



**AGENDA NO: A-2**

**MEETING DATE: March 27, 2018**

**THE FOLLOWING PUBLIC CORRESPONDENCE  
WAS RECEIVED BY THE CITY COUNCIL  
FOLLOWING POSTING OF THE AGENDA**

**Dana Swanson**

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**From:** betty winholtz [REDACTED]  
**Sent:** Monday, March 26, 2018 8:10 AM  
**To:** Jamie Irons; Marlys McPherson; Robert Davis; John Headding; Matt Makowetski  
**Cc:** Scott Collins; Dana Swanson  
**Subject:** a-2 consent agenda

Dear City Council:

It is not within me to overlook the city council majority's blatant disregard for policies you approved as recently as December 2017. It is not within me to ignore your approval of a candidate who is yet to be a full time resident in violation of the following policy:

**"6.6 PROCESS**

**6.6.1 QUALIFICATIONS**

6.6.1.1 The applicant must be a resident and registered voter of the City at the time and during the entire term of appointment,"

It is not within me to be silent when someone who did meet the qualifications including the following was denied.

**"6.6.3.5**

The City Council shall, in a noticed public meeting, interview qualified applicants. In making appointments, the Council shall strive for a representative cross-section of both lay and professional knowledge."

**"B. Application**

**Selection Process and Membership Qualifications**

The City of Morro Bay encourages participation of a wide variety of its citizens through service on an advisory body. Applicants will be sought from all segments of the community, representing various interests and groups."

**"APPLICATION AND SELECTION PROCESS**

Applicants will be sought from all segments of the community, representing various interests and groups."

The last statement was important enough to be stated twice.

Over the 3+ decades I have lived in Morro Bay, and the 20 years I have participated in city government, this is only the second time I have witnessed someone step forward to fill a vacant committee seat to which no one else volunteered, yet be denied, leaving the seat vacant.

I do not pander for the person denied: he is bigger than you. It is you that concern me: You are exclusive; you are unrepresentative. Four of you deny the rule of law. What am I to think?

Sincerely,  
Betty Winholtz



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**AGENDA NO: B-1**

**MEETING DATE: March 27, 2018**

**THE FOLLOWING PUBLIC CORRESPONDENCE  
WAS RECEIVED BY THE CITY COUNCIL  
FOLLOWING POSTING OF THE AGENDA**

RECEIVED

MAR 21 2018

City of Morro Bay  
Community Development Dept.

MIKE HISCHER  
WAVELENGTHS SURF  
MORRO BAY, CA  
3.19.18

TO: COMMUNITY DEVELOPMENT DEPT  
RE: CASE # UPO-446

AS AN ADJACENT BUSINESS & PROPERTY  
OWNER, I HEARTILY APPROVE & SUPPORT  
THE PROPOSED PLAN. THIS IS A CONCEPT  
THAT SHOULD HAVE BEEN COMPLETED YEARS  
AGO.

THANK YOU FOR YOUR TIME & CONSIDERATION.

RESPECTFULLY,

*Mike*

MIKE HISCHER  
WAVELENGTHS SURF  
998 EMBARRASERS  
MORRO BAY

## Dana Swanson

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**From:** [REDACTED]  
**Sent:** Saturday, March 24, 2018 3:19 PM  
**To:** Council; Scott Collins; Scot Graham  
**Subject:** Agenda reports

Hello, All,

When I was in office, I requested that all planning and building agenda reports on existing businesses include the name of the business as well as the address and parcel/lease site number. I'd like to request that this be done again. I do read the agendas, and for example on your current item B-1, it wasn't until searching through the report that I could find out what business occupies 945 Embarcadero...House of Juju.

As I'm certainly not the only one who doesn't know the addresses, this would be really helpful for those of us who want to keep apprised of what's happening where.

Please consider this suggestion.

Thank you,  
Janice Peters

[REDACTED]

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**From:** Sean Green  
**Sent:** Tuesday, March 27, 2018 6:59 AM  
**To:** Council; Scott Collins; Dana Swanson  
**Subject:** Council Agenda Item B-1 (3/27/18)

Staff and Council,

Per Council's direction back in November, House of Juju's revised project plans were to omit Anchor Park improvements in favor of harbor walk improvements. From the description and design rendering newly proposed, it appears the harbor walk will be worse off than it is now. Swapping ground material out for one that matches the adjacent neighbor may be a step in the right direction (and one that Council should mandate for consistency of all new ground surface upgrades along harbor walk moving forward), but the far more importance aspect of harbor walk improvement that Community Development, Harbor, and Council should jointly focus on is *access*.

Not only has the expanded Juju dining area remained as originally planned (thus removing 140sf of public walkway), but the glass windscreen and ground-to-rail signage (shown in black) seem to be creating a public-unfriendly bottleneck at the south end (not unlike the public-unfriendly walkways created by the Giovanni's line location and the sidewalk fixtures recently installed in front of Kitty's Kitchen's downtown). Pedestrians should not have to walk single-file through any access point designed and built in the 21st century (though the Embarcadero sidewalk does give them good practice!)

I fully support the intentions of House of Juju's modified improvements but do request, for the sake of every resident or visitor who will walk the waterfront over the next 40 years, the removal of 1/3 of the proposed windscreen, removal of the black ground signage (to be instead mounded to building wall), and installation of small-but-public-friendly Morro Bay history or nature signage at both westbound corners of the harbor walk railing. Adopting these three, modest suggestions should allow Juju to retain maximum revenue gains while also proving to the City that waterfront access and public-friendliness of heavily trafficked walkways remain top priorities.

Thank you for your consideration,

Sean Green  
Morro Bay, CA



**AGENDA NO: C-1**

**MEETING DATE: March 27, 2018**

**THE FOLLOWING PUBLIC CORRESPONDENCE  
WAS RECEIVED BY THE CITY COUNCIL  
FOLLOWING POSTING OF THE AGENDA**

## Dana Swanson

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**From:** Jeffery Heller  
**Sent:** Saturday, March 24, 2018 11:56 AM  
**To:** Council  
**Cc:** Scott Collins; Dana Swanson  
**Subject:** Agenda Correspondence - Item C-1, CC Mtg. 3/27/18

I fully support the expenditures recommended for a new, more use friendly City website.

Jeff Heller

## Dana Swanson

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**From:** betty winholtz [REDACTED]  
**Sent:** Monday, March 26, 2018 6:37 AM  
**To:** Jamie Irons; Marlys McPherson; Robert Davis; John Headding; Matt Makowetski  
**Cc:** Scott Collins; Dana Swanson  
**Subject:** agenda item c-1

Dear City Council:

I believe the Chamber of Commerce should have the tools it needs to promote the City. I believe the 350 members of the Chamber should pay the \$100,000 it will cost for a new website, which is what this agenda item is about. Add up the columns on page 121.

The City is in a financial crisis. It's your job to be fiscally conservative, so fewer City employees lose their job. \$100,000 is the price of at least one if not two employees.

Sincerely,  
Betty Winholtz



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**AGENDA NO: C-3**

**MEETING DATE: March 27, 2018**

**THE FOLLOWING PUBLIC CORRESPONDENCE  
WAS RECEIVED BY THE CITY COUNCIL  
FOLLOWING POSTING OF THE AGENDA**

## Dana Swanson

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**From:** Jeffery Heller  
**Sent:** Saturday, March 24, 2018 12:13 PM  
**To:** Council  
**Cc:** Scott Collins; Dana Swanson  
**Subject:** Agenda Correspondence, Item C-3, CC Mtg. 3/27/18

I oppose Resolution 70-15.

It clearly and bluntly confirms that the Mayor and council members have no intention of considering differing opinions through public comment at meetings, or through "Citizens Advisory Committees".

In addition, it solidly confirms, as many residents have told me for many years---that the appointees of Advisory Committees in Morro Bay are either completely unaware of City issues, or are in complete agreement with the positions of the Mayor and Council members. No boat rocking allowed. It helps a lot to be a "friend" of the Mayor.

## Dana Swanson

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**From:** Jennifer Callaway  
**Sent:** Monday, March 26, 2018 9:25 AM  
**To:** John Martin; Barbara Spagnola; Dana Swanson  
**Cc:** John Headding; Marlys McPherson; Scott Collins  
**Subject:** RE: Suggestions for Advisory Bodies Handbook - CFAC

Good Morning Barbara and John – Hope you had a nice weekend.

Thank you for your comments. I have forwarded them along to Dana for the public records and for response where you have questions.

We appreciate your feedback.  
Jen

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**From:** John Martin  
**Sent:** Monday, March 26, 2018 9:18 AM  
**To:** Barbara Spagnola <bspagnola@morrobayca.gov>; Jennifer Callaway <jcallaway@morrobayca.gov>  
**Cc:** John Headding <jheadding@morrobayca.gov>; Marlys McPherson <mmcpherson@morrobayca.gov>  
**Subject:** Re: Suggestions for Advisory Bodies Handbook - CFAC

Jennifer,

I agree with all of Barbara's comments. In regards to an advisory body member speaking to the Council as a private citizen when a majority of the advisory body is present, it seems to me that any restriction should be limited to only those subject matters considered by that advisory body.

My only other comment is that there is a typo at the end of the second paragraph on page 227.

John

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**From:** Barbara Spagnola  
**Sent:** Saturday, March 24, 2018 12:27:49 PM  
**To:** Jennifer Callaway  
**Cc:** John Martin; John Headding; Marlys McPherson  
**Subject:** Suggestions for Advisory Bodies Handbook - CFAC

Hello Jennifer,

I have a couple of suggestions for the Advisory Body Handbook for CFAC (Item C-3 for the CC 3/27/18 agenda). As you know, these were not discussed at our CFAC meeting this week, so they are just my ideas and do not represent any other CFAC members' opinions.

1. In Section 6.3 of Chapter 6, Page 189, the additional language in subsection 6.3.1 coupled with the deletion of subsection 6.3.3.1 indicates that advisory body members cannot speak in public comment as a private citizen at a City Council meeting when a majority of the advisory body members are in attendance, in accordance with the Brown Act. Please confirm I have interpreted that correctly, as that seems overly restrictive. It also seems to contradict the language in the last paragraph of Section 3 of the Handbook (How Advisory Bodies Work, Page 201). Please clarify.
2. Just a comment, Section 3 on How Advisory Bodies Work is an excellent addition to the handbook. Nice to see the "Behavior and Civil Discourse Policy", Subsection B(2), included.
3. Title of Section 5 of the Handbook on page 209 could include "of 1974" to be consistent with the earlier reference to that section.
4. On the CFAC By-Laws duties, Pages 227-228, I do not believe all of these are still applicable. This was a template we used when we expanded the Measure Q committee to include additional financial tasks back in 2015. I would suggest combining items 3, 4 and 5, with the goal being to review before presentation to Council. Item 9 should be reworded to include who is responsible for developing the work plan (Council, Staff, or all three groups together).
5. On "Absence from Meetings" on page 228, please add the first sentence from Section B(4) of the Handbook, page 206 "Because of quorum requirements, when an absence is anticipated, the individual advisory body member is responsible for notifying the Chairperson and the staff responsible in advance and the absence shall be counted in that member's attendance record." I recognize this is repetitive, but this is very important for quorum requirements so worth repeating for emphasis in my opinion.
6. On "Appointment and Terms of Office" on page 228, I would suggest Council give serious consideration to reducing the terms from six years to four years for CFAC advisory members. This 4-year commitment would be consistent with the other advisory bodies; six years is too long and may be an impediment to attracting qualified citizens to apply. I believe the 6-year commitment originated from the Measure Q Citizens Oversight Committee, when that committee's workload and meeting frequency was significantly less than CFAC's current workload. If approved, you could merely substitute the 4-year language in the other advisory body By-Laws.
7. Finally, we do need to conduct training for all our advisory body members, which I understand is on the Council's radar, after these documents are updated and approved.

Thanks to all Staff and City Council members for their contributions to these documents, well done. Let me know if you have any questions or need clarification on any of my suggested updates. Thank you for your consideration.

Barbara Spagnola, Chair  
Citizens Finance Advisory Committee

Email: [bspagnola@morrobayca.gov](mailto:bspagnola@morrobayca.gov)



Morro Bay, CA 93442

## Dana Swanson

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**From:** betty winholtz [REDACTED]  
**Sent:** Monday, March 26, 2018 5:54 AM  
**To:** Jamie Irons; Marlys McPherson; Robert Davis; John Headding; Matt Makowetski  
**Cc:** Scott Collins; Dana Swanson  
**Subject:** c-3 agenda item

Dear City Council:

These are my comments regarding changes to the Policies and Procedures Handbook. I have identified section numbers for your convenience. My comments are in italics to distinguish them from the text which is in normal font.

Sincerely,  
Betty Winholtz

*Section 1.2.1 seems to contradict the MBMC 2.12.110 and 2.12.200. The MBMC allows the city manager to make agenda suggestions, but the Handbook gives the mayor veto power. The word "mayor" (bolded) should be omitted, allowing the city council to make the determination.*

### 1.2.1 ESTABLISHING THE COUNCIL AGENDA

Staff shall work within the policy context established by the Council and will not arbitrarily place matters on the agenda that are outside the scope of existing work programs of the City, except as approved by the **Mayor or a** majority of the Council,

#### 2.12.110 - Ordinance recommendation.

It shall be the duty of the city manager and he shall recommend to the city council for adoption of such measures and ordinances as he deems necessary or expedient.

(Ord. 459 § 24, 1997: Ord. 14 § 1 (part), 1965: prior code § 2705.5)

#### 2.12.200 - Council-manager relations.

The city manager shall take his orders and instructions from the city council only when sitting in a duly held meeting of the city council and no individual council member shall give any orders or instructions to the city manager.

*Prior to the current mayor, speaker slips were used occasionally, not routinely. Codifying this procedure limits the discretion of the next mayor. Do not add this proposed section.*

1.3.7.1 Those individuals desiring to speak will be asked to fill out a speaker's slip. They are located on the table at the entrance to the Council Chambers (Veterans Hall) hall.

*If you add section 1.3.7.1, this section becomes moot, and should be deleted. If you don't approve 1.2.7.1, then it is relevant.*

1.3.9.3.3 For Public Hearings, when 10 or more members of the public desire to speak, the Presiding Officer may request speaker slips to be completed and delivered to the Clerk before the item is considered.

*Why is this section on closed sessions being deleted? It is something the general public needs to know and is unfamiliar with.*

### 1.3.10 CLOSED SESSION MEETINGS

*Explain what role the electronic or YouTube version plays?*

1.4.6 The City Clerk's minutes shall remain the official record of Council proceedings.

*In signing up for Social Security, my monthly payments were reduced for life since I received P.A.R.S retirement from the City. I strongly recommend you delete this "benefit."*

2.2 RETIREMENT, MEDICAL, DENTAL, VISION, AND LIFE INSURANCE

The Mayor and Council Members are required to participate in P.A.R.S. retirement.

*These two sections were added sometime in the last 8 years. A mayor should not have authority to speak for the Council without prior consent of the Council majority per item.*

*Delete 3.1.4 and 3.1.5*

*This reads like carte blanche, not at the direction of the City Council. This should be clarified.*

3.9 ACCEPTANCE OF GRANTS OR DEEDS

The Mayor and Mayor Pro Tempore of the City of Morro Bay are hereby authorized to accept and consent to the recording of any deed or grant conveying any interest in or easement upon real property to the City of Morro Bay.

*Neither the mayor nor council members should make work requests of staff without majority approval of the City Council. Requests for information, as noted in the previous section, of course, but not giving direction to staff.*

5.2.2 DIRECTION TO STAFF

The Mayor and Council Members shall make requests for work to be done by City staff through the City Manager.

*This section should not be deleted. It gives direction as to how a committee appointee should present one's self before the City Council.*

6.3.3 COUNCIL MEETINGS

6.3.3.1 Members of an advisory board are free to appear and give testimony before Council using the public microphone, after identifying whether they are speaking as a representative of the advisory boardbody or as a private citizen and if as a representative of the board advisory body, then whether that appearance had been requested by the board body.

*I greatly resent the vote to change the City's Mission Statement, removing the words "quality of life...and responsive...." The bolded sentences are deleted and the last sentence is its replacement. Do the opposite.*

Mission Statement

**The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life. The City shall be committed to this purpose and will provide a level of municipal service and safety consistent with and responsive to the needs of the public.** The City of Morro Bay provides essential public services and infrastructure to maintain a clean and healthy place for residents and visitors to live, work and play.

*Delete this sentence which can be found in the second paragraph. As clarified in the subsequent paragraph, advisory body decisions, except for the Planning Commission, are advisory only.*

1. General Information on Advisory Bodies

A. Background

Decisions made by an advisory body may be appealed to the Council

*This is a huge turn off. Most residents will say "I don't qualify" which is not true. More often than not citizens have been appointed who do not know this much, including those running for City Council. Delete or massage the wording.*

2)Qualifications for Service.

KNOWLEDGE OF THE COMMUNITY MARKETPLACE, PROCESS, OBJECTIVES, AND LAW

A first-hand knowledge of economic systems, the general operation of government, and a basic understanding of the legal process is important.

*As stated earlier, "The Mayor shall be recognized as the official head of the City for all ceremonial purposes." However, that is not the same meaning as the "official spokesperson" for the Council. The mayor's position is one of five elected, each representing the City on his/her own, in different realms and ways. Delete this sentence.*

A. City Council

Mayor is the official spokesperson for the Council.

*I would not want to promote the use of staff time to see each new person individually. Better: let it can happen as a group or during their initial committee meeting.*

A.Understanding Your Role and Scope of Responsibility

In addition, the City staff member who supports your advisory body will schedule an orientation appointment with you.

*This sounds a bit misleading in regards to how one interacts with regard to serial meetings.*

2)Preparing for Your Role

Meeting with your advisory body chair and getting to know fellow advisory body members.

*This is unclear. Do you mean they shouldn't represent their committee or City Council opinion?*

6) Advisory Body/City Council Relationship

Individual advisory body members should avoid making public comments on Council actions or public policies that might appear to represent the official position of their advisory body.

*To threaten firing from a volunteer position is intimidating. This is another statement that would repel potential applicants to serve. Missing so many meetings has already been established as the criteria for removal. Don't make it personal. Delete this sentence.*

8) Removal from Office

As noted, advisory body members serve at the pleasure of the Council and may be removed without cause by Council action in an open public meeting.

*This "rule" was violated when City Council voted to keep downtown heights to 30 feet, but staff went to Planning Commission to reinstate the proposed higher height limit via the Zoning Ordinance changes.*

6) Reconsideration of Issues

once the City Council has made a decision on an issue an advisory board should not attempt to reconsider that issue or make an alternative recommendation to Council.

*The sections on the Brown Act and Conflict of Interest are redundant (found in other sources), and need not be restated here.*  
Brown Act and Conflict of Interest



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