

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – SEPTEMBER 27, 2022
VETERAN'S MEMORIAL HALL /
TELECONFERENCE – 5:30 P.M.

AGENDA NO: A-1
MEETING DATE: October 25, 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.
	Scot Graham	Community Development Director
	Jody Cox	Police Chief
	Eric Endersby	Harbor Director
	Matt Vierra	Deputy Chief/Fire Marshal
	Eric Riddiough	City Engineer

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Headding called the meeting to order at 5:30 p.m., with all but Council Member Barton present. Council Member Barton joined the meeting at 5:34 p.m.

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/sO6SboF2VeA?t=156>

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

<https://youtu.be/sO6SboF2VeA?t=755>

PRESENTATIONS

<https://youtu.be/sO6SboF2VeA?t=806>

- National Hispanic Heritage Month Proclamation presented to C.R. Lara.
- Peace and Nonviolence Month Proclamation presented to Ruth Ann Angus.

PUBLIC COMMENT

<https://youtu.be/sO6SboF2VeA?t=1469>

Judi Brown, Morro Bay, spoke regarding the BESS Project, suggesting it be located at Diablo Canyon, rather than Morro Bay.

Rachel Wilson, Cayucos, expressed concern regarding the potential battery storage facility in Morro Bay and suggested Diablo Canyon would be a safer location.

Terry Simons, Morro Bay, spoke to Item A-9 from the August 9, 2022, City Council Meeting and the perception it was predetermined the Vistra battery storage project would be approved.

Rigmor, Morro Bay, urged owners of R4 properties listen to the September 20th Planning Commission meeting to hear discussion of potential downzoning of those properties.

Mania Bedikian spoke regarding the disappearance of the Beach Street Specific Plan and effects downzoning would have in that area. She urged the City to consider protecting this area to allow transitional and mixed uses.

Joan Behrick, Morro Bay, spoke against the Vistra Energy battery storage facility proposed to be located in Morro Bay, expressing concern about potential health and safety risks to residents and visitors.

Cindy Muir, Morro Bay, spoke against the proposed Vistra battery storage facility.

Joyce Hunter, Morro Bay, expressed safety and environmental concerns regarding the proposed battery storage plant.

Barry Branin, Morro Bay, spoke regarding the recent fire at a Moss Landing battery storage facility.

Linda Winters, Morro Bay, asked Council candidates to familiarize themselves with the Morro Bay mobile home rent stabilization ordinance.

Garry Johnson, Morro Bay, opined downtown Morro Bay is not the right place for a battery storage facility.

Judy Setting, Morro Bay, spoke in opposition to the proposed BESS project and environmental effects on residents, visitors, and wildlife.

Lynda Merrill, Morro Bay, shared her appreciation for the City Council and staff and stated her support for the battery storage facility and wind farm.

Erica Crawford, Morro Bay Chamber of Commerce, announced upcoming events and invited residents to attend a candidate forum moderated by the League of Women Voters to be held Wednesday, October 5th at the Veterans Hall.

David Yeager, Vistra Corporation, clarified the most recent event in Moss Landing occurred on an adjacent property not owned by Vistra and that there had never been a fire or explosion at the Vistra property. He shared there will be several opportunities for public input throughout the application process.

Dave Boyd, Morro Bay, spoke regarding fire concerns associated with lithium batteries.

Pam Dougherty, Morro Bay, expressed safety concerns regarding lithium batteries.

Tory Stanley, Morro Bay, opposed the battery storage facility.

Lauralee Waldorf asked how the City government was established and how the agenda is set.

Franklin opposed having a battery storage facility located near Morro Bay High School.

Betty Winholtz, Morro Bay, was concerned with condition of the former Bank of America and asked what influence City had over the owner to make improvements.

Nancy Bast, Morro Bay, opposed a battery storage facility in Morro Bay.

Linda Donnelly, Morro Bay, shared she was traveling and rerouted due to the Moss Landing last week and expressed concern about how a similar event would affect Morro Bay.

Melanie Williams-Mahan, Morro Bay, due to health and safety concerns, opposed a battery storage facility being located in Morro Bay.

Carole Truesdale, Morro Bay, agreed with previous comments and urged the Council to not allow a lithium battery storage project in Morro Bay.

Mayor Heading closed public comment.

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

A. CONSENT AGENDA
<https://youtu.be/sO6SboF2VeA?t=5814>

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 AUGUST 9, 2022, CITY COUNCIL MEETING;
(CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE AUGUST 23, 2022, CITY COUNCIL MEETING;
(CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF MINUTES FOR THE SEPTEMBER 13, 2022, CITY COUNCIL SPECIAL
CLOSED SESSION MEETING; (CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-4 APPROVAL OF MINUTES FOR THE SEPTEMBER 13, 2022, CITY COUNCIL MEETING;
(CITY CLERK)

RECOMMENDATION: Approve as submitted.

A-5 APPROVAL OF THIRD AGREEMENT BETWEEN THE SAN LUIS OBISPO COUNTY
INTEGRATED WASTE MANAGEMENT AUTHORITY (“IWMA”), THE CAYUCOS
SANITARY DISTRICT (“CSD”) AND THE CITY OF MORRO BAY (“CITY”) FOR THE
OPERATION OF A HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY AT
170 ATASCADERO ROAD; (PUBLIC WORKS DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council approve and authorize the City Manager to execute the Third Agreement between the San Luis Obispo County Integrated Waste Management Authority (“IWMA”), the Cayucos Sanitary District (“CSD”) and the City of Morro Bay for the continued operation of a

household hazardous waste collection facility at 170 Atascadero Road through February 23, 2023.

- A-6 PROCLAMATION RECOGNIZING SEPTEMBER 15 – OCTOBER 15, 2022, AS “NATIONAL HISPANIC HERITAGE MONTH”; (ADMINISTRATION)

RECOMMENDATION: Approved as submitted

- A-7 PROCLAMATION DESIGNATING SEPTEMBER 21ST OF EACH YEAR TO BE THE DAY OF PEACE AND THE MONTH OF SEPTEMBER AS PEACE & NONVIOLENCE MONTH; (ADMINISTRATION)

RECOMMENDATION: Approved as submitted

Mayor Headding opened public comment for the Consent Agenda.

Betty Winholtz, Morro Bay, spoke to Item A-5, questioning the term of the agreement and whether an alternate site would be identified before it expired.

Terry Simons, Morro Bay, stated items placed on consent agenda should be ministerial items only.

The public comment period was closed.

Mayor Headding pulled Item A-5.

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

- A-5 APPROVAL OF THIRD AGREEMENT BETWEEN THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY (“IWMA”), THE CAYUCOS SANITARY DISTRICT (“CSD”) AND THE CITY OF MORRO BAY (“CITY”) FOR THE OPERATION OF A HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY AT 170 ATASCADERO ROAD; (PUBLIC WORKS DEPARTMENT)
<https://youtu.be/sO6SboF2VeA?t=6038>

Staff responded to questions raised during public comment.

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

B. PUBLIC HEARINGS – NONE

The Council took a brief recess at 7:13 p.m. The meeting reconvened at 7:20 p.m. with all members present.

C. BUSINESS ITEMS

- C-1 ESTABLISHMENT OF A PARS POST-EMPLOYMENT BENEFITS TRUST PROGRAM TO PRE-FUND PENSION AND RETIREE HEALTH CARE OBLIGATIONS; (ADMINISTRATIVE SERVICES DEPARTMENT)
<https://youtu.be/sO6SboF2VeA?t=6586>

Assistant City Manager/Admin Services Director Johnson-Rios opened the item and introduced PARS Senior Manager, Rachel Sanders, who provided the report and responded to Council inquiries.

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

Betty Winholtz, Morro Bay, raised various questions regarding the report.

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

MOTION: Mayor Headding moved to adopt Resolution No. 85-22 authorizing participation in the PARS Post-Employment Benefits Trust Program to be administered by Public Agency Retirement Services (PARS) and U.S. Bank, appointing the City Manager as the City's Plan Administrator, authorizing the City Manager to execute the documents to implement the Program subject to the City Attorney's review and approval, authorizing the City Manager to take necessary actions to dissolve the current OPEB trust and move funds to the PARS OPEB trust, and directing the City Manager to select specified portfolios that I just discussed for initial investments and make changes if needed to continue to implement City fiscal goals. The motion was seconded by Council Member Barton and carried 5-0 by roll call vote.

- C-2 ADOPTION OF RESOLUTION NO. 86-22 DECLARING THE CITY'S INTENTION TO APPROVE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) CONTRACT AMENDMENT AND INTRODUCTION AND FIRST READING OF ORDINANCE NO. 653 AUTHORIZING AN AMENDMENT TO THE CALPERS CONTRACT TO IMPLEMENT 2% COST SHARING FOR LOCAL FIRE MEMBERS IN THE MORRO BAY FIREFIGHTERS ASSOCIATION, IAFF LOCAL 3725; (HUMAN RESOURCES)
<https://youtu.be/sO6SboF2VeA?t=9321>

City Clerk/Human Resources Manager Swanson provided the report.

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

Betty Winholtz, Morro Bay, questioned why hourly employees were excluded.

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

MOTION: Council Member Addis moved that Council take the following separate actions:
1) Adopt Resolution No. 86-22 giving notice of the City's intention to approve an amendment to the contract between the City and the CalPERS Board of Administration; and 2) Introduce for first reading by title only, with further reading waived, Ordinance No. 653 Authorizing an Amendment to the Contract between the City of Morro Bay and the Board of Administration of the California Public Employees' Retirement System Implementing Section 20516 (Employees Sharing Additional Cost) for local fire members in the Morro Bay Firefighters' Association, IAFF Local 3725 (MBFFA). The motion was seconded by Council Member Heller and carried 5-0 by roll call vote.

- D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS
None

E. ADJOURNMENT

The meeting adjourned at 8:12 p.m.

Recorded by:

Dana Swanson

Dana Swanson
City Clerk

CC_2022-09-27 Regular Meeting Minutes

Final Audit Report

2022-10-26

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