

City Council conducted this meeting in accordance with California Governor Newsom’s Executive Order N-08-21 issued on June 11, 2021 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
	Jennifer Ford	Council Member
	Jeff Heller	Council Member
ABSENT:	None	
STAFF:	Scott Collins	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
	Jody Cox	Police Chief
	Eric Endersby	Harbor Director

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/yDLOpHLhsCA?t=196>

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

<https://youtu.be/yDLOpHLhsCA?t=772>

PRESENTATIONS

<https://youtu.be/yDLOpHLhsCA?t=845>

- o Family Court Awareness Month Proclamation presented to Tina Swithin

PUBLIC COMMENT

<https://youtu.be/yDLOpHLhsCA?t=1143>

Betty Winholtz, Morro Bay, recognized former Council Member Melody DeMeritt who recently passed for her leadership and love for the environment. She also inquired about recent tree cutting at Bayshore Park.

Linda Winters, Morro Bay, invited residents to attend the community Thanksgiving Dinner.

Mayor Heading closed public comment.

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

A. CONSENT AGENDA
<https://youtu.be/yDLOpHLhsCA?t=1546>

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 OCTOBER 12, 2021, CITY COUNCIL MEETING;
(ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE OCTOBER 25, 2021, CITY COUNCIL SPECIAL
MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 ADOPTION OF RESOLUTION NO. 77-21 APPROVING AMENDMENT NO. 3 TO THE
MORRO BAY TRANSIT AND TROLLEY OPERATIONS AND MANAGEMENT
AGREEMENT WITH MV TRANSPORTATION, INC.; (PUBLIC WORKS DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 77-21, approving Amendment No. 3 to the Morro Bay Transit and Trolley Operations and Management Agreement with MV Transportation, Inc.

A-4 RESOLUTION MAKING FINDINGS RELATED TO THE CONTINUED EXISTENCE OF A
STATE OF EMERGENCY DUE TO COVID-19 AND RE-AUTHORIZING FOR PUBLIC
HEALTH AND SAFETY THE CONDUCT OF PUBLIC MEETINGS OF THE LEGISLATIVE
BODIES OF THE CITY VIA REMOTE TELECONFERENCING FOR A CONTINUED 30-
DAY PERIOD PURSUANT TO THE RALPH M. BROWN ACT AS AMENDED BY
ASSEMBLY BILL NO. 361; (CITY ATTORNEY)

RECOMMENDATION: Staff recommends Council consider adoption of Resolution No. 78-21 reauthorizing for public health and safety the conduct of public meetings of the legislative bodies of the City via remote teleconferencing.

A-5 UPDATE ON THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL DRAFT
REVISED STATEMENT OF BASIS DOCUMENT FOR THE MORRO BAY POWER
PLANT AND COUNCIL AUTHORIZATION OF LETTER FROM MAYOR CONCURRING
WITH PROPOSED REVISED REMEDY; (CITY MANAGER/COMMUNITY
DEVELOPMENT DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council receive the report from staff and authorize the Mayor to sign a letter concurring with the Proposed Revised Remedy identified in the Draft Revised Statement of Basis for the Morro Bay Power Plant as noted below and further described in Attachments 1 and 2 to the staff report.

A-6 APPROVAL OF FISCAL YEAR 2020-21 YEAR-END BUDGET ADJUSTMENTS, PART 2
OF 2; (ADMINISTRATIVE SERVICES DEPARTMENT)

RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 74-21 approving Fiscal Year (FY) 2020-21 Year-End Budget Adjustments, Part 2 of 2.

- A-7 AUTHORIZATION FOR MAYOR TO SEND LETTER TO SAN LUIS OBISPO BOARD OF SUPERVISORS (BOARD) REGARDING PROPOSED REDISTRICTING OF BOARD OF SUPERVISORS DISTRICT 2.; (CITY MANAGER)

RECOMMENDATION: City Council authorize the Mayor to send a letter on behalf of the City Council to the Board recommending it maintain existing Supervisorial boundaries.

- A-8 AGREEMENT WITH VISIT MORRO BAY FOR TOURISM BUSINESS IMPROVEMENT DISTRICT CONTRACTOR SERVICES, AND LEASE AGREEMENT FOR 695 HARBOR STREET, SUITES C AND G; (CITY MANAGER)

RECOMMENDATION: The City Council approves agreement with Visit Morro Bay for Tourism Business Improvement District contractor services, and Lease Agreement for 695 Harbor Street, Suites C and G, subject to approval as to form by City Attorney.

- A-9 PROCLAMATION DECLARING NOVEMBER 2021 AS "NATIONAL HOSPICE AND PALLIATIVE CARE MONTH"; (ADMINISTRATION)

RECOMMENDATION: Approved as submitted

- A-10 PROCLAMATION RECOGNIZING NOVEMBER AS "FAMILY COURT AWARENESS MONTH"; (ADMINISTRATION)

RECOMMENDATION: Approved as submitted

Mayor Headding opened public comment for the Consent Agenda.

Don Maruska commented on Item A-7 noting the importance of retaining our coastal community of interest and that redistricting maps not be used to serve political interests. He requested clarification regarding action being taken on Item A-5.

The public comment period was closed.

Council Member Heller pulled Item A-5.

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

- A-5 UPDATE ON THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL DRAFT REVISED STATEMENT OF BASIS DOCUMENT FOR THE MORRO BAY POWER PLANT AND COUNCIL AUTHORIZATION OF LETTER FROM MAYOR CONCURRING WITH PROPOSED REVISED REMEDY; (CITY MANAGER/COMMUNITY DEVELOPMENT DEPARTMENT)
<https://youtu.be/yDLOpHLhsCA?t=1877>

Council Member Heller suggested having the Mayor submit a letter concurring with the revised remedy may not be appropriate given the public comment period would be open until December 9th.

MOTION: Mayor Heading moved approval of Item A-5. The motion was seconded by Council Member Addis and carried 4-1 by roll call vote with Council Member Heller opposed.

B. PUBLIC HEARINGS

B-1 APPEAL OF PLANNING COMMISSION APPROVAL ON SEPTEMBER 7, 2021 OF THE COASTAL DEVELOPMENT PERMIT #CDP21-019 AND CONDITIONAL USE PERMIT #CUP21-05 FOR CONSTRUCTION OF A NEW 6-UNIT 5,042 SQUARE FOOT (SF) BLUFFTOP HOTEL AT 205 HARBOR STREET IN THE C-VS/PD ZONING DISTRICT. THIS PROPERTY IS ALSO LOCATED IN THE COASTAL APPEALS JURISDICTION. (APPELLANT: BETTY WINHOLTZ); (COMMUNITY DEVELOPMENT DEPARTMENT) <https://youtu.be/yDLOpHLhsCA?t=2025>

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

Council Member Addis disclosed an ex parte meeting with Cathy Novak to walk the site.

Mayor Heading opened the Public Hearing.

Betty Winholtz, Appellant, responded to the staff presentation and restated points of concern submitted in her appeal.

Cathy Novak, Applicant Agent, requested the Council deny the appeal and approve the project as submitted.

Mayor Heading opened Public Comment; seeing none, the public comment period was closed.

The Public Hearing was closed.

Council Member Ford announced she was a member of the Planning Commission that approved the project. City Attorney Neumeyer recommended out of an abundance of caution she not participate in the appeal hearing. Council Member Ford recused herself from the item and left the zoom meeting at 6:35 p.m.

MOTION: Mayor Heading moved to adopt Resolution No. 75-21, making the necessary findings to deny the appeal and uphold the Planning Commission (PC) approval of Coastal Development Permit #CDP21-019 and Conditional Use Permit #CUP2-05, for the site at 205 Harbor Street to allow construction of a new 6-room 5,042sf hotel on a .40 acre lot including the merger of six underlying lots located on Harbor Street between Market and Front Streets and removal of major vegetation and seven on-site parking spaces. The motion was seconded by Council Member Barton for discussion.

Following comments, the motion carried 4-0-1 by roll call vote with Council Member Ford having abstained.

Council Member Ford rejoined the meeting at 6:40 p.m.

B-2 ADOPTION OF RESOLUTION NO. 76-21 APPROVING MAJOR AMENDMENT #MAJ20-004 LOCATED AT 715 EMBARCADERO, FOR THE CONVERSION OF COMMERCIAL FISHING WHARF TO HARBORWALK COASTAL PUBLIC ACCESS, CONVERSION OF EXISTING INTERIOR 470-SQUARE FOOT (SF) FISH PROCESSING AREA TO NEW RETAIL SPACE, REMOVAL OF A 580-SF OUTDOOR COVERED PATIO AND

CONVERSION OF THE AREA TO NEW HARBORWALK, REPAIR OF 3 EXISTING PILINGS TO REMAIN FOR SUPPORT OF THE NEW HARBORWALK. THE PROJECT ALSO PROPOSES A NEW 461-SF STREET-FACING PUBLIC OUTDOOR DINING AND RELATED COMMERCIAL FAÇADE IMPROVEMENTS. THE PROJECT IS LOCATED IN THE WF/PD/S.4 ZONING DISTRICT AND IS WITHIN THE COASTAL COMMISSION ORIGINAL JURISDICTION; (COMMUNITY DEVELOPMENT DEPARTMENT)
<https://youtu.be/yDLOpHLhsCA?t=4081>

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

Mayor Headding opened the Public Hearing.

Cathy Novak, Applicant Agent, requested the Council approve the project as submitted noting the applicants have 12 years remaining on their lease and are willing to move forward with this project several years before entering into a new lease that would require it be done.

Mayor Headding opened Public Comment; seeing none, the public comment period was closed.

The Public Hearing was closed.

MOTION: Council Member Heller moved to adopt Resolution No. 76-21, making the necessary findings for approval of Major Amendment #MAJ20-004 as Concept/Precise Plan approval, located at 715 Embarcadero. The motion was seconded by Council Member Addis.

Council Member Addis disclosed an ex parte meeting with Cathy Novak to walk the site.

Council Member Ford announced this project was on the agenda during her last Planning Commission meeting but had been pulled so she did not participate in the decision making.

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

C. BUSINESS ITEMS

- C-1 REVIEW MORRO BAY PUBLIC PARKING MANAGEMENT STUDY CONDUCTED BY WALKER CONSULTANTS AND CONSIDER RECOMMENDED NEXT STEPS REGARDING PARKING MANAGEMENT; (CITY MANAGER)
<https://youtu.be/yDLOpHLhsCA?t=5116>

City Manager Collins introduced the item and turned to Steffan Turoff from Walker Consultants who provided the report and responded to Council inquiries.

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

Kyle Finger voiced his support for the parking plan.

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

MOTION: Mayor Headding moved to authorize staff to 1) pursue parking management system in the Embarcadero broadly that includes paid parking and is inclusive of sub-areas A & B, 2) conduct further analysis on the Morro Rock parking area, 3) consult with the California Coastal Commission staff, 4) seek

additional input from the parking user group, 5) as a first step towards implementation develop a paid parking pilot program and bring it back for Council consideration as soon as practical, 6) evaluate potential alternatives to accommodate employee parking on the Embarcadero, and 7) include an evaluation of industrial delivery zone parking and related issues. The motion was seconded by Council Member Barton.

Mayor Heading clarified the study area includes the triangle parking lot.

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

- C-2 ADOPT RESOLUTION NO. 79-21 PLEDGING A FUNDING COMMITMENT FOR INTERSECTION IMPROVEMENTS AT SR1/SR41 AND MAIN STREET; (PUBLIC WORKS DEPARTMENT)
<https://youtu.be/yDLOpHLhsCA?t=8988>

Public Works Director Kwolek presented the report and, along with John DiNunzio from San Luis Obispo Council of Governments (SLOCOG), responded to Council inquiries.

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

Betty Winholtz, Morro Bay, disagreed this was not a decision on whether or not to pursue a roundabout as funding was dependent on the roundabout alternative. She also disagreed a roundabout would be more environmentally friendly and asked why issues raised in the ICE 2-step study were not included. She urged the Council to look at signalization for this intersection.

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

Staff responded to concerns raised during public comment.

MOTION: Mayor Heading moved to adopt Resolution No. 79-21 pledging a funding commitment for project costs for intersection improvements for the intersection at SR1/SR41 and Main Street based on the roundabout alternative. The motion was seconded by Council Member Heller and carried 5-0 by roll call vote.

- C-3 APPROVE A MASTER SERVICES AGREEMENT WITH HINDERLITER DE LLAMAS AND ASSOCIATES (HDL) TO PROVIDE TAX AND FEE ADMINISTRATION SERVICES; (ADMINISTRATIVE SERVICES DEPARTMENT)
<https://youtu.be/yDLOpHLhsCA?t=10565>

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

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

MOTION: Council Member Addis moved to adopt Resolution No. 80-21 authorizing the City Manager to execute a Master Services Agreement with HdL to provide Tax and Fee Administration Services in the areas of Business Tax Certificates and Transient Occupancy Tax, subject to City Attorney approval of Agreement language. The motion was seconded by Council Member Barton and carried 5-0 by roll call vote.

- C-4 INTRODUCTION (FIRST READING) OF ORDINANCE NO. 645 ADDING CHAPTER 8.18, "SPECIFIC REGULATIONS FOR COLLECTION, AND DISPOSAL REDUCTION, OF ORGANIC WASTE, RECYCLABLES AND SOLID WASTE," TO TITLE 8 ("HEALTH AND SAFETY") OF THE MORRO BAY MUNICIPAL CODE; (PUBLIC WORKS DEPARTMENT)
<https://youtu.be/yDLOpHLhsCA?t=11318>

Public Works Director Kwolek presented the report and, along with Management Analyst Burlingame and Special Legal Counsel Laymon, responded to Council inquiries.

The public comment period for Item C-4 was opened; seeing none, the public comment period was closed.

MOTION: Council Member Heller moved to introduce, by title only, and waive further reading of Ordinance No. 645: "An Ordinance of the City Council of the City of Morro Bay, California, Adding Chapter 8.18 to Title 8 ("Health And Safety") of the Morro Bay Municipal Code, entitled "Specific Regulations For Collection, and Disposal Reduction, of Organic Waste, Recyclables and Solid Waste," to enact regulations in compliance with Senate Bill (SB) 1383 for the implementation of Mandatory Food and Organics Recycling, and related Solid Waste and Recycling Processing and Reporting." The motion was seconded by Mayor Headding and carried 5-0 by roll call vote.

- C-5 KINGS AND BLANCA TANKS REHABILITATION PROJECT CONTRACT AWARD IN THE AMOUNT OF \$2,039,268 TO SUPERIOR TANK SOLUTIONS, INC.; (PUBLIC WORKS DEPARTMENT)
<https://youtu.be/yDLOpHLhsCA?t=12884>

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

The public comment period for Item C-5 was opened; seeing one, the public comment period was closed.

MOTION: Mayor Headding moved to waive minor irregularities in the bids received by the City, reject the bid protest filed by Paso Robles Tank, Inc., and authorize the City Manager to execute a contract with Superior Tank Solutions, Inc. (STS) in the amount of \$2,039,268 for recoating and rehabilitation of six water storage tanks after approved as to the form by the City Attorney. 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/yDLOpHLhsCA?t=13479>

Mayor Headding requested and received full support for a report brought forward at a special meeting to review proposed State Redistricting and allow the Mayor to weigh in on proposed maps.

E. ADJOURNMENT

The meeting adjourned at 9:16 p.m.

Recorded by:

Dana Swanson
City Clerk