



Council Minutes

October 15, 2024, 5:30 p.m.
Council Chambers, 990 Palm Street, San Luis Obispo

Council Members Present: Council Member Emily Francis, Council Member Jan Marx, Council Member Michelle Shoresman, Vice Mayor Andy Pease, Mayor Erica A. Stewart

City Staff Present: City Manager Whitney McDonald, Christine Dietrick, City Attorney, Teresa Purrington, City Clerk

1. CALL TO ORDER

A Regular Meeting of the San Luis Obispo City Council was called to order on October 15, 2024 at 5:30 p.m. in the Council Chambers, 990 Palm Street, San Luis Obispo, by Mayor Stewart with all Council Members present.

2. PLEDGE OF ALLEGIANCE

Vice Mayor Andy Pease led the Council in the Pledge of Allegiance.

3. PRESENTATIONS

3.a ARBOR DAY PROCLAMATION

Mayor Erica A. Stewart presented a proclamation declaring November 2nd as "Arbor Day" to Walter Gault on behalf of the City's Community Development Department.

3.b CITY MANAGER REPORT

City Manager Whitney McDonald provided a report on upcoming projects.

4. PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

Public Comment:

David Yohe

Weston Patrick

--End of Public Comment--

5. CONSENT AGENDA

Vice Mayor Pease requested Item 5k be pulled from the Consent Agenda.

Council Member Shoresman requested Item 5g be pulled from the Consent Agenda.

Public Comments:

None

---End of Public Comment---

Motion By Council Member Francis

Second By Council Member Shoresman

To approve Consent Calendar Items 5a to 5f and 5h to 5j.

Ayes (5): Council Member Francis, Council Member Marx, Council Member Shoresman, Vice Mayor Pease, and Mayor Stewart

CARRIED (5 to 0)

5.a WAIVE READING IN FULL OF ALL RESOLUTIONS AND ORDINANCES

Waive reading of all resolutions and ordinances as appropriate.

5.b MINUTES REVIEW - OCTOBER 1, 2024 COUNCIL MINUTES

Approve the minutes of the City Council meeting held on October 1, 2024.

5.c UPDATE TO TRIP REDUCTION INCENTIVE PROGRAM

Adopt Resolution No. 11524 (2024 Series) entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, amending the Trip Reduction Incentive Program," effective January 1, 2025.

5.d CONSIDERATION OF A RESOLUTION ALLOWING PREVIOUSLY CONTRIBUTING EMPLOYEES TO CONTINUE PARTICIPATING IN THE FIRE RETIREE MEDICAL TRUST

Adopt Resolution No. 11525 (2024 Series) entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, allowing previously contributing employees to continue participating in the Retiree Medical Trust through the Peace Officers Research Association of California."

5.e AUTHORIZATION TO ADVERTISE MILL STREET SEWER REPLACEMENT PROJECT, SPECIFICATION NO. 2000561

1. Approve the project plans and specifications for Mill Street Sewer Replacement, Specification Number 2000561; and
2. Authorize staff to advertise for bids; and
3. Authorize the City Manager to award the Construction Contract pursuant to Section 3.24.190 of the Municipal Code if the lowest responsible bid is within the Engineer's Estimate of \$2,400,000; and
4. Authorize the City Engineer to approve Contract Change Orders up to the available project budget and any amended budget subsequently approved by the City Manager up to \$200,000.

5.f CONSIDERATION OF A RESOLUTION OF INTENTION TO ABANDON PORTIONS OF SLACK STREET TO ACCOMMODATE CAL POLY FACULTY AND STAFF HOUSING, AS WELL AS CONSIDERATION OF A DETACHMENT TO ADJUST CITY LIMIT BOUNDARIES NEAR CAL POLY (STAB-0038-2024, ANNX-0219-2024)

Adopt Resolution No. 11526 (2024 Series) entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, to abandon portions of Slack Street, which is proposed to accommodate Cal Poly faculty and staff housing, as well as future consideration of a detachment to adjust city limit boundaries near Cal Poly (STAB-0038-2024, ANNX-0219-2024)", and set a public hearing for November 12, 2024, to consider a Resolution of Abandonment and Detachment.

5.h AUTHORIZATION TO RECLASSIFY ENGINEERING MANAGEMENT CLASSIFICATIONS

Adopt Resolution No. 11527 (2024 Series) entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, authorizing an amendment to the FY 2024-25 Budget Appropriation to fund compensation changes to the Engineering Management Classifications and adopt a revised Regular and Contract Employee Salary Schedule."

5.i AUTHORIZE WASTEWATER IMPACT FEE FUNDS AND EXECUTION OF A CONTRACT CHANGE ORDER FOR THE BUCKLEY SEWER LIFT STATION

1. Authorize Wastewater Impact Fee Funds in the amount of \$281,358.15 to reimburse Wathen Castanos Homes for the construction of the Buckley Lift Station; and
2. Authorize the Utilities Director and City Engineer to execute a Contract Change Order No. 1 in the amount of \$281,358.15 with Wathen Castanos Homes for construction modifications made to the Buckley Lift Station.

5.j ADVISORY BODY APPOINTMENT – MASS TRANSPORTATION COMMITTEE, ASSOCIATED STUDENTS INCORPORATED (ASI) REPRESENTATIVE

Confirm the appointment of Emily McBride as the ASI Representative on the Mass Transportation Committee (MTC), to fill an unscheduled vacancy with a term ending August 31, 2026.

Item 5k pull from Consent Agenda by Vice Mayor Pease.

5.k APPROVE THE REVISED SCHEDULE OF CITY COUNCIL MEETINGS FOR 2024

Public Comments:

None

---End of Public Comment---

Motion By Council Member Francis

Second By Council Member Marx

Approve reinstating and rescheduling the Regular City Council meeting on December 17th to December 10th, as shown on the revised 2024 Regular City Council Meeting Calendar, and to reschedule the December 3rd meeting to December 9th for the Reorganization Ceremony for the new City Council based on the election results.

Ayes (5): Council Member Francis, Council Member Marx, Council Member Shoresman, Vice Mayor Pease, and Mayor Stewart

CARRIED (5 to 0)

Item 5g pulled from Consent by Council Member Shoresman

- 5.g FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR TRACT 2428
PHASE 3 – A RESIDENTIAL SUBDIVISION AT 3000 CALLE MALVA

Public Comments:

Addie Barkley
Barbara Thompson
Daniel Thompson
Gail Ryff

---End of Public Comment---

Motion By Council Member Francis
Second By Council Member Shoresman

To continue the item to a date uncertain to allow staff time to conduct an inspection of the property.

Ayes (5): Council Member Francis, Council Member Marx, Council Member Shoresman, Vice Mayor Pease, and Mayor Stewart

CARRIED (5 to 0)

6. PUBLIC HEARING AND BUSINESS ITEMS

- 6.a ANNUAL PUBLIC HEARING FOR THE TOURISM BUSINESS
IMPROVEMENT DISTRICT (Estimated Time: 30 Minutes)

Deputy City Manager Greg Hermann, Tourism & Community Promotions Manager Jacqui Clark-Charlesworth and TBID Chair Lydia Bates provided an in-depth staff report and responded to Council questions.

Public Comments:

None

---End of Public Comment---

Motion By Council Member Marx
Second By Council Member Francis

Adopt Resolution No. 11528 (2024 Series) entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, declaring the basis for and the levy of the assessment for the San Luis Obispo Tourism Business Improvement District and affirming the establishment of the District.”

Ayes (5): Council Member Francis, Council Member Marx, Council Member Shoresman, Vice Mayor Pease, and Mayor Stewart

CARRIED (5 to 0)

6.b REVIEW OF AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE A CONDITIONAL USE PERMIT TO ESTABLISH A FRATERNITY (USE-0331-2023, APPL-0365-2024)

Director of Community Development Timmi Tway and Associate Planner Hannah Hanh provided an in-depth staff report and responded to questions.

Public Comments:

Kathie Walker, Appellant's Representative
Thomas Symer, Applicant's Representative
Brett Cross
Sandra Rowley
Felicia Lewis
Stew Jenkins

---End of Public Comment---

Motion By Council Member Shoresman

Second By Council Member Marx

Adopt Resolution No. 11529 (2024 Series) entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, denying an appeal and upholding the Planning Commission's decision to approve a Conditional Use Permit to establish a fraternity for up to 24 residents at 1264 and 1264 ½ East Foothill Boulevard and 1241, 1243, 1249, and 1251 Monte Vista Place. The project includes a request to provide two (2) parking spaces in tandem on an existing driveway along East Foothill Boulevard. The project is exempt from environmental review under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines as represented in the council agenda report and attachments dated October 15, 2024 (USE-0331-2023, APPL-0365-2024)" *with the following changes to the Resolution as shown in **bold** and italics or ~~strikethrough~~ to Conditions 3, 5, 14, 15, 16:*

3. The Conditional Use Permit shall be reviewed by the Planning Commission ***as soon as practical if 1) conduct on the permitted premises results in three (3) citation(s) within any 12-month period for a violation of law or permitted condition. 2) that citation is not contested or us upheld on appeal, and 3) conduct for which the citation was issued resulted in adverse impacts, to or complaints from, residents or occupants of the surrounding neighborhood.*** At the time of the Conditional Use Permit review, to ensure ongoing compatibility with nearby uses, the conditions of approval may be added, modified, and/or removed, or the Conditional Use Permit may be revoked.

The City shall notify Cal Poly if the Use Permit is revoked. A re-review by the Planning Commission shall be accompanied by the appropriate fee.

5. Routine meetings and gatherings for the fraternity shall be limited to a maximum of 48 people (32 people x 1.5), except as otherwise approved by the Community Development Director for special events. If the fraternity hosts special events involving more than 48 people, a transportation management plan to reduce impacts to the surrounding neighborhood shall be submitted to the Community Development Department, at least 30 days prior to the event taking place, for review and approval. ***No exception from the Noise Ordinance shall be approved by the Director as Part of the special event.***

14. The fraternity use shall comply with Table 1 (Exterior Noise Limits) of Section 9.12.060 (Exterior Noise Limits) between the extended hours of 10:00 p.m. and 9:00 a.m., ~~except as approved in writing as a special event by the Community Development Director.~~

15. Prior to a special event approved by the Community Development Director pursuant to Condition No. 5, the fraternity shall provide written notification of the event to occupants within 300 feet of the site. The written notification shall include the date, hours, and contact information for the responsible party for the special event. ***No exception from the Noise Ordinance shall be approved by the Director as part of the special event.***

16. Live entertainment, bands, and/or amplified sounds are prohibited, unless otherwise approved through a special event by the Community Development Department. ***No exception from the Noise Ordinance shall be approved by the Director as part of the special event.***

And adding the following Condition:

“Failure to comply with any of the above conditions or code requirements, or the conduct of the use so as to constitute a violation of Federal, State, or local law, or so as to constitute a public nuisance or so as to cause adverse impacts on the health, safety, or welfare of persons in the vicinity of this use is prohibited and may constitute grounds for the revocation of this permit.”

Ayes (5): Council Member Francis, Council Member Marx, Council Member Shoresman, Vice Mayor Pease, and Mayor Stewart

CARRIED (5 to 0)

7. LIAISON REPORTS AND COMMUNICATIONS

Mayor Stewart reported that none of her Subcommittee assignments met since the last City Council Meeting. She attended the Anderson Hotel grand opening, appeared on the Dave Congalton show with Homeless Response Manager Daisy Wiberg, attended the open house at the La Loma Adobe, and the ASI event *Every Voice Counts in the Vote*.

Vice Mayor Pease provided an update from the SLOCOG meeting.

Council Member Francis provided an update on the Air Pollution Control District meeting, the CAPSLO meeting, and a Nacimiento Water Board meeting. She attended the Passenger Rail Summit in San Diego with SLOCOG and the dedication of the Chumash Marine Sanctuary in Pismo.

Council Member Marx provided an update on an item going to the Air Pollution Control District Hearing Board. She also provided an update on the SLO Climate Coalition, which she attended for Council Member Shoresman. She attended the groundbreaking for the new student housing at Cal Poly, the groundbreaking event for the Calle Joaquin Homekey Project, the Commemoration Ceremony at Beth David, Diversity Coalition Annual fundraising event, the Anderson Hotel ribbon cutting, the Fire Department open house, and Indigenous People's Day.

Council Member Shoresman provided an update on Homelessness Services Oversight Committee Executive Committee meeting. She attended the Homekey groundbreaking ceremony and the Cheng Park Rededication ceremony.

8. ADJOURNMENT

The meeting was adjourned at 9:44 p.m. The next Regular Meeting of the City Council has been *rescheduled* to **November 12, 2024 at 5:30 p.m. in the Council Chambers** at City Hall, 990 Palm Street, San Luis Obispo. Council approved rescheduling the November 5th Regular Meeting on November 14, 2023, during their annual review of the [2024 Council Meeting Calendar](#).

APPROVED BY COUNCIL: XX/XX/2024