

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MARCH 10, 2020  
VETERAN'S MEMORIAL HALL – 5:30 P.M.

AGENDA NO: A-2  
MEETING DATE: May 12, 2020

PRESENT:	John Headding	Mayor
	Dawn Addis	Council Member
	Robert Davis	Council Member
	Jeff Heller	Council Member
	Marlys McPherson	Council Member
STAFF:	Scott Collins	City Manager
	Chris Neumeyer	City Attorney
	Dana Swanson	City Clerk
	Jennifer Callaway	Finance Director
	Rob Livick	Public Works Director
	Scot Graham	Community Development Director
	Steve Knuckles	Fire Chief
	Jody Cox	Police Chief
	Eric Endersby	Harbor Director
	Cindy Jacinth	Senior Planner

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Headding 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 no reportable action was taken by the City Council in accordance with the Brown Act.

MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS

<https://youtu.be/KJ0Pu5q-vMk?t=121>

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS - None

PRESENTATIONS - NONE

PUBLIC COMMENT

<https://youtu.be/KJ0Pu5q-vMk?t=1289>

Morro Bay High School students, Milagros Alegra Casares, Filippo Coponi and Kayla Burke, presented their Community Activism Project regarding negative impacts of plastics on marine life.

Ken Vesterfelt, Morro Bay, announced the 24th annual Morro Bay Car Show scheduled for the first weekend in May and expressed concern about increased event permit fees.

Larry Gorman, Morro Bay, opposed liveaboard permit fee increases to be considered at a future meeting and provided his cost analysis for review by the Council and staff.

Don Maruska stated his opposition to the proposed remedy for Morro Bay Power Plant contamination.

Phil Hill, Morro Bay, spoke in opposition to the proposed liveaboard permit fee increases.

Linda Winters, Morro Bay, requested Council and community support for the following legislation: SB 915 (Leyva) AB 2845 (Limon) SB 999 (Umberg), AB 2782 (Stone), SB 1117 (Monning), AB 2690 (Low)

Joe Wallick, Morro Bay, spoke in support of the proposed hotel project being considered in Item B-1, provided the project is limited to two stories.

Betty Winholtz, Morro Bay, urged the Council to restore trash cans at Morro Rock, agreed with concerns raised regarding event fees, and requested the Council agenda discussion of letters to Assemblyman Cunningham and Senator Monning in support of legislation mentioned by Ms. Winters.

Ken MacMillan, Morro Bay resident and business owner, urged the City to be flexible on rules and regulations that encourage economic development.

Mayor Heading closed public comment.

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

A. CONSENT AGENDA  
<https://youtu.be/KJ0Pu5q-vMk?t=3595>

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 FEBRUARY 25, 2020, CITY COUNCIL SPECIAL CLOSED MEETING; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

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

MOTION: Council Member McPherson moved approval of the Consent Agenda. The motion was seconded by Council Member Davis and carried 5-0 by roll call vote.

B. PUBLIC HEARINGS

B-1 ADOPTION OF RESOLUTION NO. 21-20 ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING COASTAL DEVELOPMENT PERMIT #CDP19-039 AND CONCEPT/PRECISE PLAN CONDITIONAL USE PERMIT NO. CUP19-13 FOR A PROPOSED NEW 83-GUESTROOM 56,538SF HOTEL AT 295 ATASCADERO ROAD IN THE C-VS/PD ZONE. THIS PROJECT IS LOCATED IN THE COASTAL COMMISSION APPEALS JURISDICTION; (COMMUNITY DEVELOPMENT)  
<https://youtu.be/KJ0Pu5q-vMk?t=3642>

Mayor Heading and each of the Council Members disclosed ex parte communications held with the applicant, the applicant's representative, and Planning Commission Chair Luhr, regarding proposed conditions provided in the staff report and the applicant's response to those conditions.

Senior Planner Jacinth provided the report and responded to Council inquires.

Mayor Heading opened the Public Hearing.

Cathy Novak, speaking on behalf of the project applicant, summarized key elements and conditions of approval, and submitted requested revisions to Planning Conditions 8 and 9; Planning Commission Conditions 13, 14, 15, 16, 17, 18 and 19; and responded to Council inquiries.

Mayor Headding opened Public Comment.

Don Maruska, Morro Bay, offered his business perspective in support of the project.

Tina Metzger, Morro Bay, spoke in support of conditions that would protect Cypress trees and visual resources, and questioned the impacts of a public use EV charging station on the Highway 41/Main Street intersection.

John Weiss, Morro Bay resident and business owner, requested the Council support the project with modified conditions requested by the applicant.

Sean Green, Morro Bay, spoke in support of the project with Planning Commission's conditions including the need to maximize level 3 EV charging stations and importance of hiring a third party arborist to manage impact to trees.

Betty Winholtz, Morro Bay, stated her support for Planning Commission and staff recommended conditions and raised questions regarding the Mitigated Negative Declaration.

Dan Sedley, Morro Bay, supported the project so long as views of Morro Rock are preserved.

Mayor Headding opened Public Comment.

The Public Hearing was closed.

Following discussion, there was Council concurrence in support of Planning Commission conditions and appreciation for the applicant's efforts to meet those conditions. With regard to the applicant's requested modifications, the Council supported the requested change to Condition #8 so the language in the Mitigated Negative Declaration and conditional approval were consistent.

**MOTION:** Mayor Headding moved to adopt Resolution No. 21-20, making the necessary findings for adoption of the Mitigated Negative Declaration (MND) and approval of Coastal Development Permit No. CDP19-039 and CUP No. 19-13 as Concept/Precise Plan approval, located at 295 Atascadero Road, with change to Item #14 and/or any other items that have language "arborist or landscape architect," that it only be limited to "arborist," secondarily, change to Item #8, to substitute MND language requested by applicant, and correction on page 19, Planned Development Overlay Finding A, replace Planning Commission finds with City Council finds. The motion was seconded by Council Member Addis and carried 5-0 by roll call vote.

The Council took a brief recess at 8:14 p.m. The meeting reconvened at 8:24 p.m. with all members present.

**C. BUSINESS ITEMS**

C-1 REVIEW PROGRESS UPDATE AND CONCEPT PLANS FROM CENTRAL COAST AQUARIUM FOR POTENTIAL FUTURE MORRO BAY AQUARIUM; (CITY MANAGER)  
<https://youtu.be/KJ0Pu5q-vMk?t=10464>

City Manager Collins introduced Christine Johnson, Central Coast Aquarium Executive Director, who presented the project concept design and responded to Council inquires.

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

Don Maruska, Morro Bay, spoke in support of the project, stating it is key to economic development and will provide a focal point for the community.

Angelina McKee, Morro Bay, spoke in support of the project and encouraged a more robust plan.

Alexander McKee, Morro Bay, appreciated the project and believed we can do more to show union between the sea and the land.

John Weiss, Morro Bay, was supportive of the project and asked how it would be funded.

Mimi Goldberg, Morro Bay, shared her support for the project and focus on environmental education.

Linda Winters, Morro Bay, commended the City for bringing this educational opportunity to Morro Bay.

MOTION: Council Member McPherson moved the meeting go past 9:30 p.m. to a time uncertain. The motion was seconded by Council Member Heller and carried 5-0 by roll call vote.

Bob Keller, Morro Bay, stated his support for the aquarium project.

Randy Russin, RRM Design Group, was grateful for the opportunity to work on this project and encouraged the City Council and staff to help keep costs down by facilitating an expedient development process.

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

MOTION: Mayor Headding moved to receive and file Milestone #3 and #4 update from Central Coast Aquarium; accept the Aquarium Concept Plans from Tenji and RRM; and direct City staff to return, by the July 2020 Council meeting, with a Consent of Landowner agreement for the Aquarium project. The motion was seconded by Council Member Addis for discussion.

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

C-2 DISCUSS LOCAL FIREARM SAFETY AND REGULATION; PROVIDE DIRECTION TO STAFF; (CITY ATTORNEY)  
<https://youtu.be/KJ0Pu5q-vMk?t=14565>

MOTION: Council Member Addis moved to table Item C-2 given the late hour. The motion was seconded by Council Member McPherson and carried 4-1 by roll call vote with Council Member Heller opposed.

- C-3 AMENDMENT TO THE FISCAL YEAR 2019/20 SALARY SCHEDULE ADDING THE CITY ENGINEER CLASSIFICATION AND APPROVING SALARY RANGE, APPROVAL OF REVISED CITY ENGINEER JOB DESCRIPTION, AND APPROVAL OF CITY ENGINEER EMPLOYMENT AGREEMENT; (CITY MANAGER)  
<https://youtu.be/KJ0Pu5q-vMk?t=14656>

City Manager Collins provided the report and responded to Council inquires.

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

John Weiss, Morro Bay, appreciated the cost savings provided it was agreeable to Mr. Livick.

Mimi Goldberg, Morro Bay, offered her congratulations to Mr. Livick and appreciation for City staff.

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

MOTION: Council Member Davis moved the City Council adopt Resolution No. 22-20 approving the proposed modification to the Fiscal Year (FY) 2019/20 salary schedule by adding the City Engineer classification to the schedule and approving salary range for this position; approve modified job description for City Engineer; and approve the City Engineer employment agreement with Rob Livick appointing Mr. Livick as the City Engineer (minimum 6 month period) and authorize the City Manager to execute the agreement. The motion was seconded by Council Member Addis and carried 5-0 by roll call vote.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

<https://youtu.be/KJ0Pu5q-vMk?t=15193>

Council Member Heller requested consideration of letters of support for affordable housing legislation mentioned during public comment. It was agreed based on the adopted City goal in support of affordable housing, the Mayor can write letters on behalf of the City without further Council action.

E. ADJOURNMENT

The meeting adjourned at 9:46 p.m.

Recorded by:

Dana Swanson  
City Clerk