

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – SEPTEMBER 13, 2022
VETERAN'S MEMORIAL HALL /
TELECONFERENCE – 5:30 P.M.

AGENDA NO: A-4
MEETING DATE: September 27, 2022

Pursuant to Assembly Bill 361 (2021-22) and Government Code section 54953 this Meeting will be conducted in a hybrid format with both in-person and virtual public participation.

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
	Eric Endersby	Harbor Director
	Travis Hasch	Fire Captain/Paramedic
	Nicole Taylor	Police Sergeant
	Eric Riddiough	City Engineer
	Janeen Burlingame	Management Analyst
	Dan Heimel	Contract Engineer, Confluence Engineering

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/DK mz N1 rpn-0?t=150>

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

<https://youtu.be/DK mz N1 rpn-0?t=909>

PRESENTATIONS

<https://youtu.be/DK mz N1 rpn-0?t=1005>

- Sea Otter Awareness Week Proclamation presented to Director of Sea Otter Savvy, Gena Bentall

PUBLIC COMMENT

<https://youtu.be/DK mz N1 rpn-0?t=1225>

Linda Winters, Morro Bay, saluted those who give their time to support sea otters and other programs.

Aaron Ochs, Morro Bay, clarified remarks made at the August 23rd Council Meeting and stated he intended to investigate resident allegations thoroughly.

Betty Winholtz, Morro Bay, offered information regarding the fiber optic lines being installed around town and commented on the Avocado and Margarita Festival.

Garry Johnson, Morro Bay, announced an upcoming event hosted by the Morro Bay Maritime Museum on October 8th.

Mayor Headding closed public comment.

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

A. CONSENT AGENDA
<https://youtu.be/DK mz N1 rpn-0?t=2411>

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 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 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. 83-22 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 October 13, 2022.

With approval of this motion and until such further notice, City Council and advisory bodies will continue to hold their meetings in public at the Veterans Hall, with the option for individual Councilmembers and advisory body members to teleconference.

- A-2 AWARD OF BID – PROJECT NO. MB2021-ST01, PAVEMENT MANAGEMENT PROJECT FY 21/22; (PUBLIC WORKS DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 84-22 approving an agreement with Papich Construction Company, Inc., for Project No. MB2021-ST01, Pavement Management Project FY 21/22 in an amount not to exceed \$1,339,710, and approve a total FY 2021-22 Pavement Management Project Budget of \$1,414,600, and direct staff to return with a Midyear Budget Amendment to transfer \$350,000 from the FY 2022-23 Pavement Management Project to the FY 2021-22 project budget. All agreements implementing such project work shall be processed and based on the review of the City Attorneys' Office to be in form and substance acceptable to City staff and legal counsel.

A-3 RATIFICATION OF STAFF DECISION TO ALLOW CHANGE IN SUBCONTRACTOR FOR WATER TANK REHABILITATION PROJECT; (PUBLIC WORKS DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council ratify City staff's decision to allow for a change in subcontractor to the contract with Superior Tank Solutions (STS) for the Water Tank Rehabilitation Project.

A-4 PROCLAMATION DECLARING SEPTEMBER 18-24, 2022 AS THE 20TH ANNUAL SEA OTTER AWARENESS WEEK; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

Mayor Heading opened public comment for the Consent Agenda.

<https://youtu.be/DKHzN1rpn-0?t=2427>

Betty Winholtz, Morro Bay, spoke regarding Item A-2, requesting the Council increase funding for street improvements to \$2.8 Million.

Barry Branin, Morro Bay, commented on poor paving conditions, particularly in north Morro Bay.

The public comment period was closed.

Mayor Heading pulled Item A-2.

MOTION: Council Member Addis moved approval of all items on Consent except Item A-2. The motion was seconded by Council Member Barton and carried 5-0 by roll call vote.

A-2 AWARD OF BID – PROJECT NO. MB2021-ST01, PAVEMENT MANAGEMENT PROJECT FY 21/22; (PUBLIC WORKS DEPARTMENT)

<https://youtu.be/DKHzN1rpn-0?t=2662>

Staff responded to questions raised during public comment.

MOTION: Mayor Heading moved approval of Item A-2. The motion was seconded by Council Member Addis and carried 5-0 by roll call vote.

B. PUBLIC HEARINGS - None

C. BUSINESS ITEMS

C-1 PAVEMENT MANAGEMENT UPDATE 2022; (PUBLIC WORKS DEPARTMENT)

<https://youtu.be/DKHzN1rpn-0?t=2917>

Public Works Director Kwolek introduced Joe Ririe of Pavement Engineering who, along with City Engineer Riddiough, provided the report and responded to Council inquires.

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

<https://youtu.be/DKHzN1rpn-0?t=6845>

Barry Branin, Morro Bay, urged the Council to allocate reserve funds for street paving, particularly in north Morro Bay.

Betty Winholtz, Morro Bay, concurred with Mr. Branin.

Garry Johnson, Morro Bay, asked what impact construction trucks and tourists have on streets and suggested the City charge a fee for parking at the Rock.

James Costanzo, Morro Bay, urged the City to establish a plan and stick to it.

Casey Cordes, Morro Bay, recommended the City aggressively invest in the infrastructure in our city and work to improve external communication.

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

The Council did not take any action on this item.

- C-2 APPROVAL OF RESTATED SOLID WASTE, RECYCLING, AND ORGANIC SERVICES FRANCHISE AGREEMENT WITH MORRO BAY GARBAGE SERVICE TO COMPLY WITH STATE ORGANICS RECYCLING LAW (SENATE BILL 1383) REQUIREMENTS; (PUBLIC WORKS DEPARTMENT)
<https://youtu.be/DK mz N1 rpn-0?t=7536>

Public Works Director Kwolek and Management Analyst Burlingame provided the report and responded to Council inquires.

The public comment period for Item C-2 was opened.
<https://youtu.be/DK mz N1 rpn-0?t=8557>

Betty Winholtz, Morro Bay, appreciated staff responding to questions submitted in public comment, suggested informational materials be distributed as a separate flyer and asked how spending of franchise fees are tracked.

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

Jeff Clarin, Morro Bay Garbage Service, responded to Council questions.

MOTION: Council Member Heller moved to approve the Restated Solid Waste, Recycling, and Organic Services Franchise Agreement (the Agreement) with Morro Bay Garbage Service (MBGS), after City Attorney final review and any non-substantive revisions and authorize the City Manager to execute the Agreement. If following Council's approval of the Agreement at this meeting, should there be any substantive changes negotiated, such revisions will be re-presented to the Council for approval. The motion was seconded by Council Member Ford and carried 5-0 by roll call vote.

The Council took a brief recess at 8:06 p.m. The meeting reconvened at 8:18 p.m. with all members present.

- C-3 APPROVAL TO ENTER INTO A COST SHARING AGREEMENT WITH THE RANCHO COLINA MUTUAL WATER COMPANY TO APPLY FOR GRANT FUNDING TO EVALUATE WATER AND WASTEWATER UTILITY CONSOLIDATION OPPORTUNITIES; (PUBLIC WORKS DEPARTMENT)
<https://youtu.be/DK mz N1 rpn-0?t=10057>

Public Works Director Kwolek provided the report and responded to Council inquires.

The public comment period for Item C-3 was opened.
<https://youtu.be/DK mz N1 rpn-0?t=10888>

Betty Winholtz, Morro Bay, questioned whether State Water could be allocated to areas outside the City.

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

MOTION: Mayor Headding moved to approve the City Manager to execute a Cost Share Agreement with Rancho Colina Mutual Water Company, a California Mutual Benefit Corporation, (Rancho Colina) to fund the preparation of Clean Water and Drinking Water State Revolving Fund Planning Grant applications. The motion was seconded by Council Member Barton for discussion.

Council Member Heller preferred to consider the issue after the recycled portion of the WRF program was complete to have a better understanding of the City's water supply.

The motion carried 4-1 by roll call vote with Council Member Heller opposed.

- C-4 CONSIDERATION TO APPROVE A PROPOSAL FROM AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH VALBRIDGE PROPERTY ADVISORS FOR PREPARATION OF AN APPRAISAL OF THE JOINTLY OWNED MORRO BAY-CAYUCOS SANITARY DISTRICT WASTEWATER TREATMENT PLANT SITE AND RELATED FACILITIES (APNS: 066-031-032, 066-031-033, AND 066-031-034); (CITY MANAGER)
<https://youtu.be/DKmzN1rpn-0?t=11267>

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

The public comment period for Item C-4 was opened.
<https://youtu.be/DKmzN1rpn-0?t=11615>

Betty Winholtz, Morro Bay, appreciated raising the idea it's a required part of the Coastal Commission process and asked what role the JPA would have as there had not been any meetings in several years.

The public comment period for Item C-4 was closed.

Mayor Headding responded to questions raised during public comment.

MOTION: Council Member Barton moved to approve and authorize the City Manager to execute an agreement with Valbridge Property Advisors for Preparation of an Appraisal of the Jointly Owned Morro Bay-Cayucos Sanitary District Wastewater Treatment Plant Site and Related Facilities (APNs: 066-031-032, 066-031-033, and 066-031-034). The motion was seconded by Council Member Addis and carried 5-0 by roll call vote.

- D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS
None

- E. ADJOURNMENT

The meeting adjourned at 8:48 p.m.

Recorded by:

Dana Swanson

