

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – NOVEMBER 14, 2023  
VETERAN'S MEMORIAL HALL – 5:30 P.M.

AGENDA NO: 7.a  
MEETING DATE: January 9, 2024

PRESENT:	Carla Wixom Laurel Barton Cyndee Edwards Jennifer Ford Zara Landrum	Mayor Council Member Council Member Council Member Council Member
STAFF:	Yvonne Kimball Chris Neumeyer Dana Swanson Steve Conway Greg Kwolek Scot Graham Daniel McCrain Amy Watkins Ted Schiafone Cindy Jacinth	City Manager City Attorney City Clerk Interim Assist. City Manager/Admin Svcs Dir. Public Works Director Community Development Director Fire Chief Police Chief Harbor Director Planning Manager

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Wixom called the meeting to order at 5:30 p.m., with all members 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/9Gnn1LrOvvE?si=mVa6DOfTrvgt3Q7T&t=159>

CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS - None

PRESENTATIONS

<https://youtu.be/9Gnn1LrOvvE?si=O8vwnFWclFapU4RM&t=655>

- Astound Business Solutions Presentation by Jeff Buckingham

Mayor Wixom requested and received full support to pull Item C-3 from the agenda and move the item to a January 2024 meeting.

PUBLIC COMMENT

[https://youtu.be/9Gnn1LrOvvE?si=25N0cfa8N1Z\\_IN6S&t=1299](https://youtu.be/9Gnn1LrOvvE?si=25N0cfa8N1Z_IN6S&t=1299)

Judi Brown, Morro Bay, requested City support to resolve neighborhood issues at 995 Allesandro Street.

Jenny Jones, Morro Bay, expressed concern about activities at 995 Allesandro and asked that the City hold the trustee responsible and accountable.

Linda Winters, Morro Bay, announced the upcoming Morro Bay Community Thanksgiving dinner and asked what preparations were being made for storms and potential flooding.

Barbara Alward, Morro Bay, commented on issues occurring on Allesandro Street.

Harmony Kranes, Morro Bay, spoke regarding Allesandro Street neighborhood concerns.

Terry Simons, Morro Bay, requested the Council authorize staff to submit letters to the District Attorney's office in an effort to resolve issues on Allesandro Street.

Tim Cleath, owner of Rhapsody In View hotel in north Morro Bay, announced their grand opening next month.

Ginger Machado, Morro Bay resident and owner of FitnessWorks, spoke regarding the challenges of dealing with the homeless population in the creek area along Quintana and requested an ordinance prohibiting camping on public easements and sidewalks in the City.

Mary Caparini, Morro Bay, shared concerning interactions with the homeless population when picking up mail at the UPS store.

John Hash, Morro Bay, while frustrated with the homeless encampments along Quintana, was not in favor of the proposed shopping cart ordinance.

An unnamed resident urged the community to treat the homeless population with compassion.

Wynde Dyer, Morro Bay, expressed appreciation for the listening sessions hosted by Council Member Landrum and thanked Juan Carlos from Astound Business Solutions for his support.

Rob Frasier, Morro Bay resident and owner of properties on Main Street, thanked the City for help during last year's flood and urged everyone to work together to address homelessness issues.

Mayor Wixom closed public comment.

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

A. CONSENT AGENDA  
<https://youtu.be/9Gnn1LrOvvE?si=zyeplif4Mfl-KDcp&t=3583>

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 24, 2023, CITY COUNCIL MEETING;  
(CITY CLERK)

**RECOMMENDATION: Approve as submitted.**

A-2 FIRST QUARTER INVESTMENT REPORT (PERIOD ENDING SEPTEMBER 30, 2023)  
FOR FISCAL YEAR (FY) 2023-24; (ADMINISTRATIVE SERVICES DEPARTMENT)

**RECOMMENDATION: Receive the attached First Quarter Investment Report  
(period ending September 30, 2023) for FY 2023-24.**

A-3 ADOPTION OF RESOLUTION NO. 72-23 APPROVING AMENDMENT NO. 5 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. 72-23 approving Amendment No. 5 to the Morro Bay Transit and Trolley Operations and Management Agreement with MV Transportation, Inc. (MV).**

A-4 AUTHORIZE EXECUTION OF LICENSE AGREEMENT WITH LIBERTINE AND HARBORWALK PLAZA LEASE SITES, 801 AND 833 EMBARCADERO RESPECTIVELY, TO ENABLE JOINT ACCESS BETWEEN BUILDINGS; (COMMUNITY DEVELOPMENT DEPARTMENT)

**RECOMMENDATION: Staff recommends the City Council review the staff report and authorize execution of the License Agreement.**

A-5 OCTOBER 2023 POLICE AND FIRE DEPARTMENT CALLS FOR SERVICE REPORTS; (POLICE DEPARTMENT/FIRE DEPARTMENT)

**RECOMMENDATION: Receive and file.**

A-6 PROCLAMATION DECLARING NOVEMBER AS “FAMILY COURT AWARENESS MONTH”; (ADMINISTRATION)

**RECOMMENDATION: Approved as submitted.**

A-7 PROCLAMATION DECLARING NOVEMBER AS “NATIONAL HOSPICE AND PALLIATIVE CARE MONTH”; (ADMINISTRATION)

**RECOMMENDATION: Approved as submitted.**

Mayor Wixom opened public comment for the Consent Agenda.

<https://youtu.be/9Gnn1LrOvvE?si=6erha3sLrFTSrHLc&t=3592>

Betty Winholtz, Morro Bay, spoke regarding the trolley contract (Item A-3) and suggested the City explore RTA and other transportation alternatives.

The public comment period was closed.

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

## B. PUBLIC HEARINGS

B-1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 662: AMENDMENTS TO 2022 ZONING CODE/COASTAL IMPLEMENTATION PLAN (IP) AND ZONING MAP AMENDMENTS AND ADOPTION OF RESOLUTION NO. 73-23 FOR A GENERAL PLAN/ LOCAL COASTAL PROGRAM (LCP) COASTAL LAND USE PLAN MAP AMENDMENT AND INTRODUCTION AND FIRST READING OF ORDINANCE NO. 661: AMENDMENT TO 2022 ZONING CODE TO ADOPT OBJECTIVE DESIGN STANDARDS ESTABLISHED AS CHAPTER 17.31; (COMMUNITY DEVELOPMENT DEPARTMENT)

<https://youtu.be/9Gnn1LrOvvE?si=crZoJb1RS9FHhMQn&t=3695>

Planning Manager Jacinth provided the report and responded to Council inquiries.

Mayor Wixom opened the Public Hearing.

Mayor Wixom opened Public Comment.

<https://youtu.be/9Gnn1LrOvvE?si=2vG-0RnBu15AHe9E&t=4758>

Terry Simons, Morro Bay, appreciated staff's recommendation that fence heights in existence as of the date of adoption of Ordinance 662 be allowed to remain but suggested a maximum height be established. He urged the Council to consider a grace period for those whose residential property was re-zoned and that they be given the opportunity to request a modification.

Betty Winholtz, Morro Bay, suggested the Building Code be amended to require elevators for 3-story or higher buildings and that parapets be made optional in the Objective Design Standards. Regarding the Zoning Ordinance, she agreed with the Planning Commission's recommendation to bring maximum heights down to 30 feet. She agreed with the previous speaker that a maximum fence height be established but that grandfathering happen as of 2019, not on the date of adoption. Lastly, she requested the Morro Elementary property be zoned a public facility.

Nicole Dorfman, Morro Bay, appreciated the reduction of maximum building height to 30 feet and agreed elevators should be required for multi-family projects that are two stories or more.

The Public Hearing and public comment period were closed.

Staff responded to questions raised during public comment.

Following discussion regarding the proposed amendment to Morro Bay Municipal Code section 17.23.060 specifying fence heights in existence as of the date of the adoption of Ordinance No. 662 shall be considered legal, non-conforming and allowed to remain, there was Council consensus to establish a maximum height for existing fences.

MOTION: Council Member Ford moved to:

1. (i) Introduce for first reading by number and title only, with further reading waived, Ordinance No. 662, "An Ordinance of the City Council of the City of Morro Bay, California, Amending the 2022 Zoning Code/Coastal Implementation Plan Title 17 (Zoning) and the Zoning Map which includes miscellaneous amendments to all of Division I and Division II and Chapters 17.23, 17.26, 17.27, 17.29, 17.30, 17.36, 17.38, 17.39, 17.42, 17.43, 17.44, 17.53, and 17.54 of the Morro Bay Municipal Code"; and (ii) adopt Resolution No. 73-23 approving a General Plan/ Local Coastal Program (LCP) Land Use Map amendment; with a finding that no further environmental review is required pursuant to State CEQA Guidelines section 15162, amending MBMC section 17.23.060 Fences and Freestanding Walls to add the amended language to 17.23.060 to item A .1.A. and B that fence heights in existence as of date of adoption of Ordinance No. 662 shall be considered legal non-conforming and allowed to remain to the maximum height of 6 ½ ft.; and
2. Introduce for first reading by number and title only, with further reading waived, Ordinance No. 661, "An Ordinance of the City Council of the City of Morro Bay, California for adoption of Objective Design Standards for inclusion as Chapter 17.31 of the Morro Bay Municipal Code, 'Residential and Mixed Use Objective Design Standards,' and further to be an amendment to the 2022 Zoning 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 Edwards for discussion.

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

The Council took a brief recess at 7:25 p.m. The meeting reconvened at 7:36 p.m. with all members present.

C. BUSINESS ITEMS

- C-1 CONSIDERATION OF AMENDMENT NO. 4 TO AN EXISTING CONTRACT WITH GHD, INC. FOR COMPLETING THE PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT (PA& ED) PHASE FOR INTERSECTION IMPROVEMENTS AT STATE ROUTE 41, STATE ROUTE 1, AND MAIN STREET; (PUBLIC WORKS DEPARTMENT)  
<https://youtu.be/9Gnn1LrOvvE?si=IEi0HjHrSUwxuedD&t=6974>

Public Works Director Kwolek provided the report and, along with Paul Valadao from Caltrans and John Rogers from GHD, Inc., responded to Council inquiries.

The public comment period for Item C-1 was opened.  
[https://youtu.be/9Gnn1LrOvvE?si=XwkqUdGKX\\_uKwTCi&t=8622](https://youtu.be/9Gnn1LrOvvE?si=XwkqUdGKX_uKwTCi&t=8622)

Terry Simons, Morro Bay, spoke in support of staff's recommendation.

Betty Winholtz, Morro Bay, offered comments and questioned the use of and available Development Impact Fees for this project.

Nattalia Merzoyan, Morro Bay, suggested alternatives be considered that would direct traffic to Morro Bay at other entry points to reduce traffic at this intersection.

Linda Winters, Morro Bay, expressed concern regarding pedestrian safety and importance of traffic calming.

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

MOTION: Council Member Edwards moved to approve and authorize the City Manager to execute Amendment No. 4 (Attachment 1) to the existing amended agreement with GHD Inc., for completion of the Project Approval and Environmental Document (PA&ED) phase for Intersection Improvements at State Route 41, State Route 1, and Main Street (SR-41/SR-1/Main) and extend the contract through January of 2025. The motion was seconded by Council Member Ford and carried 3-2 by roll call vote with Council Member Landrum and Mayor Wixom opposed.

- C-2 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 663, AMENDING THE MORRO BAY MUNICIPAL CODE TO ADD CHAPTER 8.15 PERTAINING TO THE UNAUTHORIZED REMOVAL OF SHOPPING CARTS FROM RETAIL ESTABLISHMENTS AND FACILITATING RETRIEVAL OF ABANDONED SHOPPING CARTS TO TITLE 8 ("HEALTH AND SAFETY"); (POLICE DEPARTMENT/FIRE DEPARTMENT)  
<https://youtu.be/9Gnn1LrOvvE?si=1khNgc-Ngu67xfqf&t=9730>

Fire Chief McCrain and Police Chief Watkins provided the report and responded to Council inquiries.

The public comment period for Item C-2 was opened.  
<https://youtu.be/9Gnn1LrOvvE?si=9NmOxjL11Zd-6VOY&t=11572>

Terry Simons, Morro Bay, suggested alternative methods to be considered to support transient residents.

An unnamed resident opposed the ordinance.

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

MOTION: Council Member Barton moved to introduce for first reading by title only, with further reading waived, Ordinance No. 663, "An Ordinance of the City Council of the City of Morro Bay, California, Amending Title 8 ("Health and Safety") of the Morro Bay Municipal Code to add Chapter 8.15 pertaining to the unauthorized removal of shopping carts from retail establishments and to facilitate retrieval of abandoned shopping carts." The motion was seconded by Council Member Edwards and carried 5-0 by roll call vote.

C-3 QUARTERLY UPDATE ON 2023-24 AND FY 2024–25 CITY COUNCIL GOALS AND ACTION ITEMS; (CITY MANAGER)

This item was continued to a January 2024 meeting.

C-4 CONSIDERATION OF REVISIONS TO THE CITY COUNCIL POLICIES & PROCEDURES TO ADD SECTION 5.5 ESTABLISHING A POLICY REGARDING THE USE OF PUBLIC RESOURCES BY ELECTED OFFICIALS; (CITY MANAGER)

[https://youtu.be/9Gnn1LrOvvE?si=qAiG46\\_Ftnly1Jet&t=12298](https://youtu.be/9Gnn1LrOvvE?si=qAiG46_Ftnly1Jet&t=12298)

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

The public comment period for Item C-4 was opened.  
<https://youtu.be/9Gnn1LrOvvE?si=OmXMOXfcu8dRqily&t=13558>

Terry Simons, Morro Bay, was enthusiastic about building community support through council member led town hall events and discouraged efforts to limit the number of opportunities to do so.

There was consensus to go past 9:30 to finish this item.

Jeff Eckles, Morro Bay, suggested the Council establish time period before election where a sitting council member not have that opportunity.

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

There was consensus for individual council members to submit suggested policy language to the City Manager and bring back options at a future meeting.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS  
<https://youtu.be/9Gnn1LrOvvE?si=TaFgOHVmljr7w0cr&t=15768>

Council Member Landrum requested consideration of a Building Code amendment requiring elevators in housing developments and received majority support to send for Planning Commission review then City Council.

Council Member Landrum requested consideration of eliminating artificial turf and received majority support to bring back an informational item.

The meeting adjourned at 10:08 p.m.

Recorded by:

*Dana Swanson*  
Dana Swanson (Jan 10, 2024 10:19 PST)

Dana Swanson  
City Clerk

# 7.a.1 CC\_2023-11-14 Regular Meeting Minutes

Final Audit Report

2024-01-10

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