary

June 7, 2023
Date

ORDINANCE NO. 658

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE
CITY OF MORRO BAY AND THE BOARD OF ADMINISTRATION OF THE
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
IMPLEMENTING SECTION 20516 (EMPLOYEES SHARING ADDITIONAL COST) FOR
LOCAL MEMBERS IN THE SERVICE EMPLOYEES INTERNATIONAL UNION,
UNREPRESENTED CONFIDENTIAL, UNREPRESENTED MANAGEMENT, AND
UNREPRESENTED DEPARTMENT HEADS**

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

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

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

SECTION 2. EXECUTION. The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

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

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

INTRODUCED at a regular meeting of the City Council held on the 23rd day of May 2023, by motion of Council Member Edwards and seconded by Council Member Landrum.

PASSED AND ADOPTED on the 13th day of June 2023.

CARLA WIXOM, Mayor

ATTEST:

DANA SWANSON, City Clerk

APPROVED AS TO FORM:

CHRIS F. NEUMEYER, City Attorney

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

I, Dana Swanson, CITY CLERK OF THE CITY OF MORRO BAY, DO HEREBY CERTIFY that the foregoing Ordinance Number 658 was duly adopted by the City Council of the City of Morro Bay at a regular meeting of said Council on the 13th day of June 2023, and that it was so adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

City Clerk, Dana Swanson

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

DANA SWANSON, City Clerk




EXHIBIT

California
Public Employees' Retirement System



AMENDMENT TO CONTRACT

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



The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective July 1, 1965, and witnessed June 1, 1965, and as amended effective August 15, 1981, November 19, 1983, January 7, 1989, June 24, 1989, June 22, 1991, June 10, 1994, June 9, 1998, October 17, 1998, April 13, 2000, June 22, 2002, September 13, 2002, June 21, 2003, September 27, 2003, July 1, 2006, June 2, 2007, May 31, 2008, March 19, 2011, September 17, 2011, December 10, 2011, June 15, 2019, October 19, 2019, and November 26, 2022, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 19 are hereby stricken from said contract as executed effective November 26, 2022, and hereby replaced by the following paragraphs numbered 1 through 19 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members entering membership in the miscellaneous classification on or prior December 10, 2011, age 60 for classic local miscellaneous members entering membership in the miscellaneous classification after December 10, 2011, age 62 for new local miscellaneous members, age 50 for classic local fire members entering membership in the fire classification on or prior to March 19, 2011, and for those classic local police members entering membership in the police classification on or prior to September 17, 2011, age 55 for classic local fire members entering membership for the first time in the fire classification after March 19, 2011, and for those classic local police members entering membership for the first time in police classification after September 17, 2011, and age 57 for new local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after July 1, 1965, making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.

- (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
- 4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).
- 5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **ELECTED OFFICIALS;**
 - b. **APPOINTIVE COMMISSIONS; AND**
 - c. **PERSONS COMPENSATED ON AN HOURLY BASIS.**
- 6. This contract shall be a continuation of the benefits of the contract of the Morro Bay Fire District, hereinafter referred to as "Former Agency", pursuant to Section 20508 of the Government Code, Former Agency having ceased to exist and succeeded by Public Agency on July 1, 1965. Public Agency, by this contract, assumes the accumulated contributions and assets derived therefrom and liability for prior and current service under Former Agency's contract with respect to the Former Agency's employees. Legislation repealed Section 20508, Statutes of 1949, effective January 1, 1988.
- 7. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member in employment before and not on or after September 27, 2003, shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
- 8. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member in employment on or after September 27, 2003, and not entering membership for the first time in the miscellaneous classification after December 10, 2011, shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).

9. The percentage of final compensation to be provided for each year of credited current service as a classic local miscellaneous member entering membership for the first time in the miscellaneous classification after December 10, 2011, shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local fire member entering membership in the fire classification on or prior to March 19, 2011, and for those classic local police members entering membership in the police classification on or prior to September 17, 2011, shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
12. The percentage of final compensation to be provided for each year of credited current service as a classic local fire member entering membership for the first time in the fire classification after March 19, 2011, and for those classic local police members entering membership for the first time in the police classification after September 17, 2011, shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
13. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
14. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 20965 (Credit for Unused Sick Leave).
 - b. Section 20042 (One-Year Final Compensation) for those classic local fire members entering membership on or prior to March 19, 2011, those classic local police members entering membership on or prior to September 17, 2011, and those classic local miscellaneous members entering membership on or prior to December 10, 2011.
 - c. Section 21024 (Military Service Credit as Public Service) for local miscellaneous members and local police members only.
 - d. Section 21574 (Fourth Level of 1959 Survivor Benefits).

- e. Section 20423 ("Local Safety Member" shall include Harbor or Port Police Officers as described in Government Code Section 20423).
- f. Section 21027 (Military Service Credit for Retired Persons) for local police members only.
- g. Section 20475 (Different Level of Benefits): Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local fire members entering membership for the first time with this agency in the fire classification after March 19, 2011.

Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local police members entering membership for the first time with this agency in the police classification after September 17, 2011.

Section 21353 (2% @ 60 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local miscellaneous members entering membership for the first time with this agency in the miscellaneous classification after December 10, 2011.

- h. Section 20516 (Employees Sharing Additional Cost):

From and after June 15, 2019, and until October 10, 2019, 1% for local police members in the Morro Bay Peace Officers' Association.

From and after October 10, 2019, and until the effective date of this amendment to contract 2% for local police members in the Morro Bay Peace Officers' Association.

From and after November 26, 2022, and until the effective date of this amendment to contract, 2% for local fire members in the Morro Bay Firefighters Association, IAFF Local 3725.

From and after the effective date of this amendment to contract, 3% for classic local police members in the Morro Bay Peace Officers' Association.

From and after the effective date of this amendment to contract, 3% for classic local fire members in the Morro Bay Firefighters Association, IAFF Local 3725.

From and after the effective date of this amendment to contract, 1% for new local police members in the Morro Bay Peace Officers' Association.

From and after the effective date of this amendment to contract, 1% for classic local safety members in the Unrepresented Management group.

From and after the effective date of this amendment to contract, 1% for classic local safety members in the Unrepresented Department Head group.

From and after the effective date of this amendment to contract, 1% for classic local police members in the Morro Bay Service Employees International Union, Local 620.

From and after the effective date of this amendment to contract, 1% for classic local miscellaneous members in the Morro Bay Service Employees International Union, Local 620.

From and after the effective date of this amendment to contract, 1% for classic local miscellaneous members in the Unrepresented Management group.

From and after the effective date of this amendment to contract, 1% for classic local miscellaneous members in the Unrepresented Department Head group.

From and after the effective date of this amendment to contract, 1% for classic local miscellaneous members in the Unrepresented Confidential group.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

15. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on August 15, 1981. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
16. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

17. Public Agency shall also contribute to said Retirement System as follows:
 - a. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - b. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
18. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
19. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF MORRO BAY

BY _____
MELODY BENAVIDES, CHIEF
PENSION CONTRACTS AND PREFUNDING
PROGRAMS DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk



AGENDA NO: C-3

MEETING DATE: June 13, 2023

Staff Report

TO: Honorable Mayor and City Council **DATE:** June 6, 2023

FROM: Greg Carpenter, Interim City Manager
Sarah Johnson-Rios, Assistant City Manager/Admin Services Director
Kelley Mattos, Senior Administrative Services Analyst
Rachael Hendricks, Human Resources Manager

SUBJECT: Adopt: Resolution No. 38-23 Adopting the Fiscal Year 2023-24 Operating and Capital Budgets; Resolution No. 39-23 Adopting the City’s FY 2023-24 Salary Schedule; Resolution No. 40-23 approving the Public Works Inspector Job Classification; Resolution No. 41-23 Readopting the City’s Investment Policy; and, Resolution No. 42-23 Adopting the FY 2023-24 GANN Appropriations Limit

RECOMMENDATION

Staff recommends the City Council:

1. Adopt Resolution No. 38-23 adopting the Fiscal Year (FY) 2023-24 Operating and Capital Budgets; and
2. Adopt Resolution No. 39-23 approving the FY 2023-24 Salary Schedule; and
3. Adopt Resolution No. 40-23 approving Public Works Inspector Job Classification
4. Adopt Resolution No. 41-23 readopting the City’s Investment Policy; and
5. Adopt Resolution No. 42-23 setting the FY 2023-24 GANN Appropriations Limit at \$34,249,744.

FISCAL IMPACT

The total Proposed Citywide revenue budget for FY 2023-24 is \$45.9 million and the proposed citywide expenditure budget for FY 2023-24 is \$56.1 million (net of transfers). The difference comes from available fund balance to be used for one-time capital projects. The City maintains an operating surplus and strong reserve levels.

BACKGROUND

The City Council conducted two budget study sessions, on May 23 and 24, 2023. During these discussions, the Council reviewed the City’s Operating and Capital Budget and provided feedback. The Citizens Finance Advisory Committee (CFAC) reviewed the Proposed Budget, including the Measure Q & E Fund Budget, on May 16, 2023 and provided input that Council considered at the Budget Study Sessions in late May.

DISCUSSION

Budget Changes: There were no changes made by City Council to the FY 2023-24 proposed budget as presented during the May 23rd and 24th study sessions.

Prepared By: SJR

Dept Review: _____

City Manager Review: GC

City Attorney Review: CFN

However, staff has developed a small list of corrections and/or typographical changes to the FY 2023-24 Proposed Budget from the Proposed Budget that Council reviewed in May 2023.

The changes are summarized as follows and are included as Exhibit 1 to Resolution No. 38-23 (Attachment 1) with links to the digital budget book pages, and page numbers for the printed budget book.

1. Increasing expense line titled 'Ongoing costs for long-term liabilities' amount in the FY 2024 column on the Sewer Fund 5-year forecast from \$105,193 to \$331,408. This figure is correct in the operating budget as presented.
2. Decreasing expense line titled 'Contribution to 115 Trust' amount in the FY 2024 column on the Sewer Fund 5-year forecast from \$330,215 to \$104,000. This figure is correct in the operating budget as presented.
3. Correcting \$190,00 to \$190,000 in reference to the OneWater Plan Update project on the One-year Capital Plan page narrative under Water and Sewer Project heading.

As concerns regarding economic cooling remain, it is important to note that the Proposed Budget represents a balanced budget with operating surpluses in all funds and robust reserve levels. In the General Fund specifically, ongoing revenues (net of the one-time American Rescue Plan Act Funds) are approximately \$19.0 million. Ongoing General Fund expenditures (net of one-time transfers and capital expenditures) are approximately \$18.1 million. This projected ongoing operating surplus of \$0.9 million (or up to \$2.0 million if capital contributions had to be temporarily paused) will help maintain stability in the General Fund should a mild recession occur.

The City's reserves will protect the City's ability to continue to deliver core services in the event of an emergency such as a natural disaster or significant fiscal distress. The Proposed Budget projects that the City will have a total of over \$14.5 million in reserves at the conclusion of the budget year, which equates to approximately 40% of the Citywide operating budget in FY 2023-24.

Salary Schedule and New Classification:

To implement changes in pay consistent with the FY 2023-24 operating budget, staff recommends the Council approve the FY 2023-24 Salary Schedule by the adoption of Resolution No. 39-23. The proposed salary schedule includes the Cost-of-Living Adjustments (COLA's) previously negotiated by employee groups and approved by Council.

Staff also recommends the Council adopt Resolution No. 40-23 approving the Public Works Inspector job classification and establishing the salary range for that position. In June 2022, the City initiated a successful trial program, where the Consolidated Maintenance Field Supervisor assumed the responsibilities of a Public Works Inspector. The primary objectives of the trial program were to evaluate the viability and efficacy of this position. The position's primary goal is to ensure that projects in the public right of way and public infrastructure projects were safe, high quality, and consistent with specifications and regulations. The trial program demonstrated both the employee's competence as a Public Works Inspector and the City's need for the role. Establishing this classification as a regular position ensures clear job responsibilities and appropriate compensation. This new classification

aligns with the current salary of the Consolidated Maintenance Field Supervisor, resulting in no increase in salary or FTE.

Fiscal Policies: In preparing this budget, staff took its primary direction from the guidelines established in the City of Morro Bay Fiscal Policies. There are several key fiscal policies that rise to the level of Council review and approval standards and are reviewed regularly by City Council. These policies are referenced and summarized in the City's Budget document and posted in full on the City's web site. This report includes a resolution (Resolution No. 41-23) for Council to readopt the City's Investment Policy as is required annually by State law. There are no proposed changes to the policy, which is included in Attachment 4.

Fiscal policies that City Council has reviewed recently but do not require changes at this time include the following, which were last reviewed and updated with the Council resolutions noted: Fund Balance Reserve Policies (Resolution No. 37-22), Revenue and Expenditure Policy (Resolution Nos. 52-21 and 53-21), Debt Management Policy (Resolution No. 43-18), Short-Term Fiscal Emergency Plan (Resolution No. 97-18), Long-Term Financial Planning Policy (Resolution No. 09-19), Financial Policies Related to Capital Assets (Resolution No. 59-19), and Donations and Grant Management Polices (Resolution No. 61-19). These policies are available in full on the [City's website](#).

GANN Limit: State law requires the adoption of an annual appropriations limit, which restricts the growth of tax-funded programs and services by limiting the appropriation of proceeds of taxes. For FY 2023-24, the City of Morro Bay remains well under its appropriations limit. Proposition 4, known as the Gann Initiative, was approved by the California electorate in 1979. It is intended to restrict growth of tax-funded programs and services by limiting the appropriation of the proceeds of taxes to the 1978-79 base year limit, as adjusted annually for changes in population and inflation. Proceeds of taxes in excess of the appropriations limit, with some exceptions, must be returned to the taxpayers by refund or reduction in tax rates, unless an extension of the limit is approved by majority popular vote. Proceeds of taxes include tax revenues and investment earnings related to those tax revenues, proceeds from licenses and users/charges to the extent that they exceed the cost to cover those services, and discretionary tax funds used for contingency, emergency, unemployment, reserve and retirement sinking funds, trust, or similar funds.

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

The City is calculating this limit using the San Luis Obispo County population change and the California Per Capita Personal Income, referred to as the Price Factor (explained in exhibits to Attachment 5). According to the California Department of Finance, the population of San Luis Obispo County decreased by 0.50 percent between January 1, 2022 and January 1, 2023. The Per Capita Cost of Living increased by 4.44 percent. Applying these factors results in the following:

2023-24 Population and Per Capita Cost of Living Change Calculation:

- Per Capita Cost of Living Change = 4.44 percent
- Population Change = -0.50 percent

- Per Capita Cost of Living converted to a ratio: $(4.44 + 100) \div 100 = 1.0444$
- Population converted to a ratio: $(-0.50 + 100) \div 100 = 0.9950$

Calculation Factor for FY 2023-24: $1.0444 \times 0.9950 = 1.0391780$

Prior year limit		\$32,958,496
Calculation Factor per DOF guidance	x	<u>1.0391780</u>
Equals Appropriation Limit	=	<u>\$34,249,744</u>

The FY 2023-24 budget estimate of revenues from the proceeds of taxes is \$17,502,321 which is well below the appropriations limit (by \$16,747,423 or 48.9%). Thus, the City's finances are not impacted by the appropriation limit. The calculation of estimated proceeds of taxes for FY 2023-24 is shown in detail in Exhibit 1 to Attachment 5. The calculation of FY 2023-24 Appropriations Limit is shown in Exhibit 2 to Attachment 5, along with a historical listing of prior year limits. Exhibit 3 to Attachment 5 is a copy of the California Department of Finance's change in population estimates between January 1, 2022 and January 1, 2023 and the California Department of Finance's published price factor.

CONCLUSION

Staff is recommending adoption of Resolution No. 38-23, which adopts the Fiscal Year 2023-24 Operating and Capital Budget, including the changes presented as an exhibit to the resolution. Staff also recommends approval of the Resolution Nos. 39-23, 40-23, 41-23, and 42-23 associated with the FY 2023-24 Salary Schedule, new job classification, readopted investment policy, and the GANN appropriations limit.

ATTACHMENTS

1. Resolution No. 38-23 Adopting the FY 2023-24 Operating and Capital Budget as amended by changes contained in Exhibit 1.
 - a. Exhibit 1 – Changes since May 23-24 Budget Study Sessions
 - b. Exhibit 2 - Link to Revised Proposed Budget for FY 2023-24
 - i. Digital Interactive Version at <https://city-morro-bay-ca-budget-book.cleargov.com/8736/introduction/transmittal-letter>
 - ii. Printable PDF Version, at https://www.morrobayca.gov/DocumentCenter/View/17718/FY-2023-24-Proposed-Operating-and-Capital-Budget_51023
2. Resolution No. 39-23 Adopting City's Master Salary Schedule
 - a. Exhibit 1 - 2023-24 City Master Salary Schedule
3. Resolution No. 40-23 Adopting Public Works Inspector Job Classification
 - a. Exhibit 1 - Public Works Inspector Job Description
4. Resolution No. 41-23 Readopting the Investment Policy
5. Resolution No. 42-23 Adopting the GANN Appropriations Limit for FY 2023-24
 - a. Exhibit 1 – 2023-24 Calculation of Estimated Proceeds of Taxes
 - b. Exhibit 2 – 2023-24 Calculation of Appropriations Limit
 - c. Exhibit 3 – 2023-24 California Department of Finance Price Factor and Population Estimates

RESOLUTION NO. 38-23

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
ADOPTING THE FISCAL YEAR 2023-24 OPERATING AND CAPITAL BUDGET**

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

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

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

WHEREAS, the City Council reviewed the Proposed Budget on May 23 and 24, 2023 and provided input and there are no subsequent changes to the proposed budget since the May 23-24, 2023 Budget Study Sessions; and

WHEREAS, the City Council recognizes that Capital Improvement Projects and one-time expenditures of American Rescue Plan Act (ARPA) and General Fund Vehicle Maintenance funds that were authorized and approved in the current and prior fiscal years, may not be completed by June 30, 2023; and

WHEREAS, the total Proposed Citywide revenue budget for FY 2023-24 is \$45.9 million and the proposed citywide expenditure budget for FY 2023-24 is \$56.1 million (net of transfers);

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

1. The Fiscal Year 2023-24 Operating and Capital Budget, attached hereto as Exhibit 2, at [Digital Interactive Version and at https://city-morro-bay-ca-budget-book.cleargov.com/8736/introduction/transmittal-letter](https://city-morro-bay-ca-budget-book.cleargov.com/8736/introduction/transmittal-letter), and incorporated herein by reference, including the administrative corrections outlined in Exhibit 1 hereto and any amendments made during the City Council meeting dated June 13, 2023, are adopted and incorporated herein by reference; and
2. Staff is directed to incorporate the administrative corrections outlined in Exhibit 1 hereto and any amendments made during the City Council meeting dated June 13, 2023 and to prepare and publish a final adopted budget document, with approved amendments; and
3. Subject to paragraph 4, below, the City Manager is authorized to transfer appropriations within the adopted budget, including from and to capital projects or capital outlay items, so long as those changes do not significantly and negatively prevent implementation of any City Council direction or policy, and total appropriations are not exceeded; and
4. City Council approval is required to transfer appropriations between funds and may approve amendments to adopted budget by adoption of one or more resolutions; and
5. City Council authorizes and directs the carry forward of unspent budget balances for capital projects, ARPA-funded projects, and General Fund Vehicle Replacement funds approved in the current and prior fiscal years, but not completed by June 30, 2023, to the Capital

Improvement Project, ARPA Project budgets, and GF Vehicle Replacement Fund budgets for the FY 2023-24 fiscal year; and

6. City Council approval is required for any proposed increase to the number of CalPERS benefited, budgeted positions, hired; and
7. Per City Council minute order May 24, 2004, any expenditures, in excess of the assessments received for the Cloister Assessment District, will be subsidized by the General Fund, without additional request made to the City Council; and

PASSED AND ADOPTED, by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 13th day of June 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

CARLA WIXOM, Mayor

ATTEST:

DANA SWANSON, City Clerk

EXHIBIT 1

FY 2023-24 CHANGES FROM PROPOSED BUDGET TO ADOPTED BUDGET

<u>Description</u>	<u>Digital Budget Book</u>	<u>Printed Budget</u>	<u>Proposed</u>	<u>Adopted</u>	<u>Change</u>	<u>Impact</u>	<u>Reason/Comment</u>
	<u>Page Title</u>	<u>Page</u>		<u>Change Amount</u>			
Sewer Fund 5 year forecast-Line titled 'Ongoing costs for long-term liabilities' amount for FY 2024 budget column. *This is correct in the operating fund budget (321-1111-4912) as presented.	Long Range Financial Plan: Sewer Operating Fund Forecast	65	105,193	331,408	226,215	No net difference on forecast; no change to proposed budget.	Pension Contribution and UAL contributions got transposed during budget development as they are both in expense account 4912 in the operating Fund but in different budget units (1111 vs 5251)
Sewer Fund 5 year forecast-Line for 'Contribution to 115 Trust' *This is correct in the operating fund budget (321-5251-4912) as presented.	Long Range Financial Plan: Sewer Operating Fund Forecast	65	330,215	104,000	(226,215)	No net difference on forecast; no change to proposed budget.	Pension Contribution and UAL contributions got transposed during budget development as they are both in expense account 4912 in the operating Fund but in different budget units (1111 vs 5251)
Capital Improvements: One Year Plan Page. Water and Sewer Projects correction from \$190,00 to \$190,000 in narrative reference to OneWater Plan project amount.	Capital Improvements: One-year Plan	289	19,000	190,000		Typo correction; no change to proposed budget.	Typo in narrative in reference to funding for OneWater Plan project, missing last zero.

Finally, the budget includes continued funding for the OneWater Plan Update in the amount of **\$190,000**. The original OneWater Plan reviewed and prioritized capital needs within the water, sewer and stormwater systems in 2018 and the FY 2023-24 OneWater funding continues to build upon that original plan and continued progress.

RESOLUTION NO. 39-23

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
APPROVING THE FISCAL YEAR 2023-2024 SALARY SCHEDULE**

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

WHEREAS, the California Public Employees' Retirement System (CalPERS), has requested all CalPERS employers list their compensation levels on one document, approved and adopted by the governing body, in accordance with 2 California Code of Regulations (CCR), section 570.5, and meeting all of the following requirements thereof:

1. Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws;
2. Identifies the position title for every employee position;
3. Shows the pay rate for each identified position, which may be stated as a single amount or as multiple amounts within a range;
4. Indicates the time base, including, but not limited to, whether the time base is hourly, daily, bi-weekly, monthly, bi-monthly, or annually;
5. Is posted at the office of the employer or immediately accessible and available for public review from the employer during normal business hours or posted on the employer's internet website;
6. Indicates an effective date and date of any revisions;
7. Is retained by the employer and available for public inspection for not less than five years; and
8. Does not reference another document in lieu of disclosing the pay rate; and

WHEREAS, the formal approval of the pay schedules requires that they are duly approved and adopted by the City Council, and the 2 CCR 570.5 regulation requires the adoption of the Salary Schedule for Fiscal Year 2023-24, attached as Exhibit A and incorporated herein by reference.

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NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Morro Bay does hereby approve the Fiscal Year 2023-2024 Salary Schedules attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 13th day of June 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

CARLA WIXOM, Mayor

ATTEST:

DANA SWANSON, City Clerk

CITY OF MORRO BAY							
COMBINED SALARY SCHEDULE							
FISCAL YEAR 2023-24: Effective 7/1/23							
TITLE	GROUP	STEP 1 Annual	STEP 2 Annual	STEP 3 Annual	STEP 4 Annual	STEP 5 Annual	STEP 6 Annual
ACCOUNT CLERK IN-TRAINING	S	37,573	39,452	41,424	43,496	45,670	
ACCOUNT CLERK I	S	45,424	47,695	50,080	52,584	55,213	
CONSOLIDATED MAINTENANCE WRK I	S	45,424	47,695	50,080	52,584	55,213	
OFFICE ASST. III	S	45,424	47,695	50,080	52,584	55,213	
OFFICE ASST. IV	S	49,111	51,566	54,145	56,852	59,695	
ACCOUNT CLERK II	S	51,022	53,574	56,252	59,065	62,018	
CONSOLIDATED MAINTENANCE WRK II	S	51,022	53,574	56,252	59,065	62,018	
ACCOUNT CLERK III	S	54,647	57,379	60,248	63,261	66,424	
CONSOLIDATED MAINTENANCE WRK III	S	54,647	57,379	60,248	63,261	66,424	
ADMINISTRATIVE TECHNICIAN	S	55,612	58,393	61,312	64,378	67,597	
BUILDING PERMIT TECHNICIAN I	S	55,612	58,393	61,312	64,378	67,597	
SUPPORT SERVICES TECHNICIAN	S	55,612	58,393	61,312	64,378	67,597	
PROPERTY EVIDENCE CLERK	S	55,612	58,393	61,312	64,378	67,597	
COMMUNITY SERVICES OFFICER	S	55,612	58,393	61,312	64,378	67,597	
MECHANIC	S	57,391	60,261	63,274	66,438	69,760	
RECREATION COORDINATOR	S	57,391	60,261	63,274	66,438	69,760	
ENGINEERING TECHNICIAN III	S	65,004	68,254	71,667	75,250	79,013	
MAINTENANCE LEADWORKER	S	65,004	68,254	71,667	75,250	79,013	
RECREATION SUPERVISOR	S	65,004	68,254	71,667	75,250	79,013	
BUILDING PERMIT TECHNICIAN II	S	65,004	68,254	71,667	75,250	79,013	
UTILITY OPERATOR	S	65,104	68,359	71,777	75,366	79,134	
UTILITY SUPPORT COORDINATOR	S	65,104	68,359	71,777	75,366	79,134	
ASSISTANT PLANNER	S	65,409	68,679	72,113	75,719	79,505	
HARBOR PATROL OFFICER	S	66,425	69,746	73,233	76,895	80,740	
BUILDING INSPECTOR	S	68,021	71,422	74,993	78,743	82,680	
BUILDING INSPECTOR/CODE ENF OFFICER	S	68,021	71,422	74,993	78,743	82,680	
UTILITY OPERATOR MC (MULTIPLE CERT)	S	69,661	73,144	76,802	80,642	84,674	
HARBOR BUSINESS COORD	S	74,176	77,885	81,779	85,868	90,161	
IT SYSTEMS ANALYST	S	76,124	79,930	83,927	88,123	92,529	
ENGINEERING TECHNICIAN IV	S	76,124	79,930	83,927	88,123	92,529	
ASSISTANT ENGINEER	S	76,124	79,930	83,927	88,123	92,529	
ASSOCIATE PLANNER	S	76,124	79,930	83,927	88,123	92,529	
BUILDING INSPECTOR/PLANS EXAMINER	S	76,124	79,930	83,927	88,123	92,529	
CONSOLIDATED MAINT FIELD SUPV	S	76,124	79,930	83,927	88,123	92,529	
PUBLIC WORKS INSPECTOR	S	76,124	79,930	83,927	88,123	92,529	
LEAD UTILITY OPERATOR	S	77,584	81,463	85,536	89,813	94,304	
HARBOR PATROL SUPERVISOR	S	78,243	82,156	86,263	90,576	95,105	
OPERATIONAL TECHNOLOGY SPECIALIST	S	81,451	85,523	89,799	94,289	99,004	
ASSOCIATE ENGINEER	S	87,542	91,919	96,515	101,341	106,408	
WASTEWATER SYSTEMS SUPV	S	87,542	91,919	96,515	101,341	106,408	
MORRO BAY PEACE OFFICERS' ASSOC.							
POLICE OFFICER	P	76,127	79,933	83,930	88,126	92,533	97,159
POLICE DETECTIVE	P	79,933	83,930	88,127	92,533	97,159	102,017
POLICE SCHOOL RESOURCE OFFICER	P	79,933	83,930	88,127	92,533	97,159	102,017
POLICE SENIOR OFFICER	P	79,933	83,930	88,127	92,533	97,159	102,017
POLICE SERGEANT	P	97,599	102,479	107,603	112,983	118,632	124,564
MORRO BAY FIRE FIGHTERS ASSOC.							
FIREFIGHTER	F	69,658	73,141	76,798	80,638	84,670	
FIREFIGHTER/PARAMEDIC	F	76,624	80,455	84,478	88,702	93,137	

CITY OF MORRO BAY							
COMBINED SALARY SCHEDULE							
FISCAL YEAR 2023-24: Effective 7/1/23							
TITLE	GROUP	STEP 1 Annual	STEP 2 Annual	STEP 3 Annual	STEP 4 Annual	STEP 5 Annual	STEP 6 Annual
FIRE ENGINEER	F	76,155	79,963	83,961	88,159	92,567	
FIRE ENGINEER/PARAMEDIC	F	83,771	87,959	92,357	96,975	101,824	
FIRE CAPTAIN	F	87,540	91,917	96,513	101,338	106,405	
FIRE CAPTAIN/PARAMEDIC	F	96,294	101,109	106,164	111,472	117,046	
FIRE MARSHAL	F	103,919	109,115	114,571	120,299	126,314	
UNREPRESENTED CONFIDENTIAL							
HUMAN RESOURCES ANALYST I	C	63,306	66,471	69,795	73,284	76,949	
EXECUTIVE ASSISTANT/DEPUTY CLERK	C	68,021	71,422	74,993	78,743	82,680	
SENIOR ACCOUNTING TECHNICIAN	C	70,709	74,244	77,956	81,854	85,947	
FISCAL ANALYST	C	76,124	79,930	83,927	88,123	92,529	
HUMAN RESOURCES ANALYST II	C	76,124	79,930	83,927	88,123	92,529	
UNREPRESENTED MANAGEMENT							
MANAGEMENT ANALYST	M	77,732	81,618	85,699	89,984	94,483	
POLICE SUPPORT SERVICES MANAGER	M	77,732	81,618	85,699	89,984	94,483	
CITY CLERK	M	90,903	95,448	100,221	105,232	110,494	
MAINTENANCE SUPERINTENDENT	M	90,903	95,448	100,221	105,232	110,494	
ENVIRONMENTAL PROGRAMS MANAGER	M	90,903	95,448	100,221	105,232	110,494	
INFORMATION SYSTEMS TECHNICIAN	M	90,903	95,448	100,221	105,232	110,494	
RECREATION SERVICES MANAGER	M	90,903	95,448	100,221	105,232	110,494	
SR. ADMINISTRATIVE SERVICES ANALYST	M	90,903	95,448	100,221	105,232	110,494	
SENIOR PLANNER	M	90,903	95,448	100,221	105,232	110,494	
CHIEF BUILDING INSP/PLANS EXAMINER	M	90,903	95,448	100,221	105,232	110,494	
PLANNING MANAGER	M	99,994	104,994	110,243	115,755	121,543	
HUMAN RESOURCES/RISK MANAGER	M	99,994	104,994	110,243	115,755	121,543	
FINANCE MANAGER	M	99,994	104,994	110,243	115,755	121,543	
SENIOR CIVIL ENGINEER	M	99,994	104,994	110,243	115,755	121,543	
CITY CLERK/HR MANAGER	M	116,450	122,272	128,386	134,805	141,546	
CITY ENGINEER	M	117,844	123,737	129,924	136,420	143,241	
UTILITY DIVISION MANAGER	M	117,844	123,737	129,924	136,420	143,241	
OPERATIONS INTERFACE MANAGER	M	117,844	123,737	129,924	136,420	143,241	
FIRE MARSHAL/DIVISION CHIEF	M	121,470	127,543	133,921	140,617	147,647	
POLICE COMMANDER	M	132,305	138,920	145,866	153,159	160,817	
DEPARTMENT HEADS/EXECUTIVE							
COMMUNITY DEVELOPMENT DIRECTOR	E	144,440	151,662	159,246	167,208	175,568	
ASST CITY MANAGER/ADMIN SERVICES DIR	E	149,829	157,320	165,186	173,445	182,118	
PUBLIC WORKS DIRECTOR	E	149,829	157,320	165,186	173,445	182,118	
HARBOR DIRECTOR	E	152,623	160,254	168,267	176,680	185,514	
FIRE CHIEF	E	152,623	160,254	168,267	176,680	185,514	sworn
POLICE CHIEF	E	152,623	160,254	168,267	176,680	185,514	sworn
CITY MANAGER	E	201,946	206,995	212,170	217,474	222,911	
*Approved by Council 06/13/2023							

RESOLUTION NO. 40-23

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
APPROVING THE PUBLIC WORKS INSPECTOR CLASSIFICATION
AND JOB DESCRIPTION**

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

WHEREAS, the Council desires to approve a new “Public Works Inspector” job classification, set a compensation range for the classification, and adopt a job description for the classification; and

WHEREAS, the City and Service Employees International Union Local 620 (SEIU Local 620) met and conferred regarding the addition of the above-referenced classification to the City’s Miscellaneous Employees Unit and regarding compensation and job description for this classification.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Morro Bay does hereby:

1. The represented full-time classification of “Public Works Inspector” is hereby created. The classification will be included within the City’s Miscellaneous Employees Unit, which is represented by the Service Employees International Union, Local 620 (SEIU Local 620).

2. The initial annual compensation for the Public Works Inspector classification shall be as follows, effective July 1, 2023, and may be updated from time to time:

<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
\$76,124	\$79,930	\$83,927	\$88,123	\$92,529

3. The job description for the Public Works Inspector classification, attached hereto, is hereby adopted.

4. This resolution shall be effective as of the date of its adoption.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 13th day of June 2023 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSED:

CARLA WIXOM, Mayor

ATTEST:

DANA SWANSON, City Clerk

PUBLIC WORKS INSPECTOR

CITY OF MORRO BAY

PUBLIC WORKS INSPECTOR

DEFINITION

Under the general direction of an assigned supervisor, performs technically complex inspections of City public works capital and maintenance projects, private development construction, inspections of public improvements and utility work in the public right of way, grading and drainage work, and private development. Enforces City and other regionally significant standards and specifications as applicable to the type of work being performed in the City right of way. Supervision is not normally a responsibility of this position but may act as a lead worker for temporarily assigned employees, oversight of contract inspectors and consultants, or special projects.

ESSENTIAL DUTIES & RESPONSIBILITIES

1. Inspects public and private construction projects as assigned, which may include city public works projects such as streets, water and sewer mains, drainage facilities, buildings, and parks facilities, as well as private construction projects for conformance with plans, specifications, standards, development regulations, and/or contract requirements.
2. Inspects and documents compliance of projects with Federal/State/Local stormwater compliance requirements and standards. Provides feedback to contractors in proper implementation of BMP's according to plans, specifications, and guidelines.
3. Reads blueprints/construction plans/details/standard drawings, interpret detailed specifications, codes and regulations, and explains inspections and construction requirements to builders.
4. Explains technical requirements, identifies discrepancies, and may be empowered to approve contractor work on the site, or issue citations, notices of violation, and/or stop orders when work does not comply with encroachment permits, municipal code, contract documents or standards.
5. Tracks active Encroachment Permits and facilitates inspections with applicants. Tracks all inspection activity including status, reports, photos, and deficiencies in the City's asset management and work order system.
6. For City capital projects, prepares cost estimates; keeps contract diaries; reviews materials, contractor submittals, procedures, and equipment; verifies labor personnel used; computes and controls contract quantities; controls contract activities; checks contractor's progress on jobs; and accounts for all contract bid items in preparation of payment to contractors.
7. Backs up and assists Engineering staff in the processing of encroachment permits at front counter. Fields questions and concerns from the public and instructs on processes for obtaining necessary permits.
8. Assures coordination with other divisions and departments concerning common issues related to encroachment and building permits (Utilities Division, Building and Planning Divisions, Police, Fire, Harbor).
9. Utilizes a variety of computer and mobile applications including Microsoft Office Suite, asset management software, GIS, etc., for proper tracking and management of city projects and encroachment permit activities.

PUBLIC WORKS INSPECTOR

10. Assists Engineering staff and consultants with evaluation and resolution of requests for information (RFI's), submittals, and change orders for City capital projects.
11. Responds to complaints and public records requests, evaluate situations, and make appropriate determinations for responses and corrective actions.
12. Submits complete daily reports to supervisor concerning all phases of activity on each job assignment, prepares engineering field changes during the progress of construction work, and records as-built conditions.
13. Advises members of the general public contacting the City concerning issues resulting from construction projects.
14. Assists Maintenance Division in review and inspection of work projects in process and at completion, including contractor coordination and direction. Inspects various facilities, parks, park equipment, and properties for deficiencies, and recommends maintenance and repairs options to appropriate staff.
15. Attends and leads safety meetings, tailgates, pre-construction meetings for development and capital projects in process and encourage safety awareness and policies of contractors.
16. Attends continuing education classes and seminars to keep current with construction techniques, materials, and best practices.
17. Maintains a working knowledge of the applicable regulations and practices of the trades.
18. Possesses a full understanding of how each phase of construction will affect later project phases or a post-construction situation.
19. Upholds the values of the organization and performs work with a strong customer service orientation.
20. Performs other related projects and duties as assigned.
21. Demonstrates regular, reliable, and punctual attendance to required City events, meetings, etc.
22. Scope of assigned area will depend on departmental structure and is at the discretion of the department director.

QUALIFICATIONS

Knowledge of:

- o Methods, materials and practices used in general construction; surveying, asphalt paving, pipe laying, soil testing, and concrete placement and finishing.
- o Complex math skills and use of spreadsheets.
- o Effective verbal and interpersonal communication skills.
- o Microsoft Office Suite (or equivalent).
- o Use of asset management, work order, and permit management software.
- o Use computer, smartphone, tablet, and other office equipment effectively.

Ability to:

Administer, interpret, and enforce complex technical requirements; apply knowledge of public works construction and building trades and use sound inspection methods; prepare and present concise reports regarding enforcement actions and plan evaluations; read and analyze diagrams, plans, and specifications; assign and supervise the work of subordinate personnel; maintain

PUBLIC WORKS INSPECTOR

cooperative work relationships; relate well with the public; explain efficiently and comprehensively complex right of way, public works, building and zoning information in the office and in the field; establish and manage efficient record keeping and other related office systems; effectively enforce public works, City construction standards and specifications, and municipal code requirements.

Education and Experience:

Completed apprenticeship in a construction trade or college-level coursework in construction management, civil engineering or a related field.

AND

Four years of journey-level construction, maintenance, and/or sub-professional engineering experience.

Additional certifications are preferred, such as the APWA Certified Public Infrastructure Inspector (CPII), Maintenance Superintendent's Association (MSA), Public Works Inspections and Traffic Control Standards and Policies; Contractor's License, Certified Associate Constructor (CPC), Engineer in Training (EIT).

OR

An equivalent combination of education and experience.

Possession of Class C California Driver's License

TOOLS & EQUIPMENT USED

Motor vehicles, probes, shovels, wrenches, levels, survey equipment, detection devices, mobile radio, telephone, mobile phone or tablet, personal computer including word processing and other software, copy and fax machine, drafting tools, tape measure, and calculator.

PHYSICAL DEMANDS

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

Work is performed 50% outdoor and 50% in office settings. Outdoor work is required in the inspection of various land use developments, public streets, and construction sites. Hand-eye coordination is necessary to operate computers and various pieces of office equipment.

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

PUBLIC WORKS INSPECTOR

The employee must frequently lift and/or move up to 25 pounds and occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

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

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

The noise level in the work environment is usually moderately loud.

SELECTION GUIDELINES

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

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

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

Approved by the Morro Bay City Council on XXXXXXXXXXXX.
Revised and approved by City Manager on XXXXXXXXXXXXXXXX

RESOLUTION NO. 41-23

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MORRO BAY, CALIFORNIA
RESCINDING RESOLUTION NO. 69-22, DESIGNATING AND AUTHORIZING
INVESTMENT TRANSACTION OFFICERS AND ESTABLISHING
INTERNAL CONTROL POLICY FOR INVESTMENT TRANSACTIONS**

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

WHEREAS, the City of Morro Bay has cash in its possession that exceeds the amount needed for day-to-day transactions; and

WHEREAS, the City of Morro Bay has an obligation to its citizens to effectively and safely manage that money while optimizing its earning potential; and

WHEREAS, it is necessary to designate, via Resolution, the transaction officers who have the authority to invest the City's funds; and

WHEREAS, on June 28, 2022, the Morro Bay City Council adopted Resolution No. 69-22, which established the transaction officers with the authority to invest the City's funds; and

WHEREAS, with this Resolution, the Morro Bay City Council is rescinding Resolution No. 69-22 in its entirety; and

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

1. Resolution No. 69-22, relating to designating and authorizing investment transaction officers is rescinded in its entirety and replaced with this Resolution.
2. The "Investment Policy" as set forth in Exhibit A, attached hereto and incorporated herein, is hereby approved and hereby established as City policy.
3. The individuals holding the City offices/positions listed below are designated as transaction officers who are authorized to open and close investment accounts within the scope of the City's Investment Policy:
 - City Manager
 - Assistant City Manager-Administrative Services Director/Treasurer
 - Finance Manager
 - Senior Accounting Technician
4. For purposes of internal controls, the City will require written approval of one of the above designated authorized representatives, prior to another one of the designated authorized representatives initiating a deposit, withdrawing funds or making any other change in the account.

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5. Provision for socially responsible investing have been incorporated as previously adopted by the City Council.

PASSED AND ADOPTED, by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 13th day of June 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

CARLA WIXOM, Mayor

ATTEST:

DANA SWANSON, City Clerk

EXHIBIT "A"

CITY OF MORRO BAY INVESTMENT POLICY

PURPOSE

This investment policy establishes the practices and procedures to be used in managing the City of Morro Bay's (City) portfolio in accordance with the requirements of the State of California Government Code and the guidelines provided by the California Debt and Investment Advisory Commission (CDIAC) and the Government Finance Officers Association (GFOA).

SCOPE OF THE POLICY

This policy governs the investment of money that is not required to meet the immediate needs of the City.

LEGAL AUTHORITY

Government Code Sections: California Government Code Sections 53600 to 53609, 53635, and 16429.1 govern the investment of local agency funds.

Legislative Changes: Any applicable legislative actions will be acted on as of their effective dates and will be incorporated into the policy annually, specifying the California Government Code sections that have been added, deleted or amended.

OBJECTIVES

The City Treasurer will consider the following factors in priority order when assessing investment opportunities:

Safety: The primary objective is the preservation of principal. Capital losses will be avoided, whether from default or erosion of market value, meaning that the City will not sell or trade an investment because of market fluctuation. The two types of risk to be minimized are:

1. Credit risk – the risk that an issuer or other counterparty to an investment will not fulfill its obligations; and
2. Interest rate or market risk – the risk that changes in interest rates will adversely affect the fair value of an investment.

Liquidity: The second objective is the liquidity of the portfolio. The portfolio should remain sufficiently flexible to enable the City to meet the operating requirements that are reasonably anticipated. In order to ensure liquidity, the investment policy must recognize that calculating cash flows are the basis of any good investment strategy. Meeting the daily cash flow demand goes hand-in-hand with meeting the City's liquidity needs.

Yield: The third objective, behind safety and liquidity, is attaining a market rate of return throughout the budgetary and economic cycles.

While managing the portfolio, the Treasurer, and designated staff, will strive to maintain public trust by avoiding any transactions that might impair public confidence in the City. When selecting investment instruments, the Treasurer, and designated staff, will remain cognizant of any social and policy considerations that have been established and defined in this policy.

GENERAL STRATEGY

The Treasurer, and designated staff, may follow a passive or active investment strategy. Passive investment policies adhere to the investment goal of holding investments to maturity. Active investment strategy is the buying and selling of investments to achieve a certain benchmark objective. Great care, coupled with the advice of a fiscal agent, should be followed with an active investment policy.

The City follows the passive investment strategy of holding investments to maturity.

STANDARD OF CARE

Prudent Investor Standard: The prudence standard for trust investing traces back to Harvard College v. Amory, 26 Mass. (9 Pick.) 446 (1830). Judge Samuel Putnam stated that trustees should "observe how men of prudence, discretion and intelligence manage their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income, as well as the probable safety, of the capital to be invested."

This standard will be followed by the Treasurer, and designated staff.

Ethics and Conflict of Interest: The Treasurer, and designated staff, shall refrain from personal business activities that could conflict with the proper execution of the investment program or which could impair their ability to make impartial decisions.

Delegation of Authority: The following positions and corresponding City personnel are delegated the power to invest the funds of the City:

City Manager
Assistant City Manager-Administrative Service Director/Treasurer
Finance Manager
Senior Accounting Technician

These designations may change with the annual affirmation of this policy. Each delegate is required to adhere to the requirements set forth in the investment policy.

SAFEKEEPING AND CUSTODY

Third-party Safekeeping: Ownership of the City's investment securities will be protected through third-party custodial safekeeping. The custodian will provide the City with a safekeeping receipt or monthly, itemized statement. Exceptions to this requirement are made for certificates of deposit, money market funds and investment pools.

Internal Controls: These are designed to ensure that the assets of the City are protected from theft, loss, or misuse. Such internal controls that are in place include:

1. Control of collusion;
2. Separation of duties;
3. Safekeeping of securities; and
4. Written confirmation of telephone transactions and wire transfers.

The City will separate the person who authorizes or performs the transaction from the person or people who ultimately record or otherwise account for the transaction to achieve separation of duties. Moreover, the City will require written approval of one of the above designated authorized representatives who is not also recording the transaction, prior to another one of the designated authorized representatives initiating a deposit, withdrawing funds or making any other change in the account.

Delivery vs. Payment: All investment transactions should be conducted using standard delivery vs. payment procedures. In delivery vs. payment, the purchaser pays for the securities when they are delivered either to the purchaser or his/her custodian and ensures that securities are deposited in an eligible financial institution prior to the release of funds.

AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The City will only conduct business with approved banks, savings and loans, credit unions, and securities brokers/dealers. A list of financial dealers and institutions is to be maintained. Broker/dealers and institutions must meet all requirements established by federal and state law.

SUITABLE AND AUTHORIZED INVESTMENTS

Authorized Investment Types: The City, by virtue of California Government Code Sections 53600 – 09, has the ability to invest in numerous types of instruments. The City has looked at its goals, objectives, and standards of care in establishing a list of authorized investment types that also meet statutory requirements. Those types of investment instruments that meet the criteria for the City are:

1. Securities of the U. S. Government, or its agencies;
2. California's Local Agency Investment Fund (LAIF) pool;
3. FDIC Insured Certificates of Deposit up to \$250,000;
4. Bankers' Acceptances (not exceeding 40% of the City's portfolio/max maturity 180 days);
5. Money Market funds;
6. Collateralized deposits;
7. Passbook savings accounts; and
8. Repurchase agreements and reverse repurchase agreements (no more than 25% of the City's portfolio).

Prohibited Investment Types: In addition to a listing of authorized investments, California Government Code Section 53601.6 prohibits local agencies from investing in the following instruments:

1. Inverse floaters;
2. Range notes or mortgage-derived, interest-only strips;
3. Any security that could result in zero interest accrual if held to maturity;
4. Stock; and
5. Futures or options.

There may be additional investment instruments in which the City does not want the Treasurer to invest, and those will be defined in future investment policies.

INVESTMENT PARAMETERS

Diversification of Investments: The City may choose to impose more stringent restrictions or further restrictions on other investment instruments, depending on its investment goals and risk tolerances, than those proposed in the California Government Code Sections 53600 - 09. The City has indicated those authorized investments as follows:

1. Money market funds;
2. Collateralized deposits;
3. Securities of any one issuer, not to exceed 5% of the City's portfolio, except those obligations of the U.S. government, U.S. governmental agencies, and U.S. government-sponsored enterprises;
4. Mutual funds; and
5. FDIC insured certificates of deposits.

Maximum Maturity: California Government Code Section 53601 lists the maximum maturity for any instrument as five (5) years. The exception to this time frame is made for investments with LAIF or collateralized deposits.

Minimum Credit Requirements: The City has chosen to follow the California Government Code Section 53601 that sets the minimum credit rating required for certain investment instruments as follows:

1. Short-term debt shall be rated at least "A-1" by Standard & Poor's Corporation, "P-1" by Moody's Investors Service, Inc., or "F-1" by Fitch Ratings. If the issuer of short-term debt has also issued long-term debt, this long-term debt rating shall be rated at least "A," without regard to +/- or 1, 2, 3 modifiers, by Standard & Poor's Corporation, Moody's Investors Service, Inc., or Fitch Ratings.
2. Long-term debt shall be rated at least "A," without regard to +/- or 1, 2, 3 modifiers, by Standard & Poor's Corporation, Moody's Investors Service, Inc., or Fitch Ratings.

Maximum Weighted Average Maturity of a Portfolio: As part of the monthly portfolio performance report that is provided to the City Council, a weighted average maturity (WAM) of the portfolio is calculated. While there are no requirements under state law for a maximum WAM of a portfolio, CDIAC's Local Agency Investment Guidelines suggest that local agencies include and monitor WAM to arrive at an acceptable range for future implementation of a maximum benchmark.

Social Responsibility: Priority will be given to investments that are in compliance with socially responsible goals, to the extent that such investments achieve equivalent safety, liquidity and yield compared to other investments that do not meet the City's socially responsible goals. When not impacting yield, safety and liquidity, priority will be given to investments that support community well-being through safe, environmentally sound, practices and fair labor practices. Investments are encouraged in entities that support combating climate change and equality of rights regardless of race, sex, religion, age, national or ethnic origin, sexual orientation, or disability.

PORTFOLIO MANAGEMENT ACTIVITY

Active or Passive Portfolio Management: In active portfolio management, treasurers buy and sell securities based on how to maximize portfolio values over a given timeframe. In passive portfolio management, the goal is to match a market rate of return (usually a benchmark). Weighing the pros and cons of each strategy in light of staff resources and investment, the City has chosen to follow a passive portfolio management strategy.

Competitive Bidding: Investments are purchased in the most cost effective and efficient manner utilizing approved brokers/dealers on all investment transactions.

Reviewing and Monitoring of the Portfolio: The portfolio requires monthly staff review to ensure the investments are being properly tracked and reported, and quarterly reporting to the Citizens Finance Advisory Committee.

Portfolio Adjustments: If the portfolio demonstrates non-compliance with the investment policy, the Treasurer, and designated staff, may hold the affected securities to maturity to avoid losses; however, the Treasurer may choose to rebalance the portfolio earlier to bring it back into compliance **only** if the portfolio will not suffer any losses for selling the investment prior to maturity.

Performance Standards: The objective of investing is to obtain a rate of return throughout budgetary and economic cycles, commensurate with investment risk constraints and cash flow needs.

REPORTING

Reporting Methods: On a quarterly basis, the investment portfolio will be presented at a City Council meeting, along with the quarterly financial reports, and will list the following components:

1. Types of investment;
2. Issuer names;
3. Dates of maturity;
4. Par amounts;
5. Dollar amounts;
6. Market values;
7. Descriptions of programs under the management of contracted parties;
8. A statement of compliance with the investment policy; and
9. A statement of the ability to meet cash flow needs for six months.

Governmental Accountings Standards Board (GASB) Statement No. 31 - Marking to Market: The City's portfolio is to be marked-to-market for the monthly investment report provided to the City Council and at minimum, annually for the financial statements. Market values are to be obtained from a reputable and independent source and disclosed to the City Council in the monthly written report. The independent source of pricing should not be one of the parties to the transaction being valued. Such an independent source could include a broker or other financial institution that was not counterparty to the transaction, the custodial bank if the bank was not a counterparty to the transaction, publicly available publications such as *The Wall Street Journal*, or other pricing services for which a separate fee would be paid.

This is consistent with GASB Statement No. 31, which requires that governmental entities report investments at fair value, and with the California Governmental Code, which also requires market values of investments be reported.

Calculation of Yield and Costs: All yield rates on investments will be presented at book value.

Investment Policy Adoption, Review, and Amendment: The investment policy will be reviewed, amended, and presented to the City Council annually with budget adoption. The review should ensure that the policy is consistent with the overall objectives of preservation of principal, liquidity, and return, and is in conformance with the law, financial and economic trends, and the cash flow needs of the local agency.

Definitions or Glossary of Terms: This investment policy includes a definition section (Appendix A) in order to establish a common vocabulary between the Treasurer, and designated staff, the City Council, and the public.

APPENDIX A – INVESTMENT POLICY TERMINOLOGY

The following are examples of terminology commonly found in California City investment policies. The inclusion of these sections provides clarity to investment policies and better enables readers to understand important concepts.

Authorized Financial Dealers and Institutions: A list of financial institutions authorized to provide investment services. May also include a list of approved security broker/dealers with which the City can do business. These institutions and broker/dealers are usually selected by their ability to add value to the investment process. Some criteria to consider when choosing an approved broker/dealer include creditworthiness, expertise, and the products in which the financial dealer or institution is familiar. GFOA suggests that all entities qualifying for investment transactions provide audited financial statements; proof of industry group (National Association of Securities Dealers [NASD]) certification; proof of state registration; completed broker/dealer questionnaire; and certification of having read, understood, and agreeing to comply with the investment policy.

Bankers' Acceptance: A draft, bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

Certificate of Deposit: A time deposit with a specific maturity evidenced by a certificate.

Collateralization: Process by which a borrower pledges securities, property, or other deposits for the purpose of securing the repayment of a loan and/or security. California Government Code Section 53601 requires that all repurchase agreements be secured by eligible securities with a market value of 102 percent or greater of the funds borrowed. California Government Code requires public deposits to be collateralized at 110%.

Delegation of Authority: The granting of authority to manage the investment program to designated officials. Such authority is usually derived from code sections, ordinance, charters, or statutes. Government Code Section 53607, for example, allows the City Council to delegate, for a one-year period, its authority to invest or reinvest funds or to sell or exchange securities held by the local government.

Delivery vs. Payment: A type of securities transaction in which the purchaser pays for the securities when they are delivered either to the purchaser or his/her custodian. It ensures that securities are deposited in an eligible financial institution prior to the release of funds. A third-party custodian as evidenced by safekeeping receipts should hold securities.

Diversification: A process of investing assets among a range of security types by sector, maturity, credit rating, and call type or structure. This reduces exposure to risk by combining a variety of investments, which are unlikely to all move in the same direction. GFOA suggests diversifying a city's investment portfolio by limiting investments to avoid exposure to a specific sector, limiting investment in securities with higher credit risks, investing in instruments with varying maturities, and continuously investing a portion of the portfolio in readily available funds such as a local government investment pool, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

Ethics and Conflicts of Interest: The California Political Reform Act of 1974 requires certain designated public officials at all levels of government to publicly disclose their private economic interests and requires all public officials to disqualify themselves from participating in decisions in which they have a financial interest. As part of this requirement, local agencies are required to adopt and promulgate a Conflict of Interest Code, with certain required sections. To further promulgate this Code, investment policies sometimes include language requiring the ethical conduct of investment officers and statements regarding refraining from personal business activity that could conflict with the

proper execution and management of the investment program or that could impair their ability to make impartial decisions. To avoid conflicts, GFOA recommends that investment officers disclose material interests in financial institutions with which they do business, disclose personal financial interests that could be related to the performance of the investment portfolio, and refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the local government.

Exemption: Language that grandfathers prohibited investments into the investment policy because they may have been held in the portfolio prior to the prohibition. When these investments mature or are liquidated, the money should be reinvested as provided by the policy and the exemption language should be removed from the policy.

FDIC: Federal Deposit Insurance Corporation is a federal agency that insures bank deposits up to \$250,000 per deposit.

General Objectives: The section of an investment policy that illustrates the three main objectives (safety, liquidity, and yield), in order of priority, of a good investment policy. In addition to these commonly included objectives, there are a myriad of other objectives for which an investment policy can strive. Safety is the preservation of principal. Liquidity is how easily an investment may be redeemed for cash. Yield is the current rate of return on a security generally expressed as a percentage of its current price. As per California Government Code Section 53600.5, safeguarding the principal of the funds under its control should be the primary objective of local agencies. Liquidity also should be a principal objective of a portfolio. The portfolio should maintain sufficient liquidity to meet operating requirements. To accomplish this, a local agency can structure a portfolio so that investments mature when cash is needed and also by investing in liquid securities with an active secondary market. Yield should be the last objective an investment portfolio should strive for, behind safety and liquidity. Since there are many different ways for yield to be calculated, the investment policy should specify how it is to be calculated.

Internal Controls: The system used to ensure that the local government assets are protected from loss, theft, or misuse. Such a system should provide a reasonable assurance that such loss, theft, or misuse can be prevented. Examples include separation of duties, delegation of authority, and documentation. GFOA suggests that an internal control system address the following points: control of collusion, separation of transaction authority from accounting and recordkeeping, custodial safekeeping, avoidance of physical delivery of securities, clear delegation of authority to subordinate staff, written confirmation of transactions for investments and wire transfers, and development of a wire transfer agreement with the lead bank and third-party custodian.

Investment Parameters: Specified restrictions on investments to limit the amount of risk in a portfolio. These parameters may be specified in the California Government Code; however, the local agency may choose to further restrict investment options depending on its risk tolerance. Such parameters may include diversification of investments types, percentages, or dollar limits per issuer and setting maximum maturities.

Investment Types: A recitation of the investment types the local agency has been given authority in which to invest. This may be a list of securities allowable under California Government Code Section 53601 et seq., and may be further restricted by the agency itself. For a description of the allowable California local agency investment instruments, please see CDIAC's latest version of its Local Agency Investment Guidelines, available on its website at www.treasurer.ca.gov/cdiac. GFOA recommends the investment in the following types of securities: U.S. government securities and agency obligations; highly-rated certificates of deposit, bankers' acceptances, commercial paper; investment-grade state and local government obligations; repurchase agreements securitized by the previously-mentioned securities; SEC-regulated, dollar-denominated money market mutual funds; and local government investment pools.

LAIF: Local Agency Investment Fund, the State of California's investment pool in which cities, counties and special districts may participate.

Liquidity: A liquid asset is one that can be quickly and easily converted into cash without loss in value.

Market Value: The price at which a security is trading at a point in time. Selling an investment at market value can result in a gain (\$500,000 investment sold for \$515,000 = \$15,000 gain) or loss (\$500,000 investment sold for \$498,000 = \$2,000 loss). Gains and losses are dependent on changes in the current rate of interest as compared to the interest rate of the investment that is being considered for sale.

Marking-to-Market: The act of recording the price or value of a security to reflect its current market value rather than its book value.

Maximum Maturities: Maturity is the date on which the security or obligation is redeemed by the issuer in exchange for cash. California law states that local governments cannot invest in instruments with terms remaining to maturity in excess of five years unless they receive express authority from their legislative bodies to do so. Local governments should attempt to match investment maturities with anticipated cash flow requirements. There is no requirement under California law for local governments to have a weighted average maturity (WAM) restriction for their portfolio, although CDIAC's Local Agency Investment Guidelines suggests that local agencies consider adopting a WAM restriction.

Performance Standards: The criteria by which a stated goal is measured. An investment portfolio's performance and risk exposure should be evaluated against appropriate benchmarks on a regular basis. One standard that should be strived for should be a market rate of return in a given interest rate environment.

Policy Considerations: The local ordinances or other requirements that place restrictions on the policy. Local governments should consider what should be exempted from the policy and also when, or under what circumstances, the policy should be amended.

Pooling of Funds: A statement in the investment policy that except for certain restricted or special funds, cash balances should be consolidated from all funds to maximize investment earnings.

Portfolio: The collection of investment instruments held.

Prudent Investor Standard: Legal maxim that all investments should be made with care, skill, prudence and diligence under the circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the professional management of their business affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Reporting: Presentation of evaluation data or other information to communicate processes, roles, and results. Investment policies should include reporting requirements such as methods of reporting investments, the standards against which investments should be reported, and the requirement for calculating market value.

Reporting Methods: Ways in which investment outcomes are reported including listing of instrument values, dollar value returns, percentage yields, etc. GFOA suggests that local governments prepare investment reports at least quarterly. In California, investment reports are no longer required to be submitted to legislative bodies. This requirement is now permissive. If a local government chooses

to submit an investment report in accordance with California Government Code Section 53646 to their legislative bodies, they are still required to submit copies to CDIAC for the second and fourth quarter of every calendar year until January 1, 2007. GFOA goes on to list some suggested components of investment reports including listing of securities, gains and losses, average weighted yield to maturity as compared to benchmarks, listing of investment by maturity date, and percentage of the total portfolio which each type of investment represents.

Repurchase Agreements: A repurchase agreement is a form of short-term borrowing for dealers in government securities, which are highly valued and thus considered a good source of collateral. The dealer sells the government securities to investors, usually on an overnight basis, and buys them back the following day. Investments in repurchase agreements may be made when the term of the agreement does not exceed one year.

Risk: Two of the most common risks associated with local government portfolio investing are credit risk and interest rate risk. Credit risk is the risk to an investor that an issuer will default in the timely payment of interest and/or principal on a security. Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in general interest rates. Limiting investment to the safest types of securities, pre-qualifying financial institutions, broker/dealers, and others with which the local agency will do business, and diversifying the number of issuers in an investment portfolio can minimize credit risk. Interest rate risk can be minimized by structuring the portfolio so that investments mature at the same time that cash is required or investing operating funds in highly liquid, shorter-term securities (e.g., U.S. Treasury bills or notes).

Safekeeping and Custody: Rules derived to ensure the safety of an investment and within whose control the investment resides. Some examples include third-party safekeeping, developing lists of authorized financial dealers and institutions, developing internal controls, and using a delivery vs. payment standard for transactions. Local agencies should consider requiring securities to be held by third-party custodians, evidenced by timely statements illustrating the balance held by these custodians.

Scope: The types of funds that the policy covers (e.g., operating funds, bond proceeds, etc.). In general, investment policies cover short-term operating funds. Longer-term funds such as retirement funds are covered by other policies. The investment of bond funds usually is governed by the bond documents such as the trust indenture.

Standards of Care: The degree of care that a reasonably prudent person would exercise in the investment of local agency funds.

RESOLUTION NO. 42-23

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
ESTABLISHING THE ANNUAL PROPOSITION 4
APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2023-24**

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

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

WHEREAS, the City has calculated the FY 2023-24 appropriations limit, in accordance with the provisions of Article XIII B of the California Constitution; and

WHEREAS, in June 1990, the California voters approved Proposition 111, amending the Gann Initiative to provide local agencies with the option of using either the city or county population change percentage, whichever is greater. The City is calculating this limit using the San Luis Obispo County population change and the California Per Capita Personal Income, referred to as the Price Factor (outlined in Exhibit 3, attached hereto); and

WHEREAS, the City has complied with Government Code 7910.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, to adopt Resolution No. 42-23, which accepts the calculation of the FY 2023-24 appropriations limit, as prepared by the Morro Bay Finance Department, and establishes the FY 2023-24 appropriations limit at \$34,249,744, based on the calculation detailed in Exhibits 1, 2 and 3 attached hereto.

PASSED AND ADOPTED, by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 13th day of June 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

CARLA WIXOM, Mayor

ATTEST:

DANA SWANSON, City Clerk

**CITY OF MORRO BAY
APPROPRIATION LIMIT DOCUMENTATION
FISCAL YEAR 2023/24**

	001	003	051	052	250	201-206	280	282	303	302	019	925	430
	General	District Trans Tax	GFER	GF Fac Maint	State Gas Tax	CDBG	Traffic Safety	SLESF COPS	LTF Roads	LTF Bikepaths	ARPA	Triangle Lot Boat Yard	Information Technology
Property taxes	5,214,900	-	-	-	-	-	-	-	-	-	-	-	-
Intergovernmental Revenues	158,120	-	-	-	312,987	-	-	150,000	-	13,315	-	-	-
Other taxes:													
Sales and Use Tax	2,690,000	4,550,000	-	-	-	-	-	-	-	-	-	-	-
Cannabis City Tax	490,000	-	-	-	-	-	-	-	-	-	-	-	-
Transient Occupancy Tax	4,400,000	-	-	-	-	-	-	-	-	-	-	-	-
Franchise fees	674,000	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-
Licenses/permits	577,545	-	-	-	-	-	-	-	-	-	-	-	-
Revenues From Current Services	2,205,443	-	-	-	-	-	-	-	-	-	-	-	80,000
Fines/Forfeitures	21,270	-	-	-	-	-	10,000	-	-	-	-	-	-
Other Revenues	551,933	-	-	-	-	-	-	-	-	-	-	-	-
Use of money and property:													
Interest	-	-	-	-	-	-	-	-	-	-	-	-	-
Rent	587,784	-	-	33,600	-	-	-	-	-	-	-	49,000	-
Revenue from other agencies:													
State	-	-	-	-	-	-	-	-	-	-	-	-	-
State/County grants	-	-	-	-	-	-	-	-	-	-	-	-	-
Federal grants	-	-	-	-	-	3,667	-	-	-	-	-	-	-
	<u>17,570,995</u>	<u>4,550,000</u>	<u>-</u>	<u>-</u>	<u>312,987</u>	<u>3,667</u>	<u>10,000</u>	<u>150,000</u>	<u>-</u>	<u>13,315</u>	<u>-</u>	<u>49,000</u>	<u>80,000</u>
	301	311	321	331	500,565	570 & 575	900	515-2430	924	941	315	915	All Funds
	Transit	Water Ops	Sewer Ops	Harbor Ops & Equipment	Special Assessmt Districts	Special Assessmt LMD Cloisters	Gov Impact	PEG Fees	State Park Marina	Housing In-Lieu	Utility Discount	General Governmental Capital Projects	ESTIMATED REVENUES
Property taxes	-	-	-	-	-	148,944	-	-	-	-	-	-	5,363,844
Intergovernmental Revenues	437,177	-	-	23,000	-	-	-	-	-	-	-	260,000	1,354,599
Other taxes:													
Sales and Use Tax	-	-	-	-	-	-	-	-	-	-	-	-	7,240,000
Cannabis City Tax	-	-	-	-	-	-	-	-	-	-	-	-	490,000
Transient Occupancy Tax	-	-	-	-	-	-	-	-	-	-	-	-	4,400,000
Franchise fees	-	-	-	-	-	-	-	20,000	-	-	-	-	694,000
Other	-	-	-	-	8,477	-	-	-	-	-	-	-	8,477
Licenses/permits	-	-	-	-	-	-	-	-	-	-	-	-	577,545
Revenues From Current Services	14,000	7,649,200	9,460,000	2,383,610	-	-	105,946	-	-	100,000	-	-	21,998,199
Fines/Forfeitures	-	55,000	30,000	3,200	-	-	-	-	-	-	60,000	-	179,470
Other Revenues	-	-	-	500	-	-	35,000	-	-	-	-	-	587,433
Use of money and property:													
Interest	-	-	-	-	-	-	-	-	-	-	-	-	-
Rent	-	72,637	263,604	-	-	-	-	-	95,000	-	-	-	1,101,625
Revenue from other agencies:													
State	-	-	-	-	-	-	-	-	-	-	-	-	-
State/County grants	-	-	-	-	-	-	-	-	-	-	-	-	-
Federal grants/loans	-	-	-	-	-	-	-	-	-	-	-	-	3,667
	<u>451,177</u>	<u>7,776,837</u>	<u>9,753,604</u>	<u>2,410,310</u>	<u>8,477</u>	<u>148,944</u>	<u>140,946</u>	<u>20,000</u>	<u>95,000</u>	<u>100,000</u>	<u>60,000</u>	<u>260,000</u>	<u>43,998,859</u>

CITY OF MORRO BAY
 APPROPRIATION LIMIT DOCUMENTATION
 FISCAL YEAR 2023/24

PROCEEDS OF TAXES CALCULATION				APPROPRIATION LIMIT CALCULATION			
	[1] PROCEEDS OF TAXES	PROCEEDS OTHER THAN TAXES	TOTAL ESTIMATED REVENUES	YEAR	[2] CALIFORNIA PCPI CHANGE	[3] POPULATION CHANGE	LIMIT
PROPERTY TAXES	\$ 5,363,844	\$ -	\$ 5,363,844	1978-79	BASE YEAR		\$ 3,046,393
INTERGOVERNMENTAL	-	1,354,599	1,354,599	1979-80	10.17%	1.38%	3,402,527
OTHER TAXES	12,138,477	694,000	12,832,477	1980-81	10.53%	0.26%	3,770,591
PERMITS	-	577,545	577,545	1981-82	9.12%	1.39%	4,171,660
REVENUE FROM AGENCIES				1982-83	6.79%	2.04%	4,545,796
STATE	-	-	-	1983-84	2.35%	1.81%	4,736,835
STATE/COUNTY GRANTS	-	-	-	1984-85	4.74%	1.75%	5,048,185
FEDERAL GRANTS	-	3,667	3,667	1985-86	3.74%	1.62%	5,321,826
USE OF MONEY & PROPERTY				1986-87	2.30%	4.12%	5,668,530
INTEREST	-	-	-	1987-88	3.04%	2.93%	6,011,990
RENT	-	1,101,625	1,101,625	1988-89	3.93%	3.83%	6,487,570
FINES & FORFEITURES	-	179,470	179,470	1989-90	4.98%	3.92%	7,077,629
CHARGES FOR SERVICES	-	21,998,199	21,998,199	1990-91	4.21%	4.59%	7,714,137
OTHER REVENUES	-	587,433	587,433	1991-92	4.14%	3.04%	8,277,721
	<u>\$ 17,502,321</u>	<u>\$ 26,496,538</u>	<u>\$ 43,998,859</u>	1992-93	-0.64%	1.00%	8,306,991
				1993-94	2.72%	1.86%	8,691,654
				1994-95	0.71%	1.40%	8,875,912
				1995-96	4.72%	1.60%	9,443,573
				1996-97	4.67%	2.31%	10,112,922
				1997-98	4.67%	2.06%	10,803,250
				1998-99	4.15%	2.70%	11,555,378
				1999-2000	4.53%	2.28%	12,354,234
				2000-01	4.91%	2.46%	13,279,663
				2001-02	7.82%	1.60%	14,547,223
				2002-03	-1.27%	1.80%	14,620,998
				2003-04	2.31%	1.32%	15,156,198
				2004-05	3.28%	1.15%	15,833,334
				2005-06	5.26%	1.19%	16,864,495
				2006-07	3.96%	0.73%	17,660,315
				2007-08	4.42%	0.96%	18,617,934
				2008-09	4.29%	1.12%	19,634,110
				2009-10	0.62%	1.01%	19,955,375
				2010-11	-2.54%	0.87%	19,617,710
				2011-12	2.51%	1.09%	20,329,315
				2012-13	3.77%	0.47%	21,194,880
				2013-14	5.12%	0.52%	22,395,914
				2014-15	-0.23%	0.09%	22,364,513
				2015-16	3.82%	0.78%	23,399,944
				2016-17	5.37%	0.77%	24,846,376
				2017-18	3.69%	0.59%	25,915,210
				2018-19	3.67%	0.35%	26,960,330
				2019-20	3.85%	0.24%	28,065,499
				2020-21	3.73%	-0.42%	28,990,070
				2021-22	5.73%	-0.30%	30,559,247
				2022-23	7.55%	0.28%	32,958,496
				2023-24	4.44%	-0.50%	34,249,744
				PROCEEDS OF TAXES			<u>17,502,321</u>
				PROCEEDS OF TAXES UNDER APPROPRIATION LIMIT			<u>\$ 16,747,423</u>

[1] Per City of Morro Bay FY 23/24 Proposed Annual Budget, total All Funds Revenues net of transfers.

[2] Per State Department of Finance (per capita personal income); FY 23/24 = 4.44%

[3] Per State Department of Finance (population growth of City or County, whichever is greater); January 2022 to January 2023: MB = -1.34%; SLO County = -0.50%

Dear Fiscal Officer:

Subject: Price Factor and Population Information

Appropriations Limit

California Revenue and Taxation Code section 2227 requires the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2023, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2023-24. Attachment A provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2023-24 appropriations limit. Attachment B provides the city and unincorporated county population percentage change. Attachment C provides the population percentage change for counties and their summed incorporated areas. The population percentage change data excludes federal and state institutionalized populations and military populations.

Population Percent Change for Special Districts

Some special districts must establish an annual appropriations limit. California Revenue and Taxation Code section 2228 provides additional information regarding the appropriations limit. Article XIII B, section 9(C) of the California Constitution exempts certain special districts from the appropriations limit calculation mandate. The code section and the California Constitution can be accessed at the following website: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this requirement should be directed to their county, district legal counsel, or the law itself. No state agency reviews the local appropriations limits.

Population Certification

The population certification program applies only to cities and counties. California Revenue and Taxation Code section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2023.**

Please Note: The prior year's city population estimates may be revised. The per capita personal income change is based on historical data.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

JOE SPEPHENSHAW
Director
By:

Erika Li
Chief Deputy Director

Attachment

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2023-24 appropriation limit is:

Per Capita Personal Income

Fiscal Year (FY)	Percentage change over prior year
2023-24	4.44

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2023-24 appropriation limit.

2023-24:

Per Capita Cost of Living Change = 4.44 percent
 Population Change = -0.35 percent

Per Capita Cost of Living converted to a ratio: $\frac{4.44 + 100}{100} = 1.0444$

Population converted to a ratio: $\frac{-0.35 + 100}{100} = 0.9965$

Calculation of factor for FY 2023-24: $1.0444 \times 0.9965 = 1.0407$

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Alameda				
Alameda	-0.20	76,030	75,880	77,287
Albany	-0.57	21,524	21,401	21,401
Berkeley	0.30	123,188	123,562	123,562
Dublin	-0.38	71,148	70,879	71,750
Emeryville	1.06	12,478	12,610	12,610
Fremont	0.15	229,122	229,467	229,467
Hayward	-0.18	160,081	159,800	159,800
Livermore	-1.25	85,870	84,793	84,793
Newark	0.66	47,150	47,459	47,459
Oakland	-0.53	421,806	419,556	419,556
Piedmont	-1.10	10,913	10,793	10,793
Pleasanton	-1.37	77,524	76,459	76,459
San Leandro	-0.66	88,075	87,497	87,497
Union City	-1.40	67,702	66,754	66,754
Unincorporated	-1.32	148,943	146,976	147,006
County Total	-0.47	1,641,554	1,633,886	1,636,194

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Alpine				
Unincorporated	-0.59	1,191	1,184	1,184
County Total	-0.59	1,191	1,184	1,184

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Amador				
Amador	-1.03	195	193	193
Ione	-0.48	4,986	4,962	8,772
Jackson	-0.90	4,983	4,938	4,938
Plymouth	1.05	1,051	1,062	1,062
Sutter Creek	-0.99	2,616	2,590	2,590
Unincorporated	-0.72	22,420	22,259	22,282
County Total	-0.68	36,251	36,004	39,837

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Butte				
Biggs	1.22	1,966	1,990	1,990
Chico	1.67	105,633	107,394	107,394
Gridley	1.00	7,473	7,548	7,548
Oroville	0.02	19,405	19,409	19,409
Paradise	24.09	7,367	9,142	9,142
Unincorporated	-7.15	64,738	60,109	60,109
County Total	-0.48	206,582	205,592	205,592

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Calaveras				
Angels City	-0.48	3,559	3,542	3,542
Unincorporated	-0.21	41,390	41,302	41,348
County Total	-0.23	44,949	44,844	44,890

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u> 2022-2023	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u> 1-1-2023
		1-1-22	1-1-23	
Colusa				
Colusa	0.17	6,417	6,428	6,428
Williams	-0.14	5,576	5,568	5,568
Unincorporated	-0.52	9,826	9,775	9,775
County Total	-0.22	21,819	21,771	21,771

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Contra Costa				
Antioch	0.94	114,362	115,442	115,442
Brentwood	0.46	64,219	64,513	64,513
Clayton	-1.08	10,782	10,666	10,666
Concord	-0.84	123,102	122,074	122,074
Danville	-0.79	43,166	42,823	42,823
El Cerrito	-0.88	25,710	25,484	25,484
Hercules	1.36	25,944	26,297	26,297
Lafayette	-0.46	25,119	25,004	25,004
Martinez	-0.67	36,790	36,543	36,543
Moraga	-0.95	17,055	16,893	16,893
Oakley	1.67	44,257	44,995	44,995
Orinda	-0.52	19,326	19,225	19,225
Pinole	-1.07	18,442	18,244	18,244
Pittsburg	0.16	74,688	74,809	74,809
Pleasant Hill	-0.89	33,697	33,397	33,397
Richmond	-0.88	114,521	113,518	113,518
San Pablo	-1.02	31,625	31,301	31,301
San Ramon	-0.86	83,587	82,870	82,870
Walnut Creek	-0.51	69,603	69,245	69,245
Unincorporated	-0.85	175,719	174,226	174,310
County Total	-0.36	1,151,714	1,147,569	1,147,653

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Del Norte				
Crescent City	-0.57	4,069	4,046	5,790
Unincorporated	-0.48	20,854	20,754	20,809
County Total	-0.49	24,923	24,800	26,599

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Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
El Dorado				
Placerville	-0.34	10,621	10,585	10,585
South Lake Tahoe	-0.86	20,727	20,548	20,548
Unincorporated	-0.38	158,386	157,790	157,873
County Total	-0.43	189,734	188,923	189,006

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Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Fresno				
Clovis	0.80	123,532	124,523	124,523
Coalinga	-0.54	13,410	13,337	17,237
Firebaugh	0.89	8,420	8,495	8,495
Fowler	3.34	6,936	7,168	7,168
Fresno	0.12	542,515	543,151	543,428
Huron	-0.71	6,168	6,124	6,124
Kerman	2.11	16,605	16,955	16,955
Kingsburg	3.48	12,432	12,865	12,865
Mendota	-0.10	12,475	12,463	12,463
Orange Cove	-0.71	9,531	9,463	9,463
Parlier	-0.48	14,472	14,402	14,402
Reedley	1.75	24,944	25,381	25,381
Sanger	-0.23	26,302	26,241	26,241
San Joaquin	-0.72	3,634	3,608	3,608
Selma	-0.22	24,354	24,300	24,300
Unincorporated	-0.78	158,554	157,323	158,846
County Total	0.15	1,004,284	1,005,799	1,011,499

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Glenn				
Orland	-0.51	8,294	8,252	8,252
Willows	-0.74	6,443	6,395	6,395
Unincorporated	-0.37	14,041	13,989	13,989
County Total	-0.49	28,778	28,636	28,636

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Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Humboldt				
Arcata	4.05	17,960	18,688	18,688
Blue Lake	-1.46	1,163	1,146	1,146
Eureka	-2.18	26,552	25,972	26,139
Ferndale	-0.22	1,374	1,371	1,371
Fortuna	-0.67	12,339	12,256	12,256
Rio Dell	-1.39	3,307	3,261	3,261
Trinidad	-1.34	298	294	294
Unincorporated	-1.00	71,525	70,813	70,892
County Total	-0.53	134,518	133,801	134,047

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Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Imperial				
Brawley	2.94	26,752	27,539	27,539
Calexico	0.11	38,654	38,697	38,697
Calipatria	-0.12	3,448	3,444	5,975
El Centro	0.01	44,442	44,445	44,445
Holtville	-0.58	5,534	5,502	5,502
Imperial	0.70	21,347	21,496	21,496
Westmorland	-0.10	1,991	1,989	1,989
Unincorporated	0.15	30,626	30,672	33,833
County Total	0.57	172,794	173,784	179,476

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Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Inyo				
Bishop	-0.15	3,878	3,872	3,872
Unincorporated	-0.16	14,984	14,960	15,024
County Total	-0.16	18,862	18,832	18,896

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Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Kern				
Arvin	-0.44	19,592	19,505	19,505
Bakersfield	0.22	407,491	408,373	408,373
California City	1.28	12,841	13,006	14,827
Delano	3.04	43,676	45,005	51,727
Maricopa	-0.79	1,019	1,011	1,011
McFarland	-0.82	13,861	13,748	13,748
Ridgecrest	-0.75	27,443	27,238	27,885
Shafter	4.32	20,436	21,318	21,318
Taft	-0.56	7,014	6,975	6,975
Tehachapi	-0.58	9,333	9,279	11,960
Wasco	0.61	22,603	22,740	26,622
Unincorporated	-0.75	303,325	301,062	303,525
County Total	0.07	888,634	889,260	907,476

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Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Kings				
Avenal	0.30	9,321	9,349	13,374
Corcoran	-0.43	13,468	13,410	21,442
Hanford	1.00	58,312	58,893	58,893
Lemoore	-0.48	26,736	26,609	26,609
Unincorporated	-0.52	24,772	24,644	30,700
County Total	0.22	132,609	132,905	151,018

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Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Lake				
Clearlake	-1.09	16,545	16,364	16,364
Lakeport	-0.82	5,008	4,967	4,967
Unincorporated	-0.93	45,826	45,400	45,469
County Total	-0.96	67,379	66,731	66,800

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Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Lassen				
Susanville	-2.27	9,371	9,158	11,593
Unincorporated	-0.93	15,239	15,097	16,682
County Total	-1.44	24,610	24,255	28,275

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Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Los Angeles				
Agoura Hills	-0.03	19,776	19,770	19,770
Alhambra	-0.37	81,609	81,303	81,303
Arcadia	-0.74	55,918	55,503	55,503
Artesia	-0.82	16,139	16,007	16,093
Avalon	-1.03	3,386	3,351	3,351
Azusa	0.06	49,453	49,483	49,483
Baldwin Park	-0.63	70,815	70,368	70,368
Bell	-0.72	33,612	33,370	33,370
Bellflower	-0.92	77,638	76,924	76,924
Bell Gardens	-0.84	38,774	38,447	38,447
Beverly Hills	-0.90	31,945	31,658	31,658
Bradbury	0.34	886	889	889
Burbank	-0.42	104,976	104,535	104,535
Calabasas	-0.99	23,037	22,808	22,808
Carson	-0.60	92,746	92,186	92,186
Cerritos	-1.06	48,402	47,887	47,887
Claremont	-0.74	37,034	36,759	36,759
Commerce	-1.04	12,163	12,036	12,036
Compton	-0.61	94,294	93,719	93,719
Covina	-0.67	50,690	50,350	50,350
Cudahy	-0.52	22,386	22,270	22,270
Culver City	-0.73	39,972	39,682	39,682
Diamond Bar	-1.03	53,935	53,381	53,381
Downey	-0.73	112,078	111,261	111,261
Duarte	6.60	21,384	22,796	22,796
El Monte	-0.84	107,279	106,377	106,377
El Segundo	-0.67	17,042	16,928	16,928
Gardena	-0.47	60,090	59,809	59,809
Glendale	-0.82	192,870	191,284	191,284
Glendora	-0.80	51,571	51,159	51,159
Hawaiian Gardens	-0.94	13,675	13,546	13,546
Hawthorne	-0.96	86,535	85,702	85,702
Hermosa Beach	-0.98	19,206	19,018	19,018
Hidden Hills	-0.80	1,745	1,731	1,731
Huntington Park	-0.93	53,783	53,281	53,281
Industry	-0.23	428	427	427
Inglewood	-0.64	106,928	106,248	106,248
Irwindale	-0.87	1,496	1,483	1,483

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Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
La Canada Flintridge	-0.65	20,060	19,930	19,930
La Habra Heights	-1.06	5,564	5,505	5,505
Lakewood	-0.92	80,900	80,154	80,154
La Mirada	-1.00	48,384	47,899	47,899
Lancaster	-0.54	170,660	169,742	173,376
La Puente	-0.63	37,594	37,356	37,356
La Verne	-0.89	32,344	32,056	32,056
Lawndale	-0.93	31,171	30,882	30,882
Lomita	-1.02	20,300	20,092	20,092
Long Beach	-0.44	460,199	458,168	458,222
Los Angeles	-0.97	3,800,240	3,763,328	3,766,109
Lynwood	-0.55	66,595	66,228	66,228
Malibu	-0.21	10,534	10,512	10,512
Manhattan Beach	-1.24	34,713	34,284	34,284
Maywood	-0.94	24,779	24,546	24,546
Monrovia	-0.62	37,772	37,539	37,539
Montebello	-0.26	61,804	61,645	61,645
Monterey Park	-0.90	59,824	59,288	59,288
Norwalk	-0.71	101,116	100,399	101,153
Palmdale	-0.66	167,015	165,917	165,917
Palos Verdes Estates	-0.90	13,052	12,935	12,935
Paramount	-0.72	52,557	52,178	52,178
Pasadena	-0.60	137,814	136,988	136,988
Pico Rivera	-0.77	61,446	60,975	60,975
Pomona	-0.12	149,908	149,721	149,721
Rancho Palos Verdes	-1.02	41,434	41,013	41,030
Redondo Beach	-0.97	69,078	68,407	68,407
Rolling Hills	-1.13	1,688	1,669	1,669
Rolling Hills Estates	-0.40	8,480	8,446	8,446
Rosemead	-0.17	50,109	50,022	50,022
San Dimas	-0.95	34,407	34,079	34,079
San Fernando	-0.20	23,533	23,487	23,487
San Gabriel	-0.58	38,690	38,466	38,466
San Marino	-0.62	12,282	12,206	12,206
Santa Clarita	0.71	229,039	230,659	230,659
Santa Fe Springs	-0.88	18,689	18,525	18,570
Santa Monica	-0.02	91,739	91,720	91,720
Sierra Madre	-0.81	10,909	10,821	10,821
Signal Hill	-0.84	11,528	11,431	11,431
South El Monte	-0.85	19,627	19,461	19,461

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Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
South Gate	-0.78	93,355	92,628	92,628
South Pasadena	-0.59	26,428	26,273	26,273
Temple City	-0.55	36,010	35,813	35,813
Torrance	-0.88	144,327	143,057	143,057
Vernon	-0.97	207	205	205
Walnut	-0.61	27,721	27,553	27,553
West Covina	0.23	107,642	107,893	107,893
West Hollywood	-0.39	34,930	34,793	34,793
Westlake Village	-1.12	8,009	7,919	7,919
Whittier	-0.47	87,707	87,291	87,291
Unincorporated	-0.95	1,006,954	997,407	997,999
County Total	-0.75	9,826,563	9,753,247	9,761,210

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Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Madera				
Chowchilla	1.12	13,517	13,669	18,844
Madera	-0.06	65,582	65,540	65,540
Unincorporated	1.23	72,865	73,764	73,764
County Total	0.66	151,964	152,973	158,148

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Marin				
Belvedere	-1.59	2,078	2,045	2,045
Corte Madera	-0.82	9,967	9,885	9,885
Fairfax	-0.76	7,410	7,354	7,354
Larkspur	-1.23	12,728	12,571	12,571
Mill Valley	-1.11	13,817	13,664	13,664
Novato	-1.05	51,648	51,104	51,392
Ross	-0.57	2,280	2,267	2,267
San Anselmo	-0.88	12,515	12,405	12,405
San Rafael	-0.92	60,237	59,681	59,681
Sausalito	-1.29	6,955	6,865	6,865
Tiburon	-1.18	8,903	8,798	8,798
Unincorporated	-1.21	63,474	62,709	66,032
County Total	-1.06	252,012	249,348	252,959

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Mariposa				
Unincorporated	-0.26	16,923	16,879	16,935
County Total	-0.26	16,923	16,879	16,935

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Mendocino				
Fort Bragg	-0.93	7,080	7,014	7,014
Point Arena	-1.13	444	439	439
Ukiah	-0.77	16,052	15,929	15,929
Willits	-0.98	4,906	4,858	4,858
Unincorporated	-0.39	61,099	60,862	60,924
County Total	-0.53	89,581	89,102	89,164

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Merced				
Atwater	-0.67	31,629	31,418	31,418
Dos Palos	-1.00	5,697	5,640	5,640
Gustine	-0.67	5,985	5,945	5,945
Livingston	-0.66	14,352	14,257	14,257
Los Banos	1.11	46,827	47,347	47,347
Merced	1.65	88,657	90,116	90,116
Unincorporated	-0.50	89,956	89,502	90,614
County Total	0.40	283,103	284,225	285,337

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Modoc				
Alturas	-1.01	2,678	2,651	2,651
Unincorporated	-0.32	5,895	5,876	5,876
County Total	-0.54	8,573	8,527	8,527

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Mono				
Mammoth Lakes	0.08	7,267	7,273	7,273
Unincorporated	-0.17	5,761	5,751	5,883
County Total	-0.03	13,028	13,024	13,156

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Monterey				
Carmel-By-The-Sea	-0.49	3,048	3,033	3,033
Del Rey Oaks	-0.32	1,545	1,540	1,540
Gonzales	-0.61	8,351	8,300	8,300
Greenfield	1.14	19,693	19,917	19,917
King City	3.71	13,323	13,817	13,817
Marina	2.51	21,527	22,068	22,068
Monterey	-0.49	23,869	23,753	26,845
Pacific Grove	-0.16	14,765	14,741	14,741
Salinas	-0.17	159,745	159,475	159,475
Sand City	0.80	373	376	376
Seaside	0.11	27,647	27,678	29,790
Soledad	0.37	19,262	19,333	26,230
Unincorporated	-0.52	104,324	103,785	104,236
County Total	0.08	417,472	417,816	430,368

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u> 2022-2023	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u> 1-1-2023
		1-1-22	1-1-23	
Napa				
American Canyon	-1.35	21,631	21,338	21,338
Calistoga	-0.68	5,162	5,127	5,127
Napa	-0.92	77,533	76,821	76,821
St Helena	-0.46	5,380	5,355	5,355
Yountville	-0.86	2,211	2,192	2,778
Unincorporated	-1.10	22,357	22,112	23,218
County Total	-0.99	134,274	132,945	134,637

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Nevada				
Grass Valley	0.10	13,474	13,488	13,488
Nevada City	2.64	3,256	3,342	3,342
Truckee	-0.10	16,693	16,676	16,676
Unincorporated	-0.51	67,503	67,161	67,214
County Total	-0.26	100,926	100,667	100,720

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	Percent Change	--- Population Minus Exclusions ---		Total Population
	2022-2023	1-1-22	1-1-23	1-1-2023
Orange				
Aliso Viejo	-0.49	51,016	50,766	50,766
Anaheim	-2.19	335,929	328,563	328,580
Brea	2.63	46,947	48,184	48,184
Buena Park	0.19	83,359	83,517	83,517
Costa Mesa	-0.42	111,649	111,183	111,183
Cypress	-0.12	49,877	49,818	49,818
Dana Point	0.44	33,009	33,155	33,155
Fountain Valley	0.02	56,976	56,987	56,987
Fullerton	-0.10	143,013	142,873	142,873
Garden Grove	-0.01	171,195	171,183	171,183
Huntington Beach	-0.38	196,469	195,714	195,714
Irvine	-0.86	305,688	303,051	303,051
Laguna Beach	-0.27	22,506	22,445	22,445
Laguna Hills	-0.46	30,667	30,525	30,525
Laguna Niguel	-0.47	65,010	64,702	64,702
Laguna Woods	-0.49	17,536	17,450	17,450
La Habra	-0.33	62,037	61,835	61,835
Lake Forest	0.59	86,614	87,127	87,127
La Palma	-0.45	15,402	15,332	15,332
Los Alamitos	1.98	11,894	12,129	12,129
Mission Viejo	-0.30	92,118	91,846	91,846
Newport Beach	-0.29	83,653	83,411	83,411
Orange	0.66	138,155	139,063	139,063
Placentia	2.30	51,327	52,507	52,507
Rancho Santa Margarita	-0.49	47,300	47,066	47,066
San Clemente	-0.31	63,431	63,237	63,237
San Juan Capistrano	0.63	34,869	35,089	35,089
Santa Ana	-1.52	304,258	299,630	299,630
Seal Beach	0.72	24,247	24,422	24,647
Stanton	0.25	38,986	39,084	39,084
Tustin	-0.17	79,696	79,558	79,558
Villa Park	-0.02	5,791	5,790	5,790
Westminster	-0.18	90,660	90,498	90,498
Yorba Linda	-0.32	67,284	67,068	67,068
Unincorporated	-0.47	132,737	132,114	132,114
County Total	-0.46	3,151,305	3,136,922	3,137,164

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Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Placer				
Auburn	-1.70	13,596	13,365	13,365
Colfax	-1.08	2,038	2,016	2,016
Lincoln	2.18	51,199	52,313	52,313
Loomis	-1.61	6,715	6,607	6,607
Rocklin	-0.66	71,655	71,179	71,179
Roseville	0.98	151,450	152,928	152,928
Unincorporated	-0.79	112,788	111,897	111,897
County Total	0.21	409,441	410,305	410,305

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Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Plumas				
Portola	-1.64	2,129	2,094	2,094
Unincorporated	-1.18	17,103	16,902	16,902
County Total	-1.23	19,232	18,996	18,996

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Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	Percent Change	--- Population Minus Exclusions ---		Total Population
	2022-2023	1-1-22	1-1-23	1-1-2023
Riverside				
Banning	1.28	30,856	31,250	31,250
Beaumont	4.12	54,349	56,590	56,590
Blythe	-0.43	12,662	12,607	17,265
Calimesa	0.11	10,950	10,962	10,962
Canyon Lake	-0.49	11,003	10,949	10,949
Cathedral City	-0.37	51,590	51,400	51,433
Coachella	1.26	41,935	42,462	42,462
Corona	-0.09	157,139	157,005	157,005
Desert Hot Springs	0.68	32,389	32,608	32,608
Eastvale	-0.66	69,978	69,514	69,514
Hemet	0.84	89,170	89,918	89,918
Indian Wells	-0.23	4,785	4,774	4,774
Indio	1.17	89,789	90,837	90,837
Jurupa Valley	-0.16	105,154	104,983	104,983
Lake Elsinore	-0.02	71,844	71,828	71,973
La Quinta	1.11	37,562	37,979	37,979
Menifee	2.44	107,411	110,034	110,034
Moreno Valley	-0.01	208,302	208,289	208,289
Murrieta	-0.54	110,592	109,998	109,998
Norco	-0.52	22,345	22,228	25,037
Palm Desert	-0.02	50,626	50,615	50,615
Palm Springs	-0.17	44,165	44,092	44,092
Perris	0.60	78,474	78,948	78,948
Rancho Mirage	0.94	16,854	17,012	17,012
Riverside	-0.36	314,759	313,617	313,676
San Jacinto	-0.37	54,303	54,103	54,103
Temecula	-0.52	109,468	108,899	108,899
Wildomar	-0.28	36,438	36,336	36,336
Unincorporated	0.83	398,128	401,433	401,693
County Total	0.34	2,423,020	2,431,270	2,439,234

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Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Sacramento				
Citrus Heights	-0.37	86,152	85,837	85,837
Elk Grove	0.22	176,621	177,005	177,005
Folsom	2.10	79,604	81,278	85,498
Galt	1.48	25,185	25,557	25,557
Isleton	-0.91	766	759	759
Rancho Cordova	1.20	80,156	81,117	81,117
Sacramento	0.23	516,958	518,161	518,161
Unincorporated	-0.76	603,090	598,519	598,519
County Total	-0.02	1,568,532	1,568,233	1,572,453

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Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u> 2022-2023	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u> 1-1-2023
		1-1-22	1-1-23	
San Benito				
Hollister	0.61	42,631	42,891	42,891
San Juan Bautista	-1.03	2,043	2,022	2,022
Unincorporated	-0.56	20,869	20,753	20,753
County Total	0.19	65,543	65,666	65,666

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Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
San Bernardino				
Adelanto	0.65	36,420	36,656	36,656
Apple Valley	-0.37	75,277	74,996	74,996
Barstow	-1.96	24,768	24,283	24,918
Big Bear Lake	-0.43	4,935	4,914	4,914
Chino	0.69	88,564	89,171	93,137
Chino Hills	-0.70	77,601	77,058	77,058
Colton	-0.67	53,513	53,154	53,154
Fontana	0.58	212,616	213,851	213,851
Grand Terrace	-0.73	12,908	12,814	12,814
Hesperia	0.19	99,855	100,041	100,041
Highland	-0.53	56,283	55,984	55,984
Loma Linda	-0.03	25,198	25,191	25,228
Montclair	-0.51	37,688	37,494	37,494
Needles	-0.77	4,793	4,756	4,756
Ontario	1.14	178,682	180,717	180,717
Rancho Cucamonga	-0.31	174,090	173,545	173,545
Redlands	-0.40	72,259	71,972	71,972
Rialto	-0.41	103,406	102,985	102,985
San Bernardino	1.25	219,218	221,949	223,230
Twentynine Palms	-0.94	15,687	15,539	25,929
Upland	-0.50	78,771	78,376	78,376
Victorville	0.90	132,189	133,384	137,193
Yucaipa	-0.46	54,242	53,991	53,991
Yucca Valley	-0.35	21,712	21,635	21,635
Unincorporated	-0.45	290,306	289,011	297,482
County Total	0.12	2,150,981	2,153,467	2,182,056

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Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
San Diego				
Carlsbad	-0.28	114,865	114,549	114,549
Chula Vista	0.26	273,813	274,534	274,784
Coronado	-0.64	16,523	16,417	22,150
Del Mar	0.00	3,903	3,903	3,903
El Cajon	-0.61	105,266	104,619	104,619
Encinitas	-0.32	61,283	61,085	61,085
Escondido	-0.17	150,059	149,799	149,799
Imperial Beach	-0.43	25,976	25,864	25,864
La Mesa	0.30	60,240	60,418	60,418
Lemon Grove	1.22	27,089	27,420	27,420
National City	-0.16	58,924	58,828	60,974
Oceanside	-0.41	171,766	171,063	171,063
Poway	-0.04	48,504	48,483	48,483
San Diego	-0.30	1,355,980	1,351,947	1,368,395
San Marcos	0.75	93,829	94,530	94,530
Santee	0.88	58,709	59,227	59,227
Solana Beach	0.05	12,778	12,784	12,784
Vista	-0.14	99,978	99,835	99,835
Unincorporated	0.00	477,051	477,074	509,873
County Total	-0.13	3,216,536	3,212,379	3,269,755

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Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
San Francisco				
San Francisco	-0.64	836,811	831,493	831,703
County Total	-0.64	836,811	831,493	831,703

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Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
San Joaquin				
Escalon	-1.01	7,338	7,264	7,264
Lathrop	11.10	31,575	35,080	35,080
Lodi	-0.02	66,305	66,293	66,293
Manteca	2.33	86,784	88,803	88,803
Ripon	-0.95	15,921	15,769	15,769
Stockton	-0.68	321,911	319,731	319,731
Tracy	0.83	94,830	95,615	95,615
Unincorporated	-0.36	155,537	154,983	157,590
County Total	0.43	780,201	783,538	786,145

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Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
San Luis Obispo				
Arroyo Grande	-1.20	18,140	17,922	17,922
Atascadero	-0.32	29,255	29,161	30,206
El Paso De Robles	-1.02	31,009	30,692	30,692
Grover Beach	-1.24	12,623	12,467	12,467
Morro Bay	-1.34	10,415	10,275	10,275
Pismo Beach	-1.17	7,958	7,865	7,865
San Luis Obispo	1.15	47,247	47,788	47,788
Unincorporated	-0.77	118,814	117,901	121,133
County Total	-0.50	275,461	274,071	278,348

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Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
San Mateo				
Atherton	-0.48	6,710	6,678	6,678
Belmont	-0.88	27,030	26,793	26,793
Brisbane	-0.51	4,672	4,648	4,648
Burlingame	0.22	30,069	30,136	30,136
Colma	-0.88	1,371	1,359	1,359
Daly City	-0.56	102,040	101,471	101,471
East Palo Alto	-0.66	28,776	28,586	28,586
Foster City	-0.45	32,852	32,703	32,703
Half Moon Bay	-0.77	11,313	11,226	11,226
Hillsborough	-0.20	10,984	10,962	10,962
Menlo Park	-0.91	32,645	32,349	32,478
Millbrae	0.08	22,468	22,487	22,487
Pacifica	-0.41	37,236	37,082	37,082
Portola Valley	-0.54	4,270	4,247	4,247
Redwood City	-0.32	81,753	81,495	81,495
San Bruno	-0.68	42,340	42,054	42,054
San Carlos	-0.89	29,762	29,496	29,496
San Mateo	-0.32	103,651	103,318	103,318
South San Francisco	0.00	64,325	64,323	64,323
Woodside	-0.29	5,143	5,128	5,128
Unincorporated	-0.53	61,301	60,974	60,974
County Total	-0.43	740,711	737,515	737,644

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Santa Barbara				
Buellton	-1.26	5,007	4,944	4,944
Carpinteria	-1.20	12,866	12,711	12,711
Goleta	0.21	32,375	32,442	32,442
Guadalupe	0.57	8,467	8,515	8,515
Lompoc	-1.21	40,967	40,473	43,493
Santa Barbara	-1.00	86,259	85,398	85,418
Santa Maria	-0.13	109,617	109,477	109,477
Solvang	-0.44	5,694	5,669	5,669
Unincorporated	-0.72	135,873	134,888	137,888
County Total	-0.60	437,125	434,517	440,557

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Santa Clara				
Campbell	-0.88	43,092	42,713	42,713
Cupertino	-0.87	59,673	59,154	59,154
Gilroy	0.62	59,709	60,078	60,078
Los Altos	-0.76	31,257	31,021	31,021
Los Altos Hills	-0.40	8,414	8,380	8,380
Los Gatos	-0.20	33,167	33,102	33,102
Milpitas	0.25	80,862	81,067	81,067
Monte Sereno	1.09	3,481	3,519	3,519
Morgan Hill	-0.67	46,201	45,892	45,892
Mountain View	-0.30	83,856	83,601	83,601
Palo Alto	-0.60	67,674	67,268	67,287
San Jose	-0.47	963,745	959,256	959,256
Santa Clara	1.54	130,462	132,476	132,476
Saratoga	-0.62	30,758	30,567	30,567
Sunnyvale	-0.03	156,364	156,317	156,317
Unincorporated	-0.52	91,239	90,766	91,649
County Total	-0.25	1,889,954	1,885,177	1,886,079

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Santa Cruz				
Capitola	-1.31	9,753	9,625	9,625
Santa Cruz	-0.36	63,454	63,224	63,224
Scotts Valley	-1.26	12,010	11,859	11,859
Watsonville	-1.22	50,490	49,876	49,876
Unincorporated	-1.36	129,163	127,411	127,467
County Total	-1.09	264,870	261,995	262,051

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Shasta				
Anderson	-0.95	11,133	11,027	11,027
Redding	-0.63	92,921	92,340	92,465
Shasta Lake	-0.83	10,302	10,217	10,217
Unincorporated	-0.69	66,111	65,653	65,727
County Total	-0.68	180,467	179,237	179,436

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Sierra				
Loyalton	-0.93	751	744	744
Unincorporated	-0.49	2,461	2,449	2,449
County Total	-0.59	3,212	3,193	3,193

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Siskiyou				
Dorris	-0.47	843	839	839
Dunsmuir	-0.54	1,672	1,663	1,663
Etna	-0.45	671	668	668
Fort Jones	-0.44	681	678	678
Montague	-0.41	1,208	1,203	1,203
Mount Shasta	0.85	3,188	3,215	3,215
Tulelake	-0.45	882	878	878
Weed	-4.33	2,815	2,693	2,693
Yreka	1.20	7,732	7,825	7,825
Unincorporated	-0.28	23,905	23,837	23,886
County Total	-0.22	43,597	43,499	43,548

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Solano				
Benicia	-1.21	26,500	26,180	26,180
Dixon	0.22	18,977	19,018	19,018
Fairfield	0.18	114,553	114,756	119,526
Rio Vista	0.73	9,916	9,988	9,988
Suisun City	-1.17	28,809	28,471	28,471
Vacaville	-0.28	95,894	95,630	100,806
Vallejo	-1.21	123,154	121,658	121,658
Unincorporated	-0.81	17,484	17,343	18,102
County Total	-0.52	435,287	433,044	443,749

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Sonoma				
Cloverdale	-0.92	8,869	8,787	8,787
Cotati	-0.67	7,410	7,360	7,360
Healdsburg	-0.72	10,993	10,914	10,914
Petaluma	-0.39	58,552	58,321	58,321
Rohnert Park	-0.02	43,701	43,693	43,693
Santa Rosa	-0.47	175,351	174,523	174,523
Sebastopol	-1.14	7,433	7,348	7,348
Sonoma	-1.18	10,804	10,677	10,677
Windsor	-1.07	25,836	25,560	25,560
Unincorporated	-0.58	130,783	130,026	130,991
County Total	-0.53	479,732	477,209	478,174

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Stanislaus				
Ceres	-0.99	48,207	47,729	47,729
Hughson	0.91	7,497	7,565	7,565
Modesto	-0.32	217,699	216,995	216,995
Newman	-1.00	12,162	12,040	12,040
Oakdale	-1.12	23,241	22,980	22,980
Patterson	0.72	24,142	24,317	24,317
Riverbank	0.10	24,670	24,695	24,695
Turlock	-0.50	71,214	70,856	70,856
Waterford	1.23	8,932	9,042	9,042
Unincorporated	-1.11	110,955	109,720	109,720
County Total	-0.51	548,719	545,939	545,939

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Sutter				
Live Oak	1.34	9,389	9,515	9,515
Yuba City	-0.21	69,623	69,478	69,478
Unincorporated	-0.59	20,078	19,959	19,959
County Total	-0.14	99,090	98,952	98,952

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Tehama				
Corning	-1.13	8,084	7,993	7,993
Red Bluff	-1.46	14,653	14,439	14,439
Tehama	-1.16	430	425	425
Unincorporated	-0.85	41,636	41,282	41,414
County Total	-1.02	64,803	64,139	64,271

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Trinity				
Unincorporated	-0.33	15,925	15,873	15,939
County Total	-0.33	15,925	15,873	15,939

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Tulare				
Dinuba	0.98	25,222	25,469	25,469
Exeter	-0.65	10,251	10,184	10,184
Farmersville	-0.68	10,221	10,151	10,151
Lindsay	-0.66	12,557	12,474	12,474
Porterville	-0.10	62,465	62,400	62,588
Tulare	0.32	69,457	69,677	69,677
Visalia	0.68	142,066	143,031	143,031
Woodlake	0.84	7,647	7,711	7,711
Unincorporated	-0.48	134,377	133,728	133,779
County Total	0.12	474,263	474,825	475,064

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Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Tuolumne				
Sonora	0.28	5,053	5,067	5,067
Unincorporated	-0.21	47,202	47,104	49,523
County Total	-0.16	52,255	52,171	54,590

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Ventura				
Camarillo	-0.88	69,925	69,309	69,309
Fillmore	2.70	16,454	16,899	16,899
Moorpark	-0.65	35,380	35,151	35,151
Ojai	-0.99	7,568	7,493	7,493
Oxnard	-1.18	199,839	197,477	197,477
Port Hueneme	-1.35	19,615	19,351	21,356
San Buenaventura	-0.15	107,448	107,284	107,341
Santa Paula	0.89	31,145	31,423	31,423
Simi Valley	-0.13	124,333	124,174	124,174
Thousand Oaks	-1.18	124,439	122,967	122,967
Unincorporated	-1.44	91,644	90,326	92,063
County Total	-0.72	827,790	821,854	825,653

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Yolo				
Davis	-1.11	64,814	64,097	64,097
West Sacramento	2.10	53,071	54,187	54,187
Winters	0.94	7,464	7,534	7,534
Woodland	-0.69	60,299	59,881	59,881
Unincorporated	-2.25	35,991	35,181	35,181
County Total	-0.34	221,639	220,880	220,880

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Yuba				
Marysville	-1.12	12,749	12,606	12,606
Wheatland	4.55	3,645	3,811	3,811
Unincorporated	0.85	63,579	64,118	66,260
County Total	0.70	79,973	80,535	82,677

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment C
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023

County	Percent Change 2022-23	--- Population	Minus Exclusions --- 1-1-22	1-1-23
Alameda				
Incorporated	-0.38	1,492,611		1,486,910
County Total	-0.47	1,641,554		1,633,886
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Alpine				
Incorporated	0.00	0		0
County Total	-0.59	1,191		1,184
<hr/>				
Amador				
Incorporated	-0.62	13,831		13,745
County Total	-0.68	36,251		36,004
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Butte				
Incorporated	2.57	141,844		145,483
County Total	-0.48	206,582		205,592
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Calaveras				
Incorporated	-0.48	3,559		3,542
County Total	-0.23	44,949		44,844
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Colusa				
Incorporated	0.03	11,993		11,996
County Total	-0.22	21,819		21,771
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Contra Costa				
Incorporated	-0.27	975,995		973,343
County Total	-0.36	1,151,714		1,147,569
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Del Norte				
Incorporated	-0.57	4,069		4,046
County Total	-0.49	24,923		24,800
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El Dorado				
Incorporated	-0.69	31,348		31,133
County Total	-0.43	189,734		188,923

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment C
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023

County	<u>Percent Change</u> 2022-23	<u>--- Population Minus Exclusions ---</u>	
		1-1-22	1-1-23
Fresno			
Incorporated	0.32	845,730	848,476
County Total	0.15	1,004,284	1,005,799
<hr/>			
Glenn			
Incorporated	-0.61	14,737	14,647
County Total	-0.49	28,778	28,636
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Humboldt			
Incorporated	-0.01	62,993	62,988
County Total	-0.53	134,518	133,801
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Imperial			
Incorporated	0.66	142,168	143,112
County Total	0.57	172,794	173,784
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Inyo			
Incorporated	-0.15	3,878	3,872
County Total	-0.16	18,862	18,832
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Kern			
Incorporated	0.49	585,309	588,198
County Total	0.07	888,634	889,260
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Kings			
Incorporated	0.39	107,837	108,261
County Total	0.22	132,609	132,905
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Lake			
Incorporated	-1.03	21,553	21,331
County Total	-0.96	67,379	66,731
<hr/>			
Lassen			
Incorporated	-2.27	9,371	9,158
County Total	-1.44	24,610	24,255
<hr/>			

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment C
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023

County	<u>Percent Change</u> 2022-23	<u>--- Population Minus Exclusions ---</u>	
		1-1-22	1-1-23
Los Angeles			
Incorporated	-0.72	8,819,609	8,755,840
County Total	-0.75	9,826,563	9,753,247
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Madera			
Incorporated	0.14	79,099	79,209
County Total	0.66	151,964	152,973
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Marin			
Incorporated	-1.01	188,538	186,639
County Total	-1.06	252,012	249,348
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Mariposa			
Incorporated	0.00	0	0
County Total	-0.26	16,923	16,879
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Mendocino			
Incorporated	-0.85	28,482	28,240
County Total	-0.53	89,581	89,102
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Merced			
Incorporated	0.82	193,147	194,723
County Total	0.40	283,103	284,225
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Modoc			
Incorporated	-1.01	2,678	2,651
County Total	-0.54	8,573	8,527
<hr/>			
Mono			
Incorporated	0.08	7,267	7,273
County Total	-0.03	13,028	13,024
<hr/>			
Monterey			
Incorporated	0.28	313,148	314,031
County Total	0.08	417,472	417,816
<hr/>			

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment C
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023

County	<u>Percent Change</u> 2022-23	<u>--- Population Minus Exclusions ---</u>	
		1-1-22	1-1-23
Napa			
Incorporated	-0.97	111,917	110,833
County Total	-0.99	134,274	132,945
<hr/>			
Nevada			
Incorporated	0.25	33,423	33,506
County Total	-0.26	100,926	100,667
<hr/>			
Orange			
Incorporated	-0.46	3,018,568	3,004,808
County Total	-0.46	3,151,305	3,136,922
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Placer			
Incorporated	0.59	296,653	298,408
County Total	0.21	409,441	410,305
<hr/>			
Plumas			
Incorporated	-1.64	2,129	2,094
County Total	-1.23	19,232	18,996
<hr/>			
Riverside			
Incorporated	0.24	2,024,892	2,029,837
County Total	0.34	2,423,020	2,431,270
<hr/>			
Sacramento			
Incorporated	0.44	965,442	969,714
County Total	-0.02	1,568,532	1,568,233
<hr/>			
San Benito			
Incorporated	0.53	44,674	44,913
County Total	0.19	65,543	65,666
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San Bernardino			
Incorporated	0.20	1,860,675	1,864,456
County Total	0.12	2,150,981	2,153,467
<hr/>			

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment C
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023

County	<u>Percent Change</u> 2022-23	<u>--- Population Minus Exclusions ---</u> 1-1-22	<u>1-1-23</u>
<hr/>			
San Diego			
Incorporated	-0.15	2,739,485	2,735,305
County Total	-0.13	3,216,536	3,212,379
<hr/>			
San Francisco			
Incorporated	-0.64	836,811	831,493
County Total	-0.64	836,811	831,493
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San Joaquin			
Incorporated	0.62	624,664	628,555
County Total	0.43	780,201	783,538
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San Luis Obispo			
Incorporated	-0.30	156,647	156,170
County Total	-0.50	275,461	274,071
<hr/>			
San Mateo			
Incorporated	-0.42	679,410	676,541
County Total	-0.43	740,711	737,515
<hr/>			
Santa Barbara			
Incorporated	-0.54	301,252	299,629
County Total	-0.60	437,125	434,517
<hr/>			
Santa Clara			
Incorporated	-0.24	1,798,715	1,794,411
County Total	-0.25	1,889,954	1,885,177
<hr/>			
Santa Cruz			
Incorporated	-0.83	135,707	134,584
County Total	-1.09	264,870	261,995
<hr/>			
Shasta			
Incorporated	-0.68	114,356	113,584
County Total	-0.68	180,467	179,237
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*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment C
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023

County	<u>Percent Change</u> 2022-23	<u>--- Population Minus Exclusions ---</u>	
		1-1-22	1-1-23
Sierra			
Incorporated	-0.93	751	744
County Total	-0.59	3,212	3,193
<hr/>			
Siskiyou			
Incorporated	-0.15	19,692	19,662
County Total	-0.22	43,597	43,499
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Solano			
Incorporated	-0.50	417,803	415,701
County Total	-0.52	435,287	433,044
<hr/>			
Sonoma			
Incorporated	-0.51	348,949	347,183
County Total	-0.53	479,732	477,209
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Stanislaus			
Incorporated	-0.35	437,764	436,219
County Total	-0.51	548,719	545,939
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Sutter			
Incorporated	-0.02	79,012	78,993
County Total	-0.14	99,090	98,952
<hr/>			
Tehama			
Incorporated	-1.34	23,167	22,857
County Total	-1.02	64,803	64,139
<hr/>			
Trinity			
Incorporated	0.00	0	0
County Total	-0.33	15,925	15,873
<hr/>			
Tulare			
Incorporated	0.36	339,886	341,097
County Total	0.12	474,263	474,825
<hr/>			

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment C
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023

County	Percent Change	--- Population Minus Exclusions ---	
	2022-23	1-1-22	1-1-23
Tuolumne			
Incorporated	0.28	5,053	5,067
County Total	-0.16	52,255	52,171
Ventura			
Incorporated	-0.63	736,146	731,528
County Total	-0.72	827,790	821,854
Yolo			
Incorporated	0.03	185,648	185,699
County Total	-0.34	221,639	220,880
Yuba			
Incorporated	0.14	16,394	16,417
County Total	0.70	79,973	80,535

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

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AGENDA NO: C-4

MEETING DATE: June 13, 2023

Staff Report

TO: Honorable Mayor and City Council

DATE: June 8, 2023

FROM: Eric Riddiough, PE – City Engineer
Greg Kwolek – Public Works Director

SUBJECT: Intersection Improvements at State Route 41, State Route 1, and Main Street

RECOMMENDATION

Staff recommends the City Council recommend the roundabout alternative to Caltrans for approval and, if approved, direct City staff to begin design phase and pursue additional funding opportunities for the project.

ALTERNATIVES

1. City Council may recommend the double-signal alternative to Caltrans for approval and, if approved, direct City staff to begin design phase.
2. City Council may direct staff to pursue a No-Build alternative and may direct City staff to explore potential pedestrian safety enhancements under the current intersection configuration as part of the development of the Local Road Safety Plan.
3. City Council may provide other direction to staff.

FISCAL IMPACT

An updated engineer’s opinion of probable costs to deliver the roundabout alternative was developed in 2021 at \$8,952,000, though staff believes the costs could be as high as \$12,000,000 given cost escalation in the construction industry. The cost estimate provided includes preconstruction activities, right of way acquisition, construction, construction management, and project administration.

The City approved a funding agreement with San Luis Obispo Council of Governments (SLOCOG) in November 2021 that stated the City would pledge at least \$2,500,000 in order to match the SLOCOG commitment of \$5,890,000. So far, the City has allocated \$1,200,000 from the Measure Q&E Fund for the project, and the proposed FY 2023-24 budget includes an additional allocation of \$826,000 of Development Impact Fees.

If the roundabout alternative is approved, City staff will begin with the design phase of the project and seek additional funding from SLOCOG, Caltrans, and state and federal grants to fund its construction.

BACKGROUND/ DISCUSSION

Development of the intersection improvements project at State Route 41, State Route 1, and Main Street (SR-41/SR-1/Main) intersection has been in process for several years and dates back to preliminary work conducted in the early 2000’s. Improvements to the SR41/SR1/Main intersection are necessary to resolve current and future concerns of traffic flow, congestion and associated delays, potential collisions, and enhancing safety of drivers, pedestrians and cyclists.

Prepared By: ER

Dept Review: GK

City Manager Review: GC

City Attorney Review: CFN

A challenge of the current intersection configuration is that the SR41/Main intersection and the SR1/SR41 intersection are only about 75 feet apart. Due to the close intersection spacing and the existing 4-way "Stop" controls at SR41/Main, in addition to the stop sign at the SR1 offramp, the two intersections operate as one unsignalized intersection with five approaches and exits. The intersection's shortcomings have been demonstrated through user experience and regular reports to the City through incident reports and resident complaints, with many potential conflict points. The SR-41/SR-1/Main intersection experiences the highest rate of traffic collisions in all the City of Morro Bay. It also exhibits congested conditions, especially during peak commute hours, which are projected to worsen over time. The engineering analysis shows that improvements are needed to increase the overall operational level-of-service (LOS) and enhance conditions, while reducing congestion and potential collisions at the intersection. An improvement project would upgrade capacity and intersection control for the existing, closely spaced, intersections on SR41, SR1 NB ramps, and Main Street as well as provide better accommodations for pedestrians and cyclists.

The project was started by State of California Department of Transportation (Caltrans) in 2001 when a Caltrans Project Study Report (PSR) was approved to review traffic signal and/or roundabout alternatives. A Caltrans Draft Project Report (Draft PR) was then published in September 2002 with a traffic signal and/or roundabout alternatives. A California Environmental Quality Act (CEQA) Mitigated Negative Declaration (MND) was prepared in September 2002 to identify the potential impacts and any required mitigations specific to the two viable build alternatives. Neither the Draft PR nor the MND were processed through to final approvals. The process stopped in 2003.

The City picked up the project again in 2014. GHD, formerly Omni-Means, was contracted by the City in 2016 to begin the initial phase of the project called the Project Authorization and Environmental Determination (PA&ED) phase, or Task 1, including environmental work, planning, permitting, and preliminary engineering for a contract cost of \$236,557. PA&ED is the process required by Caltrans to produce the Project Report (PR) for improvement projects by local jurisdictions on the State Highway System, which will ultimately be reviewed and approved by Caltrans prior to design authorization. The Caltrans required Intersection Control Evaluation (ICE) is a two-step process that was completed in 2016 and approved by Caltrans. The ICE presents and evaluates the two design alternatives, Double Signalization and Roundabout, in addition to a "No Build" option prior to environmental evaluation. The final conclusion of the ICE was that based upon the performance measures evaluated and engineering analysis, the Roundabout is the preferred alternative from the findings.

Public Outreach in 2016

Initial meetings with Morro Bay High School (MBHS) and San Luis Coastal Unified School District (SLCUSD) officials were conducted in 2016. At that time, both voiced strong support for the Roundabout alternative over the Double Signal alternative, consistent with the ICE recommendation. The Public Works Advisory Board (PWAB) reviewed the project at their July and August 2016 meetings and recommended that the City Council move forward with the Roundabout as the preferred alternative and continue with GHD in PA&ED with the project to improve the operational deficiencies at this critical gateway to the community. The City Council gave this approval at the regular meeting on August 17, 2016.

Recent Developments

Between 2016 and 2021, the project has continued in the PA&ED process with the Roundabout alternative in mind for determining environmental and right-of-way impacts. There have been various delays during PA&ED, including the need to add required additional archeological pre-construction investigations and mitigation services, an Extended Phase I (XPI) study of cultural resources, and additional preliminary design services which resulted in a contract amendment with GHD in April 2021 for \$87,951. The current contracted cost to date with GHD is \$324,508. Additional delays to the project schedule can be attributed to the COVID-19 pandemic between 2020-2021, where City staffing resources and funding for many capital projects were halted temporarily during the financial turmoil that the City faced over those two years. In November 2021, the City's main funding partner, SLOCOG, requested a funding plan for the City's portion of the project. The City committed to pledging \$2,500,000 of City funds over four years, or at an average investment of \$633,333 per year. At this time, the City acknowledged that the City Council could still consider the double-signal and the roundabout alternative and that this decision would be brought back to the City Council towards the

conclusion of the PA&ED process, and that prior to this decision, staff would conduct public engagement activities around this project.

Since much time has passed from when the initial ICE was completed, the ICE traffic counts and analyses were to be updated to reflect present day conditions with the additions of new development and account for reasonable traffic growth consistent with Caltrans and regional guidelines.

Level of Service (LOS) and Collision Data

With the project delays experienced in the last 6-7 years, it was necessary to update the traffic study with updated traffic counts and the new developments' traffic data. The traffic study was updated in March 2023 with new traffic counts collected in September 2022 with the expected trips accounting for the recently constructed Hampton Inn and the multi-unit housing project at 405 Atascadero Road off Sunset Avenue. A reasonable traffic volume growth rate of 0.5% was used to determine the expected future volumes, which is recommended by the SLOCOG Regional Model. It concludes that only the Roundabout alternative operates acceptably in the 2045 Design Year. For LOS, the "No Build" alternative currently fails with a LOS F and will continue to fail in the AM Peak hour for the SR 1 northbound ramps intersection and in the PM Peak Hour for the Main Street intersection. The Double Signal alternative, even with the newly proposed signal timing, fails with a LOS E in the 2025 Opening Year which elevates to LOS F in 2045. The Roundabout alternative does not fail even after a 20-year design life with LOS B in 2045. Below are the specific results of this updated LOS analysis:

Description of Level of Services (LOS)

Level of Service	Type of Flow	Delay	Maneuverability	Stopped Delay/Vehicle (sec)	
				Signalized/ Roundabouts	Unsignalized/ All-Way Stop
A	Stable Flow	Very slight delay. Progression is very favorable, with most vehicles arriving during the green phase not stopping at all.	Turning movements are easily made, and nearly all drivers find freedom of operation.	≤ 10.0	≤ 10.0
B	Stable Flow	Good progression and/or short cycle lengths. More vehicles stop than for LOS A, causing higher levels of average delay.	Vehicle platoons are formed. Many drivers begin to feel somewhat restricted within groups of vehicles.	>10 and ≤ 20.0	>10 and ≤ 15.0
C	Stable Flow	Higher delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant, although many still pass through the intersection without stopping.	Back-ups may develop behind turning vehicles. Most drivers feel somewhat restricted	>20 and ≤ 35.0	>15 and ≤ 25.0
D	Approaching Unstable Flow	The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high volume-to-capacity ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.	Maneuverability is severely limited during short periods due to temporary back-ups.	>35 and ≤ 55.0	>25 and ≤ 35.0
E	Unstable Flow	Generally considered to be the limit of acceptable delay. Indicative of poor progression, long cycle lengths, and high volume-to-capacity ratios. Individual cycle failures are frequent occurrences.	There are typically long queues of vehicles waiting upstream of the intersection.	>55 and ≤ 80.0	>35 and ≤ 50.0

F	Forced Flow	Generally considered to be unacceptable to most drivers. Often occurs with over saturation. May also occur at high volume-to-capacity ratios. There are many individual cycle failures. Poor progression and long cycle lengths may also be major contributing factors.	Jammed conditions. Back-ups from other locations restrict or prevent movement. Volumes may vary widely, depending principally on the downstream back-up conditions.	> 80.0	> 50.0
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References: 2016 Highway Capacity Manual

Double Signal Alternative

ID	Intersection	Peak Hour	2025 Opening Year (Traffic Signal)		
			Control	Delay	LOS
1/2	Main St / SR 1 NB Ramps & SR 41	AM	Signal	65.4	E
		PM		61.0	E
BOLD Indicate LOS of D or worse					

ID	Intersection	Peak Hour	2025 Design Year (Traffic Signal)		
			Control	Delay	LOS
1/2	Main St / SR 1 NB Ramps & SR 41	AM	Signal	77.4	E
		PM		83.3	F
BOLD Indicate LOS of D or worse					

Roundabout Alternative

ID	Intersection	Peak Hour	2025 Opening Year (Roundabout)		
			Control	Delay	LOS
1/2	Main St / SR 1 NB Ramps & SR 41	AM	Roundabout	9.9	A
		PM		10.6	B
BOLD Indicate LOS of D or worse					

ID	Intersection	Peak Hour	2025 Design Year (Roundabout)		
			Control	Delay	LOS
1/2	Main St / SR 1 NB Ramps & SR 41	AM	Roundabout	11.8	B
		PM		13.4	B
BOLD Indicate LOS of D or worse					

No Build Alternative

ID	Intersection	Peak Hour	2025 Opening Year (No Build)		
			Control	Delay	LOS
1	Main St & SR 41	AM	AWSC	27.7	D
		PM		34.9	D
2	SR 1 NB Ramps & SR 41	AM	TWSC	55.7	F
		PM		11.9	B
BOLD Indicate LOS of D or worse					

ID	Intersection	Peak Hour	2025 Design Year (No Build)		
			Control	Delay	LOS
1	Main St & SR 41	AM	AWSC	40.6	E
		PM		49.4	E
2	SR 1 NB Ramps & SR 41	AM	TWSC	105	F
		PM		12.5	B
BOLD Indicate LOS of D or worse					

In addition to the updated LOS from the traffic study data, collision data was also summarized for this intersection. The SR-1/SR-41/Main intersection has the highest number of collisions in the City at 23 for the last 5 years. As a comparison, the existing roundabout at Morro Bay Boulevard and Quintana has 9 collisions recorded in the last 5 years.

Collisions 2017-2022 at SR41/SR1/Main and Morro Bay Blvd/Quintana

Intersection ID	Intersection	By Severity					By Type							By Year					Bicycle Involved Collisions	Pedestrian Involved Collisions	Total Collisions (2017-2022)	
		Fatal	Severe Injury	Injury (Other Visible)	Injury (Complaint of Pain)	Property Damage Only	Head-On	Sideswipe	Rear End	Broadside	Hit Object	Vehicle/Pedestrian	Other	2017	2018	2019	2020	2021				2022
1	SR 41 / Main St	0	0	1	2	17	2	1	9	7	0	1	0	1	4	3	5	4	3	0	0	20
2	SR 41 / SR 1 NB Off/On Ramp	0	0	0	0	3	0	0	0	3	0	0	0	0	0	2	0	0	1	0	0	3
3	Morro Bay Blvd / Quintana Rd	0	0	1	1	7	0	1	2	5	1	0	0	1	1	2	1	2	2	0	0	9

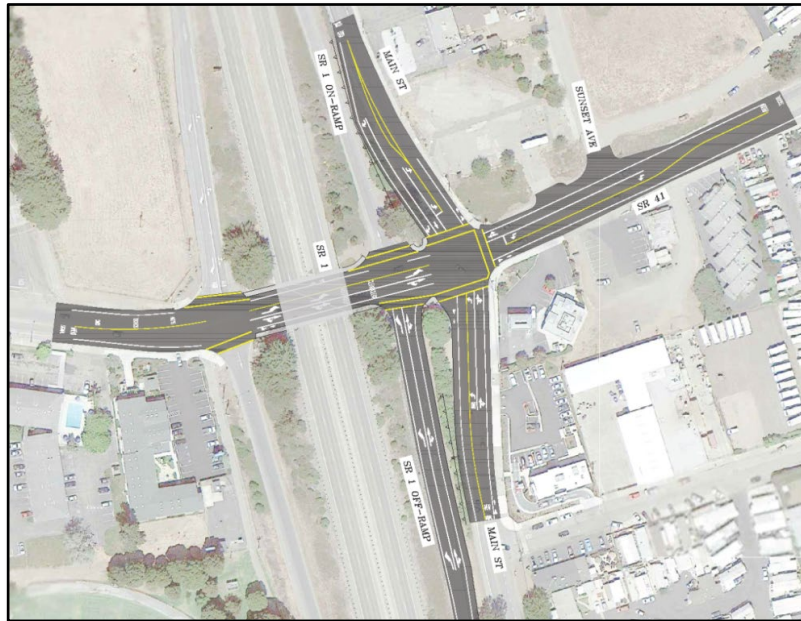
Alternatives – Pros and Cons

There are two proposed “Build” alternatives of intersection improvements for consideration and a third alternative of a “No Build” option.

The first alternative is the Double Signalized Intersection. With the Double Signal alternative, the study intersection controls are converted from an all-way stop control to a coordinated signalized intersection system. One pro for this approach is lower up front construction cost (\$4-6 million estimate). SLOCOG staff have indicated to the City that they would support a recommendation to their board to fund a proportionate amount of a double-signal project as compared to their current funding of the roundabout alternative. Given that, if the City Council approves the FY 2023-24 budget as proposed, the City has \$2,026,000 allocated towards this project, the double-signal is potentially

already nearly fully funded. This alternative's smaller footprint of disturbance could also lead to faster approval and right-of-way processes. Another pro is that traffic signals come with defined cycles, which are simple to understand for drivers and pedestrians.

One con of the double signal alternative is that the LOS is projected to be similar to the No Build alternative once built, and is projected to fail by the year 2045, which means longer wait times at the intersection. Another con is that this intersection configuration arguably has a greater potential for collisions due to the higher speeds at which vehicles are lawfully allowed to go through the intersection. There are also more traffic conflict points with a signalized intersection, and pedestrians must navigate three potential vehicular conflicts when crossing the road during a green light. Further, pedestrians must cross a relatively long width of road when crossing the road. Finally, another con is increased yearly maintenance costs due to electrified infrastructure.



Double Signal Alternative – Current LOS E, Projected (2045) LOS F

The second alternative is the Roundabout Alternative. This alternative proposes the construction of a six-leg roundabout, where the general alignment of the intersection would remain the same. One of the pros of this alternative is its superior performance in the LOS modeling, with the least wait times for vehicles and a high grade over the first 20 years of its life. Another pro is fewer traffic conflict points than the other alternatives, including only one vehicular conflict for pedestrians in an intersection. This, combined with a shorter crosswalk width for pedestrians has been shown by data nationwide to result in a safer pedestrian experience and a lower chance of collisions with pedestrians. Another pro for the roundabout alternative is the overall safety benefits. Data compiled by the Federal Highway Administration and Insurance Institute for Highway Safety data that shows a 37% reduction in overall collisions, 75% reduction in injury collisions, 90% reduction in fatal collisions, and 40% reduction in pedestrian collisions when compared to intersections with traffic signals. Finally, staff believes the direction to move forward with the roundabout alternative will enable the City to be more competitive with County, State, and federal grants, which means the City could leverage its investments in this intersection to obtain outside funding for a safer, less congested, and longer lasting alternative.

The major con of the roundabout alternative is the higher initial construction cost (\$8-12 million estimate). Another con is the increased footprint of disturbance required to build the roundabout, which will require more right-of-way acquisition and likely more time for review and approval. Another con is the timeline to construct a roundabout would be longer and would likely result in more disruption to the community, though the intersection would remain fully open during construction phasing built into the design. Finally, the roundabout alternative does not provide pedestrians with defined cycles to cross the road which requires drivers to stop and yield by law.



Roundabout Alternative – Current LOS B, Projected (2045) LOS B

The third alternative, the No Build option, utilizes the existing lane geometrics and intersection control at the SR 1/SR 41/Main Street intersections. The pros of the No Build alternative is that there is no cost or impact to the community. The City Council could also direct staff to explore pedestrian safety enhancement projects as part of the upcoming Local Road Safety Plan process, which may have some small financial impact, but which could address some pedestrian safety concerns at this intersection without going through a larger construction project.

One con of the No Build alternative is it already has a failing LOS during peak periods, and it is expected to worsen over the next 20 years. Another con is there are reports of confusion between drivers and other drivers, as well as between drivers and pedestrians and cyclists as to who goes first. The intersection had 23 accidents in the last five years. Finally, the No Build alternative does not provide pedestrians with defined cycles to cross the road, and pedestrians are more at risk from the multiple points of conflict with vehicles.



“No Build” Alternative – Current LOS F, Projected (2045) LOS F

Public Outreach 2023

Given that several years have passed since the intersection improvements were last reviewed by the City Council, the Public Works Department initiated a fresh public engagement process prior to this item coming back to the City Council for direction. This began with a meeting with Morro Bay High students and staff which was conducted on May 2, 2023, at the MBHS Student Senate Meeting. During this meeting, staff presented students with the three alternatives for the intersection and their pros and cons. The students strongly expressed a hope that the City would not leave the intersection as it is now. Several students shared their personal experiences trying to navigate the intersection safely in the context of distracted and careless drivers.

A community forum was then held at the Morro Bay Community Center on May 10, 2023, to review and discuss the alternatives and hear from the community on their vision for the intersection. Over 70 community members attended the event, and many spoke on their concerns with the existing intersection and ideas on implementation options. One key takeaway from the meeting was that community members are very concerned about pedestrian safety, specifically the safety of high school students coming and going to school in the morning, during the lunch period, and in the afternoon. Many speakers felt that high school students are not able to navigate the current intersection and were concerned that a roundabout alternative would be unsafe for student drivers and pedestrians. Others shared concerns about the higher cost of a roundabout. Several speakers spoke in favor of a roundabout as a solution to the complexity of the intersection as well as the safety and emissions benefits offered by a roundabout.

To round out public engagement efforts, MBHS parents, students and staff had the opportunity to respond to a survey about their perspective on the intersection throughout the month of May through a weekly newsletter circulated by SLCUSD and MBHS. Nearly 100 responses were received from the survey conducted by SLCUSD. Results of that survey were shared with the City by the SLCUSD and those results are contained as Attachment 2 to this report. City staff also released a community survey to reach out to the broader community to understand their usage and concerns for the intersection and its future. Over 300 responses were received from the community survey. Those results are also contained in Attachment 2.

Of the participants in the survey, 75% identified as Morro Bay residents with at least 50% of the participants claiming that they use the intersection on a daily basis. In both the Community Survey and the MBHS Survey, 75% of users identified as drivers or passengers of motor vehicles with 12-13% of the users being pedestrians. For both surveys, over 85% of respondents answered that they feel the intersection does not handle traffic flow of vehicles and pedestrians adequately.

With regards to improvements, traffic congestion and flow of traffic was the most common answer of respondents at 82% with safety (70%) and improvements to pedestrian facilities (64%) close behind. In general, with regards to motorists' safety and traffic flow and congestion relief, the Roundabout alternative was perceived to be the most favorable. With regards to perceived pedestrian and bicycle safety, the survey results showed that Double Signal alternative was more popular. The existing 4-way stop showed to be the least popular alternative in all cases.

This item was also presented to the PWAB at its last regular meeting on May 17, 2023. Many members of the community spoke against the roundabout, including two MBHS students. The PWAB also received many emails in the agenda correspondence to PWAB with most in support of the Roundabout. The agenda correspondence is contained in Attachment 1. After consideration of all of the information presented and public comment received the PWAB's recommendation for the City Council was to proceed with design on the roundabout alternative.

Some community members have voiced concerns about other alternatives not being discussed such as pedestrian bridges over SR-1 or closure of ramps at the SR-1/SR-41 intersection. These alternatives are not up for consideration by Caltrans as dictated in the ICE study that was overseen by Caltrans.

Next Steps

The item is now before the City Council in order to direct staff on whether to move forward with this recommendation to present to Caltrans for design and ultimately buildout. Though the PA&ED process is not finished, it is now far enough along with the ICE study complete and the XPI complete, that Caltrans will consider approving the project to move into Design Engineering (Task 2). Moreover, there are funding deadlines approaching with San Luis Obispo Council of Governments (SLOCOG) for much of the funding that require this project to move forward with design and into construction within the next 1-2 years. Caltrans has indicated they will authorize the City to move forward with a proposed design alternative so that Task 2 design with plans, specifications, and estimates (PS&E) can be initiated concurrently while the environmental and right of way processes are completed. After a design alternative has been selected, submitted to Caltrans, and approved, the City will move to amend its contract with GHD to add Task 2, Design Engineering, for the Caltrans-approved alternative. Of note, Caltrans does have the authority to not approve a recommendation from the City Council for either of the two build alternatives, though this is unlikely if the City were to recommend the roundabout alternative since it was the preferred alternative in the ICE.

CONCLUSION

Staff recommends the City Council recommend the roundabout alternative to Caltrans for approval, and if approved direct City staff to begin design phase and pursue additional funding opportunities for the project.

ATTACHMENTS

1. May 17, 2023 PWAB Meeting Agenda Correspondence
2. Overall Community and MBHS Survey Results
3. Input on Intersection Improvements Received from Police Department
4. Input on Intersection Improvements Received from Fire Department



AGENDA NO: A-2

MEETING DATE: May 17, 2023

**AGENDA CORRESPONDENCE RECEIVED BY
THE PUBLIC WORKS ADVISORY BOARD FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

From: Rodger Anderson <[REDACTED]>
Sent: Tuesday, May 16, 2023 9:49 AM
To: PWAB <PWAB@morrobayca.gov>
Subject: Highway 41 roundabout

I live in north Morro bay and need to regularly use this intersection. I STRONGLY favor the roundabout option, given the additional grant money that seems to be available for this choice, even though it is initially more expensive than signalization. As a member of the city council, I was skeptical about the Morro Bay Blvd. roundabout. After much deliberation I voted in favor of it and it has proved successful. The best example of a similar intersection with a roundabout that I have used a number of times, would be the roundabout at Milpas Street and US 101 in Santa Barbara. It has a freeway underpass, an off ramp, an on ramp, and another street all converging. It has far more traffic and works efficiently. It also accommodates pedestrians getting from one side of the freeway to the other as well as crossing Milpas. Please do the roundabout.

Respectfully,
Rodger Anderson

[REDACTED]

From: Lorie Noble [REDACTED]
Sent: Tuesday, May 16, 2023 10:16 AM
To: PWAB <PWAB@morrobayca.gov>
Subject: Comments Regarding 5/17 Agenda Item A-2

Dear Advisory Board,

I use this intersection of Hwy 41/Hwy 1/ and Main Street often and daily. I think it would be safer for pedestrians if a signal were installed.

Lorie Noble
Greenwood Ave
Morro Bay

From: Jeff Anderson [REDACTED]
Sent: Tuesday, May 16, 2023 10:53 AM
To: PWAB <PWAB@morrobayca.gov>
Cc: Loosewood@gmail.com; 'Shellie Anderson' <imassage7@gmail.com>
Subject: Hwy 41 Roundabout WE SUPPORT

My wife and I live very close to the Hwy 41 / Main St. intersection and strongly support the proposed roundabout.

It is at times a very busy intersection and we are grateful that this proposed change might take place.

We are:

Jefferson Anderson

[REDACTED]

[REDACTED]

And

Rachelle Rene Anderson

[REDACTED]

[REDACTED]

[REDACTED]

From: Carole Truesdale [REDACTED]
Sent: Tuesday, May 16, 2023 11:36 AM
To: PWAB <PWAB@morrobayca.gov>
Subject: Highway 41/Main Street & Hwy 1

Dear Members of PWAB,

My husband and I attended the meeting on May 10th regarding the discussion about roundabout, signals at this intersection.

We all understand the issues surrounding the safety of pedestrians trying to cross this intersection, folks rolling through stop signs etc. The fact of building a roundabout is horrid because it does not really address the safety factor of individuals/bicyclist trying to navigate the onflow of traffic to cross safely.

According to the Staff Report, there are 3 options on the table: no action, roundabout, signalization. At the public workshop held last week, tunneling and overhead walkway were dismissed as alternatives to keep pedestrians safe due to flooding and cost.

The Staff Report does not mention the cost estimates stated during last week's workshop: \$4 million for signalization and \$12 million for roundabout. It also does not state that signalization would require less time to build than a roundabout.

We feel that the area suggested for the roundabout to too dicey, and a signal would be a better way to control the traffic flow in that area, especially with the anticipated additional traffic from the new affordable housing units and new hotel on 41 and continued flow of individuals coming into our town from various parts of the state.

I have been a resident of Morro Bay since 1995 and a homeowner. Thank you for reading my comments.

Kind regards,

Carole Truesdale

"Food without wine is a corpse; wine without food a ghost. United and well matched, they are as body and soul; living partners!" chef...Andre Simon (1877-1970)

-----Original Message-----

From: Greg McDonald [REDACTED]
Sent: Tuesday, May 16, 2023 2:44 PM
To: PWAB <PWAB@morrobayca.gov>
Subject: Re: Highway 41 / Main St intersection

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

I am unable to attend the upcoming meeting on 5/17, but would like to make my humble opinion and recommendation. I think a 4 way signal controlled intersection would best serve the location and public. The walk signal during signal phases would control pedestrian traffic. The signal phases for vehicle traffic would be able to control all directions of vehicles, including the Highway 1 off-ramps. It may take a little longer to get off Highway 1, but the control of the Highway 41 and Main St intersection would flow properly when you take out the human error of drivers who may not know when it is their turn, as is the current situation and could be the case with a roundabout. It is unfortunate that drivers do not know how to use roundabouts, but that is a fact. The current roundabout at Quintana and Morro Bay Blvd is a hazard for many reasons, with driver error being a major issue. With a large senior citizen and tourist base of drivers, simple stop signs or signals are easily recognized and maneuvered by all types of drivers, without any additional training.

Thank you for allowing my input and hopefully it can be used as citizen input for the upcoming meeting.

Sincerely,
Greg McDonald
(retired deputy sheriff - San Diego County Sheriff's Dept.)

Sent from my iPad

From: GARY KURIS [REDACTED]
Sent: Tuesday, May 16, 2023 11:13 AM
To: PWAB <PWAB@morrobyca.gov>
Subject: 41 and Main

I don't know if I'll be able to make tomorrow's meeting of the PWAB, so I'm sending you this copy of a note I sent to the Mayor and Council. I write as someone who's been going through the intersection of 41 and Main multiple times a day for fourteen years, by car, foot, and bicycle.

Thanks for your attention.

Gary Kuris

TO: Mayor Wixom; City Council

RE: Intersection of 41 and Main

Morro Bay is emerging from the construction of a \$160-million sewage plant. We need to cast a cold eye on new infrastructure projects that don't have clear and overwhelming importance. It's irresponsible to spend millions on a single intersection when we can't afford to keep the streets paved. The situation at 41 and Main may be less than ideal, but it's hardly a catastrophe justifying major expenditure. Either of the proposed improvements—stoplights or a roundabout—raises questions, as staff and consultants admitted at the May 10 workshop; no solution will be perfect. The visitors pouring down Route 41 on summer weekends may never have seen a roundabout before, and the result will not be pretty. Construction will involve an extended period of

traffic chaos. We've already had to endure years of disruption. How much more do we have to take? (And then there's the effect on traffic of the proposed battery plant nearby, a boondoggle that went unmentioned at the workshop.)

Major infrastructure expenditures—projects that affect the very nature of the community—should be put to a vote of the community. As we saw with the sewage plant, workshops and online surveys are no way to make decisions.

The May 10 workshop set out a solution in search of a problem.

Gary Kuris

From: [REDACTED]
To: [PWAB](#)
Subject: 41, 1 and Main
Date: Tuesday, May 16, 2023 2:00:27 PM

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

To Whom it may concern;

I use the morro bay high school pool 5 days a week.

Tuesday and Thursday mornings for the early swim are insanely busy with the traffic flow of pool patrons, commuters and students trying to cross these intersections.

Leaving the pool between students lunch hours is another dangerous time as well at later in the day when school lets out.

An expensive roundabout is not the answer. Signage and sensor lights is an idea; if one direction is void of cars, another direction may open up the flow.

Courteous drivers are few and far between when personal deadlines seem more important. Running stop signs is a regular occurrence. Am surprised there are not more accidents.

Good luck with this.

Please don't spend more money that we don;t have.

For what it's worth,

Mary Forbes

-----Original Message-----

From: Tom Cantwell [REDACTED]

Sent: Tuesday, May 16, 2023 3:57 PM

To: PWAB <PWAB@morrobayca.gov>

Subject: Highway 41 and Highway one interchange with Main Street

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Hi, my name is Tom Cantwell. I use this intersection frequently. It's horrible especially when kids are getting out of school. You have to wait for everybody to walk across and it backs up and it backs up at other times. It's just not set up properly as it was first probably intended something needs to be done and I appreciate your doing something about it but while you're also doing something with the intersection, you need to have access to Highway 41 for people who go to Atascadero for work, doctors, etc. thank you very much. My name is Thomas Cantwell. My email address is cantwell@olyphen.com.

Sent from my Perspective

From: Lori Toft [REDACTED]
Sent: Tuesday, May 16, 2023 8:03 PM
To: PWAB <PWAB@morrobayca.gov>
Subject: Round about or traffic light?

Hi there, I am a Morro Bay resident living very close to the intersection of Hwy 41/Main Street/Hwy 1. I understand that you are seeking community input on the decision of how to help this difficult intersection. I see the traffic is drastically different from hour to hour, day to day due to tourists heading up or down the coast and high school students. As much as I dread the time and cost for a round about, this seems to me the much better choice. There is a similar intersection in Paso Robles where Hwy 46/Spring Street/Hwy 101 meet and those stop lights are super frustrating to navigate and there are NO pedestrians and no nearby school. It's simply too complicated for a series of stoplights to keep up with. I think a round about is the much better choice for this location.

I'm sorry I can't be at Wednesdays meeting but I appreciate your taking the time to consider my input. Thank you so much,

Lori Toft
Morro Bay home owner.

Sent from my iPhone

-----Original Message-----

From: Pat Reed [REDACTED]
Sent: Tuesday, May 16, 2023 9:05 PM
To: PWAB <PWAB@morrobayca.gov>
Subject: Roundabout at 41 and N Main

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

It has been brought to my attention that the previous city council decided to approve the round about at the intersection of 41 and N Main. We have lived in MB for 22 years and are constantly using the round about on MB Blvd which has made that intersection smoother and faster to negotiate. Round abouts effectively move traffic all over the world and many areas in the US. This is a complicated intersection but no system of traffic signals will be as safe and efficient as a well planned and designed roundabout. Safe crossing for pedestrians can and must be addressed, but traffic signals aren't the solution. A round about will be the best way to improve this intersection once and for all. Jim and Pat Reed

Sent from my iPad

From: Anne Limon [REDACTED]
Sent: Wednesday, May 17, 2023 6:30 AM
To: PWAB <PWAB@morrobayca.gov>
Subject: Hey 41 and Main intersection

I'm a resident on Hwy 41 and use that intersection at least twice a day over the last 25 years. The general problem is people don't understand/follow the proper rules of driving. The people turning left turn before the people going straight or the people going straight try to be polite and wave the "lefties" to go and it slows and confuses the whole process. I'm not sure you can fix that with just signs. You will have to add turn lanes.

I am all for the Roundabout. I know the cost is greater and it will take time to build but in the long run, it should fix the issues.

An overhead crossing would be ideal for kid safety. Perhaps the school district has some \$\$ to add towards that.

Good luck with whatever you decide. Not everyone will be happy, no matter what. People can learn to use the roundabouts. They are becoming more common and are a good solution to a busy intersection.

Kind regards,

Anne Limon

From: [REDACTED]
To: [PWAB](#)
Subject: Fwd: Delivery Status Notification (Failure)
Date: Tuesday, May 16, 2023 9:13:21 PM
Attachments: [icon.png](#)

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

----- Forwarded message -----

From: Mail Delivery Subsystem <mailer-daemon@googlemail.com>
Date: Tue, May 16, 2023 at 9:11 PM
Subject: Delivery Status Notification (Failure)
To: [REDACTED] >



Address not found

Your message wasn't delivered to **PWAB@morrobsyca.gov** because the domain [morrobsyca.gov](#) couldn't be found. Check for typos or unnecessary spaces and try again.

[LEARN MORE](#)

The response was:

DNS Error: DNS type 'mx' lookup of [morrobsyca.gov](#) responded with code NXDOMAIN
Domain name not found: [morrobsyca.gov](#) Learn more at
<https://support.google.com/mail/?p=BadRcptDomain>

----- Forwarded message -----

From: M Carlson [REDACTED]

To: PWAB@morrobsyca.gov

Cc:

Bcc:

Date: Tue, 16 May 2023 21:10:55 -0700

Subject: Hwy1/Hwy41 intersection

I'm unable to attend the meeting on Wednesday.

I'm wanting to convey my interest in a roundabout to solve this congestion. I'm sure a high school student would be intelligent enough to be able to safely walk any new crosswalk configuration that is added.

The new construction of a hotel and apartment complex will only magnify the problem area.

Thank you

Mrs Carlson

From: Linda Winters [REDACTED]
Sent: Wednesday, May 17, 2023 8:47 AM
To: PWAB <PWAB@morrobayca.gov>
Subject: Alternative traffic solutions

Hello,
My name is Linda Winters.
I live on [REDACTED]
[REDACTED]

Our Park and my little home is literally 30' from Main Street and 90' from the Hwy 1N off ramp, 300 paces from the intersection of Main and SR41.

Everyone that lives in our Park are acutely aware of this intersection as we MUST deal with it and it's possible dangers every single time we leave our homes , in our cars, as pedestrians, or on bikes or scooters.

There is no safe way to exit the Park during school hours, starting classes, during lunch hours, and as school sessions ends.

Then we also have heavy traffic times as the commuters are coming and going to work.

These are all facts of life for those of us that live close by this intersection.

That's speaking for folks on the Southside of Main/SR41.

There are hundreds more that live very close by in Mobilehome Parks and apartments, on the Northside and eastbound.

We all know the intersection needs attention, and we need our pedestrians to be safe, that is a "given".

As I have read through your traffic surveys and assessed the different options each alternative presents to the humans and our environment, I saw a possible and immediate fix to the traffic flow.

Place speed humps or traffic bumps, those white bumps placed in patterns on the roadways, from ALL directions, N, S, E and W, for at least 450' before entering the intersection.

Those automatically slow drivers down.

After those are applied, drivers become accustomed to the conditions BEFORE they enter the intersection.

We all know that just lowering the speed limit doesn't slow drivers down.

Then the City and State can proceed to whichever option is decided upon.

I have a personal preference , the Roundabout, but I will be happy to see something nay anything done to this traffic nightmare.

I will always be concerned about the students and seniors using the crosswalk, they both have different motives, but they all would like to get to the other side of the road alive!

I will see you all at the meeting this evening.

Respectfully submitted by
Linda Winters

[REDACTED]
[REDACTED]
[REDACTED]

From: Dennis Houlsby [REDACTED]
Sent: Wednesday, May 17, 2023 8:54 AM
To: PWAB <PWAB@morrobayca.gov>
Subject: Highway 41 Intersection at Main Street

I fully support the option to build a new roundabout at this intersection. Roundabouts keep traffic moving, reducing the frustration of motorists stuck at a traffic light when there is no traffic in the other direction. They work well and are easy to maneuver. Having travelled in England, roundabouts are everywhere, from small two-way streets to multiple lane intersections. As a tourist I adapted quickly to their use; if I missed an exit the first time, I merely drove around again until I found the right one. SLO has embraced these interchanges with the highway 46, Vineyard drive being the last one. Morro Bay should continue with this trend which is relatively new to the US but common place elsewhere.

RD Houlsby
Cayucos, CA

From: Zust -Doerr [REDACTED]
Sent: Tuesday, May 16, 2023 5:01 PM
To: Dana Swanson <dswanson@morrobayca.gov>; Greg Kwolek <gkwolek@morrobayca.gov>
Subject: Comments for A-2, Improvements at State Route 41, State Route 1, and Main Street

DATE: May 16, 2023
TO: Morro Bay PWAB
FROM: Bob & Barbara Doerr
SUBJECT: Agenda **No. A-2** - May 17, 2023 - Design Alternatives to Caltrans for Intersection
Improvements at State Route 41, State Route 1, and Main Street

We have issues with the proposed roundabout at Route 41 at Main. However, our greatest concern is for pedestrian safety: for students going to and from school and the many young people heading to the beach, Flippos, the Boys/Girls Club, or high school for recreation and events.

We do not believe the high cost of a roundabout is the only or a full traffic solution. It may move traffic faster with less pollution, but as a prior weekday family school drop-off and pick-up service, we still see problems.

1.) Unaffordable high cost of roundabout project.

Who pays for the roundabout project? The City acknowledges it can't afford to maintain the existing streets so how can we afford a \$12++ Million roundabout?

Double signalized intersection	\$4 to 6 Million	
Roundabout	\$8 to 12 Million	Construction Costs *
		* Plus, Right-of-way

acquisition and studies.

QUESTION: In an effort to provide full transparency to residents at tonight's meeting, please present actual costs to City taxpayers for roundabout and the double signal project alternatives.

Give us a breakdown of costs to be paid by the City versus costs to be paid for by CALTRANS or grants.

2.) Postpone project and consider eliminating access points to State Route 1 (SR-1), thereby, making the less costly double signal alternative a more viable solution with better LOS.

As an example, before moving forward please consider eliminating access to State Route 1 (SR-1)

northbound entrance from SR-41, and instead direct northbound SR-1 traffic north on Main Street.

This could be done on a temporary basis by just blocking SR-1 North entrance at SR-41 as a test.

Then redirect traffic north along Main Street to San Jacinto entrance to SR-1 northbound,

and/or similarly direct traffic South along Main to SR-1 northbound entrance near Bicycle Park.

Morro Bay offers many options for access to and from SR-1.

We do like roundabouts, but Morro Bay doesn't seem to have the space/land to build an effective,

large enough roundabout or the money to purchase more land. This seems to be a problem

with the proposed roundabout – it should be larger. The many young pedestrians must still

depend on drivers to allow them to cross the streets. Adult/mature drivers do not seem

to give proper right-of-way and respect to kids!

Thank you for considering our comments and questions.

Bob & Barbara Doerr

From: [REDACTED]
To: [PWAB](#)
Subject: Roundabout!!!
Date: Wednesday, May 17, 2023 1:03:34 PM

Hello!

Please put a traffic circle / roundabout at Hwy 41 and Main St! It is the best option! the one at Quintana is great! Please don't believe that residents want a signal - I think that is people who don't realize how much better a roundabout would be for all involved. A traffic circle is a safe option for everyone, including pedestrians and bikes. Also, I think the MBHS safety officer should conduct pedestrian traffic at that intersection during lunch time and after school, regardless of what option is chosen.

Thanks for listening to input!

Beth Appel

North Morro Bay resident and parent of 2.

From: [Heather Goodwin](#)
To: [Janeen Burlingame](#); [Greg Kwolek](#)
Cc: [Dana Swanson](#)
Subject: FW: Agenda Item A-3 for May 17, 2023 Meeting
Date: Wednesday, May 17, 2023 1:09:34 PM

Fyi....

From: Bart Beckman [REDACTED]
Sent: Tuesday, May 16, 2023 6:17 PM
To: Council <council@morrobayca.gov>
Cc: Karen Beckman [REDACTED]
Subject: Agenda Item A-3 for May 17, 2023 Meeting

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

I have been trying to send this to PWAB

May 16, 2023

PWAB Members

Subject: Agenda Item A-3 for May 17, 2023 Meeting

We have reviewed the information provided in the Agenda for this item and have some questions/concerns about the study.

1. The Study goes into detail about the **emissions**; can we assume that these calculations were constructed using the most recent car emission regulations being imposed on California – namely a move to all-electric by the end of this decade (or reasonably the same time frame as to when this Project might be completed or certainly soon thereafter). If not, this line of argument should be stricken from any future consideration.
2. The big concern about this intersection is **pedestrian traffic**. I did not see that addressed. We live in North Morro Bay and know to avoid this intersection before and

after school and at lunch.

A comparison was made relative to accidents for this intersection and the round-about on Morro Bay Boulevard. There are very rarely ANY pedestrians at Quintana and MB Blvd, whereas it is rare to not have pedestrians at 41/1/Main, much less during the aforementioned school hours.

The roundabouts at 46/Vineyard and those on Tank Farm are very efficient – none of these have any significant pedestrian traffic – in fact we have never encountered any, not that we frequent these places, but often enough.

We suggest you observe the high school students using this intersection at the peak times – a roundabout is asking for trouble. These are normal teenagers with a lot on their mind other than dodging traffic in a roundabout.

3. We did not find where the **funding** would come for either alternative. The previous City Council asked the electorate to pass Measure E, I believe, making NO mention of this Project. And then promptly used something like \$600,000 of these funds to continue the Intersection Study. The funding source identification should be specific and not - “we will use general funds for the Morro Bay portion”. If this Council is going to use E funds, then say so up front versus how the previous Council operated.
4. We attempted to find the qualifications of **John Rogers**. All we could find was a LinkedIn reference. And he is identified as a Marketing person.

Is Mr. Rogers a Traffic Consultant or someone the City hired to “Market” their preference? And will he be the ongoing PM? - If so, he would have an incentive to have this Project be as expensive as possible as his fees would be based on this (similar to Carollo for the WRF).

5. **We strongly support “a smart light” intersection.** Possibly having flashing red signals during “normal” hours.

Sincerely,

Bart and Karen Beckman
Residents of North Morro Bay

Sorry if you received many copies - I was having trouble sending.

And relative to the WRF discussion, the Quarterly Report is basically an obfuscation of the issue at hand - when will we know if the Recycled Water component is viable - Carollo and the City keep kicking this can down the road. Is there A PERSON who will actually put their name on this Project to say they are fully confident we will be able to replace up to 80% of our water supply? If so, who is THAT PERSON? Not company, not City Staff, but a real person?

From: Tracy Stratton [REDACTED]
Sent: Wednesday, May 17, 2023 2:05 PM
To: PWAB <PWAB@morrobayca.gov>
Subject: Intersection Improvements at Hwy 41 @ Route 1

Attn: PWAB,

I am a resident of Morro Bay and believe that the Roundabout Alternative would make the most sense for that intersection.

Roundabouts are often considered a better option than traffic signals at intersections for several reasons:

1. **Improved Traffic Flow:** Roundabouts facilitate a smoother flow of traffic compared to traditional signal-controlled intersections. The continuous circular movement eliminates the need for vehicles to stop and wait for a signal to change. This results in a reduction in delays, fewer instances of congestion, and improved overall traffic efficiency.
2. **Enhanced Safety:** Roundabouts have proven to be safer than signalized intersections. Studies have consistently shown a significant reduction in the number and severity of accidents at roundabouts. The design forces drivers to slow down while entering, encourages a more cautious approach, and reduces the occurrence of high-speed collisions or T-bone accidents that are common at signal-controlled intersections.
3. **Decreased Fuel Consumption and Emissions:** As roundabouts improve traffic flow and reduce delays, vehicles spend less time idling and braking. This leads to reduced fuel consumption and lower emissions, resulting in a more environmentally friendly transportation system.
4. **Lower Construction and Maintenance Costs:** Roundabouts typically have lower long-term costs compared to signalized intersections. While the initial construction of a roundabout may require more space and investment, ongoing maintenance costs tend to be lower due to the absence of signal equipment, electricity usage, and the need for regular signal timing adjustments.
5. **Pedestrian and Cyclist Safety:** Roundabouts offer better pedestrian and cyclist safety features compared to traditional intersections. Crosswalks and refuge islands within the roundabout allow pedestrians to safely navigate the intersection in smaller stages, while cyclists can use dedicated bike lanes or easily merge with traffic at lower speeds.
6. **Aesthetic and Community Benefits:** Roundabouts can enhance the aesthetic appeal of an area through landscaping, artwork, and decorative elements at the center. Additionally, roundabouts can create a sense of place and identity for a

community, contributing to a more visually appealing and welcoming environment.

Thank you for considering my input.

Tracy Stratton
Morro Avenue, Morro Bay



May 17, 2023

Rocky and Judy Setting

Dear Members of PWAB,

My husband and I live in the Cloisters and experience the high school pedestrian activity almost daily. This activity involves 50-75 students accessing the crosswalks between 11:30 am and 12:30 pm. These awesome students are running against the clock with three things on their minds...FOOD, SOCIALIZING and GETTING BACK TO CLASS ON TIME.

These students take priority. Regarding a roundabout, having a safe tunnel or overhead for them is a must. There are way too many crosswalks to navigate and they make the route longer. There goes GETTING BACK TO CLASS ON TIME right out the window.

Regarding signalizing, it appears two, possibly three signals are needed. Signals will slow our awesome students down just a bit, but they will also provide much needed safety and traffic will run smoothly.

It appears the safe tunnel or overpass have been tabled. Too bad...

In an effort to keep our high school kids safe and save \$8 million dollars, Rocky and I petition for solving the eleven points of entry "pain in the street" dilemma by installing three signals.

Paso Robles installed similar (minus the awesome students) signalizing at HWY 46 and HWY 1.

Respectively Submitted,

Rocky and Judy Setting

[Redacted signature area]

-----Original Message-----

From: Seychelle Cannes [REDACTED]
Sent: Wednesday, May 17, 2023 8:14 AM
To: PWAB <PWAB@morrobayca.gov>
Subject: Hwy 41 & main

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

I believe a traffic circle is the best alternative if an overhead bridge is out of budget.

From a north morro bay resident.

-----Original Message-----

From: Janet [REDACTED]
Sent: Wednesday, May 17, 2023 11:43 AM
To: PWAB <PWAB@morrobayca.gov>
Subject: Hwy 41 at Main

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

I would like to give my input via email, because I'm not able to attend tonight's meeting. After reviewing the three options, I will support the recommendation for a roundabout. Thank you for all the time and information regarding this busy intersection.

Sincerely,
Janet Carnegie

From: Marie Smith [REDACTED]
Sent: Wednesday, May 17, 2023 4:17 PM
To: PWAB <PWAB@morrobayca.gov>
Subject: Users of Hwy 41 and Main Street,

Hello!

I just found out about tonight's meeting and feel that a signal would make more sense. The timing of the signal could be set according to the traffic approaching it.

A roundabout at that intersection may cause more confusion and is also more expensive and the time to construct a round-a-bout will cause major disruption.

An important freeway intersection to look at is the on-ramp south of this as people are coming off of the freeway to go to main street just as students and others are entering the freeway heading south. This is a dangerous on ramp (maybe installing caution signs are warranted for students and other!)

Marie Smith

From: Tim Walters [REDACTED]
Sent: Wednesday, May 17, 2023 4:38 PM
To: PWAB <PWAB@morrobayca.gov>
Subject: Hwy 41/Hwy 1/Main Street intersection improvements - comments

I appreciate the work that has been done to analyze and evaluate the options for the Highway 1 / Main Street intersection and as a Morro Bay resident since 2003 would like to take the opportunity to provide comments on what I believe should be the preferred option:

1. **Not worth it:** The signalization is expensive and does very little to improve the intersection LOS and leaves the current lane configurations in place... they are not working today and will not work with a signal, queuing into the off ramp while waiting for the signal will be very frustrating and lead to potential conflicts trying to exit on the ramp, with cars from the high school or beach, and will not be safe for pedestrians.
2. **Preferred:** The roundabout (RAB) is extremely efficient can provide safe passage for peds, bikes and cars, slows the speeds of the vehicles, allows refuge points for pedestrians, provides excellent bike access through a very constrained intersection and is a one time – long time fix for decades to come.

Respectfully,
Tim Walters
Morro bay CA

-----Original Message-----

From: Sarah Smith [REDACTED]
Sent: Wednesday, May 17, 2023 5:13 PM
To: PWAB <PWAB@morrobayca.gov>
Subject: 41 project

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Good evening. My husband and I live north of 41 and would like to see either nothing done at that intersection or we would like to see signaling there. We are not for the roundabout with so many kid's walking back and forth. Thank you for your time.

Kindly, Sarah

-----Original Message-----

From: Jan Paulson [REDACTED]
Sent: Wednesday, May 17, 2023 5:37 PM
To: PWAB <PWAB@morrobayca.gov>
Subject: Highway 41 Interchange

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

I am unable to attend the meeting tonight but did attend the meeting last week. Apparently the signal solution would only be effective for 10-15 years per the experience of similar intersections in Paso and Arroyo Grande who are both now requesting funding for roundabouts since the increase of traffic which is also projected here in Morro Bay. Due to this and safety issues I urge you to approve the roundabout solution.

Jan Paulson
[REDACTED]
[REDACTED]

From: Kelly Lewis [REDACTED]
Sent: Thursday, May 18, 2023 7:10 AM
To: PWAB <PWAB@morrobayca.gov>
Subject: Hwy 41 and Main MB

Please give us a roundabout to keep traffic moving and ease the congestion at this intersection. Give the pedestrians a crosswalk away from the intersection, by Wee Shack or past Lucky Gas. Easy solution.

Kind regards,

Kelly Lewis PT

[REDACTED]

[REDACTED]

[REDACTED]

This e-mail, and any files transmitted with it, are intended only for the person or entity to which it is addressed and may contain confidential, protected, and/or privileged material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient, is prohibited. If you received this in error, please contact the sender and delete the material from any computer.



AGENDA NO: A-3

MEETING DATE: May 17, 2023

**AGENDA CORRESPONDENCE
RECEIVED BY THE PUBLIC WORKS ADVISORY BOARD
FOR PUBLIC REVIEW PRIOR TO THE MEETING**

From: [Heather Goodwin](#)
To: [Janeen Burlingame](#); [Greg Kwolek](#)
Cc: [Dana Swanson](#)
Subject: FW: Agenda Item A-3 for May 17, 2023 Meeting
Date: Wednesday, May 17, 2023 1:09:34 PM

Fyi....

From: Bart Beckman [REDACTED]
Sent: Tuesday, May 16, 2023 6:17 PM
To: Council <council@morrobayca.gov>
Cc: Karen Beckman [REDACTED]
Subject: Agenda Item A-3 for May 17, 2023 Meeting

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

I have been trying to send this to PWAB

May 16, 2023

PWAB Members

Subject: Agenda Item A-3 for May 17, 2023 Meeting

We have reviewed the information provided in the Agenda for this item and have some questions/concerns about the study.

1. The Study goes into detail about the **emissions**; can we assume that these calculations were constructed using the most recent car emission regulations being imposed on California – namely a move to all-electric by the end of this decade (or reasonably the same time frame as to when this Project might be completed or certainly soon thereafter). If not, this line of argument should be stricken from any future consideration.
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after school and at lunch.

A comparison was made relative to accidents for this intersection and the round-about on Morro Bay Boulevard. There are very rarely ANY pedestrians at Quintana and MB Blvd, whereas it is rare to not have pedestrians at 41/1/Main, much less during the aforementioned school hours.

The roundabouts at 46/Vineyard and those on Tank Farm are very efficient – none of these have any significant pedestrian traffic – in fact we have never encountered any, not that we frequent these places, but often enough.

We suggest you observe the high school students using this intersection at the peak times – a roundabout is asking for trouble. These are normal teenagers with a lot on their mind other than dodging traffic in a roundabout.

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Is Mr. Rogers a Traffic Consultant or someone the City hired to “Market” their preference? And will he be the ongoing PM? - If so, he would have an incentive to have this Project be as expensive as possible as his fees would be based on this (similar to Carollo for the WRF).

5. **We strongly support “a smart light” intersection.** Possibly having flashing red signals during “normal” hours.

Sincerely,

Bart and Karen Beckman
Residents of North Morro Bay

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And relative to the WRF discussion, the Quarterly Report is basically an obfuscation of the issue at hand - when will we know if the Recycled Water component is viable - Carollo and the City keep kicking this can down the road. Is there A PERSON who will actually put their name on this Project to say they are fully confident we will be able to replace up to 80% of our water supply? If so, who is THAT PERSON? Not company, not City Staff, but a real person?

From: Jeffrey Heller <jeffheller3@gmail.com>
Sent: Wednesday, May 17, 2023 4:07 PM
To: PWAB <PWAB@morrobayca.gov>
Cc: Dana Swanson <dswanson@morrobayca.gov>
Subject: Item A-3 on agenda for mtg on 5/17/23

To all

Thank you so much for serving on this important advisory board! I truly appreciate the time and effort you all invest to discuss the challenging issues that come before you.

I apologize for failing to get this "agenda correspondence" to Dana Swanson and you in time for the meeting. However, I think it may be of some use for the next Quarterly Report if not the meeting tonight.

Be well.....and thank you all again for your service to the City of Morro Bay!

Jeff Heller
jeffheller3@gmail.com
805-286-8822

Jeff Heller's questions

Item A-3 – WRF/WRC Quarterly Program Report by Carollo Engineering

1. Do we have sufficient funding (WIFIA, SRF, grants, etc.) in place today to complete the entire WRF program?
2. Is any of the funding coming from the savings generated by the low interest rate of the loans? If so, what % of the total program cost is being provided by this source? If we don't use these savings on the WRF program can we use them for other capital needs (e.g. replacing/repairing existing underground infrastructure identified in the OneWater document)?
3. Do we know what the final cost of the Program is going to be. Will the Program manager provide "estimate at completion"?
4. As I understand it, ANVIL'S work is not done. Piping to the IPR wells must still be installed. Has the final location of all wells been determined? If not—will ANVIL have grounds for a delay claim? Will the \$1.4Mm in their budget be sufficient to complete the Recycled Water Piping?
5. Managing ANVIL's work has been a challenge. Various delays, damages to city property, etc. have occurred. Can the management team provide a single document which lists all credits to the city as of these events? Has the city received the credits they are due? Who is negotiating these "credit issues?"
6. The Recycled Water Project is years behind schedule. The "Project Progress Summary" is on pages 42-43 (of Staff Report). Pg 42 notes that "GSI utilized the findings from the injection test (1/4/23) and other hydrogeologic investigations to begin preparation of the Basis of Design report". Since it has been more than 4 months since the "extended injection test" was performed by GSI---why is the "Basis of Design" report not been issued? The project schedule on Pg 43 indicates it will be completed no later than 4/1/23.

Continuing on page 42—"the program management team evaluated different IPR piping alignment alternatives to identify a preferred alignment". Again.....has the location of all wells been determined? What are the "preferred piping alignments"? Are all easements in place to construct the piping?
7. Pg 43 of the staff report is the Recycled Water Project Schedule. The critical path for the project is shown as the "Pilot Injection Test" which was originally scheduled for completion 7/1/2020. Also on the schedule—the "engineering design" was to start on 1/1/23 and be finished no later than 1/1/24. Has the engineering design begun? Why will it take 12 months to complete?
8. Pg 27 of the staff report notes that the permitting costs (Cogstone, Far Western, & KMA) are \$2.3Mm. What is the estimated cost of all permitting for this project when completed?
9. Based on the schedule – final completion of the Recycled Water Project will be is shown 4/1/25. What can be done to expedite the final completion of this phase which is so far behind schedule? Since the city has hired a consultant to manage this part of the program, what will Carollo's role be?

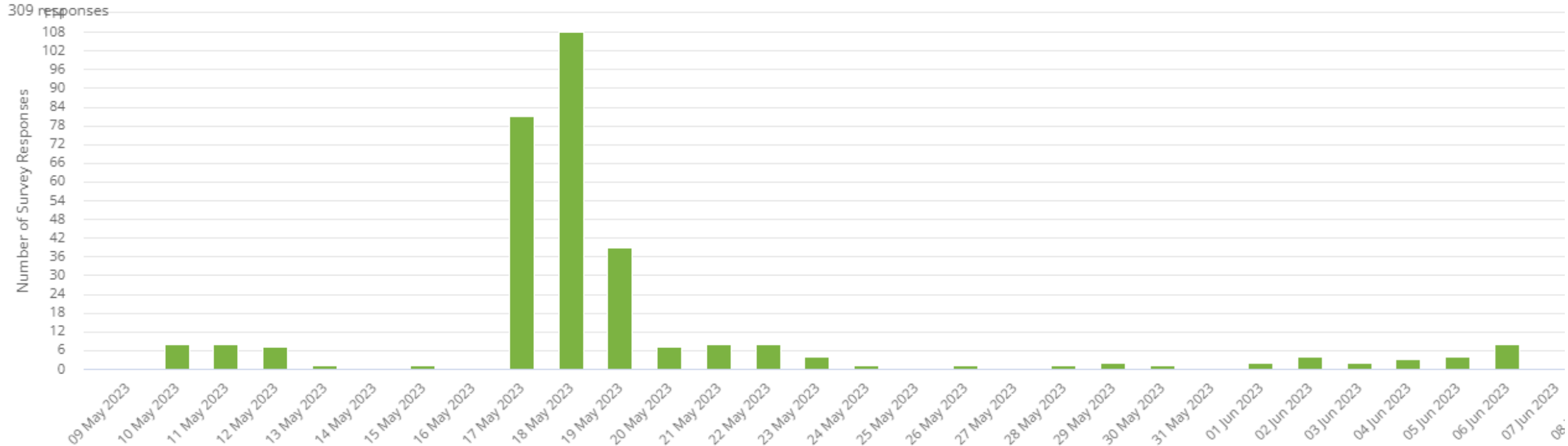


SR1/SR41/Main St Interchange Public Engagement

→ Community Survey Results

May / June 2023

Survey Results | Overview

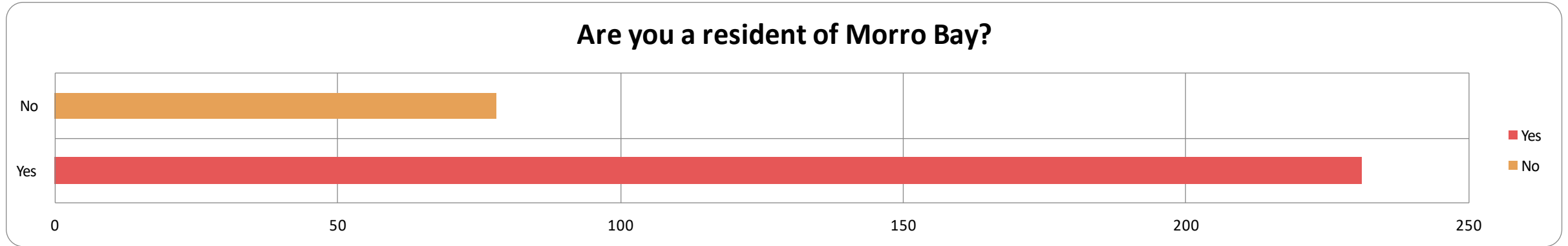


309 survey responses from Community

- 8 received night of public workshop
- Peak day: 108 responses received May 18

Survey Results | Responses

Are you a resident of Morro Bay?

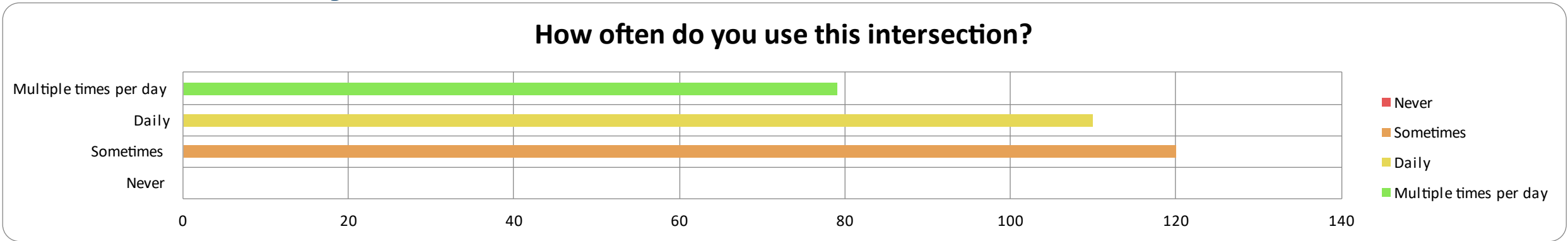


No: 78

Yes: 231

Survey Results | Responses

How often do you use this intersection?



Never: 0

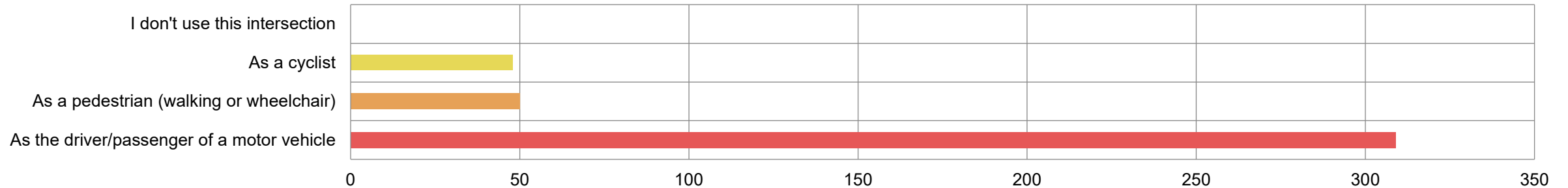
Sometimes: 120

Daily: 110

Multiple Times Per Day: 79

Survey Results | Responses

How do you use this intersection?



I don't use this intersection: 0

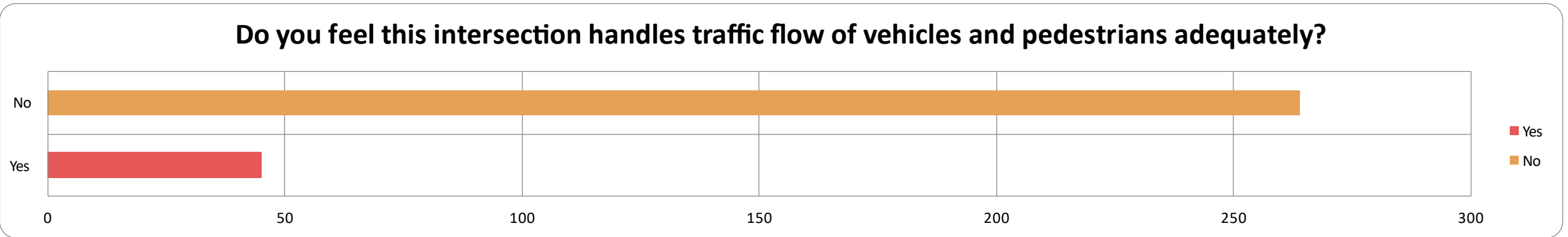
As a cyclist: 48

As a pedestrian: 50

As the driver/passenger of a motor vehicle: 309

Survey Results | Responses

Do you feel this intersection handles the flow of vehicles and pedestrians adequately?

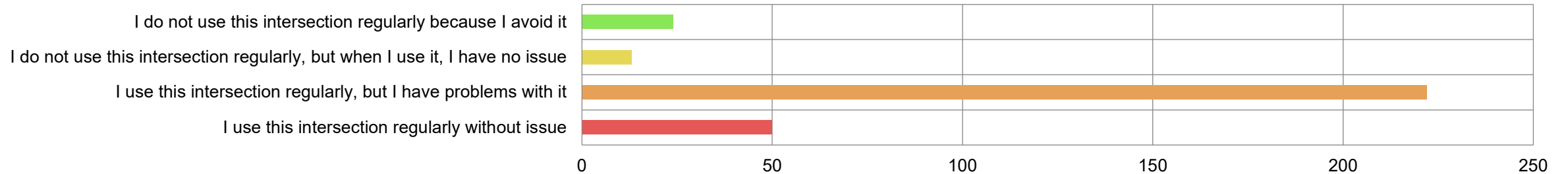


No: 264

Yes: 45

Survey Results | Responses

How are your experiences with this intersection?



I do not use this intersection regularly because I avoid it: 24

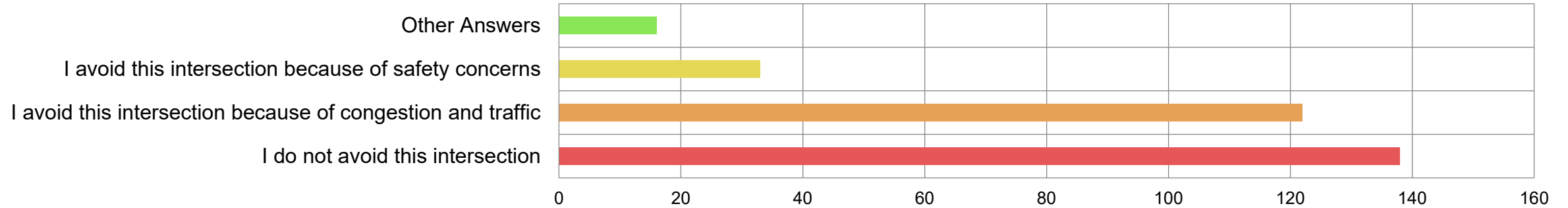
I do not use this intersection regularly, but when I use it, I have no issue: 13

I use this intersection regularly, but I have problems with it: 222

I use this intersection regularly without issue: 50

Survey Results | Responses

Do you avoid this intersection? If so, why?



I avoid this intersection because of congestion and traffic: 122

I do not avoid this intersection: 138

I avoid this intersection because of safety concerns: 33

Other: 16

Survey Results | Responses

What, if any, are your safety concerns with the intersection?

Large all-way-stop controlled intersections are difficult to navigate due to many approach lanes, particularly with pedestrians crossing.
The exit from HWY 1 gets backed up and causes a wait - sometimes it's quicker to use the Main St. Hwy 1 exit and drive the feeder to the intersection.
Because of the many businesses that feed the intersection it gets backed up.
No control of pedestrian traffic at peak times
It becomes congested and dangerous during high volume times
Dangerous for kids walking to and from MBHS and the flow of traffic is too slow when it gets busy
This intersection is so dangerous — especially during mornings and lunchtime (when high school students are getting something to eat.
If The City has the money to install the roundabout, I support that because the roundabout on the south side of town works great. If the funds are not available for a roundabout, the intersection should remain as is with upkeep on the crosswalk painting and limit lines.
Drivers often appear distracted or confused. It is very similar to MB Blvd prior to roundabout installation.
Mainly the high school pedestrian traffic during the lunch break hour. Also, significant vehicle congestion at morning and afternoon drop off.
Too much traffic, hard to get across intersection.
Who goes when after stopping. Hate roundabouts, signals would be my preference.
As a four way stop, there is so much traffic drivers forget their place in line and go when they should be waiting. The high school children are a concern. Why are they allowed to leave school?
Traffic wise; vehicles MUST fully come to a stop, accidents happen when drivers get confused or aggressively move forward out of order. That throws off the orderly flow of who's next. Usually only a problem early ie: 8 am, and lunchtime, and after school until 4:30-5 in my opinion
High school kids need stoplights for crossing safety.
Too many cars for stop signs to work. Needs better flow.
Pedestrian traffic mixed with cars.
Congested traffic flow, pedestrian safety, eye sore
#1- I frequently travel eastbound Highway 41. The combination of traffic emerging the offramp from Highway 1 and trying to make left turns onto Atascadero Road while while vehicles are lined up at the four-way arterial stop at Main Street is a safety concern. #2- Drivers also seem to have difficulty deciding when it's their turn to proceed at the four-way arterial stop. #3 - The backup of westbound traffic from Highway 41 can be a major bottleneck on weekends.
Drivers not understanding 4 way stop procedure. Drivers not stopping. Pedestrian safety especially with the kids from the high-school. I avoid this intersection if during certain times of day.
This intersection is a problem. When the high school has students out, multiple times a day, it's crazy and gets backed up. Weekends with tourists it's crazy aga. We need a stop light. Roundabouts don't work well here as no one knows how to do them and large rvs coming and going wouldn't fit.
No clear direction to vehicles or pedestrians
The confusion on the part of both the pedestrians and the drivers....who goes where and when???
Kids crossing the street without looking. Everyone assuming they have the right of way when they aren't paying attention to whom actually does.

Survey Results | Responses

What, if any, are your safety concerns with the intersection? (cont'd)

Safety for everyone: drivers, bicycles, pedestrians.
Pedestrians (high school students mainly) will need to cross this roundabout if constructed.
This intersection is dangerous for pedestrians and too complicated for many drivers to navigate safely.
Students crossing, Back up from Hwy 4, hard to get across in many areas.
The four way stop with left turns, right turns and multiple cars waiting, including cars coming off the highway creates confusion. Drivers frequently do not seem to know which direction has the right of way.
Basically a round about would be a terrible option. I don't usually take surveys, but if it will help stop a round about, I'll answer the questions. I don't have any concerns about the intersection. I usually travel it at other than rush hours, not because of avoiding it, but because my business usually takes me there at other hours.
I never use it on the weekend because of traffic
That no one that lives in present day 2023 is aware of this project. It's a bunch of people out of touch with present day. Nobody clicks surveys anymore its 2023 use the comment section of social media like everyone else. If you did. It would be incredibly obvious to you that the public wants a signal there. NOT A ROUNDABOUT NO ONE WANTS A ROUNDABOUT
The high schoolers crossing the street in big groups with no light signal telling them when to Stop or Walk. When some drivers don't know who's turn it is to go and causes confusion. Getting back onto the road from the Chevron or Cork N' Bottle Liquor Store.
A lot of the challenges have to do with the students just walking across the street whenever they want to. That really slows up traffic.
It gets extremely backed up. It can't be avoided if you want to take highway 41 east to Atascadero or to Miners Ace Hardware which I frequently shop at.
You just have to go and hope that no one else decides at the same time to do the same. No matter what, you feel like you're cutting someone off and it harshens the mellow.
Peoples and students disregard for others.
uneven flow of traffic.
Students from MBHS
For the most part it handles the amount of traffic Morro Bay has. During high use times, signals would help the traffic flow consistently.
It's a confusing intersection (doubly so for tourists), and it feels very dangerous to pedestrians & cyclists because it's large and because the drivers are so distracted
near misses, impatient drivers not waiting their turn, north bound off ramp
Safety of pedestrians and people who don't know who has right of way
Too busy, pedestrians, cars, trucks and cyclists.
Pushy drivers not waiting their turn.
Sometimes, heavy pedestrian use, but it is not bad.
Traffic from all directions. Students crossing the roads at busy times. Four way STOP drivers not taking their turns correctly. Major congestion especially when exiting freeway.
Too much volume certain times of the day for intersection. Difficult to watch the many drivers either turning and going straight from multiple lanes.
long backups at freeway exits
Pedestrians and unable to see at off ramps
There's a high risk for pedestrian injuries due to the erratic and heavy traffic flow. Cars often get confused about whose turn it is. Traffic gets easily backed up, especially on weekends and daily rush hours.

Survey Results | Responses

What, if any, are your safety concerns with the intersection? (cont'd)

<p>If there were a stoplight at this intersection it would make it easier for people at the high school to turn North onto the 101 ramp, as it is now, you basically feel like you are playing Frogger and you are the frog trying to get across to the on ramp without someone turning in front of you at the last second. A stoplight would also make it easier to turn left at the off ramp next to the high school instead of waiting for a million cars to go by. At least there would be a break in the traffic and make it safer to get across. That intersection needs a stoplight. I will absolutely be so disappointed if there is a roundabout put there, no one knows how to navigate those, especially high school drivers. STOPLIGHT PLEASE!!!</p>
<p>Because of the volume of traffic at the intersection, drivers have trouble identifying who has the right of way. I often see drivers entering the intersection and needing to stop because another vehicle cuts them off. I feel like having some sort of pedestrian lights or buttons would help, especially at night.</p>
<p>There is no good flow of traffic. People are often cutting each other off and it gets close to accidents. I see people using wheelchairs or walking who have trouble crossing. There are often students there in the morning who look worried.</p>
<p>The stop signs are currently not working. The drivers leaving the northbound 1 offramp do not have room to move into the road to access the stop sign at the cross section of 41 and main street. The intersection is not able to handle the highschool traffic.</p>
<p>Speed of drivers coming off the 41 and high school traffic/beginner drivers</p>
<p>Especially when the high school kids are on lunch or leaving school its hectic and dangerous, kids crossing and cars not paying attention to when its their turn.</p>
<p>Proximity to on/off ramps. Cars going west sometimes use a right turn signal when at Main but go straight then turn right at the On ramp confusing other drivers. East bound cars have no defined lanes so one or two cars might be turning left, going straight, or turning right and not using turn signals causes massive confusion especially when two cars are both going straight. Most people don't know how to properly alternate at 4-way stops. Many people run the stop signs. The off-ramp causes much confusion.</p>
<p>Many times people coming from Atascadero do not stop.</p>
<p>congestion, traffic and safety</p>
<p>There are a lot of high school students crossing at lunchtime.</p>
<p>Congestion, especially northbound Main St. is compounded by students crossing.</p>
<p>leave it alone.</p>
<p>Too many entrances and exits, people don't know how to drive at four-way stops, too many high school students at certain times of the day. It's just too much trouble!</p>
<p>Biggest problem is the school kids, they walk in small groups, first one set goes in and then shortly behind them another set starts in, effectivly blocking traffic, sometimes in two directions.</p>
<p>pedestrian traffic from the high schools students is a nightmare in the morning, lunch and after school. always major traffic delays during these times</p>
<p>The worst spot is the exit heading south. It's very dangerous.</p>
<p>flashing lights for crosswalks such as downtown slo has.</p>
<p>I have no problem with the intersection with the exception of weekends & holidays.</p>
<p>Some drivers don't pay attention or wait their turn for the right away. 🚗</p>
<p>Tourists don't have a clue! 🗺️</p>
<p>Traffic when high school lets out cause backup on Hwy 1 off ramp. I sometimes pass this exit and go to the stop light and backtrack.</p>
<p>Drivers, unfamiliar with the area, cause traffic delays and pose potential hazards due to lack of driving directions for their destinations and the small amount of distance provided for the left hand turn lane. During school hours, this intersection becomes gridlocked causing further traffic issues. Oftentimes, I've seen drivers become frustrated and make unsafe driving decisions.</p>
<p>During peak summer season, I will avoid leaving home to drive into town to shop because this intersection becomes so congested including drivers with a lack of drivers courtesy and safety awareness.</p>
<p>Difficult to exit off Highway 1 north to go east on 41. Traffic flow is inefficient.</p>
<p>So confusing with the multiple stop signs. Very busy intersection.</p>
<p>none</p>

Survey Results | Responses

What, if any, are your safety concerns with the intersection? (cont'd)

Drivers are confused or unaware of who has the "right of way" when approaching the intersection. Several times I have had near misses when a vehicle does not wait until the right of way vehicle has progressed. I have also observed vehicles running stop signs or just disregarding traffic altogether.
Particularly when turning on to Atascadero Rd from the northbound Hwy 1 off ramp it's very congested, people seem to have a difficult time determining right-of-way at the intersection in general.
Turning right from the US1-N off ramp is difficult as unclear if it's single lane, who is turning left vs going straight (east on 41) or right (onto Main). Very difficult during high school start/end times.
Intersecting two highways with ramps and Main Street at a stop sign doesn't work well with all of the traffic and pedestrians.
No roundabout
Putting in a roundabout has major concerns for me. Too many buses, big rigs and confused drivers. No roundabout !!!
Stop and go traffic. Takes too long.
It is confusing to navigate and other drivers get emotional or frustrated by the lack of clarity. It is sometimes difficult to see pedestrians and bicyclists. I often find long waits and the intersection is not efficient to travel through.
Visibility, congestion issues. Safety for vehicles, cyclists and pedestrians. Speed and flow of traffic varies, so timing is always a guess and estimation when pulling off of the highway onto 41.
It is difficult to turn right off of Highway One onto Highway 41 eastbound when MBHS is dismissing.
The intersection of two busy state highways should be free flowing without stop signs or traffic lights
Traffic congestions and aggressive drivers. Also concerned over pedestrian and biking safety.
I have been in a traffic accident there where a car hit my vehicle. I also am concerned about student traffic in mornings, lunch breaks and at close of school.
Large vehicles ie.commercial trucks or r v's ability to use. also the students from the high school crossing the streets Safely.
High school kids at lunch time cause traffic delays because groups have to cross multiple paths at once to get through the intersection, causing extended waiting times for vehicles.
Traffic backs up on the off-ramps and the intersection is always a problem to get through
Back when I went to Morro Bay High, student were in danger of unregulated traffic and the traffic because worse during peak times.
unsafe
congested
At times the intersection is congested. Many people get confused as to who has the right of way. There is the potential for serious accidents.
Other drivers possible lack of knowing the driver on the right goes first if they get there at the same time. Drivers don't wait their turn to go. Drivers irritation at pedestrians crossing the street.
congestion during hours of drop off and pick up for MBHS
Congestion and confusion created by fairly frequent high volume and the close proximity of freeway off ramps to the intersection. This is compounded by heavy pedestrian traffic from the high school. Safety at this intersection is a serious concern.
Drivers unfamiliar with right of way rules. Steady stream of pedestrians from MBHS.
Except days and times that I know it will be backed up.
I avoid this intersection during peak times because of the congestion.
1) I will wait until majority of traffic passes before crossing
2) No one seems to know when it is their turn, or they anxiously take their turn
3) it would worry me if my grandchildren would have to cross that intersection
As a pedestrian I feel unsafe crossing Main Street and the Highway 1 on/off ramps. Vehicles don't always see pedestrians because the intersection is confusing.
I avoid when past experiences tell me it's busy.
Pedestrian safety is lacking
High school students crossing during lunch time.

Survey Results | Responses

What, if any, are your safety concerns with the intersection? (cont'd)

I sometimes avoid this intersection due to both congestion and safety of students walking to and from MBHS. The most concerning/dangerous place is exiting the 1 off-ramp heading North at Atascadero Rd. If you are making a left, to go under the freeway, to MBHS you are dealing with 1) cars coming east under the underpass from MBHS 2) cars heading west directly from Highway 41 3) Northbound cars on Main St. turning left towards MBHS (which is blind because it is hard to assess if the car is going straight on Main or is going to turn left) and 4) cars making a right from southbound Main St. Four directions of cars need to be clear to safely exit the off ramp to go to MBHS PLUS you have to take in the congestion that accumulates under the freeway that blocks you from making a left turn AND the pedestrian traffic. I literally witnessed a SUV almost being hit yesterday at this location.

Heavy traffic at certain times of day and during events.

Too many people don't wait their turn to move across the junction.

Dangerous for pedestrians to cross in front of traffic

if there were a bypass, I'd use that. Consider an alternate like connecting little morro creek road.

Move the on and off ramps and add improvements to Main St to handle the traffic.

Provide cost estimates for ALL options for public consideration, not just the Double traffic light and the round about.

1) Kids crossing (They look scared when crossing 2) It's a mess when I am going through the intersection around 8:20 am to head to work. 3) I was just rear ended because I had to stop for someone that pulled out in front of me and it was my turn to go. 4) Drivers turning left off highway 1 pull out so for you can't see if cars are coming to turn right to get on 41. Something needs to be done about it that's for sure! Thank you and good luck!

Pedestrian awareness

I am also concerned about safety. I don't see pedestrians often at the intersection but do see it as a safety problem as well.

Highway 1 exits onto Highway 41 have the most issues. Often have difficulty getting onto Highway 41.

Northbound off ramp from Hwy 1 is too close to intersection making it difficult to cross or turn left at intersection. Also drivers don't follow rules of the road at intersection. I've been rear-ended there too

Poor, inefficient traffic flow.

It takes forever at high traffic times. It can get very backed up

Too many cars have to floor it to get through intersection towards the high school.

Eliminate the hwy on/off ramps. There are others within a few blocks

Pedestrians.

Hard to get off freeway and merge when congested.

It's a complex intersection but does not appear to be complex until you are actually using it. It's hard to take in all the possible decisions other drivers are making. There are not any other intersections like it in the area so it's unfamiliar which is a particular concern with many tourist visitors. I'm always nervous when using it

Disproportionate congestion on 4 way stop. Vehicles exiting hwy 1 add to existing line of vehicles and opposite side is line of vehicle from hwy 41. Too much traffic for a 4 way stop.

School times. Big mess. Huge mother homes no room. Kids crossing forever.

Pedestrians and students getting killed by someone who is not paying attention and does not know how to properly operate a 4-way stop

Traffic coming off the highway with two layers of stop signs, pedestrians trying to cross, cyclists coming from multiple directions and cars trying to go through 4-way stop is very busy and there needs to be better to prevent accidents.

Survey Results | Responses

What, if any, are your safety concerns with the intersection? (cont'd)

1-Speed at which some vehicles pass through area. We live in Harbor View tract. It becomes very difficult to turn onto Main from Radcliff (especially south bound). 2-Safety of pedestrians and bikes crossing the 1 on ramp.
A signal could potentially cause southbound traffic to backup past Radcliff making it even more difficult to exit onto southbound Main. A roundabout would slow traffic and potentially make exiting safer.
However how would pedestrians safety be addressed at roundabout?? Possibly a flashing signal indicating a walker??
Turning from north bound Hwy 1 off-ramp onto Hwy 41 east bound.
High school students not yielding to vehicles so that the intersection flows smoothly. They just keep coming in a constant flow and do not allow cars to cross the intersections.
Hard to exit highway 1 and turn right onto 41. Also lots of traffic from different directions to be aware of. Pedestrians and lots of school walking and biking to be cautious of.
Needs a traffic light.
Most people seem to have never learned how to use a 4 way stop.
People drive through without stopping.
The high schoolers cross the street and therefore the flow of the cars becomes a mess and people and cars almost get hit.
People getting off the highway and turning towards the high school pull out and almost hit other drivers driving towards the highway entrance.
It gets backed up in all ways at various times of the day and causes a huge annoyance.
I use the intersection daily to go to and from work. There is not a single day that someone uses the intersection incorrectly and causes a possible dangerous situation for me or other drivers and pedestrians.
Traffic backs up onto the freeway and motorists often times have a hard time seeing cyclists and pedestrians
Too many variables including pedestrians who don't try to work with the traffic flow and drivers who don't know the rules of the road
I've had a career with the Federal Highway Administration and know that this intersection can be made safer, more efficient, and more environmentally sound if replaced with a modern, well-designed round-about.
Not enough space between northbound HWY 1 stop sign and 41/Main stop sign making the right hand turn.
Students crossing at all different times adds to morning and afternoon traffic a cross walk with a light would be very helpful. Instead of kids crossing not stopping and looking for oncoming traffic
I am concerned at the number of cars and kids walking to school, home from school, and during lunch time during the Morro Bay High School day. There are not adequate ways to exit Highway 1 and often it is a blind turn as cars move toward the high school.
ery busy with traffic coming every which way and THEN the students from the high school saunter across at all kinds of times going to & fro to the liquor store and taco bell.....and also just walking home. Sometimes it is compounded by traffic from the high school AND traffic trying to go to & fro to the Thursday farmer's market.....It is dangerous for pedestrians and traffic is often backed up from the off ramp and trying to go over to Main or to go to Hwy 42. The new Hotel will only compound this. Students should not be walking through this area without a stop light at least. AND a traffic circle with student pedestrians would be chaos and dangerous.
I would request traffic lights at this location with of course pedestrian lighting signals when it is safe for them to cross.
Other drivers who are distracted / don't pay attention / dis-courteous...
It's unsafe, especially with tourists from out of the area and when the high school let's out. Also, st times its next to impossible to take the off ramp off hwy 1 onto 41. You can't get out because of traffic coming under the overpass on 41.
inadequate throughput
Safety of pedestrians & impatient drivers who don't pay attention to the rules of a four way stop.

Survey Results | Responses

What, if any, are your safety concerns with the intersection? (cont'd)

A lot of drivers don't know when it is their turn to turn/drive through the intersection causing traffic to stall. This also causes irritation amongst other drivers. Also, often times pedestrians are unable to cross bec there are too many cars!
People don't seem to be able to take their turn at the stop sign. It's very frustrating and dangerous for pedestrians.
the 4 way stop is a joke for many drivers It is a free for all
Morning traffic during the school year. Incoming tourist traffic on weekends and during the summer months
I suggest a roundabout
Four way stop does not work. Everyone goes at the same time. Traffic gets backed up on Fridays and weekends and people get frustrated and drive more erratically. It's a tough intersection for pedestrians. I'm concerned about safety.
Increased traffic due to a motel being approved in a bad location. Safety concerns for pedestrians, ie...school kids.
After school, too many students cross at the same time which often impedes traffic. It is very congested (often by tourists who are already trying to decide what exit is correct) and the left hand turn lane starts to begin near Miner's Hardware. I live by the intersection and have seen multiple accidents or near misses. Slowing traffic and using traffic double traffic signals (much like 46 west/101) is the only way to improve safety for cars AND pedestrians.
Highway 1+highway 41+Morro bay high school= disaster.
Uncontrolled left and right turns. Traffic exiting off Northbound 1 are placed in the right hand turn lane even if they want to proceed to Hwy 41. Southbound 1 exit has a blind spot from the underpass where cars speed to get to the Southbound on ramp
This intersection is poorly regulated. It has several ingresses, which contributes to a disorderly and confusing traffic flow. When you finally get to the front of the line, it's difficult to determine whose turn it is. I got a traffic citation there, which was due to exactly that: Nobody knew whose turn it was--hesitation from all quarters--I went and got cited.
When Students are crossing, which is multiple times a day, they don't yield to cars and just continue to cross with no regard to oncoming traffic.
Drivers do not take their turn to stop then go safely.
People not following the right of way law
Drivers do not wait their turn, traffic blocks line of sight, high school kids saunter across without letting traffic move
Proximity to MBHS
Number of sources of vehicled
High school kids walking across the intersection
Stopped cars blocking sight line to turn left off ramp
Drivers impatient to wait turn to go through
Traffic backs up during peak periods
Can't see lines, arrows or word on pavement
I have lived in MB for over 8 years, worked and attended MBHS. NOTHING has positively changed at the intersection. Traffic has gotten worse with the impact of the tourists' large campers and more high school traffic. The intersection is so disorganized with little respect and concern for ped safety.
Issues with pedestrian crossings, especially with high school kids in the crosswalk. Dangerous and clogs up traffic.
I typically try to avoid times of the day that correlate with high school drop off (start time, end time, and lunch time). The traffic is extremely difficult to navigate in addition to the students on foot.
Zero concerns. PLEASE DO NOT ADD ANOTHER ROUNDABOUT. Personally, I really detest those!!
Congestion

Survey Results | Responses

What, if any, are your safety concerns with the intersection? (cont'd)

To get off coming from the south to turn left is insane, always takes forever. Also at peak times, the traffic backs up on the freeway at that off-ramp, which is not safe.
When the high school kids are walking around there it's not safe for them.
Waiting at the stop sign coming from any direction is always crazy especially at peak times and the weekends.
People are confused as to who goes first after stopping. Some people don't wait after stopping and others wait too long.
Safety for school children. Need traffic lights to improve traffic flow. Lots of truck traffic, so a roundabout is not a safe idea.
The majority of people suck at driving and cannot navigate the intersection. This results in major congestion.
I don't see how the traffic circle will help with pedestrian traffic. Since a circle promotes traffic flow, pedestrian traffic is still a problem not addressed.
holiday weekends
Other drivers regularly proceed when its not their turn. If pedestrians are using crosswalks traffic gets backed up for long periods. Dangerous for pedestrians.
1 - Poor traffic control. It can be hard to know whose turn it is to enter the intersection. This leads to confusion, people going out of turn, people missing their turn, etc. Pedestrians and bicycles complicate this. 2 - Cars taking the Hwy 1 northbound offramp to 41 east don't always know where they should be at the intersection in order to go straight ahead. I believe they should be near the center line. But sometimes they are to the right, as if they are going to turn right (southward) onto Main, but they don't do that - they go east on 41. 3 - Congestion at different times for different reasons - commuter traffic, high school traffic (cars and pedestrians), weekend visitors. 4 - From the Hwy 1 northbound offramp, it can be hard to get out onto 41 in order to turn left (northward) onto Main when there is much traffic coming from the left (on 41 from Flippo's area). 5 - Cars that enter intersection before pedestrians have finished crossing. 6 - Pedestrians not always very visible to cars.
Pedestrian traffic is uncontrolled. Also, with multiple lanes from different directions, you can have vehicles arrive at different times that try to go when the car next to them goes.
Foot traffic from the high school and backup traffic during rush hour
Safety
People/cars do not follow the 4 way stop..go when not their turn...students never look and never pay attention. Don't space out.
None
Too much traffic congestion.
As a driver, it is often very congested, especially when students are present. There are too many areas to watch for other vehicle SS as well as pedestrians.
People don't know the rule of right of way. At peak traffic this can be dangerous when cars go through the intersection without waiting their turn. Also, high school students at lunch time, and end of day make it difficult to go through, and causes tie-ups.
None. Repaint the striping
pedestrian safety (mainly high school students crossing or other pedestrians),,,,,, and traffic back-ups in all directions
Newly built hotel will make this even worse
This intersection is extremely dangerous. Many motorists seem to ignore the stop signs, and pedestrians often do not pay attention to oncoming traffic. We've lived in Morro Bay for 13 years and have noticed that the volume of traffic has significantly increased, especially on weekday afternoons and on weekends. We're very concerned about the additional traffic that will be generated when the new affordable housing project and hotel are completed.
Have the studies on vehicular traffic at the intersection of Main & Atascadero Road looked at the cumulative impacts of the existing traffic congestion, students traveling to/from the school, the new hotel, and the housing development? If so, what guidelines did these studies rely on to determine traffic impacts? And when were these guidelines published?

Survey Results | Responses

What, if any, are your safety concerns with the intersection? (cont'd)

<p>The biggest problem is the lack of adequate merging ability for vehicles entering the intersection, and living in North Morro Bay, I have to deal with these issues constantly.. The biggest concerns I have with the current layout are:</p> <ol style="list-style-type: none">1) When traveling southbound on SR1, and needing to exit at SR41, it' difficult (if not impossible), to make a left turn onto SR41 from the highway exit ramp due to terrible visibility of oncoming traffic, and the lack of any stop signs for the cars on SR41. If anything is done with the intersection, the corrections should also include the problems on the south side of SR-1 (not just the north side where SR41 meets Main Street and the on & off ramps for SR1):2. Continuing under the highway from the west, the next problem is trying to get through the intersection of SR41 and Main St., since it's a 4-way stop, but there are more than 4 lines of cars converging there (mainly from the cars traveling northbound and trying to exit SR-1 at this exit). They are all just dumped into an intersection with a 4 way stop, and it backs everything up (including onto the highway), partly due to too many vehicles...but mostly because that 4-way stop is not the right kind of intersection there (because of the highway exits, and because different drivers all treat the 4-way stop slightly differently)3. There do not seem to be sufficient means for SAFE passage through the entire intersection for bicycles...it's more of a gauntlet to run through and hope you don't get hit.
<p>It's hard to know when it's your turn to go</p>
<p>Hard to get into flow to intersection when exiting Hwy1 N bound. People lose track of their turn. Pedestrians are sometimes hard to see if they cross from NW side.</p>
<p>So many drivers running the stop sign</p>
<p>The multiple lanes with stop signs really confuses drivers. Poor pedestrian and cyclist options.</p>
<p>I have seen near misses here.</p>
<p>Cars move to slowly through the intersection and the traffic coming off the highway doesn't have enough room to exit if there are cars already at the stop sign past the exit ramp. There is too many cars trying to pass through at the same time and all stop signs cause too much stopping at moving in such small increments. Too much going on in such a tiny space.</p>
<p>Can be a long line on the NB off-ramp; difficult turning on to Main/41 from the SB off-ramp; at the 4-way stop, seems like there's always confusion as to which car/direction has the turn to cross the intersection. So many directions to go from 41W into town.</p>
<p>It is not safe for pedestrians. I have no issues with traffic (cars) as it now stands.</p>
<p>Congestion during certain times, drivers not always follow the right of way and lots of close calls</p>
<p>Traffic backups along with many pedestrians</p>
<p>Congestion at freeway exits</p>
<p>Traffic backups, people unsure how to go through (4 way stop) long lines of oblivious students walking at lunch time</p>
<p>Traffic gets backed up, especially at school start and ending and lunch.</p>
<p>One or two weekends in the summer see heavy traffic from the Valley into Morro Bay that involve a few minutes' wait. Not a big problem. Otherwise, I find the intersection trouble-free--and a lot easier to use than the MBB roundabout.</p>

Survey Results | Responses

What, if any, are your safety concerns with the intersection? (cont'd)

1. Traffic congestion: The primary issue is congestion itself, which can lead to significant delays and frustration for drivers. The close proximity of the highway ramps may result in a high volume of vehicles entering and exiting the area, exacerbating the congestion at the 4-way stop.
2. Lack of traffic flow coordination: Without proper traffic flow coordination, drivers may find it difficult to navigate through the intersection smoothly. This can lead to frequent stop-and-go situations, increasing the potential for accidents and impeding the overall efficiency of the intersection.
3. Conflicting movements: At a 4-way stop, there are multiple directions of traffic that need to navigate through the intersection. With the added complexity of highway ramps nearby, there can be conflicting movements between vehicles entering or exiting the ramps and those crossing the intersection. This increases the likelihood of accidents or near misses.
4. Difficulty merging: Drivers exiting the highway ramps may face challenges merging with the traffic at the 4-way stop, especially if the flow is heavy. This can lead to delays and disruptions in traffic, causing congestion and potential hazards.
5. Pedestrian safety concerns: A congested 4-way stop can also pose risks to pedestrians crossing the intersection. Higher traffic volumes and frustrated drivers may result in reduced visibility, longer crossing times, and an increased likelihood of pedestrian accidents.
6. Inadequate signage or road markings: Insufficient or unclear signage and road markings can exacerbate the issues at the intersection. Drivers may struggle to understand the right-of-way rules or fail to see critical information, leading to confusion and potential accidents.
7. Insufficient enforcement: Without proper enforcement of traffic rules, drivers may become more prone to risky behaviors such as running stop signs, cutting off other vehicles, or disregarding pedestrian right of way. This can further contribute to the congestion and safety concerns at the intersection.

Drivers regularly are aggressive, and do not take turns the way they should. I am unable to avoid this intersection due to where I live. I am concerned about pedestrians and bikes, there have been close calls.

Turning onto eastbound 41 from the freeway is very difficult at nearly anytime

Need a roundabout for longer term solution

Dangerous

Survey Results | Responses

What, if any, are your safety concerns with the intersection? (cont'd)

Congestion from pedestrians especially during school commutes. Congestion from visitors' vehicles from down 41
Too congested and too much traffic from all directions.
The mix of users and low & high-flow traffic times causes driver confusion and aggression. Drivers and pedestrians are at risk for incident and accident. Often drivers do not properly stop and yield, instead they break the 4-way stop order. I avoid this intersection often, but use it often.
Trying to get off of the freeway and onto 41. Or even to turn north to get to Farmer's Market. Or to Atascadero or Ace. Drivers won't let you out onto the road. There should be two lanes going north as you get off the freeway. One to turn north onto Main St. and one to go straight or turn right onto Main. People wanting to go north on Atascadero road should be in their own lane and away from the drivers trying to turn left up Main.
Kids crossing street cause significant delays and safety issues
Long wait times during the commute period.
The present four-way stop seems to lead to confusion for drivers, especially hesitant ones, which adds to the traffic congestion.
To many on/ off ramps, stripping lanes would help, having main street North cut the corner at the current uhaul center and merge with traffic at main would help, eliminate off ramp at Atascadero road , divert traffic to a new main street on/ off ramp would help. What are you going to do about the new apartments on Atascadero road when completed ? Think of a new way in and out of Morro Bay.
Morro Bay High School - vehicle traffic and walking students at start of school, lunch hour and end of day make the intersection difficult to negotiate. Holidays and many weekends, traffic traveling west on SR 41 into Morro Bay create back-up and traffic congestion.
Not safe
The 4-way stop setup at this intersection is woefully inadequate for the traffic volume (depending on time of day), pedestrian traffic, and the consistent reliability of many drivers understanding of basic traffic laws. Being a North Morro Bay resident I cannot count how many times I have almost had a serious accident at this intersection. Fix it fast.
It is obvious that the 4-way stop signage at this intersection is inadequate to handle the auto/truck and pedestrian traffic safely. Congestion is horrible at times, especially during vacation and summertime and when Morro Bay High School is in session. Living in North Morro Bay I am acutely aware of the shortcomings of this intersection. On countless occasions I find myself going North on Main Street to San Jacinto intersection to go South on Hwy. 1.
There is no thought out regulation of traffic flow. Currently, this is only an issue during peak times, but those peak times include many children, as well as out-of-towners in big trucks, who may be in a hurry. Plus, we are building more, which will mean more commuters and visitors, and perhaps children, using this intersection more and more as time goes on. Plus, when the 1 is closed up north, (as it has been more often than not in the past few years), traffic gets diverted to the 41. At lunch time, the school children just trickle across and jam up the intersection for ever. Same thing in the AM. There is a stop sign at the end of the northbound 1 offramp immediately before another stop sign, and this choppy traffic just enters the right turn lane. Europeans do not know how to take 4-way stops and therefore gum up the process randomly with many cats waiting. It is not currently a big problem, but I do fear for cyclists and pedestrians continually in that intersection.
Traffic congestion is notably heavy during periods of the day when drivers are heading to and coming from Morro Bay High School.
I have a printed copy of the MBHS Bell Schedule. I avoid the intersection before the start of school and during the lunch break period. I was told the MBHS campus will be a closed campus in the near future. That SHOULD reduce the pedestrian issue when the students "two block" three crosswalks. A MBPD officer directing traffic on a "as needed" basis would save the City of MB millions of dollars yet to be determined, \$\$\$\$\$\$
Traffic backs up in all directions. Drivers, if in a hurry, make it dangerous for others, not taking their correct turn. I see a lot of apprehension when it's your time at the stop sign. Confusing to a lot of drivers.

Survey Results | Responses

What, if any, are your specific concerns with this intersection?*

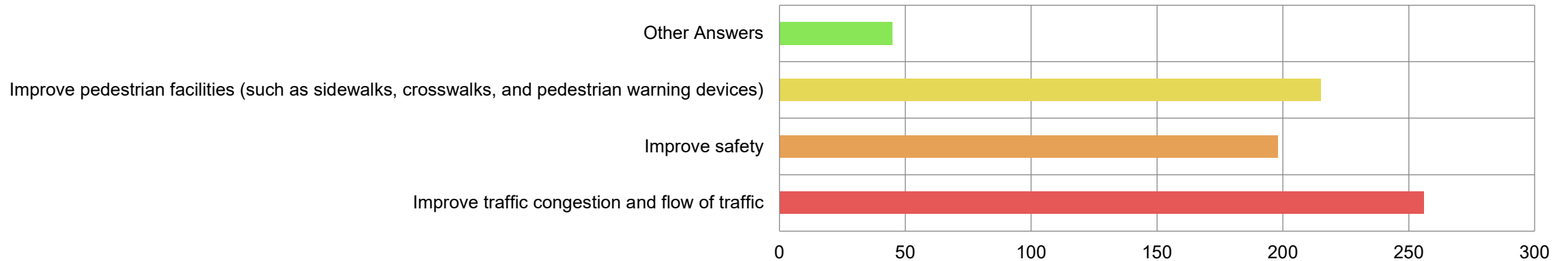
Common Responses

- Near misses
- Confusion at all-way stop as to who has right-of-way
- Too much happening in a small space
- Congestion
- Lots of pedestrians, not paying attention
- Aggressive drivers
- Dangerous

**Answers summarized*

Survey Results | Responses

What improvements, if any, do you think are important at this intersection?



Improve traffic congestion and flow of traffic: 256

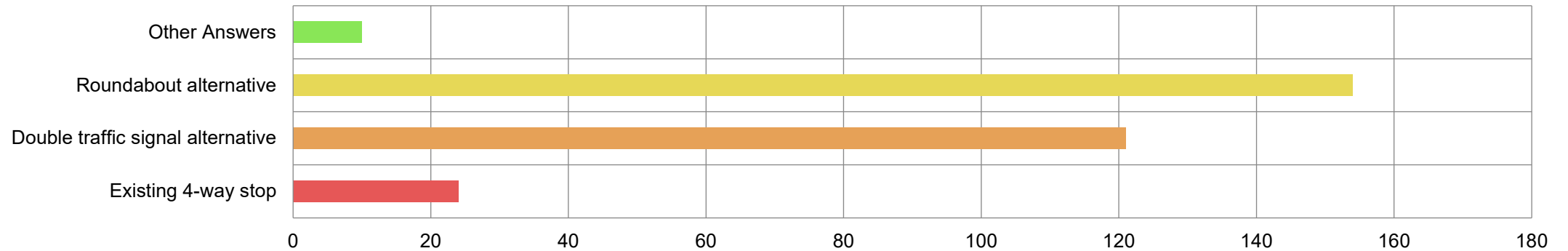
Improve safety: 198

Improve pedestrian facilities: 215

Other: 45

Survey Results | Responses

Based upon your understanding of the existing 4-way stop, a double traffic signal alternative, and a roundabout alternative, which intersection type would you think is the safest for MOTORISTS?



Existing 4-way stop: 24

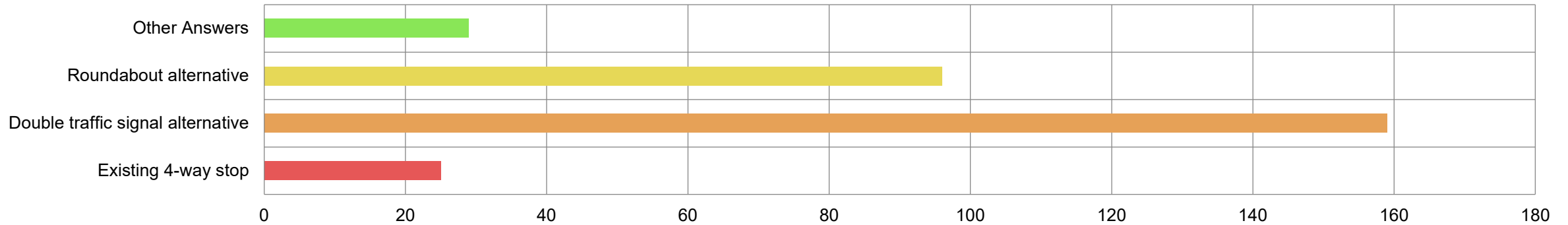
Double traffic signal alternative: 121

Roundabout alternative: 154

Other: 10

Survey Results | Responses

Based upon your understanding of the existing 4-way stop, a double traffic signal alternative, and a roundabout alternative, which intersection type would you think is the safest for PEDESTRIANS?



Existing 4-way stop: 25

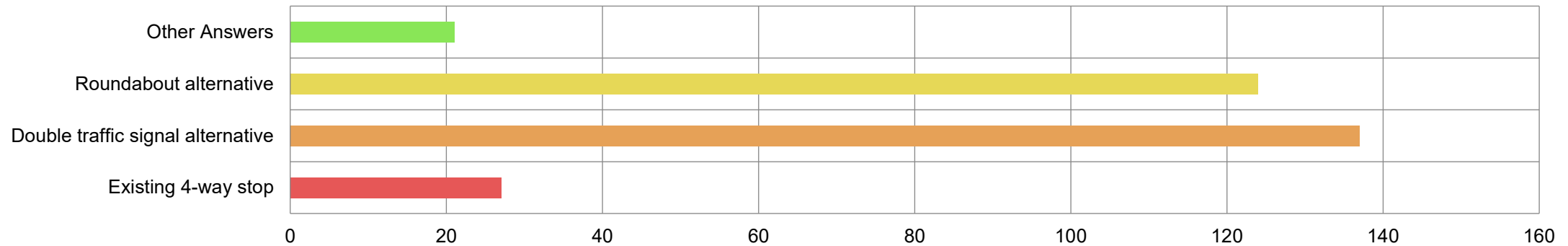
Double traffic signal alternative: 159

Roundabout alternative: 96

Other: 29

Survey Results | Responses

Based upon your understanding of the existing 4-way stop, a double traffic signal alternative, and a roundabout alternative, which intersection type would you think is the safest for CYCLISTS?



Existing 4-way stop: 27

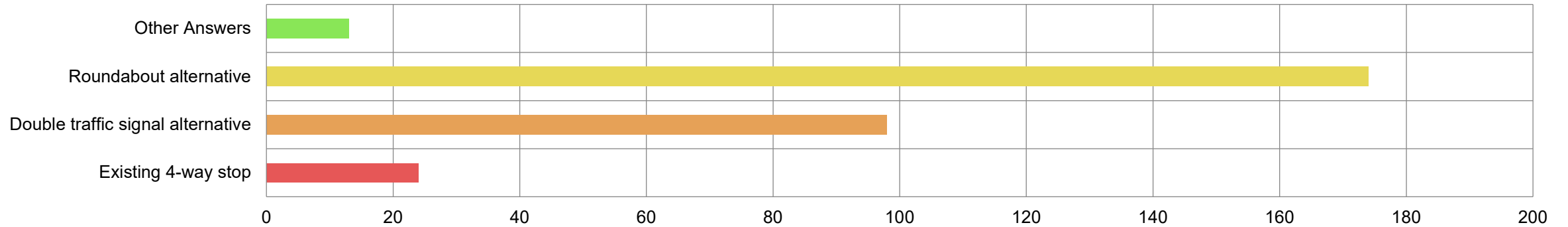
Double traffic signal alternative: 137

Roundabout alternative: 124

Other: 21

Survey Results | Responses

Based upon your understanding of the existing 4-way stop, a double traffic signal alternative, and a roundabout alternative, which intersection type would you think allows for the best traffic flow and congestion relief?



Existing 4-way stop: 24

Double traffic signal alternative: 98

Roundabout alternative: 174

Other: 13

Survey Results | Responses

Additional questions, comments, or concerns

The MB Blvd roundabout raised concerns prior to implementation. Traffic flow increased tremendously after implementation. The fear of something new should not stop progress and it is clear the community adapted to the change.

Roundabouts are demonstrably safer for drivers, cyclists, and pedestrians and I support a roundabout for this location.

This is a VERY difficult issue to solve because the exit from Hwy 1 does NOT have adequate space, and therefore double signal AND roundabout alternatives may not relieve congestion without a solution to the Hwy 1 exit space.

Although I would prefer the roundabout; I do not think it will work well due to the high pedestrian traffic. I think the pedestrian traffic will cause back up/stoppage in all directions. Inside and outside the roundabout. Therefore, I feel the signal option would better control the pedestrian traffic. Optimizing the timing of signals will be the challenge. Thank you for allowing citizen thoughts on this matter.

Please put a roundabout at this intersection

A traffic signal would increase speeds for those who get the green light through the intersection. The stop signs require vehicles to stop and start when it is safe to proceed. The roundabout is a good idea if The City has the funds to do it.

Roundabouts are confusing and dangerous, especially for pedestrians. People don't know which way to enter and especially, get out of it. They're an accident waiting to happen in my opinion. Hate them!

I don't think the people who drive thru the four way stop will be able to figure out the roundabout before there are accidents.

The 4 way has worked great for my many years here due to very manageable, mostly light traffic at this intersection. My concern is for the student pedestrians. Mostly Lunch and after school, otherwise the vehicles and very few pedestrians flow nice and orderly.

le:

These large groups of students meandering slowly while crossing can in turn, cause confusion with drivers unsure whether it's their turn to proceed or some impatient drivers have proceeded dangerously.

PS how about MB high providing fresh and delicious lunches at the school so the kids have better choices for nourishment?

Stay away during the lunch time break due to students going back and forth to/from Taco Bell or wherever they go. Yikes.

What my understanding of cost for the intersection is that the round about cost less. But if the double lights system is safer by all means that should be the project to move forward with. Also closed campus at the high school should be a priority of the school district.

For safety and budgetary reasons, I think double traffic signal would be best. I love roundabouts and the Morro Bay Blvd one has demonstrated their effectiveness but there isn't enough space for an adequate one at Main & 41 plus roundabout will not solve the pedestrian safety issue at peak high-school times.

Scramble is very common in many densely populated areas. They work well. Extremely disappointed that this survey does not appear to be aware of this option!

This intersection tends to be the biggest concern or have the highest congestion during the high school lunch hour, or during an influx of people from out-of-town for events and holiday weekends. If we don't add traffic signals or roundabout, at very least there should be a crossing guard or crosswalk assistance in place for kids crossing the busy intersections, or an officer guiding traffic off the freeways and intersections without needing to stop (to keep traffic from getting too congested).

I am absolutely opposed to the roundabout, as the current one in Morro Bay is so confusing to most that I 100% avoid it to avoid accidents. Every time I have gone through it I've nearly been hit. Thank you for allowing community input!

Survey Results | Responses

Additional questions, comments, or concerns (cont'd)

While roundabout keeps traffic flowing, it is the least safe alternative.
I like roundabouts, but this intersection, with the combination of students, visitors and residents, might be safer with traffic signals, perhaps with adjustable timing for school hour traffic times.
The Roundabout will decrease exhaust fumes from idling traffic waiting for a stoplight. It keeps traffic flowing smoothly from all directions. The pedestrians, bicyclists should have an alternate pathway, perhaps a bridge?
Many new motorists coming into town may not understand round about and it is also hard for many pedestrians to cross at one time or continually.
A roundabout must be designed to be safe for pedestrians and bicycles to cross but the concept should not be rejected before such safe options are even considered. Also, that intersection is a gateway to our community and a roundabout could be landscaped to make it much more attractive and welcoming.
While the latest and greatest (sarcasm noted) planning and engineering ideas are trying to push round abouts, round abouts are a terrible option. They are confusing, right of way is murky at best and pedestrians and cyclists are at peril. Please use traffic signals rather than round abouts.
Plenty of advanced warning signs needed before intersection as you're traveling West on Hwy. 41.
I feel bad for kids walking from the high school and any cyclists
It's 2023 read the comments section leading people to this survey. Nobody takes surveys anymore. If you simply read the comments in your social media, you wouldn't be wasting your time with surveys. You would already know the answer is traffic signals.
I can't imagine high school pedestrians trying to cross there with a round about where the cars don't stop! If you make that choice you better be prepared to put in a pedestrian bridge for safety.
It would be crazy to have a roundabout at that intersection. Most people from California do not know how to use a roundabout, and it really slows things down. I'm from Massachusetts, and I know the challenges of a roundabout, and they tend not to work in heavily trafficked areas.
It's a mess, good luck.
I don't believe a roundabout would be good for the pedestrian traffic and flow of vehicle traffic. Students walking across the roundabout could cause a greater traffic congestion.
Morro Bay is already in debt because we overbuilt the water reclamation facility. We cannot afford a 12 million dollar roundabout that will most likely be over-budget just like the WRF is. Traffic does not constitute the expense. Signalizing will be less money, less construction disruption and the problems will be addressed sooner.
A roundabout is probably the right choice for this intersection, but it would be a lot better if you would design it so that it is safe and comfortable for pedestrians and cyclists as well as motorists. As somebody who exclusively drives through this intersection, I have no problem with it taking a little longer for me to get through as long as everybody else is safe and comfortable.
I've heard mention of pedestrian bridge or tunnel. That concentrates pedestrians to one path, but there are still pedestrians that have to cross to get to that, so it doesn't help and it doesn't help vehicles which are causing the problems for pedestrians.
When exiting the freeway, cars are often backed up because drivers cannot get into the line leading to 41. That's a very difficult right turn because there is usually only room for two cars before the STOP sign.
I believe the people opposing the roundabout oppose it based on their gut rather than available traffic studies.
Roundabout with foot bridge will be safest for the HS kids

Survey Results | Responses

Additional questions, comments, or concerns (cont'd)

An underpass or overpass would mitigate the pedestrian and cyclist concerns with a roundabout. However, there is a known archaeological site, CA-SLO-165, that will be drastically impacted by construction. The site is dense and over 2 meters deep. There is a high risk of uncovering disturbed or in situ burials, which has occurred at the nearby affordable housing development. The high cost of mitigation for these discoveries will need to be considered in conjunction with the tribal rights and concerns of the local tribal groups. The best plan would prioritize decreasing the impacts to CA-SLO-165.

One big issue would be the southbound offramp onto 41. There's traffic coming from the beach, students walking along the road, cars accelerating from the stop sign to turn left onto the southbound, on-ramp all create problems in getting across the road at the southbound Highway one offramp.

I am worried that there will be a serious accident at this intersection. I am always nervous using it. I wish it were easier to avoid. I think that people get frustrated by the slow moving traffic and that is what will cause an accident.

A roundabout is the best alternative as we move into energy efficient and safety measures for that high traffic area. A 4-way signal will not take care of the existing problems. It does not even work at San Jacinto. Don't make the same mistake. The roundabout will be more cost-effective and safety conscious in the long run.

Round about seems nice but that intersection is used by more infrequent visitors of Morro Bay. Roundabouts will only confuse a large portion of tourists coming to town.

Roundabouts are more and more common so they are not new and confusing any more. I strongly support the Roundabout alternative.

The double signal idea will probably cause greater delays and more people running them. Also, whenever there are power issues and they are out or flashing red all directions, that will really cause a mess. Signals add greater visual clutter which can also add more confusion.

The on/off ramps must be reconfigured as they are a major cause of problems and only the roundabout solves that.

West bound traffic lanes should have a series of Bot Dots to slow traffic for pedestrian safety. The other directions should be fine as their approach speeds are not as high.

There will always be periods of excessive pedestrian use from the school that will slow and delay any of the options. That is just unavoidable and none of the options can solve that or make it 100% safe. Roundabouts, by their nature, slow traffic and should help improve the situation slightly.

The overall cost for a roundabout is higher but in the long run it is worth it and I am willing to support our funds to go for it. I've lived here 50 years and we need to get this roundabout to finally solve the problem of the worst intersection in the city.

If NOT for pedestrians and bikes a roundabout might be enough. Morro Bay is increasingly marketed as a tourist and event destination. The fix at this intersection needs to be effective for an increase of every kind of traffic, and the longer term. Please spend wisely.

I like roundabouts, but this is a bad intersection for it. There are too many high school students crossing at lunchtime for traffic to be flowing without stopping.

I think the northbound hwy 1 off ramp signal should be synchronized with the signal at Main St and east bound hwy 41 so that when it's green, traffic will flow from the freeway, through the intersection, onto hwy 41.

There needs to be a roundabout at San Jacinto intersection. That intersection is very confusing to almost everyone.

A roundabout sounds like a good option for vehicle traffic flow, but not a good option for pedestrians and bicyclists. Building around about would be so much more expensive than putting in double stop traffic lights. Traffic lights would be the best option for pedestrians, bicyclists and taxpayers.

None of the proposed solutions will fix it. 41 should end in two on ramps to hwy 1 and not go through. Main would go under 41 and still be able to go under the existing overpass.

observing a semitruck exiting from north 1, and then trying to turn onto main st going north, there is NO ROOM for a roundabout. there are 6 ingress/egress lanes from highway and local traffic that makes roundabout impractical.

Survey Results | Responses

Additional questions, comments, or concerns (cont'd)

NO ROUNDABOUT!!! People just don't seem to know how to use them no matter how many signs there are. I almost get hit or have to slow down/stop every time I'm in it. People coming into the roundabout do not yield--they just enter & keep on going.

Morro Bay has 3 kinds of drivers:

Fast & Furious - those going to work or school (HS & Colleges) 🚗 ➡️

Old & Slow - like me retired & careful. Safety first. Nowhere that I need to be in a hurry. 😊

Tourists- Don't pay attention. Too busy sight seeing. Careless not watching the road or road signs!! 😞

Roundabouts work. They are used in many other places (including Morro Bay) Just do it.

Roundabouts are new for some folks, but are very common in other parts of the country and especially overseas. The other roundabout in Morro Bay took some getting used to but has demonstrated improved safety and flow. It's worth the extra money for a better and more long term solution.

Please do something soon to fix this problem area. I think it will help the businesses, the school and the regional and local traffic.

No roundabout

No roundabout please

I have a house less than an 1/8 th of a mile from this intersection and I have used it regularly for over 20 years with my children on bikes and walking. I think the roundabout option is the best and safest option for families, drivers, and children.

I have traveled on many other roundabouts joining two highways in other states and have NEVER had a problem.

The solution might include removing the bridge over Hwy 41 and creating flyovers for local traffic at this intersection

I believe the roundabout would work best, but only if pedestrian/bike crossings are moved farther back from the intersections with push to cross flashing lights. This is a tight intersection with a lot going on (Rt 1 entry/exits, school children crossings, bikes, traffic congestion). The roundabout would be a challenge but could be made to work but intersection would need to be expanded.

I have not yet seen a roundabout that works for large trucks, the one on the south end of town sucks and I'm sure if one was to be built here ti would be the same, only worse as this is a major highway and one that carries a lot of truck traffic, cal trans specs are dreamed up by someone that has no experience with trucks but plats with a computer.

none

My research into roundabouts shows that they are far safer than conventional intersections. There are fewer fatalities and serious injuries because there are no (or fewer at least) T-bone collisions or head-ons. Collisions are more like fender-benders and occur at slower speeds. As long as people understand what a yield sign means and behave accordingly, there should be no accidents.

Education is key to the success of the roundabout option. First a traffic simulation can demonstrate how traffic flow will be better than signalization. Since many residents have expressed concerns about roundabout, public education on the subject would be helpful. Finally, southbound ramps need to be included in traffic study to evaluate impacts. Thanks.

Please do something beneficial for all concerned

Roundabouts are confusing and don't seem safe to me. Especially since a pedestrian was killed by a trash truck at the roundabout at Morro. Stop lights seem much safer to me.

Pedestrian safety should be the most important thing. A roundabout would help with congestion but make it much less safe for pedestrians and cyclists. In roundabouts motorists are usually only looking one way and not going slow enough to see pedestrians and can be confusing.

Survey Results | Responses

Additional questions, comments, or concerns (cont'd)

<p>I prefer the roundabout. My only concern is for pedestrians, because Californian drivers are not good at recognizing the presence of pedestrians and many just ignore them. There will probably need to be an additional, on demand, pedestrian stop signal for pedestrians, for all the options.</p>
<p>I would agree with the roundabout idea also, but the idiotic drivers using one do not seem to understand what they are supposed to do, they do not have the right of way coming into it, the driver already in the roundabout has the right of way. I have had way too many near collisions in the MBB one that I shy away from that. As far as the pedestrian situation is concerned, watching the high school student cross Main St is like watching syrup flow in January in Maine. Pretty slow. I always avoid that intersection when possible.</p>
<p>Put out a "Frequently Asked Questions" link that takes a look at each of the concerns and provides feedback to the concerned. 1. why is a round about safer? (link to a video on youtube with examples). 2. Can big vehicles go through a round about (link to youtube with video of delivery and fire trucks in a round about) 3. is it safe for platoons of kids (show refuge areas, length of crossing and time....). 4. Why is it safe for drivers (decisions are limited to one-right turns only)...</p>
<p>The intersection is a tough one for sure.</p>
<p>I don't want a roundabout at all. The one we have already I avoid if possible.</p>
<p>I have been a resident of Morro Bay for many years and remember when there used to be an old 4 way flashing light hanging above the intersection. Morro Bay has grown in popularity over the years as an iconic visiting destination! Please build a roundabout as the last thing anyone wants to do when they arrive from 41 is to stop at a long red light- also side note, Morro Bay HS has a significant amount of traffic in the mornings late afternoon and I believe a round about would alleviate congestion during the busy times, intersections are safe yes, but so are roundabouts yet roundabouts also allow traffic to flow freely in the area</p>
<p>I cannot understand why there is such objection to a traffic circle/roundabout at these intersections. I've been to Europe where traffic circles are everywhere. Traffic approaching these intersections have to slow, but for the most part, does not stop. The area within the traffic circle can be mounded with earth and landscaped with native trees and bushes. I live in Cambria and I am very much in favor of the traffic circle/roundabout solution.</p>
<p>Roundabouts can be built with pedestrian / cycling signals! You can even have cycling/ pedestrian lanes with roundabouts too. This is regularly done in Europe/ UK</p>
<p>I can't visualize the double light option based on the map. I'm concerned about the double light option resulting in longer lines of cars causing jams at the high school and impacting hwy 1. I like our existing roundabout for traffic flow, but drivers don't seem to notice pedestrians trying to cross. Fix that part and we have a clear winner!</p>
<p>Thanks for asking for community input.</p>
<p>Go and study sedona az and round abouts in Chino hills az and cottonwood az they all work great. No lights go out. No major waiting traffic moves.</p>
<p>I think a double interchange light will make traffic congestion worse considering if the light timing get out of sync, it'll just increase traffic congestion. Especially considering the numerous power safety outages that the area experiences during the summer months</p>
<p>Our community struggles with roundabouts as seen at Morro Bay Blvd.</p>
<p>Students walking is a big concern. Additional guidance on using a roundabout will be needed. Re: cross 41 on the Westside of Hwy 1 near the school is better than crossing at the roundabout.</p>
<p>The roundabout at Milpas, and 101 in Santa Barbara is very similar to the set up that would occur at 41 and one. It is in fact a two lane roundabout & traffic flows very well there.</p>
<p>Pedestrian safety should be a priority with the high school on this road. A better highway exit location/arrangement for highway 41 from the 1 would solve some congestion problems for sure. Hate that exit.</p>
<p>What are the terms and conditions that you are asking agreement on?</p>

Survey Results | Responses

Additional questions, comments, or concerns (cont'd)

Roundabouts are poor at accomodating pedestrians. Visibility is difficult as shown by the roundabout on MB blvd. With the high school traffic (both vehicular and pedestrian) a roundabout would prove catastrophic IMO

South Lake Tahoe. Incline Village Tahoe, Minden Nevada in front of their high school, various places in Carson City and Reno Nevada, Vail Colorado, SLO CO HWY 46 @ Vinyard Dr., Tank Farm Rd. SLO. TANK FARM RD @ Orcutt Rd SLO,

This is not new technology, it's proven itself over a number of years in more complex sites than hwy 41@ Main St.

Mistakes have been made but lessons have been learned.

In the worst- case scenario, a side swipe pact is better than a T-bone any day.

Terry Philbin
Cal Poly, Civil Engineering '78

PLease initiate traffic light for this location. It will be less confusing than a circle, and safer for all. PLEASE do not have pedestirans cross through a traffic circle.....

Roundabouts are used successfully in other states, Colorado has hundreds of them but having one at that intersection won't work due to the safety of pedestrians (lunch time at the high school) and unfamiliarity by visitors. As evidenced by the roundabout at MB Blvd and Quintana. The traffic does flow better but half the drivers entering it are unsure of what to do and what lane to be in. Then add a pedestrian or distracted high schooler to the crosswalk and everything stops. The current intersection at Hwy 41 works fine. Drivers need to be alerted so they pay attention. The inconvenience and expense of having another construction project in that part of Morro Bay isn't worth it.

Bicyclist don't follow the laws of the road and don't stop at stop lights anyway.

The roundabout on MBB has improved traffic flow in my end of town greatly.

Please do this soon before anyone gets hurt

I live a few blocks away On Fir Ave near Elena-Whether in my car or walking my dogs this is a risky intersection

The off ramp to 41 when traveling north should be eliminated in addition to adding a dbl traffic signal it cause the worst part of the congestion during school drop off. The Main Street exist should suffice and direct traffic to the back of the line for the traffic signal

My support of the roundabout is premised on the roundabout having motion activated lights in the crosswalk for pedestrians.

Need to explore all alternatives to fund either the double signal or roundabout with a pedestrian bridge included!

Pedestrians (especially students), Highway entrances and exits and basic lack of understanding of a roundabout on the part of too many motorists make a double light the best option in addition to lowering the speed limit.

My experience with the MB Blvd/Quintana roundabout is fully positive. All vehicles as well as pedestrians can travel in a safe, orderly manner.

People are too stupid to understand how a roundabout works in this country. Drivers also don't seem to understand how to use a 4 way stop or are too ignorant or think only of themselves and just slow down then run it.

Survey Results | Responses

Additional questions, comments, or concerns (cont'd)

I am in favor of a double traffic signal to ensure safety of not only vehicles but of pedestrians especially the students at Morro Bay High School, who use that intersection daily. With the addition of the new Hampton Inn hotel, there's going to be more traffic and having a double signal will be better for the traffic and pedestrians. Since I use that intersection multiple times a day I have seen too many close calls. I feel it also will be more cost-effective for the city rather than doing a roundabout. Thank you for giving me the opportunity to express my concerns.

I don't like the idea of another traffic circle in MB. The proximity to the gas station adds to the issue. I've witnessed too many problems with drivers blocking traffic while attempting left turns out of the stations. Also tourists don't know how to use them

Perhaps a traffic light with sensors to monitor traffic so the lights can be adjusted

Maybe need a pedestrian walk over bridge especially when HS kids are out.

I feel a roundabout allows traffic to run smoother when people are paying attention for vehicles, though not sure how it works for cyclists and pedestrians . I'd be curious what the static's are for the other roundabout in MB for accidents.

I'm torn between a double signal and roundabout. If a double signal could guarantee that traffic would flow better coming off the freeway and a 4 way signal covering 41, the off Ramp and main st to ease flow of traffic that would be good or if a roundabout would work better, that's should be up to the traffic engineers, cal trans and experts who work on traffic congestion issues.

I live by the only roundabout on Morro Bay boulevard and NO one stops for pedestrians crossing. No one looks because they are confused as to which lane they need to be in. I use this intersection almost daily.

no one can navigate a roundabout in this town, I avoid the one we have already because it a nightmare.

To many people who come visit our community don't know how to use roundabouts making them more dangerous than the stop signs.

Roundabouts save lives. It's about time we get on board with them when we have the chance. Look at the new roundabout on Hwy 46--Traffic continuously flows through there safely and with ease. The other options pale in comparison.

I use this intersection frequently. I strongly support the roundabout alternative. Roundabouts have been installed with great success in many other communities. They allow for excellent traffic flow and are great to slow traffic down. Roundabouts work even when the electricity is out.

Thank you for taking input on this

Roundabout would NOT work, especially with the students. Would be more dangerous.

No improvement needed

This is a WANT not an NEED. Neither the traffic or the pedestrian use have changed in decades. Has anyone ever been killed or seriously injured at this intersection? A signal is the less costly of the 2 options however I believe the current situation is perhaps safer as you aren't relying on an outside factor ie a light and in this case one tends to drive more carefully using all of their senses rather than driving on autopilot when the light changes. Bottom line the City is not in the position to afford anything no matter who is chipping in. If it were necessary, Cal Trans would just do it. Just fix the sewer lines, storm drains and pave the roads. Focus on that.

While roundabouts have been proven to create flow, drivers may be encouraged to drive too fast through the roundabout and not heed to pedestrian/bicycle safety.

City should have addressed this issue before new hotel and other highway 41 development

Survey Results | Responses

Additional questions, comments, or concerns (cont'd)

Although a double traffic signal may lead to additional air pollution from idling cars, I'm hopeful that this will only be short term problem as electric vehicles will likely be the norm in the years to come.

I hope putting in a traffic signal is not the chosen solution, but if it is, can someone PLEASE put effective sensors in the ground so that motorists don't have to sit at an incredibly long light simply because it's on a timer (and not based on actual cars waiting). During the daytime, the signals at the next intersection further north (at the intersection of San Jacinto & SR-1) is TERRIBLE. If you just miss the light you can end up waiting long minutes for the cycle to come back allowing you to cross or turn. But in the evenings, the sensors kick in, and traffic doesn't have to sit wasting endless gas idling. For the SR-1/SR-41 intersection, there needs to be accurate sensors or the traffic will end up backing up on the the highway. I just think that a roundabout makes MUCH more sense for that location.

The roundabout will work if there are no pedestrians or cyclists. Once you throw them in, the roundabout is not safe even though it would have the best flow for traffic. The Hwy 1 off/ramp and Main Street is unfortunately to close, making this design very difficult.

Thank you for seeking community input!

Roundabouts work. Time to join the 21st century. The luddites that think people can't figure out roundabouts should move elsewhere.

Thanks for working on this Highly used intersection Ana trying to keep everyone safe, especially our students

I think the traffic light would, most importantly, ensure the safety of our MB High School students. It would also make the most traffic sense to visitors to our community.

In the round about scenario there needs to be pedestrian flashers embedded in pavement

Hazardous Waste and Cultural Resources

People are afraid of roundabouts if they haven't used them much. It is the best solution combining traffic flow and pedestrian/cyclist's safety

When comparing the two options for a congested 4-way stop with highway ramps located 75 feet away, stop lights emerge as the more practical choice compared to a roundabout. While both solutions aim to address traffic congestion, conflicting movements, and pedestrian safety concerns, stop lights offer distinct advantages over a roundabout in this particular scenario. Stop lights effectively manage traffic flow, reduce conflicts between vehicles, and provide clear right-of-way instructions. They are a familiar and easily understandable traffic control system for drivers, minimizing confusion and enhancing compliance. Additionally, stop lights allow for designated pedestrian crossing phases, improving safety for pedestrians. In contrast, a roundabout may require more space, making it challenging to implement at this congested intersection. It could potentially lead to further congestion due to the close proximity of highway ramps and the complexity of traffic patterns. Considering the specific characteristics and limitations of the intersection, stop lights offer a more practical and efficient solution to address the challenges and improve overall safety and traffic flow.

This is a solution in search of a problem. I've used the intersection many times a day for 14 years without trouble. The cost involved in a roundabout or traffic light is not justifiable in a town that can't keep its streets paved.

If removing the highway ramps is cost-prohibitive, then installing stop lights may be the most practical solution to improve safety at the congested 4-way stop with highway ramps. A well-designed stop light system can help improve traffic flow and reduce the potential for accidents.

A roundabout could be an alternative to stop lights, but it's important to consider the specific characteristics of the intersection and the surrounding area before implementing this option. Roundabouts require sufficient space, and their effectiveness can be impacted by the number of intersecting roads, traffic volume, and other factors. In some cases, roundabouts may not be feasible or practical.

Installing stop lights can provide several advantages over a roundabout, including:

1. Efficient traffic flow: Stop lights can efficiently manage traffic flow, providing a clear right-of-way for each direction of traffic. This can help reduce congestion and travel time.
2. Lower implementation cost: Stop lights are generally less expensive to implement than a roundabout, as they require less physical construction and land acquisition.
3. More familiar to drivers: Stop lights are a more familiar traffic control device for drivers, which can reduce confusion and improve compliance with traffic regulations.
4. Lower maintenance costs: Stop lights generally require less maintenance than a roundabout, as they have fewer moving parts and don't require landscaping or other complex features.
5. Better pedestrian safety: Stop lights can provide designated pedestrian crossing phases, making it safer for pedestrians to cross the intersection.

I think community members need a better education on the safety of roundabouts. I believe that is the main concern, and it's not adequately understood.

Survey Results | Responses

Additional questions, comments, or concerns (cont'd)

DO NOT put in another roundabout - it is a costly and unwise choice. The roundabout at the top of MBB is the most dangerous intersection in town, more so than 4-way stop at HWY41. Drivers fly through the roundabout, or don't know they have to yield and enter into other drivers. We have community members avoiding both intersections, myself included. Identify a better solution.

Flashing pedestrian crosswalks at HWY41 alone will not solve the issue either, it may create more confusion/chaos.

No one seems to remember we have a Bike Path designated for bicycles. Many students take that route and community members take that route.

Roundabouts can not handle pedestrians effectively. The existing roundabout comes to a halt and no one knows what to do when someone crosses the street. And that one has no pedestrians compared to this intersection near the high school

See above suggestions

-Add pavement striping to create 2 distinct lanes as traffic exits NB Hwy 1 for immediate help with traffic flow and congestion.

-Eliminate NB Hwy 1 offramp (relocate or expand/improve Main St. offramp)

-Create righthand merge lane from westbound SR 41 onto Main St. so traffic does not need to enter intersection and stop

When City approves major projects (apartments on SR 41 and Hampton Inn) must make provision and plans for necessary infrastructure improvements at the same time. Were developers of those projects required to help fund these needed improvements as a result of increased traffic?

Please install a double traffic signal, pedestrian controlled buttons to cross the street, and computerized lights to handle the traffic volume from the 4 lanes, left hand turn lanes, and volume of cars coming off Hwy. 1. Current congestion and safety concerns is horrible.

Many people do not know what a roundabout is, what is the protocol, and this intersection has way too much traffic coming from various directions at different times to be a logical choice.

Do not install a Roundabout, PLEASE.

Timed left-hand turn lanes, and pedestrian controlled button for safely crossing the street in well marked crosswalks. Please no roundabout.

A roundabout seems like the clearest winner, in terms of keeping motorized traffic flowing, but we have many pedestrians and a number of cyclists. The only way to make it truly safe for the latter 2 groups would be to build pedestrian/cyclist bridges over the intersection. In an ideal world, we would have a couple of such bridges, because mixing the groups with this many older folks and tourists driving around will never feel truly safe.

The existing roundabout in Morro Bay has worked well and I feel that given time, motorists will adapt to this proposed roundabout as well.

It is what it is. The City of MB can't please everyone. Fix the traffic problems first BEFORE allowing more hotels and additional affordable housing.

The addition of roundabouts in SLO county and many other counties have worked very well. I believe that would be true at this location.

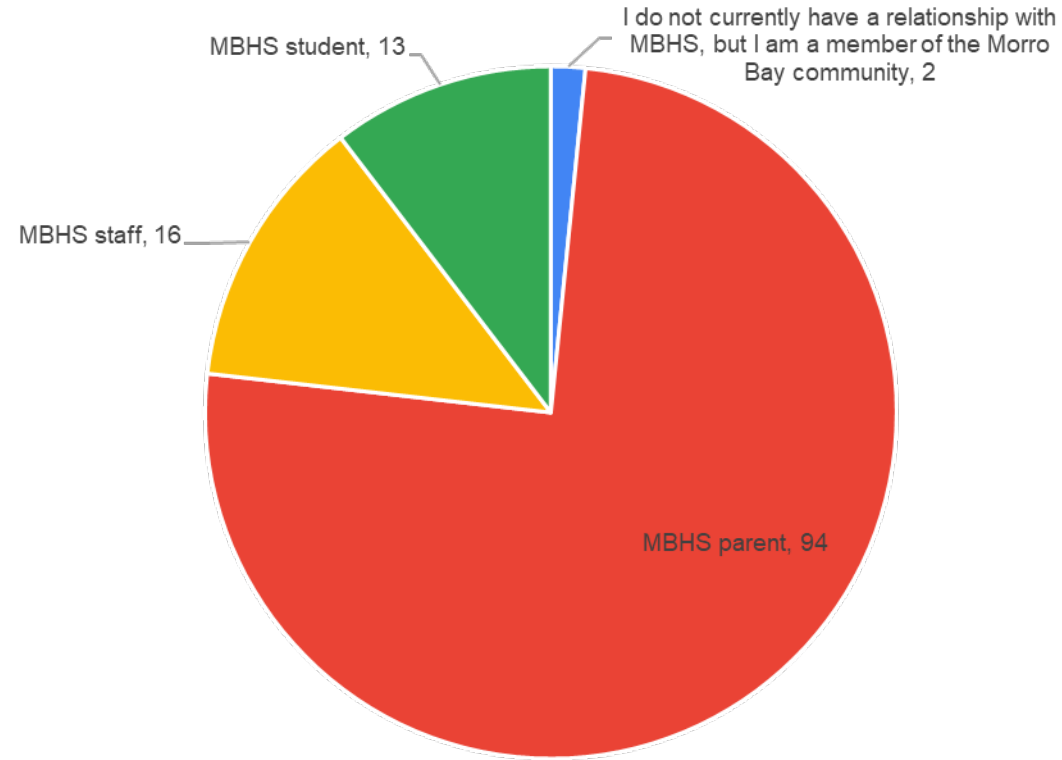


Public Engagement

→ MBHS Survey Results

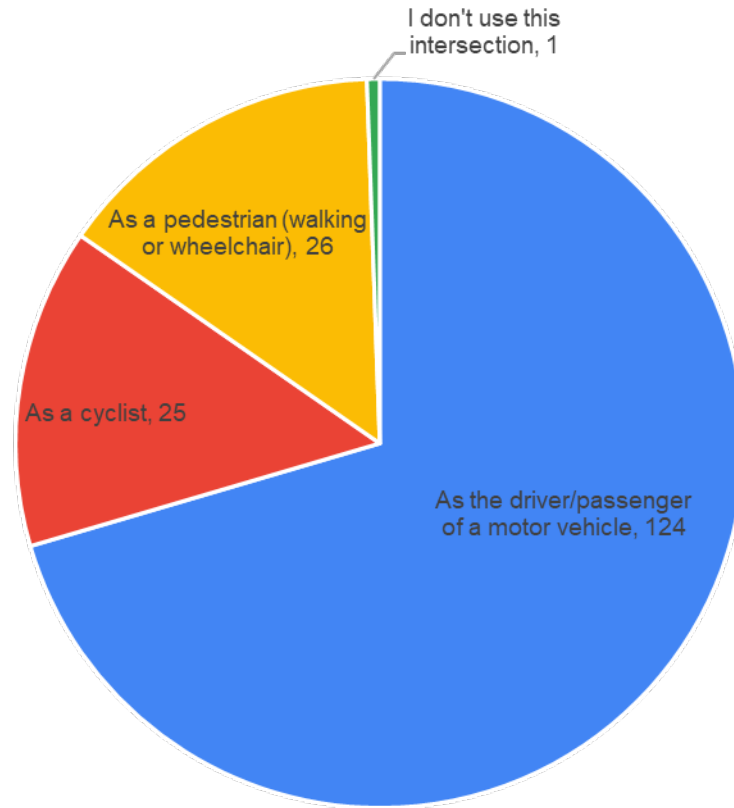
Survey Results | Responses

What is your relationship to MBHS?



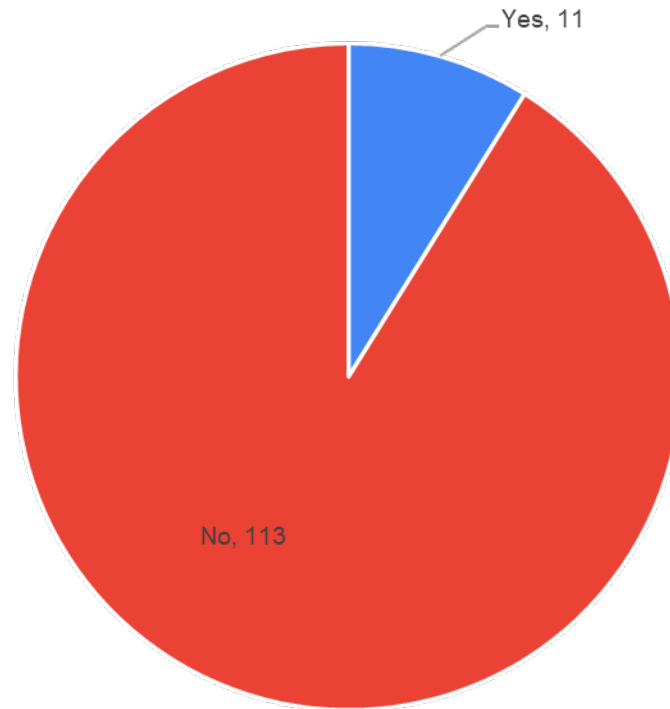
Survey Results | Responses

How do you use this intersection?



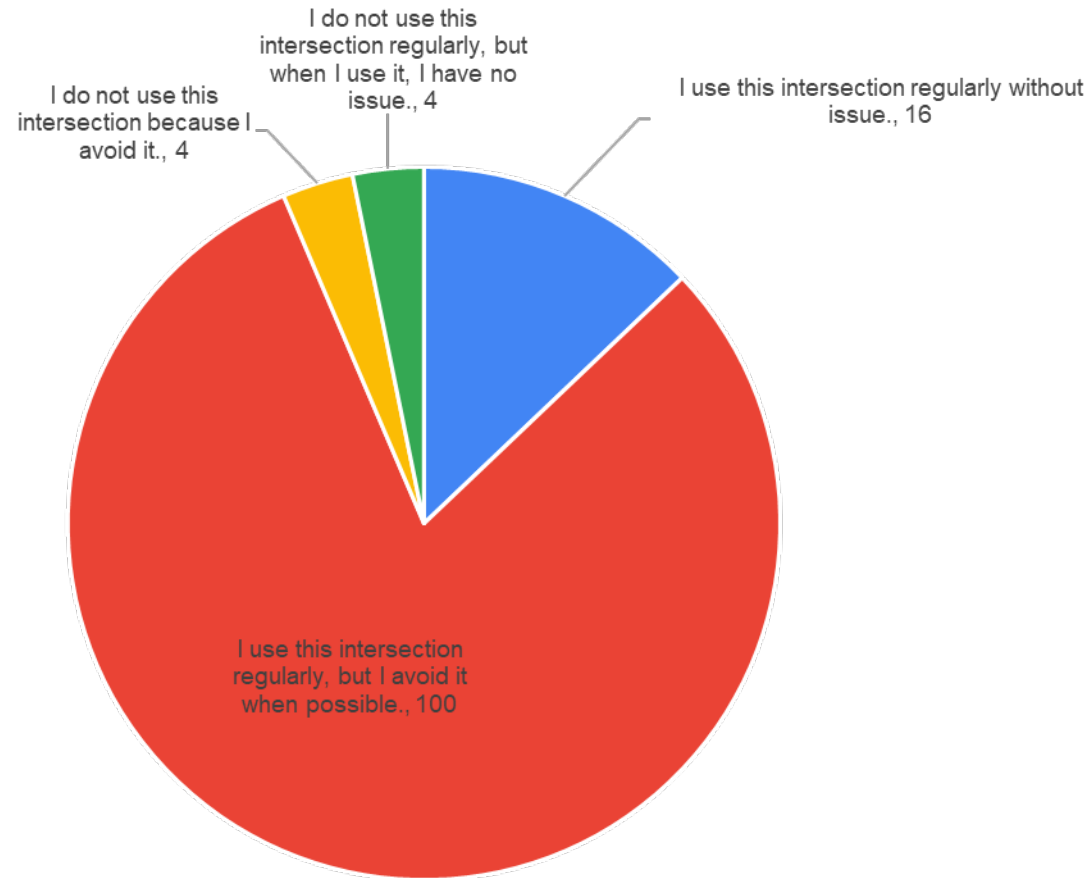
Survey Results | Responses

Do you feel this intersection handles traffic flow of vehicles and pedestrians adequately?



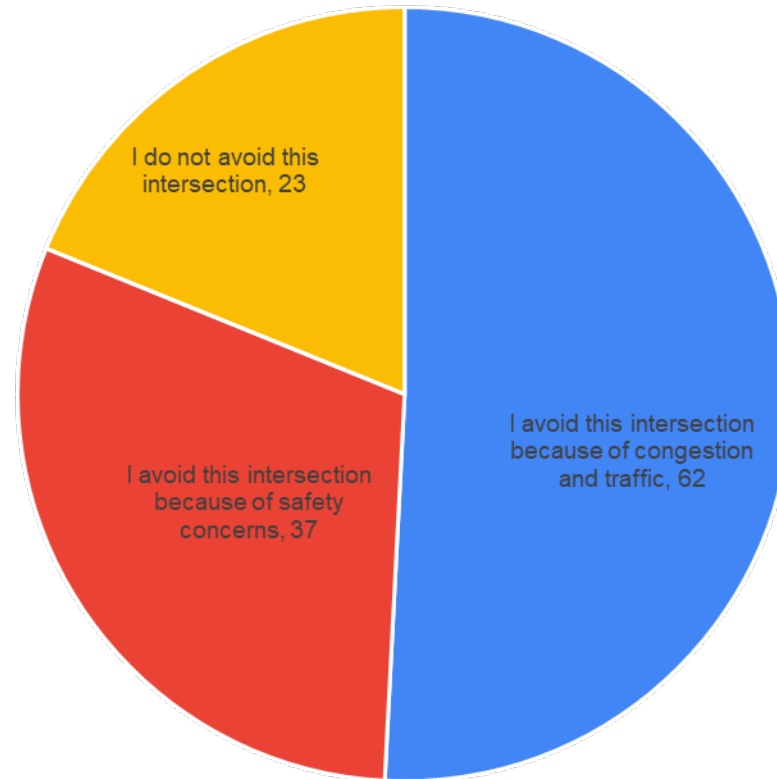
Survey Results | Responses

How often do you use this intersection?



Survey Results | Responses

Do you avoid this intersection? Why?



Survey Results | Responses

What, if any, are your safety concerns with the intersection?

bad visability, confussing to who's turn it is
I have experienced almost being hit in this intersection while driving. I've had issues with traffic congestion, especially getting off the freeway off-ramp heading northbound. Traffic at the 4-way stop often is congested and confused.
In my car, I'm concerned I'll hit another car, a biker, a student pedestrian
It is congested in the morning around 8:30 when school starts and at 3:30 when school gets out.
It's hard to avoid this intersection if you are coming from los osos. I'm a parent now, but when I was an employee I would get off on main then head to the intersection of 41 because I knew I would have the right of way to turn left. Sitting in the line of traffic on the offramp and trying to get to MBHS is stressful. There are so many factors to watch out for. I've almost hit a pedestrian several times
New drivers navigating a difficult intersection, pedestrians
Northbound off-ramp, very hard to find time to turn left. People don't abide by right of way, and lots of close calls.
Not enough room at the 4-way stop, not safe for pedestrians, mix of locals and tourists (unfamiliar with peculiarities of that intersection), heavy pedestrian/bike traffic with nowhere to go, and so on, and so forth
Pedestrian traffic
People have to take action that bypasses the stop sign rules because of the congestion and chaos at that intersection. It is a hazard in terms of driving, riding a bike, and walking. I'm so happy that this intersection will be safer and more efficient in the future!
Poor visibility and congestion
Reckless driving and blind turns leading to crashes.
Some cars in a hurry didn't fully stop.
Student safety
That I will get hit by a car turning left onto Atascadero rd exiting off off hwy I. People pull out unexpectedly.
The highway 1 enterance/exits at this intersection is highly congested and is difficult to get out of if you are on the North exit. In addition to traffic flow from the 4-way stop before/after, it further causes a choke point for traffic. For students/cyclists crossing, it may also be difficult to do so with agressive drivers.
The left turn from the north bound freeway exit is confusing and unsafe. Community members are mindful of this but travelers do not understand the unique flow.
there are several area's/lanes when you use them that you can not see oncoming traffic. if you are a cyclist that attempts to use this intersection at peak times, you take your life in your hands because you can not see them and many go int he bike lanes to proceed in a car forward.
This intersection is extremely complex- especially for young drivers. The off ramp off of HWY1 and the 41 and Main all come together in a total mess. It was poorly designed and needs improvement
Too many entrances and pedestrians
With freeway off-ramp it is a confusing and inconsistent flow of traffic. I only use this intersection when school is off. I also find it hard to see pedestrians.
(blank)
No one knows how to use a 4 way stop properly
It is so hard to turn left exiting the northbound exit. Super dangerous
Pedestrian safety

Survey Results | Responses

What, if any, are your safety concerns with the intersection? (cont'd)

Visibility is challenging with the combination of pedestrians and teen drivers.
Kids and skateboarders crossing, student drivers, not being able to make turns in a timely fashion, near collisions with other cars, other drivers getting mad.
There is no real flow of traffic there. People just go and hope for the best. My son has almost been here trying to cross the street there several times.
Very dangerous for all drivers and especially new drivers.
The flow is erratic. It needs a light, especially at peak times. It's almost impossible to make certain turns without impeding the flow of traffic. Now there is a hotel to add to the traffic.
The two intersections side by side plus the freeway ramps and the left turns makes it very difficult and time consuming to make a turn.
People don't pay attention and stop for pedestrians pedestrians walk whenever they want and there's no actual lanes for you to follow.
Too many cars going too many directions especially when kids are present. NOT a good mix.
It's a mess!! Too much traffic, pedestrians, and mayhem.
First safety issue - My son rides his bike to school and crosses intersection and I think it's very unsafe and worry that he will die coming or leaving school. Many students are new drivers and the kids are in a rush to get to school in the mornings so they're not late. Therefore, I find it very unsafe to have this unsafe intersection here. Also, the construction next to the high school is adding to the problem. Furthermore, once the hotel is built there will be even more traffic going through the unsafe intersection. It's a confusing intersection with too much traffic and lots of pedestrians and bicyclists. We are at risk of a deadly accident occurring at this intersection.
There is poor visibility when trying to turn left out of the HWY 1 northbound off ramp. Also, high school students ride their bikes on the wrong side (e.g., against traffic) in the morning. I almost hit a child trying to make a right turn onto HWY 1 southbound after dropping my child off. He was riding his bike in the wrong direction and went straight through the crosswalk without looking or slowing down. If I hadn't seen him, he would have been seriously injured or killed.
Drivers don't know when to take their turn, the turn lane and straight lane rules aren't followed properly and pedestrians don't know when to cross - it's a guessing game for everyone, when to go and when to wait.
It's dangerous in all directions.
Yielding to pedestrians, car accidents
Children crossing, traffic
No one ever seems to know when it's their turn to go and the mornings are a mess.
I've almost been hit multiple times by people running the stop sign here. It's honestly really dangerous.
Backlog on freeway makes for very dangerous situations trying to exit at 41
It is dangerous exiting the freeway and going to the high school due to the flow of traffic. The hotel will make it worse. This intersection is terrible for new drivers.
I can not avoid this intersection as my children go to school at MBHS and my husband works in Atascadero. The new Hampton Inn Hotel on the corner is going to add more traffic. This intersection is the only one that has so many different directions one can go to. I wish there was a street that just went to the high school. Students walking to and from school is going to be a major concern.
People don't know how to use a 4 way stop apparently and I've seen a lot of accidents almost happen.
complex traffic patterns may lead to accidents; other drivers often seem confused; intersections get blocked
There are too many different users — cars, cyclists, and pedestrians — going in too many different directions in too great a volume to adequately be managed in that small space.
Difficult to see approaching vehicles due to overgrowth, vehicles coming from too many directions, and occasional pedestrians. Frenzied parents on way to MBHS and oversized trailers coming into town from the valley.
When it is right before school starts, you have cars trying to go every which way as well as students walking to school, it is a lot to be mindful of, and difficult to see oncoming cars when turning left on Atascadero Road
My question is, why in the world was a hotel approved right on the high school campus? This survey should have been done before this was approved. The area was congested before, but now it will be even worse. Three hotels Wake up Morro Bay, this is NOT only a tourist attraction. People live here. People who make decisions for Morro Bay should live in Morro Bay. I have two kids at the high school and it is ridiculous that my son has to leave 20 min early because of traffic. Please fix what you have created Morro Bay officials. So disappointed.

Survey Results | Responses

What, if any, are your safety concerns with the intersection? (cont'd)

Students crossing and cars getting impatient and rushing through.
People going out of turn really fast to squeeze in first.
Pedestrian are my numbr one concern. People do not want to stop for them. My daughter always come home telling me they almost got hit by a car at that intersection
Traffic consistently backs up in every direct. Once there are a few cars at the stop sign it's impossible to see if the way is clear to cross from the off-ramp.
I'm concerned for the students when school is on session and for pedestrians crossing the walkways. Also, the four way stop becomes congested frequently that long lines form because people don't know how to go with the flow of traffic. This has been an ongoing issue for many years and will become worse with the new hotel and apartment complex being built.
It is an awkward intersection with the freeway exit and 4-way stop. My biggest concern however are the pedestrians, especially from the high school, mixed up in all of this. It would make a lot of sense to have a pedestrian tunnel.
The high school students at lunch time walking through make me scared they will get hit because driver get so impatient there. Also during school drop off and pick up. It is CRAZY! I'm shocked there hasn't been more accidents in front of the school and at the 41 intersection.
People coming off hwy 101 will force themselves into the intersection causing problems.
Hey 1 north exit backs onto oncoming fast traffic
I drive down coming from highway 1 north and exit on 41 to0 turn right to go to the high school. Although I make a full stop to watch out for pedestrian and other cars coming from east 41 I have witnessed near misses from other drivers rushing to get to school and usually involves a pedestrians oblivious to traffic around them. Parents have also taken to illegally dropping off their kids right on that intersection. Traffic lights would help, I think, but I don't think a roundabout would. A roundabout would mean for drivers like myself to sit in that intersection until oncoming traffic (from east 41) to not even slow down when entering highway 1 to go south. Parents who just dropped off their students will also be stuck in that intersection. When school is in session, traffic from west 41 (highschool) cannot pile up in that intersection. It is too dangerous for students to cross that road when there are cars stopped around them. Drivers stopped in that intersection will be too busy keeping their eyes on when they can enter that roundabout rather than watching out for pedestrians.
Proximity of my left turn to the high school or left turn to Atascadero to the other traffic in Main Street obscured by other vehicles
Your horrible panning of a city put a brand new hotel corporate hotel right next to a High School. Use your brain much. Its the thing between your ears. Duh.
Waiting too long on a light or students clogging the circle.
Cross traffic with many times low visibility. Add in pedestrian traffic for a unsafe environment
Cars moving quickly, checking multiple directions but not seeing pedestrians.
Right before school starts and right after, there is a rush to get into MBHS from Main St. the eastbound 101 off ramp, the westbound 101 off ramp everything converges right under the overpass on Atascadero.Students who are walking are put in very dangerous positions using crosswalks on two on/off ramps. I is hard to see pedestrians in cross walks amid the confusion of cars coming on and off the 101 and the four way stop at Main. The next very dangerous place for pedestrians and car traffic is getting and our of the main parking lot at MBHS. To make a left onto Atascadero Road is difficult at the school drop off and pick up times. There is a long line of cars trying to make a left turn, while some cars are turning right into the parking lot and other cars are driving down Atascadero to the far parking lot.
Not only am I a MBHS parent I also live on Sunset Ave. very close to this intersection and witness difficult and often times dangerous interactions. Car to car and car to pedestrian.
The congestion increases visibility issues with pedestrians and cyclists.
On weekends and holidays the heavy congestion increases tense interactions among motorists and motorists to pedestrians due to patience being strained.
Often times to a breaking point and dangerous driving.
High school kids walking all the time without looking...and I'm saying that as the parent of one. Also, you cannot see around cars in the direction you need to pull out. I don't use the off ramp on this exit for that reason. It is awful.
Not all drivers know how to navigate a busy intersection with multiple forward motion options. So, it's a bit nerve-wracking to wonder each time you're at the intersection if each driver knows when it is their turn to go. I also wonder how safe the intersection is for pedestrians. I wouldn't want to cross the intersection personally as a pedestrian (unless I'm forgetting, I don't think the intersection or crosswalks are well lit).
Pedestrians and bikes and accidents
When school is in session i avoid this way as it's to clustered but regularly when there's 2023-06-10 10:46 AM Meeting Page 32 of 38 think putting in a stop light system would greatly help

Survey Results | Responses

What, if any, are your safety concerns with the intersection? (cont'd)

Exiting the northbound offramp and preceding to make a left is impossible during high traffic times. Also, at the end of the school day, traffic backs up to get back on the freeway
Exiting southbound and making a left to drop off at the HS. It's very hard to see traffic coming from the right.
Northbound offramp drivers form 2 lanes onto hwy 41, when there is only on lane marked.
It gets very congested and people do not know how to use the four way stop. Plus you add in the highway ramps, high school traffic and now the new hotel and it is just a mess!
I have actually grazed pedestrian children crossing the street while looking in 6 different places to time my left hand turn properly...no matter how experienced and careful a driver you are it's impossible to keep your eye on all potential hazards at once. And now I'm sending a newly licensed teenager into the intersection!!! HELP!
Not only is there congestion at both the intersection and the Hwy 1 off ramp but it is also very hard to get opportunities to safely pull out into the lane. Our son will have his license before next school year and I worry daily about the safety of these intersections. Also, students who walk to and from school in this area are constantly having to dodge traffic.
too many things going on in one place
Students crossing the busy intersection, I don't see a roundabout making it better!
The students who walk to school
It's basically impossible to avoid this intersection if you have a student at MBHS. The on and off ramps for the freeway make an already busy intersection very dangerous and almost impassable some mornings. It feels like it is only a matter of time until an MBHS student gets hit.
The visibility of turning left from getting off the free way when people come from the high school and block the visibility of oncoming traffic when they go to the stop sign.
poor visibility of oncoming traffic from various angles; unsafe turns beyond the stop signs
When a car is turning left onto Atascadero road from south Main Street (or left from the Hwy 1(S)exit) cars are turning left onto HWY 1(N) and Left Off of Hwy 1(S) and are turning left onto Hwy 1(S) which backs up traffic and then there are the pedestrians that are walking to and from Main Street. Essentially, to turn Left you are navigating at least 6 danger points coupled with the aggressive or hesitant stop sign users there are near misses almost every time I observe the intersection waiting in the traffic for my turn to come up.
Vehicles turning right from Southbound Main Street vs vehicles turning left from the Northbound 1 exit, especially at times when traffic is congested at school dismissal. Highway 1 exiting traffic backing up to freeway at start of school. Additionally, drivers do not seem to be paying attention to pedestrians as much as they are trying to watch traffic in both intersections to safely make their turn.
People driving to fast and not seeing walkers or bicyclists. Too many people using the off ramp.
I've nearly been hit both driving, biking, or walking several times over the year. People do not know how to take turns and become impatient and reckless.
There is not a safe way to turn left from hwy 1 off ramp toward MBHS during school drop off or pick up. I also don't think it's safe for students to walk in front of the on and off ramps. Too many speedy drivers.
Buildup of traffic under the overpass. Pedestrian safety is questionable.
It's chaos during school drop off/pick up. Nobody knows when to go.
possible traffic accidents
The intersection is very chaotic with the entrance/exit in the immediate vicinity. It is unsafe especially with our newly licensed high school drivers and visitors to the area.
Distracted drivers. Poor attitude drivers. Inexperienced drivers. Hazardous drivers. Speeding drivers. Unsafe drivers.

Survey Results | Responses

What, if any, are your safety concerns with the intersection?*

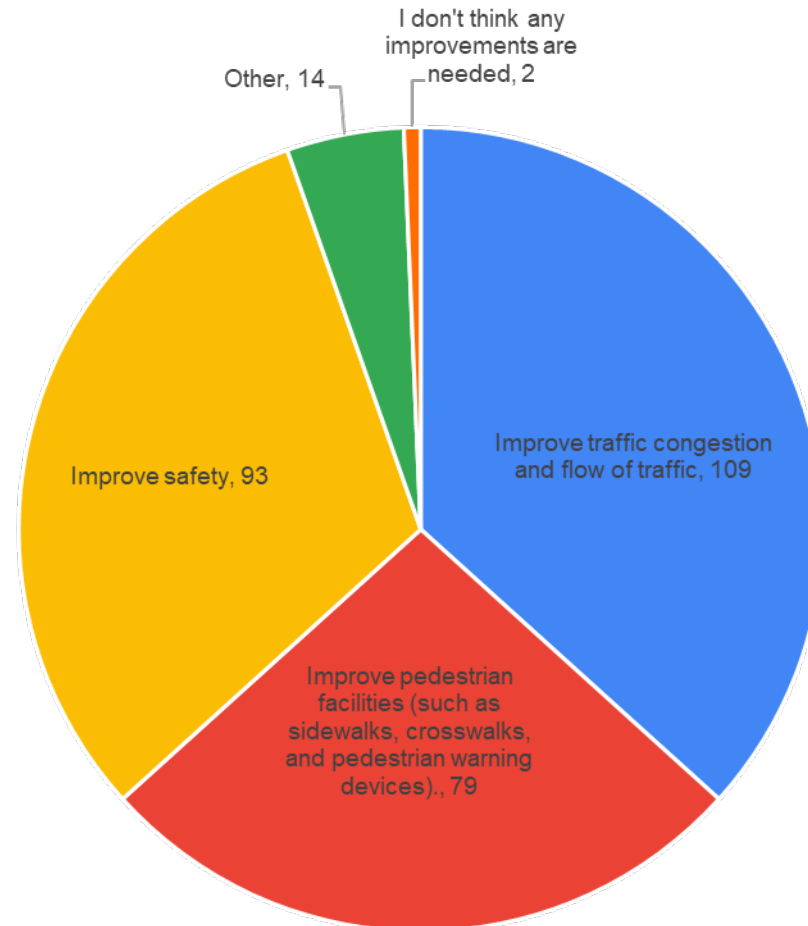
Common Responses

- Bad visibility
- Near misses
- Significant congestion
- New drivers
- Not enough space
- Unsafe for pedestrians, cyclists, unfamiliar drivers
- Reckless driving
- Student safety
- Confusing/complex layout

**Answers summarized*

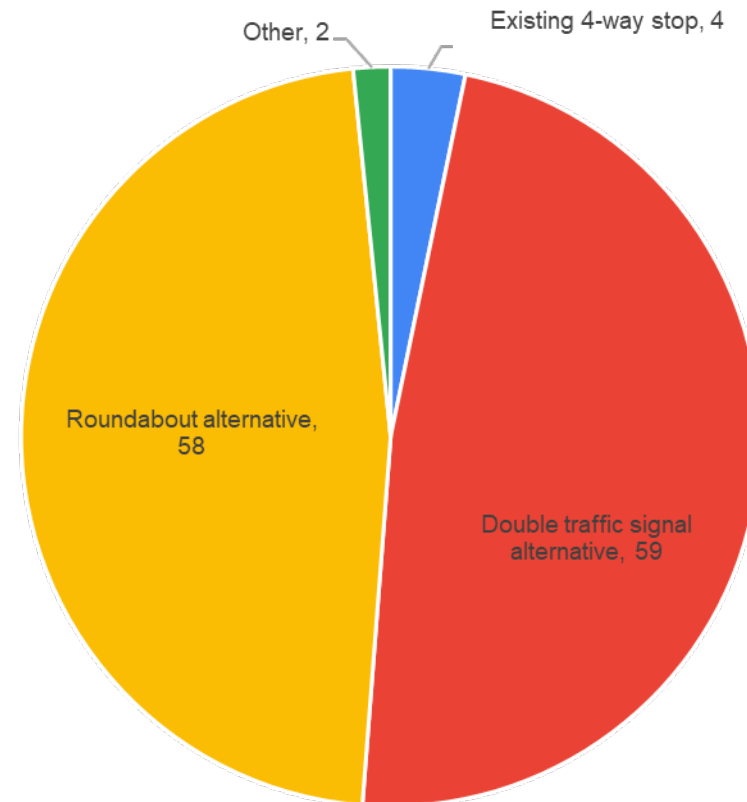
Survey Results | Responses

What improvements, if any, do you think are important at this intersection?



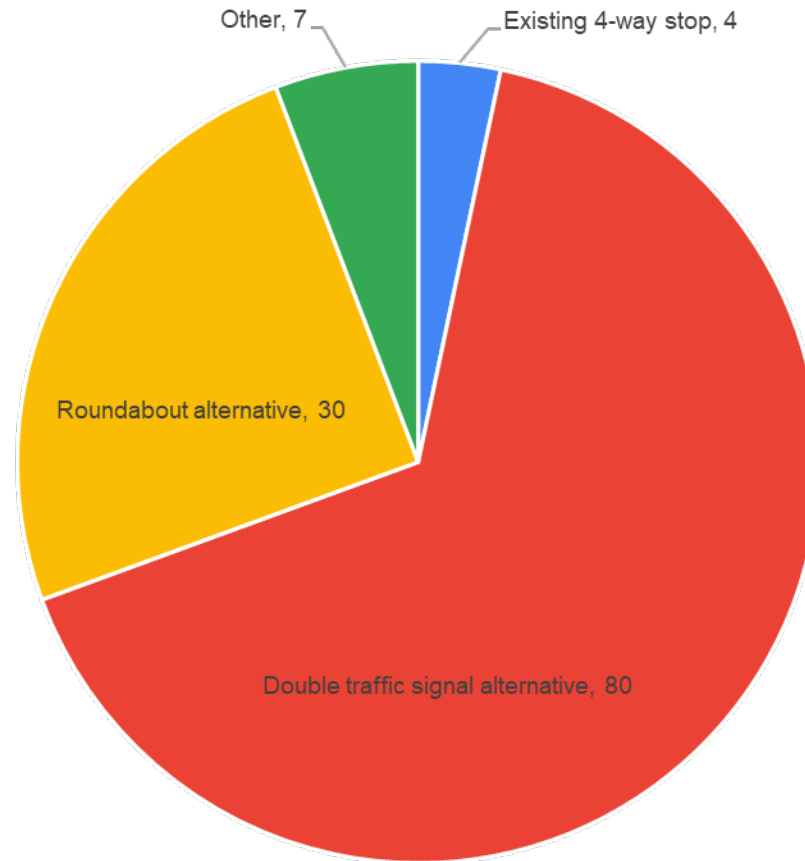
Survey Results | Responses

Based upon your understanding of the existing 4-way stop, a double traffic signal alternative, and a roundabout alternative, which intersection type would you think is the safest for MOTORISTS?



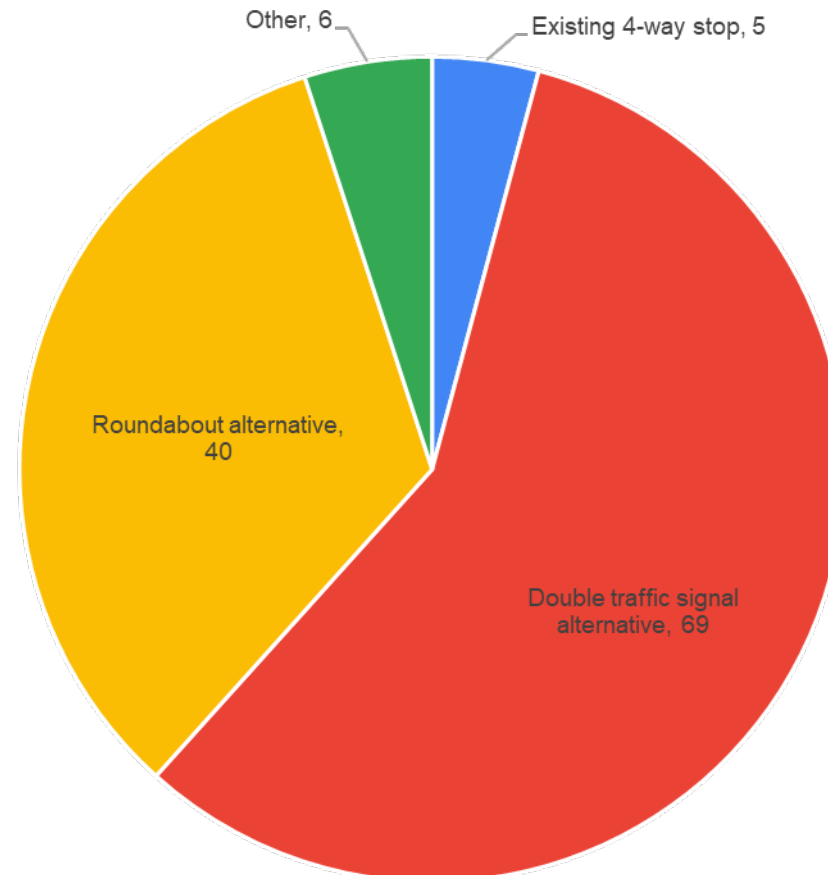
Survey Results | Responses

Based upon your understanding of the existing 4-way stop, a double traffic signal alternative, and a roundabout alternative, which intersection type would you think is the safest for PEDESTRIANS?



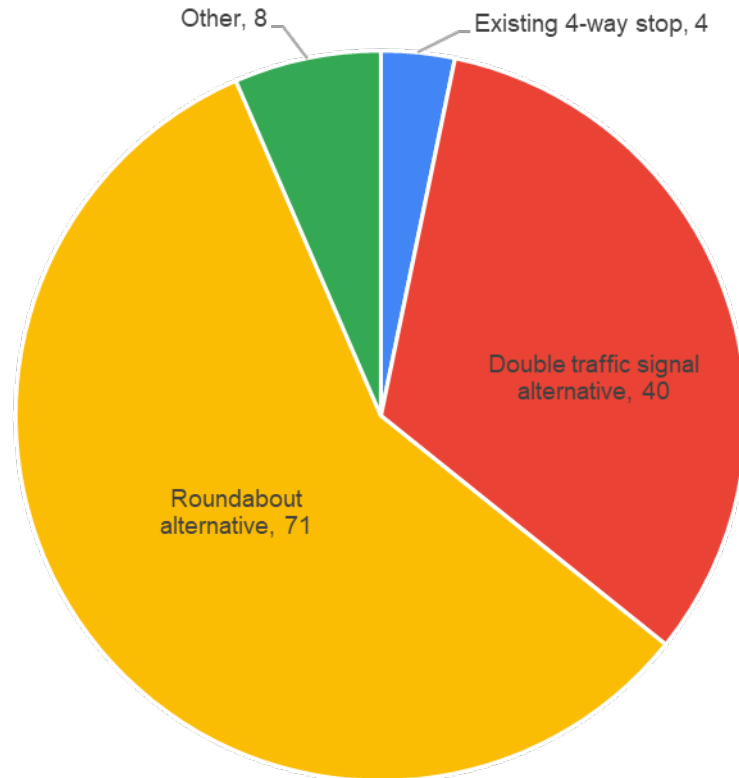
Survey Results | Responses

Based upon your understanding of the existing 4-way stop, a double traffic signal alternative, and a roundabout alternative, which intersection type would you think is the safest for CYCLISTS?



Survey Results | Responses

Based upon your understanding of the existing 4-way stop, a double traffic signal alternative, and a roundabout alternative, which intersection type would you think allows for the best traffic flow and congestion relief?



From: [Greg Kwolek](#)
To: [Eric Riddiough](#)
Subject: FW: 1/41/Main Street Intersection
Date: Thursday, June 8, 2023 12:56:25 PM

Please attach to the staff report.

Thanks,

Greg

From: Amy K. Watkins <awatkins@morrobayca.gov>
Sent: Wednesday, June 7, 2023 8:01 PM
To: Greg Kwolek <gkwolek@morrobayca.gov>
Subject: Re: 1/41/Main Street Intersection

Hi Greg,

Thank you for the question. Changes to the intersection at 41/1/Main St will not impact service or response from the police department.

Regardless of the decision made, I'd like to express the police department is interested in being a part of the future design of the intersection and believe police input would be important for traffic and pedestrian safety and traffic flow.

Thank you,
Amy

On Jun 7, 2023, at 4:49 PM, Greg Kwolek <gkwolek@morrobayca.gov> wrote:

Hi Amy,

We are bringing the 1/41/Main Street improvements item to the City Council on Tuesday, June 13th. Staff will be recommending a roundabout be implemented at this intersection. I have received questions about whether this would impact PD service and responsiveness, and I would like to include your response to this question as an attachment to our staff report. Can you please send me a response to this?

Thanks,

Greg

From: [Greg Kwolek](#)
To: [Eric Riddiough](#)
Subject: FW: Traffic circle discussion.
Date: Thursday, June 8, 2023 12:57:23 PM

Please attach to the staff report.

Thanks!

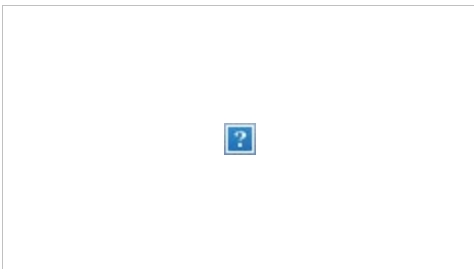
Greg

From: Daniel McCrain <dmcrcrain@morrobayca.gov>
Sent: Tuesday, May 9, 2023 3:11 PM
To: Greg Kwolek <gkwolek@morrobayca.gov>
Cc: Matthew Vierra <mvierra@morrobayca.gov>
Subject: Traffic circle discussion.

Greg,

I have included some data related to first responders and traffic circles. The data shows they improve traffic flow and do not inhibit emergency response as long as the design accounts for emergency vehicle size and with features such as mountable curbs, etc. My opinion is that a roundabout is the safest option for emergency response. They eliminate the need to oppose traffic to proceed through an intersection, improve visual obstructions to cross traffic, and typically result in less stopped traffic at intersections. I will be unable to attend the meeting tomorrow night due to a prior commitment, but I hope this information helps. Dan

<https://www.kimley-horn.com/survey-reveals-first-responders-find-roundabouts-beneficial/>



[Survey Reveals First Responders Find Roundabouts Beneficial | Kimley-Horn](#)

The results are in! Jay VonAhsen shares the findings from the first nationwide survey of its kind in 15 years. Learn what first responders across the country shared about the impacts of roundabouts in their communities.

www.kimley-horn.com

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