

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – OCTOBER 25, 2022  
VETERAN'S MEMORIAL HALL /  
TELECONFERENCE – 5:30 P.M.

AGENDA NO: A-1  
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	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
	Emily Conrad	Acting 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
	Cindy Jacinth	Senior Planner

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 5:35 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/VG5wg7-3yk4?t=157>

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS - None

<https://youtu.be/VG5wg7-3yk4?t=654>

PRESENTATIONS

<https://youtu.be/VG5wg7-3yk4?t=659>

- National Adoption Month Proclamation presented to Social Worker Rochelle Greenberg.
- National Apprenticeship Week Proclamation presented to Workforce Development Board Director Dawn Boulanger and Pipelines Trades Business Manager David Baldwin.

PUBLIC COMMENT

<https://youtu.be/VG5wg7-3yk4?t=1438>

Bill Luffee, Morro Bay, spoke in favor of Measure B-22, Harbor Infrastructure Parcel Tax initiative on the November ballot.

Aaron Ochs, Morro Bay, spoke in opposition to Measure B-22.

Judi Brown, Morro Bay, urged residents to vote no on Measure B-22.

Terry Simons, Morro Bay, spoke against the proposed lithium battery project in Morro Bay.

Rigmor, Morro Bay, spoke regarding the proposed Zoning Code changes, expressing concern about up-zoning in some areas while others were down-zoned to a less intensive use.

Mania Bedikian re-stated comments submitted as agenda correspondence regarding down-zoning of 1149 Market Ave.

Jan Goldman, Morro Bay resident and member of Morro Bay Open Space Alliance, urged the Council to approve their grant funding request to purchase technology to conduct hybrid meetings.

Garry Johnson, Morro Bay, spoke regarding the proposed lithium battery storage facility.

Lynda Merrill, Morro Bay, spoke in favor of the Harbor Infrastructure Parcel Tax Measure B-22, and requested Council approval of Items A-3, A-6, A-8, and C-1.

Linda Winters, Morro Bay, urged mobile home residents to keep their voter registration current and stay informed about local issues.

Barbara Doerr, Morro Bay, spoke regarding a proposed zoning change and potential loss of affordable housing, opposed Measure B-22 and the battery storage project.

Casey Cordes, Morro Bay, commented on the need to improve the audio/video quality for public meetings, provide email notifications of upcoming meetings and events, and address written correspondence during the meeting.

David Durringer, Morro Bay, urged the Council to repeal Ordinance No. 644 regulating gun storage.

Bob Keller, Morro Bay, announced Maritime Museum and Morro Bay High School events.

David Yaeger announced Vistra will host a public meeting regarding the proposed battery storage project on November 16<sup>th</sup> at the Morro Bay Community Center from 5:30 – 7:30 p.m.

Sharon O'Leary, Morro Bay resident and volunteer at Community Resource Connections, thanked Rock Harbor Church for hosting a recent food distribution event and suggested the City develop more community dinners and food distribution centers.

Jon Elliott announced the upcoming Trick-or-Treat event to be held Saturday, October 29<sup>th</sup> from 2:00 – 5:00 p.m. in downtown Morro Bay.

Steve Ray spoke regarding environmental impacts of the proposed battery project.

Seychelle Cannes, Morro Bay, expressed concerns about proposed battery storage project and urged Vistra to move the project away from the coast.

Rachel Wilson, Cayucos, spoke against the proposed battery storage project.

Betsy Gaudette-Cross, Morro Bay, opposed the proposed battery energy storage project in Morro Bay.

An unknown individual spoke in opposition to the proposed battery storage project.

Adrian Frost, Morro Bay, inquired about the town's vision and asked for improved communication.

Judy Setting, Morro Bay, asked whether Plan Morro Bay would re-zone the Vistra property for industrial uses and encouraged the Council to not give away negotiating tools by re-zoning the property.

Betty Winholtz, Morro Bay, commented on the City website and difficulties with the municipal code search function and suggested public comment for Item B-1 be broken up into topics to allow more public comment.

Kris Roudebush, We are the Care Initiative, announced recent activities and an upcoming workshop hosted by the Atascadero Chamber of Commerce. For more information visit [www.sanluischildcare.org](http://www.sanluischildcare.org).

Melanie Williams-Mahan spoke against Measure B-22.

Chris Swim, Morro Bay, voiced his support for increased 37' height limit in the downtown area and opportunity it provides to build housing and mixed use projects.

Glenn Silloway, Morro Bay resident and President of the Morro Bay Historical Society, thanked the City for providing a community grant program and asked the Council to consider the request to upgrade Franklin Riley Park.

Mayor Heading closed public comment.

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

The Council took a brief recess at 7:16 p.m. The meeting reconvened at 7:23 p.m. with all members present.

A. CONSENT AGENDA  
<https://youtu.be/VG5wg7-3yk4?t=6822>

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 SEPTEMBER 27, 2022, CITY COUNCIL MEETING; (CITY CLERK)

**RECOMMENDATION: Approve as submitted.**

A-2 APPROVAL OF MINUTES FOR THE OCTOBER 11, 2022, CITY COUNCIL SPECIAL CLOSED SESSION MEETING; (CITY CLERK)

**RECOMMENDATION: Approve as submitted.**

A-3 CONSIDER ADOPTION OF RESOLUTION NO. 91-22 APPROVING THE CREATION OF THE UTILITY DIVISION SUPERVISOR CLASSIFICATION AND JOB DESCRIPTION AND RESOLUTION NO. 92-22 APPROVING THE REVISED COMBINED MASTER SALARY SCHEDULE; (PUBLIC WORKS DEPARTMENT/CITY CLERK/HUMAN RESOURCES MANAGER)

**RECOMMENDATION: Staff recommends the City Council take the following action:**

1) Adopt Resolution No. 91-22 approving the creation of the Utility Division Supervisor classification and job description; and 2) Adopt Resolution No. 92-22 approving the revised Combined Master Salary Schedule.

A-4 APPROVAL OF FISCAL YEAR 2021-22 YEAR-END BUDGET AMENDMENTS; (ADMINISTRATIVE SERVICES DEPARTMENT)

**RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 93-22 approving Fiscal Year (FY) 2021-22 Year-End Budget Adjustments.**

A-5 APPROVAL OF CONTRACT WITH SAN LUIS OBISPO COUNTY FOR ANIMAL CARE AND CONTROL SERVICES FOR FY 2022/23 THROUGH FY 2024/25; (POLICE DEPARTMENT)

**RECOMMENDATION: City Council authorize the City Manager to execute a three-year contract with the County of San Luis Obispo for the continued provision of Animal Care and Control Services from July 1, 2022, to June 30, 2025.**

A-6 APPROVAL OF AMENDMENT NO. 2 TO CONTRACT WITH SUPERIOR TANK SOLUTIONS FOR KINGS TANKS AND BLANCA TANKS REHABILITATION PROJECT; (PUBLIC WORKS DEPARTMENT)

**RECOMMENDATION: Staff recommends that the City Council approve in substance Amendment No. 2 to Contract with Superior Tank Solutions for Kings Tanks and Blanca Tanks Rehabilitation Project for the amount of \$441,738 and authorize the City Manager to execute the contract amendment.**

A-7 FIRST QUARTER INVESTMENT REPORT FOR FISCAL YEAR (FY) 2022-23 (PERIOD ENDING SEPTEMBER 30, 2022); (ADMINISTRATIVE SERVICES DEPARTMENT)

**RECOMMENDATION: Receive the attached First Quarter Investment Report for FY 2022-23 (period ending September 30, 2022).**

A-8 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. 94-22 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 November 24, 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-9 PROCLAMATION DECLARING NOVEMBER AS "NATIONAL ADOPTION MONTH"; (ADMINISTRATION)

**RECOMMENDATION: Approved as submitted**

A-10 PROCLAMATION DECLARING “NOVEMBER 14-20, 2022, AS NATIONAL APPRENTICESHIP WEEK”; (ADMINISTRATION)

**RECOMMENDATION: Approved as submitted**

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

Council Member Heller pulled Item A-3.

MOTION: Council Member Addis moved approval of all items on Consent except Item A-3. The motion was seconded by Council Member Barton and carried 5-0 by roll call vote.

A-3 CONSIDER ADOPTION OF RESOLUTION NO. 91-22 APPROVING THE CREATION OF THE UTILITY DIVISION SUPERVISOR CLASSIFICATION AND JOB DESCRIPTION AND RESOLUTION NO. 92-22 APPROVING THE REVISED COMBINED MASTER SALARY SCHEDULE; (PUBLIC WORKS DEPARTMENT/CITY CLERK/HUMAN RESOURCES MANAGER)  
<https://youtu.be/VG5wg7-3yk4?t=6900>

Public Works Director Kwolek responded to questions raised 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.

**B. PUBLIC HEARINGS**

B-1 INTRODUCTION AND FIRST READING 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/VG5wg7-3yk4?t=7125>

Community Development Director Graham provided the report and, along with Senior Planner Jacinth, responded to Council inquires and questions raised during general public comment.

Mayor Headding opened the Public Hearing.

Mayor Headding opened Public Comment.  
<https://youtu.be/VG5wg7-3yk4?t=11048>

Derek Dahlgren, Morro Bay, spoke on behalf of owners of 733 and 741 Harbor St., requesting Council to take no action regarding Title 17 until proper notice was given to the affected real property owners.

Casey Cordes, Morro Bay, spoke in favor of increased height limits in the downtown area and encouraged the Council to move forward and not refer the issue back to a Planning Commission sub-committee.

Erica Crawford, Morro Bay Chamber of Commerce, spoke in favor of the proposed ordinance that takes pro-housing initiatives forward, and support for building heights from the 2018 draft zoning code.

Ken MacMillan, Morro Bay resident and business owner, spoke in favor of the increased 37' height limit in the downtown corridor and potential to build more studio or one bedroom apartments.

Sean Green, Morro Bay, appreciated the manner in which staff presented the item and stated his support for establishing a Planning Commission subcommittee to further study building height restrictions.

Bob Keller, Morro Bay, stated support for the 37' downtown height limit.

Betty Winholtz, Morro Bay, agreed homeowners in the Market and Harbor Street area should have been given notice of the proposed changes, and opposed increased building height in the downtown area.

Krista Jeffries, Grover Beach, spoke in favor of the proposed ordinance and potential development of different forms of housing.

The Public Comment period and Public Hearing was closed.

MOTION: Mayor Headding moved to adopt introduce for first reading by number and title only, with further reading waived, Ordinance No. 654,(i) repealing Title 17 of the Morro Bay Municipal Code in its entirety and replacing with adoption of the Zoning Code with the exception that on item number three in the staff report that the height limit not be reduced that it be maintained at 37 feet and that we not create a subcommittee of the Planning Commission to do any further review; (ii) text amendment to page 5-3 of the Waterfront Master Plan; and (iii) miscellaneous amendments to 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 with a finding that no further environmental review is required pursuant to State CEQA Guidelines section 15162. The motion was seconded by Council Member Addis for discussion.

Council Member Heller supported allowing the Planning Commission an opportunity to further explore the downtown building height issue; he also desired further review of the inclusionary housing ordinance.

There was a motion on the floor to waive further reading and vote on the motion by title only title of Ordinance Number 654 is "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 pages 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" with the exception that on item no. 3 in the staff report that the height limit not be reduced, that it be maintained at 37 feet and that we not create a subcommittee of the Planning Commission to do further review.

Following discussion, the motion carried 4-1 by roll call vote with Council Member Heller opposed.

B-2 INTRODUCTION 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/VG5wq7-3yk4?t=13557>

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

MOTION: Council Member Addis moved the meeting go past 9:30 p.m. The motion was seconded by Council Member Ford and carried 5-0 by roll call vote.

Mayor Headding opened the Public Hearing.

Mayor Headding opened Public Comment.

Betty Winholtz, Morro Bay, asked to clarify whether the parallel gas / electric infrastructure was a State mandate.

The Public Comment period and Public Hearing was closed.

MOTION: Council Member Addis moved to introduce for first reading by title only and with further reading waived, 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 (MBMC) thereby adopting by reference and amending the 2022 California Building Code (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 1997 Uniform Code for the Abatement of Dangerous Buildings. The motion was seconded by Council Member Ford for discussion.

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

C. BUSINESS ITEMS

- C-1 ADOPT RESOLUTION NO. 95-22 AWARDING FISCAL YEAR 2022-23 COMMUNITY GRANTS; (CITY MANAGER)  
<https://youtu.be/VG5wg7-3yk4?t=14468>

Council Member Ford recused herself and left the dais at 9:31 p.m. due to a conflict based on her business relationship with one of the community grant applicants.

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

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

Betty Winholtz, Morro Bay, commented on the Historical Society's willingness to share technology and asked if it was possible to make sure they don't charge a fee for use of equipment they received for free. She also noted Franklin Riley Park was established as open space and not intended to be organized like a park.

Kathleen Heil, Vice President of Morro Bay Art Association, appreciated the City's support.

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

MOTION: Mayor Headding moved to 1) Adopt Resolution No. 95-22, awarding Community Grants for Fiscal Year 2022-23, outlining adjustments, if any, consistent with the Community Grants Policy and American Rescue Plan Act ("ARPA") funding requirements; and 2) Authorize the City Manager to enter into agreements with all grantees, reviewing and adjusting insurance requirements on a case-by-case basis,

in coordination with California JPIA and City Attorney's Office, depending on the level of risk associated, and get assurances from Morro Bay Open Space Alliance the equipment will not be rented for any remuneration. The motion was seconded by Council Member Addis and carried 4-0-1 by roll call vote with Council Member Ford abstained.

Council Member Ford returned to the dais at 9:40 p.m.

- C-2 ADOPTION 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; (CITY CLERK/HUMAN RESOURCES MANAGER)  
<https://youtu.be/VG5wg7-3yk4?t=15014>

City Clerk/Human Resources Manager Swanson provided the report and responded to Council inquiries.

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

MOTION: Council Member Addis moved to adopt 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  
<https://youtu.be/VG5wg7-3yk4?t=15193>

Council Member Heller requested staff come back with list of potential City-owned parcels or portions of park land available to build affordable housing. There was Council support for consideration of having an existing ad hoc committee take on the assignment and staff was directed to bring a short item in November to authorize that work.

- E. ADJOURNMENT

The meeting adjourned 9:46 p.m.

Recorded by:

*Dana Swanson*

Dana Swanson  
City Clerk

# CC\_2022-10-25 Regular Meeting Minutes

Final Audit Report

2022-12-14

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## "CC\_2022-10-25 Regular Meeting Minutes" History

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