

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – DECEMBER 12-13, 2023
VETERAN’S MEMORIAL HALL – 5:30 P.M.

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

ABSENT: None

STAFF:	Yvonne Kimball	City Manager
	Chris Neumeyer	City Attorney
	Steve Conway	Interim Assist. City Manager/Admin Svcs Dir.
	Greg Kwolek	Public Works Director
	Scot Graham	Community Development Director
	Daniel McCrain	Fire Chief
	Amy Watkins	Police Chief
	Ted Schiafone	Harbor Director
	Cindy Jacinth	Planning Manager

ESTABLISH QUORUM AND CALL TO ORDER

Due to technical difficulties that prevented remote public participation via Zoom, the December 12, 2023, Regular Meeting was continued to Wednesday, December 13, 2023, at 5:30 p.m.

On December 13, 2023, Mayor Wixom called the meeting to order at 5:30 p.m., with all members present.

MOMENT OF SILENCE
PLEDGE OF ALLEGIANCE
RECOGNITION – None

CLOSED SESSION REPORT – City Attorney Neumeyer stated with regard to Item CS-2, the City is in discussions with San Luis Coastal Unified School District regarding a potential lease/purchase of the former school site. There is a tremendous amount of preliminary and necessary investigation that needs to occur before any substantive decision can be made.

<https://youtu.be/Bo1-d06OSyM?si=CWckyKRsoVLOO1XR&t=100>

MAYOR & COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS & PRESENTATIONS

<https://youtu.be/Bo1-d06OSyM?si=VxR0CgmN7zM99sTN&t=145>

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS - None

PRESENTATIONS

<https://youtu.be/Bo1-d06OSyM?si=IVne3IHYYJHbu3MqB&t=683>

- Morro Bay in Bloom 10-year Anniversary Proclamation

PUBLIC COMMENT

<https://youtu.be/Bo1-d06OSyM?si=CKs5Vt2R07zdk5lt&t=976>

Jeff Heller, Morro Bay, expressed his appreciation for the Mayor, Council and staff contributions throughout the year.

Dead Air Dave from 97.3/107.9 The Rock, announced the community radio station was celebrating 10th anniversary and offered to help promote non-profit events. Contact yourvoice@therockcommunityradio.org for more information.

Bobby DeLancellot, Estero Bay Kindness Coalition, spoke regarding their group's activities and support for The Rock radio.

Robert Moynior, President and Board Member of The Rock radio, appreciated the City's support.

Wynde Dyer, Morro Bay, commented on Item C-2, requesting the City remove urgency cause and allow further public comment on the proposed ordinances.

Barry Branin, Morro Bay, sought support for Measure A-24, an initiative circulated by Citizens for Preserving Morro Bay that qualified for the November 2024 ballot.

Linda Winters, Morro Bay, applauded the Lions Club and volunteers for hosting a successful Community Thanksgiving Dinner and cautioned new mobile home park residents regarding park owners leading them to believe they will receive permanent park status.

Allison Sodder, Morro Bay, advocated on behalf of unhoused residents.

Terry Simons, Morro Bay, cautioned the City Council about entering into property agreements with the School District and encouraged the City to stay engaged with Los Osos CSD's efforts to increase its water supply.

Nicole Dorfman, Board Member and representative for REACT Alliance, a local non-profit whose mission is to protect the California central coast and educate residents about proposed energy projects. Visit reactalliance.org for more information.

Margaret Carman, Morro Bay, commented on Item A-9, suggesting the City do more research before moving forward with the contract.

An unknown individual commented on the definition of community.

Lisa, Morro Bay, suggested ways to address trash along the creek.

Andrea Weinands, Morro Bay, expressed concern about the proposed camping ordinance.

Nattalia Merzoyan, Morro Bay, added to Wynde Dyer's comments, suggesting the City pause and not adopt the proposed urgency ordinance, adding State and Federal policies have contributed to this issue.

Mayor Wixom closed public comment.

A. CONSENT AGENDA
https://youtu.be/Bo1-d06OSyM?si=3irxNqxivl0bsGn_C&t=3539

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 NOVEMBER 14, 2023, SPECIAL JOINT CITY COUNCIL/PUBLIC WORKS ADVISORY BOARD MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE NOVEMBER 15, 2023, SPECIAL CLOSED SESSION MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-3 WINTER STORM PREPAREDNESS REPORT; (CITY MANAGER)

RECOMMENDATION: Staff recommends the City Council receive report.

A-4 SECOND READING OF ORDINANCE NO. 661: ADOPTION OF OBJECTIVE DESIGN STANDARDS (ODS) TO BE ADDED AS CHAPTER 17.31 OF THE ZONING CODE; (COMMUNITY DEVELOPMENT DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council adopt Ordinance No. 661 by second reading, “An Ordinance of the City Council of the City of Morro Bay, California for adoption of Objective Design Standards for inclusion as Chapter 17.31 of the Morro Bay Municipal Code, ‘Residential and Mixed-Use Objective Design Standards,’ and further to be an amendment to the 2022 Zoning Code with a finding that no further environmental review is required pursuant to State CEQA Guidelines Section 15162.”

A-5 SECOND READING OF ORDINANCE NO. 662: ZONING CODE / COASTAL IMPLEMENTATION PLAN (IP) AMENDMENTS TO MORRO BAY MUNICIPAL CODE, TITLE 17 AND ZONING MAP; (COMMUNITY DEVELOPMENT DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council adopt Ordinance No. 662 by second reading, “An Ordinance of the City Council of the City of Morro Bay, California, amending the 2022 Zoning Code/Coastal Implementation Plan (IP) Title 17 (Zoning) and the zoning map which includes miscellaneous amendments to all of Division I and Division II and Chapters 17.23, 17.26, 17.27, 17.29, 17.30, 17.36, 17.38, 17.39, 17.42, 17.43, 17.44, 17.53, and 17.54 of the Morro Bay Municipal Code (MBMC)” and direct staff to submit the amended Zoning Code/Coastal Implementation Plan (IP) as an LCP amendment to the Coastal Commission for certification.

A-6 ADOPTION OF ORDINANCE NO. 663, AMENDING THE MORRO BAY MUNICIPAL CODE TO ADD CHAPTER 8.15 PERTAINING TO THE UNAUTHORIZED REMOVAL OF SHOPPING CARTS FROM RETAIL ESTABLISHMENTS AND FACILITATING RETRIEVAL OF ABANDONED SHOPPING CARTS TO TITLE 8 (“HEALTH AND SAFETY”); (POLICE DEPARTMENT/FIRE DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council adopt, by second reading, Ordinance No. 663, “An Ordinance of the City Council of the City of Morro Bay, California, Amending Title 8 (“Health and Safety”) of the Morro Bay Municipal Code to add Chapter 8.15 pertaining to the unauthorized removal of shopping carts from retail establishments and to facilitate retrieval of abandoned shopping carts.”

A-7 APPROVAL OF LEASE AMENDMENT #3 FOR TLC ENTERPRISES, LEASE SITE 87-88/87W-88W, LOCATED AT 833 EMBARCADERO ROAD; (HARBOR DEPARTMENT)

RECOMMENDATION: Staff recommends Council adopt Resolution No. 75-23 approving Amendment #3 to the lease agreement extending the completion deadline for TLC Enterprises, Lease Sites 87-88/87W-88W.

A-8 FISCAL YEAR (FY) 2022-23 STATUS REPORT ON RECEIPT AND USE OF DEVELOPMENT IMPACT FEES; (ADMINISTRATIVE SERVICES DEPARTMENT)

RECOMMENDATION: Staff recommends the Council adopt Resolution No. 76-23 accepting the Fiscal Year (FY) 2022-23 status report on receipt and use of Development Impact Fees.

A-9 CONSIDERATION OF APPROVAL OF CONTRACT WITH BUREAU VERITAS TECHNICAL ASSESSMENTS, LLC FOR PERFORMING A FACILITIES CONDITION AND NEEDS ASSESSMENT FOR THE CITY OF MORRO BAY; (PUBLIC WORKS DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council approve and authorize the City Manager to execute a contract in the amount of \$198,408.82 with Bureau Veritas Technical Assessments, LLC (BVTA), for performing a Facilities Condition and Needs Assessment (FCNA) for facilities covered by the general fund for maintenance.

A-10 AUTHORIZATION FOR ATTENDANCE AT THE C-MANC ANNUAL WASHINGTON, D.C., "WASHINGTON WEEK" MEETINGS; (CITY MANAGER)

RECOMMENDATION: Staff recommends the City Council authorize a three-person delegation consisting of the Mayor, Harbor Director, and City Manager to attend the California Marine Affairs and Navigation Conference (C-MANC) 2024 "Washington Week" meetings in Washington, D.C. slated for February 12 – 16, 2024, and to represent the City's interests in the nation's capital.

A-11 PROCLAMATION RECOGNIZING AND CELEBRATING 10 YEARS OF COMMUNITY SERVICE BY MORRO BAY IN BLOOM VOLUNTEERS; (ADMINISTRATION)

RECOMMENDATION: Approved as submitted.

Mayor Wixom opened public comment for the Consent Agenda.

https://youtu.be/Bo1-d06OSyM?si=tB316GSwNqm6_c9m&t=3546

An unknown resident suggested tree planting along the hills would assist with storm preparedness.

Terry Simons, Morro Bay, spoke on Item A-9

Jeff Heller, Morro Bay, spoke on Item A-9

Nicole Dorfman, spoke on Item A-9

The public comment period was closed.

Mayor Wixom pulled A-9 and A-6 and Council Member pulled A-1

MOTION: Council Member Barton moved approval of Consent Items A-2 through A-5, A-7, A-8, A-10 and A-11. The motion was seconded by Council Member Ford and carried 5-0 by roll call vote.

A-1 APPROVAL OF MINUTES FOR THE NOVEMBER 14, 2023, SPECIAL JOINT CITY COUNCIL/PUBLIC WORKS ADVISORY BOARD MEETING; (CITY CLERK)
<https://youtu.be/Bo1-d06OSyM?si=N05Hsz2ECIRnnvM0&t=4125>

Council Member Landrum pulled this item to request the record reflect her desire to change her vote to No for Item I for the November 14, 2023, Special Joint City Council and Public Works Advisory Board meeting.

MOTION: Council Member Landrum moved approval of Item A-1. The motion was seconded by Council Member Edwards and carried 5-0.

A-6 ADOPTION OF ORDINANCE NO. 663, AMENDING THE MORRO BAY MUNICIPAL CODE TO ADD CHAPTER 8.15 PERTAINING TO THE UNAUTHORIZED REMOVAL OF SHOPPING CARTS FROM RETAIL ESTABLISHMENTS AND FACILITATING RETRIEVAL OF ABANDONED SHOPPING CARTS TO TITLE 8 (“HEALTH AND SAFETY”); (POLICE DEPARTMENT/FIRE DEPARTMENT)
https://youtu.be/Bo1-d06OSyM?si=v_CLAwLCVkJNyr9lc&t=4176

MOTION: Mayor Wixom moved approval of Item A-6. The motion was seconded by Council Member Landrum and carried 5-0.

A-9 CONSIDERATION OF APPROVAL OF CONTRACT WITH BUREAU VERITAS TECHNICAL ASSESSMENTS, LLC FOR PERFORMING A FACILITIES CONDITION AND NEEDS ASSESSMENT FOR THE CITY OF MORRO BAY; (PUBLIC WORKS DEPARTMENT)
<https://youtu.be/Bo1-d06OSyM?si=b69Qpv2nXc1IeUH4&t=4410>

This item was continued to a future meeting.

B. PUBLIC HEARINGS

B-1 REVIEW AND ADOPT DRAFT FUNDING RECOMMENDATIONS FOR THE 2024 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM; (COMMUNITY DEVELOPMENT DEPARTMENT)
<https://youtu.be/Bo1-d06OSyM?si=pJP3DN0lqZ2GdiRQ&t=4456>

Planning Manager Jacinth provided the report and responded to Council inquiries.

Mayor Wixom opened the Public Hearing.

Mayor Wixom opened Public Comment.
<https://youtu.be/Bo1-d06OSyM?si=jmFfJnS4Y49qioKz&t=4728>

Devon McQuade, Five Cities Homeless Coalition, thanked staff for their recommendation and Council considering their funding request.

The Public Hearing was closed.

MOTION: Council Member Barton moved to adopt Resolution No. 77-23 approving draft funding recommendations for the 2024 Community Development Block Grant (CDBG) funds and forward recommendations to the San Luis Obispo County Board of Supervisors. The funding recommendation is for the two applications received: from 5 Cities Homeless Coalition and City of Morro Bay Public Works Department along with City program administration of \$3,586 for a total funding allocation of \$51,228. Additionally, staff recommends the City Council authorize the City Manager to make pro rata adjustments to the allocation based on the final funding amount from San Luis Obispo County based on the approval of the federal budget and HUD's final grant amount to the County. The motion was seconded by Council Member Landrum and carried 5-0 by roll call vote.

C. BUSINESS ITEMS

C-1 IRONMAN 70.3 MORRO BAY AFTER ACTION REPORT; (POLICE DEPARTMENT)
https://youtu.be/Bo1-d06OSyM?si=W1wyOw0AI5BG_0Rp&t=4975

Police Chief Watkins and Visit Morro Bay Executive Director Wambolt provided the report and responded to Council inquiries.

The public comment period for Item C-1 was opened.
<https://youtu.be/Bo1-d06OSyM?si=q9WulzsK3ND6dw-P&t=6687>

Jeff Heller, Morro Bay, spoke in support of the event.

Terry Simons, Morro Bay, spoke in support of the event.

An unnamed individual offered comments regarding the event.

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

The Council did not take any formal action on this item.

The Council took a brief recess at 7:31 p.m. The meeting reconvened at 7:36 p.m. with all members present.

C-2 FOR MITIGATION OF HARMS TO PUBLIC HEALTH, SAFETY AND WELFARE: ADOPTION OF URGENCY ORDINANCE NO. 664, AND INTRODUCTION OF REGULAR ORDINANCE NO. 665, TO ADD CHAPTER 8.26 TO THE MORRO BAY MUNICIPAL CODE (MBMC) FOR REGULATION OF CAMPING AND STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY; AND, INTRODUCTION OF REGULAR ORDINANCE NO. 666 TO ADD CHAPTER 8.27 TO THE MBMC FOR REGULATION OF OVERNIGHT HUMAN HABITATION OF VEHICLES ON PRIVATE PROPERTY USED FOR BUSINESS OR NONPROFIT ORGANIZATION OPERATIONS; (POLICE DEPARTMENT/FIRE DEPARTMENT/CITY ATTORNEY)
<https://youtu.be/Bo1-d06OSyM?si=Nsfns3HDQFIH711G&t=7226>

Police Chief Watkins, Fire Chief McCrain and City Attorney Neumeyer provided the report and responded to Council inquiries.

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

<https://youtu.be/Bo1-d06OSyM?si=ZLE-0HMZ0gxpJl1&t=12177>

Leah Pond, Morro Bay, offered her perspective as a long-term north Morro Bay resident.

Bonnie Tognazzini, Morro Bay, commented on homeless impacts, shared support for the proposed ordinances but felt more was needed.

Joe Yukich, Morro Bay, commended the City for its efforts, appreciated the City taking the taxpayers' needs into account.

Terry Simons, Morro Bay, expressed concern about homeless impacts and support for the proposed ordinances, and suggestions to further address the issue.

Jeff Heller, Morro Bay, shared his support for the proposed ordinances.

Lauren, Homeless Service Provider, shared her concerns regarding the proposed ordinances.

Barry Branin, Morro Bay, offered his perspective as a property and business owner along Quintana Road.

An unnamed individual offered comments.

There was consensus to go past 9:30 pm to finish this item.

Lisa Loced, Morro Bay, spoke in favor of the proposed ordinances.

Michelle Leicester-Cadaret, Morro Bay, commented on the potential impacts of the proposed buffers.

Nathan suggested the City pursue funding support for seasonal warming shelters and urged the City to remove the urgency designation in light of the upcoming point in time count.

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

Staff responded to questions raised during public comment.

MOTION: Council Member Barton moved to adopt, by title only and with further reading waived, of Urgency Ordinance No. 664, entitled "An Urgency Ordinance of the City Council of the City of Morro Bay, California Adding Chapter 8.26 to Title 8 of the Morro Bay Municipal Code Regulating Camping and Storage of Personal Property on Public Property to Mitigate Harm to Public Health, Safety and Welfare". The motion was seconded by Council Member Landrum and carried 5-0 by roll call vote.

MOTION: Council Member Barton moved to introduce, by title only and with further reading waived, of regular Ordinance No. 665, entitled "An Ordinance of the City Council of the City of Morro Bay, California Adding Chapter 8.26 to Title 8 of the Morro Bay Municipal Code Regulating Camping and Storage of Personal Property on Public Property to Mitigate Harm to Public Health, Safety and Welfare". The motion was seconded by Council Member Landrum and carried 5-0 by roll call vote.

MOTION: Council Member Barton moved to introduce, by title only and with further reading waived, of regular Ordinance No. 666, entitled "An Ordinance of the City Council of the City of Morro Bay, California Adding Chapter 8.27 to Title 8 of the Morro Bay Municipal Code Regulating Overnight Human Habitation of Vehicles on Private Property Used for Business or Nonprofit Organization Operations to Mitigate Harm to Public Health, Safety and Welfare." The motion was seconded by Council Member Landrum and carried 5-0 by roll call vote.

MOTION: Council Member Barton moved to direct staff to subsequently return with budget adjustments required to support the implementation of these ordinances. Eligible funding sources would include General Fund or Measure Q&E funds. Expected initial budget allocation of no less than \$50,000 to begin the cleanup and securing storage containers for the retention of personal property collected during cleanups. The motion was seconded by Council Member Landrum and carried 5-0 by roll call vote.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS
None

E. ADJOURNMENT

The meeting adjourned at 10:10 p.m.

Recorded by:


Gregory Kwolek (Feb 14, 2024 15:32 PST)

Greg Kwolek on behalf of
Dana Swanson
City Clerk

December 12, 2023 City Council Regular Meeting Minutes

Final Audit Report

2024-02-14

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