

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – JANUARY 10, 2023  
VETERAN'S MEMORIAL HALL /  
TELECONFERENCE – 5:30 P.M.

AGENDA NO: A-1  
MEETING DATE: February 14, 2023

*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:	Carla Wixom	Mayor
	Jennifer Ford	Council Member
	Laurel Barton	Council Member
	Cyndee Edwards	Council Member
	Zara Landrum	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

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Wixom called the meeting to order at 5:32 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/E\\_JWYsiBjz8?t=174](https://youtu.be/E_JWYsiBjz8?t=174)

Mayor Wixom announced that due to the storm and to minimize travel, Item C-1, Advisory Board interviews would be continued to a future meeting, likely on January 24, 2023.

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

[https://youtu.be/E\\_JWYsiBjz8?t=729](https://youtu.be/E_JWYsiBjz8?t=729)

PRESENTATIONS

[https://youtu.be/E\\_JWYsiBjz8?t=1065](https://youtu.be/E_JWYsiBjz8?t=1065)

- Proclamation commending and honoring Police Chief Jody Cox on his retirement

PUBLIC COMMENT

[https://youtu.be/E\\_JWYsiBjz8?t=1545](https://youtu.be/E_JWYsiBjz8?t=1545)

Joan Behrick, Morro Bay, spoke in opposition to the Vistra battery storage project.

Bill Martony, Morro Bay, appreciated the City's storm response, suggested the decision to increase building heights in the downtown area be revisited by the current Council, and the Tri-W property was a better location for the Vistra battery storage project.

Sharon O'Leary, Morro Bay, provided an update on the outreach efforts being provided by the Community Resource Connections office.

Terry Simons, Morro Bay, spoke regarding the importance of clearing debris to prevent flooding.

Paul Donnelly, Morro Bay, spoke regarding yesterday's storm and associated traffic issues and commented on the WRF Project, asking when it was expected to be complete.

Nancy Bast, Morro Bay, shared her wish list for the City in 2023 as submitted in agenda correspondence.

Dan Sedley, Morro Bay, appreciated storm information shared via the City website Hot Topics, complimented retired Police Chief Jody Cox, and urged the Council to pay more attention to money being spent.

Steve Mathieu, Morro Bay, compared the City's response to the 1995 flood to this event, expressing frustration with the delayed response.

Kate DeWeese, Morro Bay, shared the effect the storm had on her home and business and need for FEMA help.

Linda Donnelly, Morro Bay, expressed concern for those who were displaced due to storm damage, asked for clarification regarding the City Park Transit Hub project, and inquired about a police car being parked at Morro Bay Blvd. and Kern Avenue.

Erica Crawford, Morro Bay Chamber of Commerce, provided an update on efforts to support the business owners during and after the storm.

Nattalia Merzoyan, Morro Bay, appreciated the work that was done during the storm and requested the annual water quality analysis be expanded to include other categories of contaminants and toxins and sent out in the water bill.

Carole Truesdale, Morro Bay, appreciated the City's storm response.

Linda Winters, Morro Bay, commented on the storm response and requested FEMA information be posted on the City website.

Mayor Wixom closed public comment.

Staff presented an emergency item for Council consideration:

- I. FINDINGS TO ADD EMERGENCY ITEM TO AGENDA; ADOPT RESOLUTION NO. 05-23 PROCLAIMING AND AFFIRMING THE EXISTENCE OF A LOCAL EMERGENCY, AND CONFIRMING AND RATIFYING PROCLAMATION BY CITY'S DIRECTOR OF EMERGENCY SERVICES OF EXISTENCE OF A LOCAL EMERGENCY, IN RESPONSE TO 2023 WINTER STORM SURGE; (CITY MANAGER)  
[https://youtu.be/E\\_JWySiBjz8?t=4373](https://youtu.be/E_JWySiBjz8?t=4373)

City Manager Collins and City Attorney Neumeyer presented the item and recommended the City Council take the following action:

1. Make the necessary findings to add this agenda item as an emergency item to the agenda less than 72 hours prior to the meeting; and
2. Adopt Resolution No. 05-23 Proclaiming and Affirming the Existence of a Local Emergency and Confirming and Ratifying the Proclamation by the City's Director of Emergency Services of Existence of a Local Emergency in response to the 2023 Winter Storm Surge.

Mayor Wixom opened public comment regarding making findings to add the Emergency Item to the agenda.

[https://youtu.be/E\\_JWySiBjz8?t=4748](https://youtu.be/E_JWySiBjz8?t=4748)

Terry Simons, Morro Bay, suggested Council make a motion to add the item to the agenda.

The public comment period was closed.

**MOTION:** Council Member Barton moved the Council make the findings as stated on the agenda: 1. There is a need to take immediate action; and 2) the need for action came to the attention of the local agency subsequent to the agenda being posted; and 3) an emergency situation exists being an event "that severely impairs public health, safety or both" (Gov. Code section 54956.5). The motion was seconded by Council Member Edwards and carried 5-0 by roll call vote.

Mayor Wixom opened public comment regarding proclaiming and affirming the existence of a local emergency.

Terry Simons, Morro Bay, favored granting the City Manager the power to do take additional preemptive actions should we have a recurrence of the flood and to pursue County, State, and Federal funding.

Paul Donnelly, Morro Bay, recommended the City have emergency drills to ensure they can obtain necessary resources.

Joan Behrick, Morro Bay, spoke regarding needs of unsheltered residents.

Sharon O'Leary, Morro Bay, listed various services available to unsheltered residents including Transitions Mental Health, Laundry of Love, CAPSLO, Department of Social Services and others.

Linda Donnelly, Morro Bay, suggested using Nextdoor to request support and assistance from community members.

Sharon O'Leary, Morro Bay, added further comment regarding community needs and available support.

The public comment period was closed.

**MOTION:** Council Member Ford moved to adopt Resolution No. 05-23 Proclaiming and Affirming the Existence of a Local Emergency and Confirming and Ratifying the Proclamation by the City's Director of Emergency Services of Existence of a Local Emergency in response to the 2023 Winter Storm Surge. The motion was seconded by Council Member Barton and carried 5-0 by roll call vote.

A. CONSENT AGENDA

[https://youtu.be/E\\_JWySiBjz8?t=6154](https://youtu.be/E_JWySiBjz8?t=6154)

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 DECEMBER 13, 2022, CITY COUNCIL MEETING; (CITY CLERK)

**RECOMMENDATION: Approve as submitted.**

A-2 APPOINTMENT OF MAYOR PRO TEMPORE; ESTABLISH VARIOUS COUNCIL SUB-COMMITTEES FOR 2023; AND, APPOINTMENT OF REPRESENTATIVES ON DISCRETIONARY BOARDS, COUNCIL LIAISON ASSIGNMENTS AND COUNCIL SUB-COMMITTEES; (MAYOR WIXOM/CITY CLERK)

**RECOMMENDATION: Appoint Council Member Jen Ford as Mayor Pro Tempore; establish various Council Sub-Committees for 2023; and appoint representatives to serve on the various County or Regional Discretionary Boards, Council Liaison Assignments and Sub-Committees for calendar year 2023 as shown on the attached appointment list.**

A-3 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; UPDATE ON REMOTE MEETINGS PURSUANT TO NEW ASSEMBLY BILL NO. 2449; (CITY ATTORNEY)

**RECOMMENDATION: Staff recommends Council consider adoption of attached Resolution No. 01-23 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 February 9, 2023.**

**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-4 RESOLUTION NO. 02-23 APPROVING ADJUSTMENT TO LEASE SITE MAPS FOR LEASE SITES 65-66 AND 65W-66W AT 571 EMBARCADERO ROAD; (CITY ENGINEER)

**RECOMMENDATION: Staff recommends City Council approve the adjustment to Lease Sites 65-66 and 65W-66W at 571 Embarcadero by adopting Resolution No. 02-23.**

A-5 APPLICATION FOR GOVERNOR'S OFFICE OF TRAFFIC SAFETY GRANT; (FIRE DEPARTMENT)

**RECOMMENDATION: Authorize the Fire Department to submit applications to the California Office of Traffic Safety (OTS) Grant program for hydraulic extrication equipment and airbags.**

A-6 PROCLAMATION COMMENDING AND HONORING HARBOR DIRECTOR ERIC ENDERSBY ON HIS RETIREMENT; (ADMINISTRATION)

**RECOMMENDATION: Approved as submitted**

A-7 PROCLAMATION COMMENDING AND HONORING POLICE CHIEF JODY COX ON HIS RETIREMENT; (ADMINISTRATION)

**RECOMMENDATION: Approved as submitted**

Mayor Wixom opened the public comment for the Consent Agenda.

[https://youtu.be/E\\_JWYsiBjz8?t=6173](https://youtu.be/E_JWYsiBjz8?t=6173)

Cathy Novak, Morro Bay, spoke on behalf of the leaseholder regarding Item A-4, responding to comments submitted via agenda correspondence.

Terry Simons, Morro Bay, asked to speak regarding items A-4, A-5, A-6 and A-7.

Betty Winholtz, raised questions on Item A-4, urged the Council to not adopt the monthly resolution provided in Item A-3, and commented on the discretionary appointments proposed in Item A-2.

Nicole Dorfman, Morro Bay, spoke in opposition to Item A-3.

Dan Sedley, Morro Bay, urged the Council to vote no on Item A-3.

Kristen Headland, Morro Bay, spoke regarding Item A-2

Terry Simons, Morro Bay, raised a procedural point of order, stating his belief the Council should pull items, then open public comment for individual items.

The public comment period was closed.

Mayor pulled Items A-2 & A-3. Council Member Edwards pulled Item A-4.

MOTION: Council Member Barton moved approval of Items A-1 and A-5 through A-7. The motion was seconded by Council Member Ford and carried 5-0 by roll call vote.

A-2 APPOINTMENT OF MAYOR PRO TEMPORE; ESTABLISH VARIOUS COUNCIL SUB-COMMITTEES FOR 2023; AND, APPOINTMENT OF REPRESENTATIVES ON DISCRETIONARY BOARDS, COUNCIL LIAISON ASSIGNMENTS AND COUNCIL SUB-COMMITTEES; (MAYOR WIXOM/CITY CLERK)

[https://youtu.be/E\\_JWYsiBjz8?t=7285](https://youtu.be/E_JWYsiBjz8?t=7285)

Mayor Wixom recommended Council Member Edwards replace staff as the alternate to the County Water Resources Advisory Committee and asked to remove the REACH liaison for further review.

MOTION: Council Member Barton moved approval of Item A-2 with changes suggested for representative to the County Water Resource Advisory Committee and to remove REACH for further review and bring back to Council. The motion was seconded by Council Member Ford and carried 5-0.

A-3 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; UPDATE ON REMOTE MEETINGS PURSUANT TO NEW ASSEMBLY BILL NO. 2449; (CITY ATTORNEY)

[https://youtu.be/E\\_JWYsiBjz8?t=7342](https://youtu.be/E_JWYsiBjz8?t=7342)

MOTION: Mayor Wixom moved to deny extension of the state of emergency and deny Item A-3. The motion was seconded by Council Member Landrum and failed 2-3 with Council Members Barton, Edwards and Ford opposed.

MOTION: Council Member Barton moved to approve Item A-3. The motion was seconded by Council Member Ford and carried 3-2 by roll call vote with Council Member Landrum and Mayor Wixom opposed.

A-4 RESOLUTION NO. 02-23 APPROVING ADJUSTMENT TO LEASE SITE MAPS FOR LEASE SITES 65-66 AND 65W-66W AT 571 EMBARCADERO ROAD; (CITY ENGINEER)  
[https://youtu.be/E\\_JWySiBjz8?t=7853](https://youtu.be/E_JWySiBjz8?t=7853)

MOTION: Council Member Edwards moved to approve Resolution No. 02-23 approving the adjustment to the lease site maps lease sites 65-66 and 65W-66W at 571 Embarcadero Road. The motion was seconded by Council Member Landrum and carried 5-0 by roll call vote.

The Council took a brief recess at 7:46 p.m. and reconvened at 8:02 p.m.

B. PUBLIC HEARINGS  
None

C. BUSINESS ITEMS

C-1 ADVISORY BOARD INTERVIEWS

This item was continued to a future meeting.

C-2 ADOPT RESOLUTION NO. 03-23 FOR AWARD OF BID – PROJECT NO. MB2020-SD03, ELENA SLOPE REPAIR AND UTILITIES REPLACEMENT PROJECT; (PUBLIC WORKS DEPARTMENT)  
[https://youtu.be/E\\_JWySiBjz8?t=8994](https://youtu.be/E_JWySiBjz8?t=8994)

Public Works Director Kwolek presented the staff report and, along with City Engineer Riddiough, responded to Council inquiries.

Mayor Wixom opened public comment for Item C-2.  
[https://youtu.be/E\\_JWySiBjz8?t=10147](https://youtu.be/E_JWySiBjz8?t=10147)

Terry Simons, Morro Bay, took exception the low bidder must be awarded the bid, expressed concern about the work experience and history of the contractor selected and opposed the recommended project contingency.

Barry Branin, Morro Bay, noted this is a critical project and asked the City accelerate repair of the main sewer line at Beachcomber.

Paul Donnelly, Morro Bay, raised various concerns about the project.

Nattalia Merzoyan, Morro Bay, urged the Council to give preference to local contractors.

Bill Martony, Morro Bay, asked how the City can bring down the cost of these projects.

Betty Winholtz, Morro Bay, commented on the need to act efficiently and asked if City policy still allowed the Council to give preference to local bidders.

Linda Donnelly, Morro Bay, opposed the 20% contingency and importance of securing easements to avoid delays.

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

MOTION: Council Member Barton moved to adopt Resolution No. 03-23 to award the bid for this project, the Elena Slope Repair and Utilities Replacement Project, in an amount not to exceed \$411,838 to Rehak Construction. The motion was second by Council Member Edwards and carried 5-0 by roll call vote.

C-3 APPROVAL OF PURCHASE OF ELEVEN MOBILE LICENSE PLATE RECOGNITION CAMERAS FROM VIGILANT SOLUTIONS; (POLICE DEPARTMENT)  
[https://youtu.be/E\\_JWySiBjz8?t=12053](https://youtu.be/E_JWySiBjz8?t=12053)

Interim Police Chief Watkins presented the staff report and responded to Council inquiries.

There was Council consensus the meeting go past 9:30 p.m. to complete the remaining business items.

Mayor Wixom opened public comment for Item C-3.  
[https://youtu.be/E\\_JWySiBjz8?t=13888](https://youtu.be/E_JWySiBjz8?t=13888)

Terry Simons, Morro Bay, spoke in support of the item.

Nicole Dorfman, Morro Bay, opposed the purchase, expressing concern about the growing security and surveillance in our country.

Nattalia Merzoyan, Morro Bay, suggested starting with one camera for one year.

Betty Winholtz, Morro Bay, was concerned with how much time the coordinator will spend on the program.

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

MOTION: Mayor Wixom moved to approve Item C-3, approval of purchase of license plate recognition cameras. The motion was seconded by Council Member Ford and carried 5-0 by roll call vote.

C-4 ADOPTION OF RESOLUTION NO. 04-23 ESTABLISHING THE 2023 CITY COUNCIL MEETING CALENDAR, AND CITY GOALS AND BUDGET DEVELOPMENT SCHEDULE; (CITY MANAGER)  
[https://youtu.be/E\\_JWySiBjz8?t=14861](https://youtu.be/E_JWySiBjz8?t=14861)

City Manager Collins presented the staff report and responded to Council inquiries.

Mayor Wixom opened public comment for Item C-4.

Terry Simons, Morro Bay, agreed the Council can accomplish the work needed in 21 meetings, recommended staff compress the agendas, and looked forward to goal development process.

Betty Winholtz, Morro Bay, objected to a July meeting break and asked to add a meeting in July.

Linda Donnelly, Morro Bay, requested Council meeting start time return to 6:00 p.m.

Erica Crawford, Morro Bay Chamber of Commerce, looked forward to participating in the goals development process and announced related upcoming events.

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

MOTION: Mayor Wixom moved approval of Item C-4. The motion was seconded by Council Member Barton and carried 5-0 by roll call vote.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS  
None

E. ADJOURNMENT

The meeting adjourned at 9:54 p.m.

Recorded by:

*Dana Swanson*

Dana Swanson  
City Clerk

# A1 CC\_2023-01-10 Regular Meeting Minutes

Final Audit Report

2023-02-16

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