

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – NOVEMBER 22, 2022  
VETERAN'S MEMORIAL HALL /  
TELECONFERENCE – 5:30 P.M.

AGENDA NO: A-3  
MEETING DATE: December 13, 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 Dawn Addis Laurel Barton Jennifer Ford	Mayor Council Member Council Member Council Member
ABSENT:	Jeff Heller	Council Member
STAFF:	Scott Collins Chris Neumeyer Dana Swanson Greg Kwolek Scot Graham Daniel McCrain Jody Cox Eric Endersby Paul Amico Dan Heimel	City Manager City Attorney City Clerk Public Works Director Community Development Director Fire Chief Police Chief Harbor Director WRF Program Manager, Carollo Engineering Contract Engineer, Confluence Engineering

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Headding called the meeting to order at 5:30 p.m., with all but Council Member Heller 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/vofbBhAw\\_U0?t=177](https://youtu.be/vofbBhAw_U0?t=177)

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS - None

PRESENTATIONS  
[https://youtu.be/vofbBhAw\\_U0?t=515](https://youtu.be/vofbBhAw_U0?t=515)

- Family Court Awareness Month Proclamation presented to Tracey Mueller-Gibbs
- Presentation of Appreciation Gift to and Comments by Council Member Dawn Addis

PUBLIC COMMENT  
[https://youtu.be/vofbBhAw\\_U0?t=1366](https://youtu.be/vofbBhAw_U0?t=1366)

Aaron Ochs, Morro Bay, thanked Council Member Addis for her service and commented on the Vistra project and informational meeting.

Garry Johnson, Morro Bay, commented on the proposed Vistra project.

Linda Winters, Morro Bay, listed things she is thankful for and announced Morro Bay Annual Thanksgiving Dinner.

Rachel Wilson, Cayucos, provided a PowerPoint presentation opposing a battery storage facility in Morro Bay.

Terry Simons, Morro Bay, commented on Items A-5, A-6, A-8, and B-1. Regarding Item C-2, he expressed concern the EIR was certified well ahead of adoption and may be invalid.

Barry Branin, Morro Bay, raised safety and zoning concerns regarding the proposed Vistra project.

Judy Setting, Morro Bay, requested clarification regarding the proposed height of the Vistra battery project and asked the Council not change zoning of the Vistra property to light industrial.

Betty Winholtz, Morro Bay, questioned the amount due for her business license.

Vicki Hess, Morro Bay, spoke against the proposed Vistra project and hoped there will be an opportunity for more community outreach.

Mayor Headding closed public comment.

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

A. CONSENT AGENDA  
[https://youtu.be/vofbBhAw\\_U0?t=2921](https://youtu.be/vofbBhAw_U0?t=2921)

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 11, 2022, CITY COUNCIL MEETING; (CITY CLERK)

**RECOMMENDATION: Approve as submitted.**

A-2 APPROVAL OF MINUTES FOR THE NOVEMBER 1, 2022, CITY COUNCIL SPECIAL CLOSED SESSION MEETING; (CITY CLERK)

**RECOMMENDATION: Approve as submitted.**

A-3 PROCLAMATION DECLARING NOVEMBER AS “FAMILY COURT AWARENESS MONTH”; (ADMINISTRATION)

**RECOMMENDATION: Approved as submitted**

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 (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. 96-22 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 December 22, 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-5 ADOPTION OF RESOLUTION NO. 97-22 APPROVING AMENDMENT NO. 4 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. 97-22 approving Amendment No. 4 to the Morro Bay Transit and Trolley Operations and Management Agreement with MV Transportation, Inc.**

- A-6 ADOPT RESOLUTION NO. 98-22 APPROVING THE 2019 IRWM PLAN AND ADOPT RESOLUTION NO. 99-22 ACCEPTING INTEGRATED REGIONAL WATER MANAGEMENT (IRWM) GRANT FUNDING FOR THE INDIRECT POTABLE REUSE COMPONENT OF THE WRF PROGRAM; (PUBLIC WORKS DEPARTMENT)

**RECOMMENDATION: Staff recommends the City Council to adopt Resolution No. 98-22 (Attachment 1) approving the 2019 San Luis Obispo County Integrated Regional Water Management (IRWM) Plan and adopt Resolution No. 99-22 (Attachment 2) authorizing staff to submit a grant application and accept a grant award of \$1,200,000 from the San Luis Obispo County Flood Control and Water Conservation District (District) for the Indirect Potable Reuse component of the Morro Bay WRF Program.**

- A-7 APPROVE AND AUTHORIZE STAFF TO SUBMIT AN APPLICATION FOR A COASTAL CONSERVANCY GRANT FOR THE COLEMAN PARK CULTURAL AND HISTORICAL IMPROVEMENTS PROJECT; (PUBLIC WORKS DEPARTMENT)

**RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 100-22 approving and authorizing staff to submit an application for a Coastal Conservancy Grant for the Coleman Park Cultural and Historical Improvements Project.**

- A-8 ADOPT RESOLUTION NO. 101-22 TO APPROVE PARTICIPATION IN REGIONAL DESALINATION EXECUTABLE SOLUTION AND LOGISTICS (DESAL) PLAN EVALUATION; (PUBLIC WORKS DEPARTMENT)

**RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 101-22 approving City participation in the Desalination Executable Solution and Logistics (DESAL) Plan evaluation.**

Mayor Headding pulled Item A-5 from the Consent Agenda and continued the item to the next meeting.

Mayor Headding opened public comment for the Consent Agenda.

Betty Winholtz, Morro Bay, commented on Items A-6, A-7, and A-8.

The public comment period was closed.

Staff responded to questions raised during public comment.

MOTION: Council Member Barton moved approval of all items on Consent except Item A-5. The motion was seconded by Council Member Addis and carried 4-0-1 by roll call vote with Council Member Heller absent.

B. PUBLIC HEARINGS

B-1 ADOPTION OF ORDINANCE NO. 655 REPEALING AND REENACTING MULTIPLE CHAPTERS OF TITLE 14 (BUILDINGS AND CONSTRUCTION) OF THE CITY OF MORRO BAY MUNICIPAL CODE, INCORPORATING THE 2022 CALIFORNIA BUILDING STANDARDS CODE, AS ADOPTED BY THE STATE OF CALIFORNIA, AND LOCAL MODIFICATIONS THERETO; (COMMUNITY DEVELOPMENT DEPARTMENT)  
[https://youtu.be/vofbBhAw\\_U0?t=3466](https://youtu.be/vofbBhAw_U0?t=3466)

Community Development Director Graham provided a brief report.

Mayor Headding opened the Public Hearing.

Mayor Headding opened Public Comment.

Betty Winholtz, Morro Bay, asked whether prohibitions against bonfires and recreational fires applied to State Parks, and whether this was an opportunity to ban fireworks. She also requested clarification on electrification requirements.

The Public Hearing was closed.

Staff responded to questions raised during public comment.

MOTION: Mayor Headding moved adopt, by second reading and by title only with further reading waived, of Ordinance No. 655 “An Ordinance of the City Council of the City of Morro Bay, California, repealing, amending and reenacting Chapters 14.01-14.12 of Title 14 (Buildings and Construction) of the Morro Bay Municipal Code, thereby adopting by reference and amending the 2022 California Building (Volumes 1 and 2), Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Fire, Existing Building, Green Building, Administrative, And Reference Standards Codes, the 2021 International Property Maintenance Code, and the 1997 Uniform Code for the Abatement of Dangerous Buildings.” The motion was seconded by Council Member Ford and carried 4-0- by roll call vote with Council Member Heller absent.

The Council took a brief recess at 6:35 p.m. The meeting reconvened at 6:51 p.m. with all members present.

C. BUSINESS ITEMS

C-1 APPROVE WRF CONTRACT AMENDMENTS AND REVIEW AND COMMENT ON FISCAL YEAR 22-23 Q1 WRF QUARTERLY REPORT; (PUBLIC WORKS DEPARTMENT)  
[https://youtu.be/vofbBhAw\\_U0?t=4913](https://youtu.be/vofbBhAw_U0?t=4913)

WRF Program Manager Amico provided the report and responded to Council inquiries.

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

Judy Setting, Morro Bay, complained taxpayers are having to pay for these issues and was sad the project was over budget.

Betty Winholtz, Morro Bay, commented on the need for public input regarding bike path restoration, asked if Mr. Heimel's involvement in both the Morro Bay and Los Osos projects was a conflict of interest, and whether Coastal Development Permit special conditions 3, 5 & 7 had been completed.

Linda Donnelly, Morro Bay, raised several questions, opined the standard of care had not been followed, and questioned the status of Coastal Development Permit special conditions 3, 5 & 7.

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

Staff responded to questions raised during public comment.

MOTION: Council Member Ford moved to review and provide input for the Fiscal Year 22-23 1<sup>st</sup> Quarter (Q1) WRF Quarterly Report and authorize the City Manager to execute the following Water Reclamation Facility (WRF) contract amendments: 1) Amendment No. 6 to the agreement with Anvil Builders, Inc. (Anvil) for the WRF Lift Stations and Offsite Pipelines construction for \$646,763, which results in a total not to exceed contract value for Anvil of \$34,843,344; and 2) Amendment No. 8 to the agreement with Filanc, Black & Veatch (FBV) for the Water Reclamation Facility Construction project for \$957,418 which increases the Guaranteed Maximum Price (GMP) to \$78,015,298; and 3) Amendment No. 3 to the agreement with Cogstone Resource Management for cultural resources monitoring services during construction of the WRF Lift Station and Offsite Pipelines for a total amount of \$97,535.90, resulting in a total not to exceed amount of \$1,493,527.12. The motion was seconded by Council Member Barton and carried 4-0-1 by roll call vote with Council Member Heller absent.

C-2 ADOPTION OF ORDINANCE 654: AMENDMENTS TO MORRO BAY MUNICIPAL CODE, REPEALING TITLE 17 AND REPLACING WITH ADOPTION OF ZONING CODE/ COASTAL IMPLEMENTATION PLAN (IP) AND ASSOCIATED WATERFRONT MASTER PLAN AND MUNICIPAL CODE AMENDMENTS; (COMMUNITY DEVELOPMENT DEPARTMENT)

[https://youtu.be/vofbBhAw\\_U0?t=7800](https://youtu.be/vofbBhAw_U0?t=7800)

Community Development Director Graham provided the report and responded to Council inquiries.

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

Betty Winholtz, Morro Bay, appreciated staff response to questions posed in agenda correspondence and urged the Council to pull back the 37' height limit downtown and allow further study.

Linda Donnelly, Morro Bay, asked the Council pull back the 37' downtown height limit.

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

MOTION: Mayor Headding moved to adopt, by second reading and by title only with further reading waived, Ordinance No. 654 "An Ordinance of the City Council of the City of Morro Bay, California, repealing and replacing Title 17 (Zoning), and miscellaneous amendments to update zoning language references in page 5-3 of the Waterfront Master Plan and Chapters 5.50, 5.60, 7.16, 8.32, 9.28, 10.60, 12.08, 12.12, 13.04, 13.20, 14.44, 14.42, 16.36, 16.40, and 16.48 of the Morro Bay Municipal Code; and direct staff to submit an application for LCP amendment to the California Coastal Commission for certification. The motion was seconded

by Council Member Barton and carried 4-0-1 by roll call vote with Council Member Heller absent.

- C-3 PRESENTATION OF HARBOR DEPARTMENT ORGANIZATIONAL ASSESSMENT REPORT AND CONSIDERATION OF RESOLUTION NO. 102-22 AUTHORIZING THE ADDITION OF (1) HARBOR PATROL OFFICER POSITION, AND APPROVING THE ASSOCIATED BUDGET AMENDMENT FOR FISCAL YEAR 2022/23; (CITY MANAGER / HARBOR DEPARTMENT)  
[https://youtu.be/vofbBhAw\\_U0?t=8743](https://youtu.be/vofbBhAw_U0?t=8743)

City Manager Collins and Harbor Director Endersby 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 Ford moved to adopt Resolution No. 102-22, adding an additional Harbor Patrol Officer (HPO) position to the Fiscal Year 2022/23 Budget, and approving the necessary Budget amendment for addition of that position. The motion was seconded by Council Member Barton and carried 4-0-1 by roll call vote with Council Member Heller absent.

- C-4 DISCUSS AND CONSIDER ADOPTION OF RESOLUTION NO. 103-22, ADOPTING THE CITY OF MORRO BAY'S FLAGPOLE POLICY; AND CONSIDER ADOPTION OF RESOLUTION NO. 104-22 APPROVING THE FLYING OF THE RAINBOW PRIDE FLAG AT CITY HALL DURING THE MONTH OF JUNE IN RECOGNITION OF LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, PLUS (LGBTQ+) PRIDE MONTH IN THE CITY OF MORRO BAY; (CITY ATTORNEY)  
[https://youtu.be/vofbBhAw\\_U0?t=10843](https://youtu.be/vofbBhAw_U0?t=10843)

City Attorney Neumeyer provided the report and responded to Council inquiries.

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

Judy Setting, Morro Bay, read a statement submitted as agenda correspondence and expressed concern the proposed policy did not equally represent all Morro Bay residents.

Linda Donnelly, Morro Bay, concurred with Ms. Setting's comments.

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

MOTION: Council Member Addis moved to adopt of Resolution No. 103-22, approving the City of Morro Bay's Flagpole Policy and Resolution No. 104-22 approving the Flying of the Rainbow Pride Flag at City Hall during the month of June in Recognition of Lesbian, Gay, Bisexual, Transgender, Queer, Plus Pride Month in the City of Morro Bay. The motion was seconded by Council Member Barton and carried 4-0-1 by roll call vote with Council Member Heller absent.

- C-5 APPROVE AN UPDATED MEMORANDUM OF UNDERSTANDING FOR SHARING CENTRAL COAST COMMUNITY ENERGY BOARD SEATS; (CITY MANAGER)  
[https://youtu.be/vofbBhAw\\_U0?t=11963](https://youtu.be/vofbBhAw_U0?t=11963)

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

The public comment period for Item C-5 was opened; seeing none, the public comment period was closed.

MOTION: Mayor Headding moved to approve an amendment to the Agreement and Memorandum of Understanding with the City of San Luis Obispo for sharing Policy Board, Operations Board, and Community Advisory Committee seats on Central Coast Community Energy, and that we authorize the City Manager to execute the Amendment to the Agreement and Memorandum of Understanding in a form subject to approval of the City Attorney's Office. The motion was seconded by Council Member Addis and carried 4-0-1 by roll call vote with Council Member Heller absent.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS  
[https://youtu.be/vofbBhAw\\_U0?t=12292](https://youtu.be/vofbBhAw_U0?t=12292)

Council Member Ford requested and received support for consideration of forming a downtown design district ad hoc or subcommittee to study and propose form-based guidelines.

E. ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Recorded by:

*Dana Swanson*

Dana Swanson  
City Clerk

# CC\_2022-11-22 Regular Meeting Minutes

Final Audit Report

2022-12-14

Created:	2022-12-14
By:	Heather Goodwin (hgoodwin@morrobayca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA43isyb7Kotn7zZkWGTh1ciyGE0LKho6z

## "CC\_2022-11-22 Regular Meeting Minutes" History

-  Document created by Heather Goodwin (hgoodwin@morrobayca.gov)  
2022-12-14 - 6:46:00 PM GMT
-  Document emailed to Dana Swanson (dswanson@morrobayca.gov) for signature  
2022-12-14 - 6:46:21 PM GMT
-  Email viewed by Dana Swanson (dswanson@morrobayca.gov)  
2022-12-14 - 6:52:47 PM GMT
-  Document e-signed by Dana Swanson (dswanson@morrobayca.gov)  
Signature Date: 2022-12-14 - 6:52:55 PM GMT - Time Source: server
-  Agreement completed.  
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