

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – APRIL 11, 2023  
VETERAN'S MEMORIAL HALL – 5:30 P.M.

AGENDA NO: A-1  
MEETING DATE: May 9, 2023

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

ABSENT: None

STAFF: Greg Carpenter Interim City Manager  
Chris Neumeyer City Attorney  
Dana Swanson City Clerk  
Sarah Johnson-Rios Assistant City Manager/Admin Services Dir.  
Greg Kwolek Public Works Director  
Scot Graham Community Development Director  
Daniel McCrain Fire Chief  
Amy Watkins Police Chief  
Ted Schiafone Harbor Director  
Nancy Hubbard Contract Planner

**ESTABLISH QUORUM AND CALL TO ORDER**

Mayor Wixom called the meeting to order at 5:33 p.m., with all but Council Member Barton present. Council Member Barton arrived at 5:42 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/WRnAU3r0E?t=100>

**CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS**

<https://youtu.be/WRnAU3r0E?t=244>

**PRESENTATIONS**

<https://youtu.be/WRnAU3r0E?t=765>

- Central Coast Community Energy (CCCE) Annual Update
- Arbor Day Proclamation presented to Public Works Director, Greg Kwolek

**PUBLIC COMMENT**

<https://youtu.be/WRnAU3r0E?t=1773>

Marlys McPherson, Morro Bay, spoke in support of the proposed goals, noting the importance of economic vitality and raising City revenues to address infrastructure issues. She suggested adding “diversify the city’s economic base” as an objective and urged the Council to actively participate in the County’s regional plan to address homelessness.

Glenn Silloway, Morro Bay, urged the Council to include development of a historic preservation program as a priority.

Aaron Ochs, Morro Bay, stated his support for economic vitality and revenue development that fits within the community character.

Clementine Ellis, Lumina Alliance, shared information regarding programs offered to support survivors of sexual assault. Those in need may contact their 24/7 crisis and information line at (805) 545-8888.

Rachel Wilson, Cayucos, shared a presentation regarding pending legislation and the importance of preserving the Morro Bay estuary.

Susan Stewart, Morro Bay business owner, commented on the need for a public restroom in the downtown district.

Tom Rex, Morro Bay, asked why Morro Bay wasn't more prepared to provide shelter for residents during the recent floods.

Linda Winters, Morro Bay, commented on the importance of providing affordable housing and shelter for the unhoused, noting Assemblymember Addis introduced Assembly Bill 318 seeking to extend protections for mobile home park residents.

Terry Simons, Morro Bay, commented on the large attendance at the goal setting meeting, and suggested there may be funding available to decommission buildings in the flood zone along the creek.

Nicole Dorfman, Morro Bay resident and member of Central Coast Health Coalition, invited the public to a screening of Anecdotal, a movie about adverse effects of the Covid vaccine, Monday, April 24<sup>th</sup> at 5:00 p.m. at the Bay Theater.

Nattalia Merzoyan, Morro Bay, raised environmental concerns about the use of plastics.

Betty Winholtz, Morro Bay, asked to see the landscape plan for the bike path, suggested the fence around the Women's Club on Piney Way violates height limits, and requested Council report on local sub-committee work.

Mayor Wixom closed public comment.

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

A. CONSENT AGENDA  
<https://youtu.be/WRnAU3r0E?t=3836>

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 MARCH 28, 2023, CITY COUNCIL SPECIAL CLOSED SESSION MEETING; (CITY CLERK)

**RECOMMENDATION: Approve as submitted.**

A-2 ADOPTION OF RESOLUTION NO. 17-23 INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR THE CLOISTERS PARK AND OPEN SPACE - LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (PUBLIC WORKS DEPARTMENT)

**RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 17-23 ordering the preparation of an Engineer's Report detailing the expenses projected for Fiscal Year 2023/24 for the maintenance of the Cloisters Park and Open Space under the provisions of the "Landscaping and Lighting Act of 1972."**

- A-3 ADOPTION OF RESOLUTION NO. 18-23 INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR THE NORTH POINT NATURAL AREA - LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (PUBLIC WORKS DEPARTMENT)

**RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 18-23 ordering the preparation of an Engineer's Report detailing the expenses projected for Fiscal Year 2023/24 for the maintenance of the North Point Natural Area under the provisions of the "Landscaping and Lighting Act of 1972."**

- A-4 NATIONAL OPIOID SETTLEMENTS (2023) WITH SETTLING NATIONAL DEFENDANTS TEVA, ALLERGAN, WALMART, WALGREENS, AND CVS; (CITY ATTORNEY)

**RECOMMENDATION: Staff recommends Council consider following actions: 1) Approve Settlement Participation Forms for the City of Morro Bay's ("City") participation in the 2023 National Opioid Settlements with Teva, Allergan, Walmart, Walgreens and CVS; 2) Approve the California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds - Teva, Allergan, Walmart, Walgreens and CVS; 3) Adopt Resolution No. 19-23 approving and authorizing the City Manager to execute the documents identified in Nos. 1 through 2 above; 4) Authorize the City Manager to carry out all necessary acts such that the City can participate in the 2023 National Opioid Settlements, including, but not limited to, the transmittal of the executed documents in Nos. 1 through 2 above; and 5) Approve disbursement of initial partial settlement funds to County (default option) while reserving option to request direct distribution of further settlement funds to City later in time.**

- A-5 ADOPTION OF RESOLUTION NO. 20-23 PROVIDING FOR REGULAR COUNCIL UPDATES ON OFFSHORE WIND ENERGY LEGISLATION AND DEVELOPMENT, REQUESTING PARTICIPATION IN LOCAL, STATE AND FEDERAL MEETINGS REGARDING OFFSHORE WIND ENERGY LEGISLATION AND DEVELOPMENT, AND REQUESTING NOTIFICATION AND UPDATES ON PENDING STATE AND FEDERAL LEGISLATION RELATED TO OFFSHORE WIND DEVELOPMENT OFF THE CENTRAL CALIFORNIA COAST; (INTERIM CITY MANAGER)

**RECOMMENDATION: Staff recommends the City Council consider: 1) Adoption of Resolution No. 20-23 providing for regular Council updates on offshore wind energy legislation and development, requesting participation in local, state and federal meetings regarding offshore wind energy legislation and development, and requesting notification and updates on pending state and federal legislation related to offshore wind development off the Central California Coast; and 2) Authorize the Mayor to send correspondence on behalf of the Council to involved government agencies and other interested parties expressing the desires of Resolution No. 20-23; and 3) Authorize the Council Sub-Committee on Offshore Wind Energy to attend the Pacific Offshore Wind Summit in Sacramento, CA on May 8 – 10, 2023.**

A-6 PROCLAMATION DECLARING APRIL 22, 2023 AS ARBOR DAY; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-7 PROCLAMATION DECLARING APRIL 2023 AS SEXUAL ASSAULT ACTION MONTH; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

Mayor Wixom opened public comment for the Consent Agenda.

[https://youtu.be/WRnAUs\\_3r0E?t=3850](https://youtu.be/WRnAUs_3r0E?t=3850)

Terry Simons, Morro Bay, spoke regarding A-5 stating his belief there may be a benefit to Morro Bay to provide some level of port support for wind energy.

Betty Winholtz, Morro Bay, commented on Item A-5, noting the Council should monitor other pending legislation besides AB 3 & AB 80.

Dawn Beattie, Morro Bay, responded to questions raised as to why the Cloisters Assessment amount hasn't risen since its inception.

Nicole Dorfman, Morro Bay, spoke in favor of Item A-5.

The public comment period was closed.

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

The Council took a brief recess at 6:46 p.m. The meeting reconvened at 6:54 with all members present.

## B. PUBLIC HEARINGS

B-1 TWO "CROSS-APPEALS" FILED FOR SINGLE-FAMILY HOME APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP22-025 AT 2440 LAUREL AVENUE; DESIGN CONDITIONS. CROSS-APPEALS FILED BY PERMIT APPLICANT AT 2440 LAUREL AVENUE (MURPHY) AND SITE NEIGHBOR AT 2403 NUTMEG AVENUE (METZGER); (COMMUNITY DEVELOPMENT DEPARTMENT)

[https://youtu.be/WRnAUs\\_3r0E?t=4382](https://youtu.be/WRnAUs_3r0E?t=4382)

Council Member Ford disclosed an ex parte communication with the appellant, Tina Metzger.

Contract Planner Hubbard provided the report and responded to Council inquiries.

Mayor Wixom opened the Public Hearing.

[https://youtu.be/WRnAUs\\_3r0E?t=5711](https://youtu.be/WRnAUs_3r0E?t=5711)

Tina Metzger spoke representing neighbors and list of supporters included on the appeal, noting concerns about the sewer drainage easement in the property behind the applicant, requested to place black solar panels at the ground level along the south wall, and her position the design was counter to the intent of the Residential Design Guidelines. She disputed comments made that the appeal was based on potential viewshed concerns.

Michael Murphy, appellant and applicant, agreed to change the color scheme to better align with the existing neighborhood but expressed concern the Planning Commission's condition to reduce the patio roof line by 8 feet would make the space unusable for him due to his history of skin cancer. He requested the Council uphold the Planning Department's original permit approval for the project including the architecturally and engineered roof line.

Mayor Wixom opened Public Comment.  
[https://youtu.be/WRnAUs\\_3r0E?t=6402](https://youtu.be/WRnAUs_3r0E?t=6402)

Terry Simons, Morro Bay, recommended the Council create a design review committee to work with applicants and appellants on issues not covered by ordinances and building codes.

Betty Winholtz, Morro Bay, suggested a viewshed ordinance would reduce neighbor issues and supported the request to move the solar panels, address drainage concerns, and reduce the roof set back.

Ron Smith, Morro Bay, commended the Planning Commission for the added condition of a staggered roof line and suggested a side set back also be required.

Kimberly Comforti, Morro Bay, spoke in support of Mr. Murphy.

The Public Hearing was closed.

Staff responded to Council inquiries.

The Council appreciated Mr. Murphy's willingness to accept Planning Commission's condition to change the color and materials on the lower level and sought consensus from the permit applicant and site neighbor for a modified version of the Planning Commission's added condition to step back the roofline on the upper level.

The Council took a brief recess at 8:01 p.m. The meeting reconvened at 8:09 p.m. with all members present.

Mayor Wixom reopened the public hearing.

Mr. Murphy responded to Council's desire to meet in the middle and agreed to pull back the roofline to 8 ft. or less provided no other stipulations were placed on him.

Ms. Metzger appreciated Council's efforts and re-stated design alternatives that would be more acceptable to her.

Mayor Wixom closed the public hearing.

MOTION: Mayor moved to uphold the original CDP issued by the City with two conditions: 1) keep the Planning Commission's condition on surface articulation with a change of color and material on the lower level; and 2) set the roof at 8 feet or less if Mr. Murphy chooses to make it less. The motion was seconded by Council Ford and carried 5-0 by roll call vote.

C. BUSINESS ITEMS

C-1 LEGISLATIVE AND FUNDING ADVOCACY UPDATE; (INTERIM CITY MANAGER)  
[https://youtu.be/WRnAUs\\_3r0E?t=9932](https://youtu.be/WRnAUs_3r0E?t=9932)

Interim City Manager Carpenter introduced the item and handed it over to Townsend Public Affairs to make the presentation.

Mike Miller with The Ferguson Group provided an overview of their work for the City at the Federal level and responded to Council inquiries.  
[https://youtu.be/WRnAUs\\_3r0E?t=9999](https://youtu.be/WRnAUs_3r0E?t=9999)

Andres Ramirez of Townsend Public Affairs provided an overview of their work for the City at the State level and responded to Council inquiries.  
[https://youtu.be/WRnAUs\\_3r0E?t=10779](https://youtu.be/WRnAUs_3r0E?t=10779)

The public comment period for Item C-1 was opened.  
[https://youtu.be/WRnAUs\\_3r0E?t=12304](https://youtu.be/WRnAUs_3r0E?t=12304)

Betty Winholtz, Morro Bay, pointed out the Washington DC lobbyist offers grant writing support.

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

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

C-2 **CONSIDER ADOPTION OF FY 2023-24 AND FY 2024–25 CITY COUNCIL GOALS AND ACTION ITEMS; (INTERIM CITY MANAGER)**  
[https://youtu.be/WRnAUs\\_3r0E?t=12362](https://youtu.be/WRnAUs_3r0E?t=12362)

Interim City Manager Carpenter provided the report and responded to Council inquiries.

There was Council consensus to continue the meeting past 9:30 p.m. but no later than 10:00 p.m.

The public comment period for Item C-2 was opened.  
[https://youtu.be/WRnAUs\\_3r0E?t=14921](https://youtu.be/WRnAUs_3r0E?t=14921)

Terry Simons, Morro Bay, suggested creation of a historic preservation ordinance and design review committee be added under Goal 2.

Jeff Heller, Morro Bay, recommended staff prepare a list of revenue generating options to fund infrastructure streets, sidewalks, and public facility improvements, with a second bucket for harbor infrastructure.

Betty Winholtz, Morro Bay, provided input on the proposed goals and action items as submitted in agenda correspondence.

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

Following individual comments, there was Council consensus to continue the item to a future meeting.

D. **COUNCIL DECLARATION OF FUTURE AGENDA ITEMS**  
None

E. ADJOURNMENT

The meeting adjourned at 9:54 p.m.

Recorded by:

*Dana Swanson*

Dana Swanson (May 11, 2023 08:37 PDT)

Dana Swanson

City Clerk

# A1 CC\_2023-04-11 Regular Meeting Minutes

Final Audit Report

2023-05-11

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