

*City Council conducted this meeting in accordance with Section 3 of California Governor Newsom's Executive Order N-29-20 issued on March 17, 2020 in response to the present State of Emergency in existence due to the threat of COVID-19. This meeting was held via teleconference for all participants.*

PRESENT:	John Headding	Mayor
	Dawn Addis	Council Member
	Laurel Barton	Council Member
	Robert Davis	Council Member
	Jeff Heller	Council Member
ABSENT:	None	
STAFF:	Scott Collins	City Manager
	Chris Neumeyer	City Attorney
	Dana Swanson	City Clerk
	Katie Lichtig	Interim Finance Director
	Greg Kwolek	Public Works Director
	Joe Mueller	Utilities Division Manager
	Scot Graham	Community Development Director
	Steve Knuckles	Fire Chief
	Jody Cox	Police Chief
	Eric Endersby	Harbor Director
	Cindy Jacinth	Senior Planner
	Matt Vierra	Fire Marshal

#### ESTABLISH QUORUM AND CALL TO ORDER

[https://youtu.be/0Eu\\_vUFq4Y8?t=22](https://youtu.be/0Eu_vUFq4Y8?t=22)

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/0Eu\\_vUFq4Y8?t=303](https://youtu.be/0Eu_vUFq4Y8?t=303)

#### CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

[https://youtu.be/0Eu\\_vUFq4Y8?t=865](https://youtu.be/0Eu_vUFq4Y8?t=865)

#### PRESENTATIONS

[https://youtu.be/0Eu\\_vUFq4Y8?t=1523](https://youtu.be/0Eu_vUFq4Y8?t=1523)

- “Bike There” Presentation by Peter Williamson from San Luis Obispo Council of Governments
- Air Quality Monitoring Presentation by Richard Sadowski

#### PUBLIC COMMENT

[https://youtu.be/0Eu\\_vUFq4Y8?t=2764](https://youtu.be/0Eu_vUFq4Y8?t=2764)

Joe Benson, President of the San Luis Obispo County Bar Association, announced a traveling Library of Congress exhibit commemorating the 100<sup>th</sup> anniversary of the 19<sup>th</sup> amendment is on display until September 18, 2021, at the San Luis Obispo Public Library, 995 Palm Street.

Jeremiah O'Brien, Morro Bay, asked for confirmation regarding the communication received from the Morro Bay Commercial Fishermen's Organization would be discussed at this meeting.

Glenn Silloway, co-chair of Morro Bay Open Space Alliance, shared the conservation easement binding future owners to maintain Eagle Rock as open space had been recorded, and thanked the many volunteers who made it possible.

Betty Winholtz, Morro Bay, asked when the Morro Bay Public Facilities Corporation would hold its next meeting, at what point increased WRF project costs would impact rates, and clarification on whether a company or a person was hired to manage the WRF project.

Mayor Heading closed public comment.

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

A. CONSENT AGENDA  
[https://youtu.be/0Eu\\_vUFq4Y8?t=3428](https://youtu.be/0Eu_vUFq4Y8?t=3428)

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 MARCH 23, 2021 CITY COUNCIL MEETING;  
(ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 APPROVAL OF MINUTES FOR THE APRIL 28, 2021 CITY COUNCIL SPECIAL  
CLOSED SESSION MEETING; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-3 ADOPTION OF RESOLUTION NO. 21-21 APPROVING THE MORRO BAY MUNICIPAL  
CODE TITLE 5 FISCAL YEAR 2021/22 BUSINESS TAX SCHEDULE CONSISTENT  
WITH CPI INCREASE AND DIRECTION TO IMPLEMENT ON JULY 1, 2021; (FINANCE  
DEPARTMENT)

**RECOMMENDATION: Staff recommends the Council review the Business Tax schedule and adopt Resolution No. 21-21, setting the Fiscal Year (FY) 2021/22 Business Tax Schedule consistent with CPI increase and directing staff to implement the new rates beginning on July 1, 2021 for all renewals and new applications for business tax certificates.**

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

MOTION: Council Member Addis moved approval of all items on the Consent Agenda. The motion was seconded by Council Member Heller and carried 5-0 by roll call vote.

B. PUBLIC HEARINGS

- B-1 CONTINUED PUBLIC HEARING FOR CONSIDERATION OF PLAN MORRO BAY: GENERAL PLAN / LOCAL COASTAL PROGRAM UPDATE AND THE FINAL ENVIRONMENTAL IMPACT REPORT AND RELATED DOCUMENTS AND TO PROVIDE DIRECTION, AS DEEMED APPROPRIATE; (COMMUNITY DEVELOPMENT) [https://youtu.be/0Eu\\_vUFq4Y8?t=3508](https://youtu.be/0Eu_vUFq4Y8?t=3508)

Community Development Director Graham, Senior Planner Jacinth, Chris Bersbach from Rincon Consultants, and Amy Sinsheimer from PlaceWorks Inc., presented the report and responded to Council inquiries.

The Council provided individual comments and directed staff to evaluate the following potential revisions:

- Add Class IV separated bikeways to the Circulation Element
- Add Enhanced Infrastructure Financing Districts (EIFD's) as an alternative method of financing future circulation improvements.
- Update Conservation Element C-4.1 to eliminate the 2020 date reference.
- Revise Conservation Element IA C-7 to include reference to SB 1383.
- Explore the possibility of removing reference to the 25% allocation of waterfront hotel units as low-cost visitor accommodations.
- Revise Open Space Element to reflect MBOSA payment to City and recording of conservation easement for Cerrito Peak.
- Revise Rincon EIR revision letter or land use at 3300 Panorama to reflect correct lot size and land use designation of Moderate Density Residential.

Mayor Heading opened the Public Hearing and Public Comment.

Lorrin French, Morro Bay, commented on the Circulation Element, noting this was an opportunity to enhance access and economic development in north Morro Bay.

Betty Winholtz, Morro Bay, raised a number of questions, expressed concern regarding Circulation Element policies she deemed not representative of Morro Bay, as well as reduced ESHA setbacks and buffers. She asked that questions raised in agenda correspondence be considered prior to the next meeting.

Cathy Novak, Morro Bay, represented the Embarcadero Master Leaseholders, offering potential solutions that would address the group's concerns regarding Policies PS 3.1, 3.2, 3.3, 3.5, 3.6 and 3.7 regarding shoreline protected devices and asked a sentence be added to clarify this policy does not apply to the Embarcadero from Tidelands Park to Target Rock. She requested the same notation be made regarding Policy LU 8.13 requiring the issuance a Coastal Permit every 20 years.

Paul VanBeurden, owner of Dutchman Seafood House and President of Embarcadero Master Leaseholders, requested Lateral Access Policies LU 7.1 and 7.3. be modified to allow for amenities within the 10' lateral access and require a minimum of 6' unobstructed walkway.

The Public Hearing was closed.

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

- B-2 ADOPTION OF RESOLUTION NO. 22-21 APPROVING MAJOR AMENDMENT #MAJ19-006 OF CONDITIONAL USE PERMIT NO. UP0-260, LOCATED AT 571 EMBARCADERO, FOR THE CONVERSION OF 839SF OF EXISTING 2ND FLOOR OFFICE SPACE TO ONE VACATION RENTAL UNIT WITH 988SF OF NEW DECK, REPLACEMENT OF DOCKS AND GANGWAY, AND 207SF EXPANSION OF HARBORWALK PUBLIC ACCESS. PROJECT ALSO INCLUDES REQUEST FOR MASTER SIGN PROGRAM APPROVAL AND RELATED BUILDING FACADE IMPROVEMENTS. THIS PROJECT IS LOCATED IN THE COASTAL COMMISSION ORIGINAL JURISDICTION; (COMMUNITY DEVELOPMENT)

[https://youtu.be/0Eu\\_vUFq4Y8?t=8259](https://youtu.be/0Eu_vUFq4Y8?t=8259)

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

Mayor Heading opened the Public Hearing and Public Comment.

Cathy Novak, Morro Bay, spoke representing the project applicant, thanked the Planning Commission for a favorable recommendation, provided a brief overview of the project and noted the architect was also available to respond to Council questions.

The Public Hearing was closed.

MOTION: Council Member Heller moved to adopt Resolution No. 22-21, making the necessary findings for approval of Major Amendment #MAJ19-006 to Conditional Use Permit (CUP) No. UP0-260 as Concept/Precise Plan approval, located at 571 Embarcadero, including additional condition No. 19 of Attachment 1 of the resolution as recommend by staff. The motion was seconded by Council Member Addis and carried 5-0 by roll call vote.

- B-3 PUBLIC HEARING AND ADOPTION OF RESOLUTION NO. 23-21, WHICH RESCINDS RESOLUTION NO. 96-20 AND ADOPTS THE FY 2021/22 MASTER FEE SCHEDULE; (FINANCE DEPARTMENT)

[https://youtu.be/0Eu\\_vUFq4Y8?t=9049](https://youtu.be/0Eu_vUFq4Y8?t=9049)

Interim Finance Director Lichtig provided the report and responded to Council inquires.

Mayor Heading opened the Public Hearing and Public Comment.

Jeremiah O'Brien, Morro Bay Commercial Fishermen's Organization, thanked staff for working with them on the new schedule for commercial slip fees and looks forward to working with the City on the new slip project. T

Betty Winholtz, Morro Bay, requested the Council go back to the Los Angeles CPI rather than the Bay Area CPI.

The Public Hearing was closed.

MOTION: Council Member Davis moved to adopt Resolution No. 23-21 to update the City's Master Fee Schedule for Fiscal Year 2021/22. The motion was seconded by Council Member Heller and carried 5-0 by roll call vote.

C. BUSINESS ITEMS

- C-1 DISCUSSION OF THE USE OF FIREWORKS WITHIN THE CITY OF MORRO BAY; (FIRE DEPARTMENT)

[https://youtu.be/0Eu\\_vUFq4Y8?t=10001](https://youtu.be/0Eu_vUFq4Y8?t=10001)

Fire Chief Knuckles and Fire Marshal Vierra provided the report and responded to Council inquires.

The public comment period for Item C-1 was opened; seeing none, the public comment period was closed.

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

- C-2 ADOPTION OF RESOLUTION NO. 24-21 APPROVING THE ENGINEER'S REPORT AND DECLARING THE INTENT TO LEVY THE ANNUAL ASSESSMENT FOR THE CLOISTERS LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (PUBLIC WORKS DEPARTMENT)  
[https://youtu.be/0Eu\\_vUFq4Y8?t=10595](https://youtu.be/0Eu_vUFq4Y8?t=10595)

City Engineer Livick provided the report and responded to Council inquires.

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

Betty Winholtz, Morro Bay, commented the path that parallels the dunes is in very poor condition and needs coating or re-sealing to prevent further deterioration.

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

Staff responded to questions raised during public comment.

MOTION: Council Member Davis moved to adopt Resolution No. 24-21 declaring the intent to levy the annual assessment for the maintenance of the Cloisters Park and Open Space for fiscal year 2021/22 and approving the Engineer's Report. The motion was seconded by Council Member Addis and carried 5-0 by roll call vote.

- C-3 ADOPTION OF RESOLUTION NO. 25-21 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/0Eu\\_vUFq4Y8?t=11175](https://youtu.be/0Eu_vUFq4Y8?t=11175)

City Engineer Livick provided the report and responded to Council inquires.

The public comment period for Item C-3 was opened; seeing none, the public comment period was closed.

MOTION: Council Member Davis moved to adopt Resolution No. 25-21 approving the Engineer's Report and declaring the intent to levy the annual assessment for maintenance of the North Point Natural Area Landscaping and lighting district. The motion was seconded by Council Member Heller and carried 5-0 by roll call vote.

- D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS  
[https://youtu.be/0Eu\\_vUFq4Y8?t=11539](https://youtu.be/0Eu_vUFq4Y8?t=11539)

Council Member Davis requested a staff report regarding the city's outlook for water delivery and measures residents should consider to address drought and severe fire conditions. Staff offered to incorporate relevant information in the upcoming Water Report.

E. ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Recorded by:

Dana Swanson  
City Clerk