

Pursuant to Assembly Bill 361 (2021-22) and Government Code section 54953 this Meeting will be conducted 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
	Heather Goodwin	Deputy 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
	Nancy Hubbard	Contract Planner
	Paul Amico	WRF Project Manager
	Eric Riddiough	City Engineer

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/2cbBNV34Qx8?t=193>

Mayor Headding announced Item B-1, previously noticed for this meeting would be continued to the June 28, 2022 Regular Meeting and invited those who wish to speak to that item do so during the General Public Comment.

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

<https://youtu.be/2cbBNV34Qx8?t=637>

PRESENTATIONS

<https://youtu.be/2cbBNV34Qx8?t=665>

- Proclamation honoring Former Council Member Bill Peirce presented to Billy Peirce
- Proclamation declaring Juneteenth Day

PUBLIC COMMENT

<https://youtu.be/2cbBNV34Qx8?t=1122>

Linda Winters, thanked staff who voted on election night; spoke on her past Council meeting public comment regarding holding meetings via zoom rather than in-person; expressed appreciation to SLO Foodbank and their hunger awareness event at City Park; and hoped to have in-person meetings soon.

Mayor Heading closed public comment.

A. CONSENT AGENDA
<https://youtu.be/2cbBNV34Qx8?t=1405>

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 18, 2022, CITY COUNCIL SPECIAL CLOSED SESSION MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE JUNE 8, 2022, CITY COUNCIL SPECIAL CLOSED SESSION MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-3 REVIEW AND RATIFICATION OF RINCON CONSULTANTS EIR CONTRACT AND AMENDMENTS 1 AND 2 FOR THE VISTRA BATTERY ENERGY STORAGE SYSTEM (BESS) PROJECT AT 1290 EMBARCADERO; (COMMUNITY DEVELOPMENT DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council review the staff report and ratify the EIR contract and amendments 1 and 2 for the Vistra Battery Energy Storage System (BESS) project at 1290 Embarcadero.

A-4 ADOPTION OF RESOLUTION NO. 49-22 APPROVING THE ASSIGNMENT AND ASSUMPTION AND CONDITIONALLY AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS NECESSARY FOR THE ASSIGNMENT AND ASSUMPTION AT LEASE SITE 90/90W (PORT HOUSE RESTAURANT, 885 EMBARCADERO ROAD); (HARBOR DEPARTMENT)

RECOMMENDATION: Staff recommend the City Council adopt Resolution No. 49-22 allowing the Mayor to authorize the assignment and assumption, and authorizing the Mayor to execute necessary documents, as-approved by the City Attorney, regarding the sale of the leasehold interest at Lease Site 90/90W to Callender Commercial Properties, LLC (Cliff Branch).

A-5 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 (INCLUDING PARTIALLY REMOTE) 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 attached Resolution No. 50-22 reauthorizing for public health and safety the conduct of public meetings of the legislative bodies of the City via remote teleconferencing

(including partially remote) for 30 days, thereby allowing the City Council and the City's advisory bodies to meet remotely (including partially remote) through July 14, 2022.

- A-6 ADOPTION OF RESOLUTIONS APPROVING THE TENTATIVE AGREEMENT AND MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MORRO BAY AND SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 620, APPROVING NEW AND AMENDED JOB CLASSIFICATIONS, AND ESTABLISHING COMPENSATION AND BENEFITS FOR UNREPRESENTED MANAGEMENT AND CONFIDENTIAL, AND DEPARTMENT HEAD EMPLOYEES OF THE CITY OF MORRO BAY; (CITY MANAGER/CITY CLERK/HR MANAGER)

RECOMMENDATION: Staff recommends the City Council:

1. Adopt Resolution No. 52-22 approving the 2022-24 Tentative Agreement and the 2022-24 Memorandum of Understanding between the City of Morro Bay ("City") and the Service Employees International Union Local 620 ("SEIU"), and
2. Adopt Resolution No. 53-22 approving new and amended job classifications and job descriptions, and
3. Adopt Resolution No. 54-22 amending and restating compensation and benefits for unrepresented Confidential Employees of the City of Morro Bay, and
4. Adopt Resolution No. 55-22 amending and restating compensation and benefits for unrepresented Management Employees of the City of Morro Bay, and
5. Adopt Resolution No. 56-22 amending and restating maximum compensation and benefits for Department Head Positions.

- A-7 PROCLAMATION EXPRESSING APPRECIATION FOR THE DEDICATION AND PUBLIC SERVICE OF FORMER COUNCIL MEMBER BILL PEIRCE; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

- A-8 PROCLAMATION DECLARING SATURDAY, JUNE 18, 2022 AS JUNETEENTH DAY, 2022; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

City Manager Collins noted a clerical correction was needed on Item A-6.

<https://youtu.be/2cbBNV34Qx8?t=1423>

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

Mayor Heading pulled Item A-6

- A-6 ADOPTION OF RESOLUTIONS APPROVING THE TENTATIVE AGREEMENT AND MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MORRO BAY AND SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 620, APPROVING NEW AND AMENDED JOB CLASSIFICATIONS, AND ESTABLISHING COMPENSATION AND BENEFITS FOR UNREPRESENTED MANAGEMENT AND CONFIDENTIAL, AND DEPARTMENT HEAD EMPLOYEES OF THE CITY OF MORRO BAY; (CITY MANAGER/CITY CLERK/HR MANAGER)

<https://youtu.be/2cbBNV34Qx8?t=1464>

City Manager Collins noted a clerical correction on page 193 of the agenda packet for the Building Inspector I job description under physical demands to read “The employee must occasionally lift and/or move up to 15 pounds.”

Council Member Heller pulled Items A-3 and A5.

MOTION: Council Member Addis moved approval of Items A-1, A-2, A-4, A-6 with the correction noted by staff, A-7 and A-8 on the Consent Agenda. The motion was seconded by Council Member Barton and carried 5-0 by roll call vote.

A-3 REVIEW AND RATIFICATION OF RINCON CONSULTANTS EIR CONTRACT AND AMENDMENTS 1 AND 2 FOR THE VISTRA BATTERY ENERGY STORAGE SYSTEM (BESS) PROJECT AT 1290 EMBARCADERO; (COMMUNITY DEVELOPMENT DEPARTMENT)

<https://youtu.be/2cbBNV34Qx8?t=1576>

Staff responded to questions posed by Council.

MOTION: Council Member Heller moved approval of Item A-3. The motion was seconded by Mayor Headding and carried 5-0 by roll call vote.

A-5 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 (INCLUDING PARTIALLY REMOTE) FOR A CONTINUED 30-DAY PERIOD PURSUANT TO THE RALPH M. BROWN ACT AS AMENDED BY ASSEMBLY BILL NO. 361; (CITY ATTORNEY)

<https://youtu.be/2cbBNV34Qx8?t=1805>

Staff responded to questions posed by Council.

MOTION: Council Member Heller moved approval of Item A-5. The motion was seconded by Mayor Headding and carried 5-0 by roll call vote.

B. PUBLIC HEARINGS

<https://youtu.be/2cbBNV34Qx8?t=2004>

B-1 PUBLIC HEARING TO REPORT ON DELINQUENT SOLID WASTE COLLECTION ACCOUNTS AND ADOPT RESOLUTION NO. 57-22 AUTHORIZING SAN LUIS OBISPO COUNTY ASSESSOR TO ASSESS AMOUNTS DUE ON DELINQUENT SOLID WASTE COLLECTION ACCOUNTS AS TAX LIENS AGAINST THE PROPERTIES; (PUBLIC WORKS DEVELOPMENT)

This item is to be continued to a date certain, June 28, 2022 Regular Meeting, which will be held via teleconference and, as public health and safety allows, may also be at the Veteran’s Hall.

B-2 REQUEST FOR AN AMENDMENT TO THE LAND USE MAP WITHIN THE GENERAL PLAN/LOCAL COASTAL PROGRAM ADOPTED IN 2021 AND RECEIPT AND FILING OF AN ADDENDUM TO THE RELATED ENVIRONMENTAL IMPACT REPORT. THE CHANGE FROM DISTRICT COMMERCIAL TO COMMUNITY COMMERCIAL IS CONSISTENT WITH THE PROPOSED NEW ZONING DESIGNATION FOR THE SITE. THE SITE IS ADJACENT TO SIMILARLY DESIGNATED SITES ALONG MAIN STREET; (COMMUNITY DEVELOPMENT)

<https://youtu.be/2cbBNV34Qx8?t=2016>

Contract Planner Hubbard provided the report and responded to Council inquires.

Mayor Headding opened the Public Hearing.

Steve Allen, Applicant/Owner, gave an overview of the project site and his plans for the property.

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

The Public Hearing was closed.

MOTION: Mayor Headding moved to adopt Resolution No. 47-22 approving the MAJ21-006 for a change in the Land Use Map included in the General Plan (GP)/Local Coastal Program (LCP), Land Use Plan from District Commercial to Community Commercial for this parcel and (ii) receive and file the addendum. The motion was seconded by Council Member Heller and carried 5-0 by roll call vote.

C. BUSINESS ITEMS

- C-1 PREPAREDNESS/OPERATIONAL READINESS RELATED TO MORRO BAY POLICE DEPARTMENT (MBPD) RESPONSE TO CRITICAL INCIDENTS (INCLUDING ACTIVE SHOOTER; (POLICE DEPARTMENT)
<https://youtu.be/2cbBNV34Qx8?t=2660>

Police Chief Cox presented the report and video, along with Ryan Pinkerton from San Luis Obispo Unified School District, responded to Council inquires.

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

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

- C-2 CALTRANS HIGHWAY 1 PAVEMENT REHABILITATION AND IMPROVEMENTS PROJECT; (PUBLIC WORKS DEPARTMENT)
<https://youtu.be/2cbBNV34Qx8?t=6811>

Public Works Director Kwolek presented the report, along with Kevin Jones and Amy Donatello with CalTrans, responded to Council inquires.

The public comment period for Item C-2 was opened; seeing none, the public comment period was closed.

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

- C-3 AUTHORIZE THE CITY MANAGER TO EXECUTE 1) AMENDMENT NO. 2 TO CONTRACT WITH COGSTONE RESOURCE MANAGEMENT; 2) AMENDMENT NO. 7 TO CONTRACT WITH FAR WESTERN ANTHROPOLOGICAL RESEARCH GROUP, INC.; 3) AMENDMENT NO. 4 TO CONTRACT WITH ANVIL BUILDERS FOR THE WRF LIFT STATION AND OFFSITE PIPELINES CONSTRUCTION PROJECT.; AND 4) AMENDMENT NO. 6 TO CAROLLO ENGINEERS, INC.; (PUBLIC WORKS DEPARTMENT)

<https://youtu.be/2cbBNV34Qx8?t=9125>

Public Works Director Kwolek and Water Reclamation Facility Program Manager Amico 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: Mayor Headding moved to approve: 1) Amendment No. 2 to the agreement with Cogstone Resource Management (Cogstone) for cultural resources monitoring services during construction of the WRF Lift Station and Offsite Pipelines project for a total amount of \$347,210, plus an additional \$43,060 of optional, as-needed services for cultural resources monitoring, as directed by the City's Public Works Director, resulting in a total not to exceed amount of \$1,395,991.22. Allocation of Cogstone Amendment No. 2 between Q4 FY 21/22 and Q1 FY 22/23 is described in the Fiscal Impact section below; 2) Amendment No. 7 to the agreement with Far Western Anthropological Research Group, Inc. (Far Western) to extend their contract expiration date to December 31st, 2025. This is a non-compensable contract extension; 3) Amendment No. 4 to the agreement with Anvil Builders, Inc. (Anvil) for the WRF Lift Stations and Offsite Pipelines construction for an overall reduction of \$54,065, which provides a credit to their construction costs resulting in a new reduced total contract amount of \$32,942,914; and 4) Amendment No. 6 to the agreement with Carollo Engineers, Inc. (Carollo) to extend their contract expiration date to June 30th, 2023. This is a non-compensable contract extension. The motion was seconded by Council Member Addis and carried 4-1 by roll call vote with Council Member Heller opposed.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS
None

E. ADJOURNMENT

The meeting adjourned at 8:28 p.m.

Recorded by:

Heather Goodwin
Deputy City Clerk