



## Council Agenda Correspondence

**DATE:** February 6, 2024

**TO:** Mayor and Council

**FROM:** Greg Avakian, Parks & Recreation Director

**VIA:** Derek Johnson, City Manager

**SUBJECT:** ITEM 5E - AUTHORIZE AN AGREEMENT BETWEEN THE CITY OF SAN LUIS OBISPO AND SLO MARTIN PROPERTIES, LLC FOR PARK MAINTENANCE AND OUTDOOR DINING

Staff received the following questions regarding the proposed agreement with SLO Martin Properties, LLC for park maintenance and outdoor dining on City-owned property, located at 2163 Santa Barbara Street. The questions are below with the staff's response shown in italics:

- 1) Is there a discrepancy between the MOU with the new property owner and the staff report? Staff report says 10-year agreement with 2-year extension is possible. But the actual draft agreement says: "The term of this agreement shall be for a period of fifteen (15) years from the date entered. The terms of the Agreement may be extended for a period of three to five years upon mutual agreement of the Parties.**

*The draft agreement contains the correct term period. The Council Agenda Report should have noted that the period provides for a total of fifteen (15) years, including an initial 10-year term with an extension of between 3-5 years possible.*

- 2) Exhibit C, Scope of Work, includes the following section about Blow Pack Use, "Blow Pack Use: In the downtown area, blow packs may be used between 7:00 a.m. and 10:00 a.m. In the residential areas blow packs may be used between 8:00 a.m. and 5:00 p.m..."; by using the term "blow packs", do we mean leaf blowers? If so, can we require the use of electric leaf blowers?**

*Yes, "blow pack" is a reference to a leaf blower. The section within the agreement did not specify a requirement to utilize electric or battery-operated blow packs, nor was this discussed with SLO Martin Properties during the lease negotiation process. However, at Council's request, staff has discussed this request with SLO Martin Properties, and they have agreed to the requirement of battery-powered blow packs for the project. This modification will be incorporated into the landscape plan attached to the agreement prior to signature.*