

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JANUARY 24, 2023
VETERAN'S MEMORIAL HALL /
TELECONFERENCE – 5:30 P.M.

AGENDA NO: A-2
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
	Greg Kwolek	Public Works Director
	Scot Graham	Community Development Director
	Daniel McCrain	Fire Chief
	Amy Watkins	Interim Police Chief
	Becka Kelly	Interim Harbor Director
	Cindy Jacinth	Senior Planner

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Wixom called the meeting to order at 5:30 p.m., with all but Council Member Barton present. Council Member Barton joined the meeting at 5:32 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/QJGYkVREKmk?t=147>

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

<https://youtu.be/QJGYkVREKmk?t=798>

PRESENTATIONS

<https://youtu.be/QJGYkVREKmk?t=861>

- Fourth of July Fireworks Show Concept Presentation by Cherise Hansson

PUBLIC COMMENT

<https://youtu.be/QJGYkVREKmk?t=1618>

Matt Makowetski, Morro Bay, announced the passing of Bob Keller; thanked the Council and City staff for helping residents in need during the recent storm; and appreciated past Councils, and current and past staff for their work on the new wastewater treatment plant.

Lee Johnson, Morro Bay, thanked the City team and partners for their response during the recent flooding; recognized past City Councils who made decision to move wastewater treatment plant out of the flood plain; and commented on future challenges facing the City--housing, infrastructure and generating more revenue.

Anne Johnson, Silver City Resort resident, commented on the need to clear debris from the stream each year prior to the rainy season and sought clarification regarding Fish & Wildlife restrictions.

Barry Branin, Morro Bay, requested Council agenda discussion of the proposed Vistra battery project.

Linda Winters, Morro Bay, appreciated City staff for all that was done during flood response.

Joan Behrick, Morro Bay, spoke against the proposed Vistra battery project and suggested appointing a citizens committee on this issue.

Nicole Dorfman, Morro Bay, expressed concerns and requested a public forum to discuss the proposed battery project.

Seychelle Cannes, Morro Bay, supported the request for a meeting on the Vistra battery project where the community can be heard.

Paul Donnelly, Morro Bay, raised question regarding the announced injection well testing results and commented on paving being done on Quintana Road.

Bill Martony, Morro Bay, commented on the paving work being done on south Main Street and opined Measure D would preclude the use of the North T-Pier for offshore wind.

Erica Crawford, Morro Bay Chamber of Commerce, announced upcoming events and echoed thanks to the City Council and staff for supporting the business community during the storm and recovery.

Judy Setting, Morro Bay, raised concerns regarding the proposed Vistra battery storage project and terms of the City's MOU with Vistra, and asked the Council to vote to preserve the current Zoning for that area.

Betty Winholtz, Morro Bay, responded to the comment regarding creek clearing and suggested the Council and Planning Commission have a joint meeting regarding the proposed BESS project. She inquired about the charging station near McDonalds and asked the Council agenda discussion of a shelter during rain and cold weather events.

Terry Simons, Morro Bay, shared information he received that Vistra was mounting a lobbying effort so the State will overturn any decision that is made locally to stop the project.

Betsy Gaudette-Cross, Morro Bay, spoke regarding the community survey on the Vistra master plan and asked that the Council not change zoning from visitor serving/commercial.

Linda Donnelly, Morro Bay, requested "as built" plans for the pipelines and restoration of the bike path.

Carole Truesdale, Morro Bay, raised various questions regarding the WRF Project, results of injection well testing, and total amount collected from the WRF surcharge.

Courtney Shepherd, Morro Bay, commented on the fireworks presentation and offered a drone light show as an alternative that is less traumatic for pets.

Mayor Wixom closed public comment.

At the Mayor's request, staff responded to issues raised during public comment.

A. CONSENT AGENDA
<https://youtu.be/QJGYkVREKMk?t=4862>

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 ADOPT RESOLUTION NO. 06-23 AUTHORIZING THE MORRO BAY FIRE DEPARTMENT TO SUBMIT AN APPLICATION FOR FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANT AND TO ACCEPT THE GRANT IF AWARDED; (FIRE DEPARTMENT)

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 06-23 Authorizing the Morro Bay Fire Department (MBFD) to submit an application to the Federal Emergency Management Agency (FEMA) for an Assistance to Firefighter Grant for mobile radios and accept grant if awarded.

- A-2 AUTHORIZATION FOR ATTENDANCE AT THE C-MANC ANNUAL WASHINGTON, D.C., "WASHINGTON WEEK" MEETINGS; (CITY MANAGER)

RECOMMENDATION: Staff recommends the City Council authorize up to a three-person delegation consisting of the Mayor, Harbor staff member and either the City Manager or Public Works Director to attend the California Marine Affairs and Navigation Conference (C-MANC) 2023 "Washington Week" meetings in Washington, D.C. slated for February 28 – March 1, 2023 and to represent the City's interests in the nation's capital.

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

MOTION: Council Member Barton moved approval of all items on the Consent Agenda. The motion was seconded by Council Member Ford and carried 5-0 by roll call vote.

B. PUBLIC HEARINGS

- B-1 APPEAL OF PLANNING COMMISSION APPROVAL ON NOVEMBER 15, 2022 OF COASTAL DEVELOPMENT PERMIT #CDP21-035 AND CONDITIONAL USE PERMIT #CUP21-12 AND VARIANCE #VAR21-003 FOR REMOVAL OF EXISTING DWELLING UNIT AT 101 FIG ST. AND CONSTRUCTION OF A NEW 1,676SF SINGLE FAMILY HOME WITH 400SF GARAGE. THE PROPERTY IS IN THE R-2/PD ZONING DISTRICT AND IS LOCATED IN THE COASTAL APPEALS JURISDICTION. (APPELLANT: MR. TERRY SIMONS); (COMMUNITY DEVELOPMENT DEPARTMENT)
<https://youtu.be/QJGYkVREKMk?t=4921>

Senior Planner Jacinth provided the report and responded to Council inquiries.

Mayor Wixom opened the Public Hearing.
<https://youtu.be/QJGYkVREKMk?t=6515>

Terry Simons, Appellant, provided historical information regarding the parcel, raised issues relating to the garage setback and offered alternative plans.

Chuck Stevenson spoke on behalf of the applicant and responded to points raised by the Appellant.

Mayor Wixom opened Public Comment.

Bill Martony, Morro Bay, provided additional historical context and suggested moving the Little Red House next door to the City pocket park.

Betty Winholtz, Morro Bay, agreed with the appellant that requirements to grant a variance had not been met, restating points submitted as agenda correspondence.

Eric Meyer, Morro Bay, noted this area had been an artist colony.

Nattalia Merzoyan, Morro Bay, concurred with previous comments and hoped the Little Red House would not be moved or changed in any way.

The public comment period and Public Hearing were closed.

Council Member Landrum disclosed her ex parte conversation with Mr. Simons.

Staff responded to Council inquiries.

The Mayor reopened public hearing to allow the Applicant and Appellant an opportunity to respond to Council questions.

<https://youtu.be/QJGYkVREKmk?t=8379>

Mr. Stevenson stated the owner had reduced the size of the home to give homage to the Little Red House and was not interested in reducing it further.

Mr. Simons raised concerns about the location of the retaining wall to support a paver patio and restated his concerns about traffic impacts.

Mr. Stevenson refuted comments made by the Appellant.

Mayor Wixom closed the public hearing.

MOTION: Council Member Edwards moved to adopt Resolution No. 07-23, making the necessary findings to deny the appeal and uphold the Planning Commission approval of Coastal Development Permit #CDP21-035, Conditional Use Permit #CUP21-12, and Variance #VAR21-003 for the site at 101 Fig Street to allow removal of an existing dwelling unit commonly known as the "Little Red House" and new construction of a 1,676sf single family home with 400sf garage on a 3600sf lot. The motion was seconded by Council Member Ford and carried 5-0 by roll call vote.

C. BUSINESS ITEMS

C-1 JANUARY 9, 2023 WINTER STORM SURGE UPDATE; (CITY MANAGER)
<https://youtu.be/QJGYkVREKmk?t=9152v>

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

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

<https://youtu.be/QJGYkVREKmk?t=9894>

Paul Donnelly, Morro Bay, asked if the proposed BESS project location flooded and suggested a multi-agency task force like that in Monterey County would be helpful.

Terry Simons, Morro Bay, commented on the need to clear the willows downstream of the bridge on South Bay to prevent flooding.

Asia King, Morro Bay, encouraged the City to pursue FEMA funding for non-maintenance resiliency projects identified in its Emergency Management Plan.

Betty Winholtz, Morro Bay, encouraged Council to aggressively pursue a warming station.

Judy Setting, Morro Bay, agreed with previous speakers a warming center is needed and importance of clearing the willows to prevent flooding.

Linda Winters, Morro Bay, commented on the 1995 floods.

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

The Council did not take any formal action on this item.

C-2 ADVISORY BOARD INTERVIEWS AND APPOINTMENTS; (CITY CLERK)

<https://youtu.be/QJGYkVREKmk?t=10590>

City Clerk Swanson provided the report and responded to Council inquires.

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

Visit SLO County Board of Directors – Regional Board

<https://youtu.be/QJGYkVREKmk?t=10762>

- 1 vacancy commencing June 21, 2023 for a 3 year term ending June 20, 2026

The following applicant was interviewed to the Visit SLO County Board of Directors – Regional Board: Hemant Patel.

MOTION: Council Member Ford moved to appoint Hemant Patel to the Visit SLO County Board of Directors. The motion was seconded by Council Member Edwards and carried 5-0 by roll call vote.

Recreation & Parks Commission

<https://youtu.be/QJGYkVREKmk?t=11020>

- One (1) vacancy to fill remainder of a term ending January 31, 2026

The following applicant was interviewed to the Recreation and Parks Commission: June Swall.

MOTION: Council Member Ford moved to appoint June Swall to the Recreation and Parks Commission. The motion was seconded by Council Member Barton and carried 5-0 by roll call vote.

Citizens Oversight/Finance Advisory Committee

<https://youtu.be/QJGYkVREKMc?t=11323>

- Two (2) vacancies for a new 4-year term (Feb. 1, 2023 – Jan. 31, 2027)
- One (1) vacancy for the remainder of a term ending Jan. 31, 2026

The following applicants were interviewed for the Citizens Oversight/Finance Advisory Committee: Jean Johnson and Stephen Peck.

MOTION: Council Member Barton moved to appoint Jean Johnson and Stephen Peck to the Citizens Oversight/Finance Advisory Committee for a 4-year term ending January 31, 2027. The motion was seconded by Council Member Landrum and carried 5-0 by roll call vote.

The City Clerk's office will continue to recruit for the one unfilled vacancy.

Harbor Advisory Board

<https://youtu.be/QJGYkVREKMc?t=12123>

- One (1) vacancy representing Waterfront Leaseholders for a new 4-year term (Feb. 1, 2023 - Jan. 31, 2027)
- One (1) vacancy representing Recreational Boating for a new 4-year term (Feb. 1, 2023 – Jan. 31, 2027)

The following applicants were interviewed for the Harbor Advisory Board: Cherise Hansson and Cal Myers. The City Clerk announced Don Holmes was unable to attend interviews for medical reasons.

MOTION: Council Member Barton moved to appoint Cherise Hansson as Waterfront Leaseholder Representative and Cal Myers as Recreational Boating Representative to the Harbor Advisory Board. The motion was seconded by Council Member Edwards and carried 5-0 by roll call vote.

The City Clerk's office will continue to recruit for one unfilled vacancy to serve as an Alternate Member to the Morro Bay Commercial Fishermen's Organization for the remainder of a term ending January 31, 2025.

Public Works Advisory Board

<https://youtu.be/QJGYkVREKMc?t=13067>

- One (1) vacancy for a new 4-year term (Feb 1, 2023 - Jan. 31, 2027)

The following applicants were interviewed to the Public Works Advisory Board: Derek Dahlgren, Douglas Hill and Robert Nava.

The City Council voted by written ballot and City Clerk Swanson read the results:
Robert Nava (2 votes - Council Member Barton and Council Member Ford)
Douglas Hill (2 votes - Council Member Edwards and Mayor Wixom)
Derek Dahlgren (1 vote - Council Member Landrum)

The Council voted again to break the tie between Mr. Nava and Mr. Hill.

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

The City Council voted by written ballot and City Clerk Swanson read the results:

Robert Nava (3 votes - Council Member Barton, Council Member Edwards, Council Member Ford)

Douglas Hill (2 votes - Council Member Landrum, Mayor Wixom)

Mr. Nava was appointed to a 4-year term on the Public Works Advisory Board.

Planning Commission

<https://youtu.be/QJGYkVREKmk?t=14380>

- Two (2) vacancies for a new 4-year term (Feb. 1, 2023 – Jan. 31, 2027)

The following applicants were interviewed for the Planning Commission: Jesse Barron, Derek Dahlgren, Asia King, Eric Meyer and McKenzie Taffe. (Toni Woody was not present and did not notify staff of the reason for her absence).

The City Council voted by written ballot and City Clerk Swanson read the results:

Eric Meyer (5 votes - Council Member Barton, Council Member Edwards and Council Member Landrum, Council Member Ford and Mayor Wixom)

Asia King (3 votes - Council Member Barton, Council Member Edwards and Council Member Ford)

Jesse Barron (2 votes - Council Member Landrum and Mayor Wixom)

Mr. Meyer and Ms. King were appointed to 4-year terms on the Planning Commission.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS
None

E. ADJOURNMENT

The meeting adjourned at 10:11 p.m.

Recorded by:

Dana Swanson

Dana Swanson

City Clerk

A2 CC_2023-01-24 Regular Meeting Minutes

Final Audit Report

2023-02-16

Created:	2023-02-16
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