



Council Minutes

May 3, 2022, 4:30 p.m.

Council Chambers, 990 Palm Street, San Luis Obispo

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

City Staff Present: Derek Johnson, City Manager, Christine Dietrick, City Attorney, Teresa Purrington, City Clerk

1. CLOSED SESSION: STARTS AT 4:30 PM

Public Comments:

None

---End of Public Comment---

1.a CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property:

San Luis Obispo County Assessor Parcel Nos. 076-352-061; 076-352-062; 076-382-005; 076-383-001; 076-383-002

Under Negotiation:

Real Property Price and Terms

ACTION: City Attorney Christine Dietrick reported that the Council provided direction on price and terms for negotiations.

1.b CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property:

San Luis Obispo County Assessor Parcel Nos. 073-341-034; 073-341-036; 073-341-038; 073-341-039

Under Negotiation:

Real Property Price and Terms

ACTION: City Attorney Christine Dietrick reported that the Council provided direction on price and terms for negotiations.

1.c CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property:

Portion of City of San Luis Obispo Right-of-Way between Calle Joaquin Road and Old Calle Joaquin Road; San Luis Obispo County Assessor Parcel Nos. 001-031-028 and 002-412-018.

Under Negotiation:

Negotiating parameters for lease of City owned parking spaces to a private entity for the purpose of constructing, owning, and operating electric vehicle charging infrastructure at one or more of the above specified sites.

ACTION: City Attorney Christine Dietrick reported that the Council provided direction on price and terms for negotiations.

1.d CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. No. of potential cases: One.

ACTION: City Attorney Christine Dietrick reported that there was no reportable action.

1.e ADJOURN CLOSED SESSION

Adjourn at 5:50 p.m. to the Regular Meeting of the City Council scheduled for Tuesday, May 3, 2022 at 6:00 pm, at the Council Chambers at City Hall, 990 Palm Street, San Luis Obispo.

2. CALL TO ORDER

A Regular Meeting of the San Luis Obispo City Council was called to order on May 3, 2022 at 6:00 p.m. in the Council Chambers, 990 Palm Street, San Luis Obispo, by Mayor Stewart.

3. PLEDGE OF ALLEGIANCE

Council Member Michelle Shoresman led the Council in the Pledge of Allegiance.

4. PRESENTATIONS AND INTRODUCTIONS

4.a PRESENTATION - LAGUNA MIDDLE SCHOOL COMMUNITY SERVICE AWARDS

Mila Vujovich-LeBarre made a presentation regarding the community service awards for the students of Laguna Middle School.

4.b PROCLAMATION - ETO PARK 20TH ANNIVERSARY

Mayor Stewart presented a proclamation to celebrate the 20th Anniversary of Eto Park to Ron Kikuchi and Allen Eto.

4.c PROCLAMATION - NATIONAL TOURISM MONTH

Mayor Stewart presented a proclamation declaring the month of May as "National Tourism Month" to Tourism Manager, Molly Cano, and Tourism Business Improvement District Member, David Smith.

4.d INTRODUCTIONS - NEW AND PROMOTED UTILITIES STAFF

Utilities Director Aaron Floyd introduced the Utilities Department's new and promoted staff.

4.e CITY MANAGER REPORT

City Manager Derek Johnson provided a report on upcoming projects and a status update on COVID-19.

5. PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

Public Comment:

Fred Starbuck

Jeffery Specht

Mary Jane Jodry

Ethan G

Pete Schwartz

--End of Public Comment--

6. CONSENT AGENDA

Council Member Pease requested the Item 6e be pulled from the Consent Agenda.

Motion By Vice Mayor Christianson

Second By Council Member Shoresman

To approve Consent Calendar Items.

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

CARRIED (5 to 0)

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

Waive reading of all resolutions and ordinances as appropriate.

6.b MINUTES REVIEW - APRIL 19, 2022 COUNCIL MINUTES

Approve the minutes of the City Council meeting held on April 19, 2022.

6.c ADOPT ORDINANCE NO. 1711 (2022 SERIES) TO AMEND THE CITY'S EXISTING FRANCHISE AGREEMENTS WITH SAN LUIS GARBAGE COMPANY TO IMPLEMENT STATE ORGANICS RECYCLING LAW (SENATE BILL 1383) REQUIREMENTS

Adopt Ordinance No. 1711 (2022 Series) entitled, "An Ordinance of the City Council of the City of San Luis Obispo, California, amending its Franchise Agreements with San Luis Garbage Company to implement SB 1383 requirements."

6.d APPROVE A CONTRACT AMENDMENT WITH MANAGEMENT PARTNERS TO ALLOW FOR CONTINUED WORK ON PROJECT DELIVERY FOR VARIOUS CIP PARK PROJECTS

1. Approve Contract Amendment No. 1 with Management Partners to allow for continued work on the City's Capital Improvement Plan (CIP) project delivery; and
2. Authorize the City Manager to execute the proposed Contract Amendment No. 1 with Management Partners; and
3. Approve a Budget Amendment Request in the amount of \$70,000 from CIP Project Delivery Augmentation (Project No. 1000500) to the CIP Project Engineering Other Contract Services Account.

6.f SURPLUS DESIGNATION OF FIRE FLEET ASSET BY SALE, AUCTION OR TRADE-IN

Authorize the surplus designation of the Fire Department's Fleet Asset No. 0331, a 2003 Pierce Lance Pumper, by sale, auction, trade-in or other method in accordance with the City's policies and procedures as prescribed in the Financial Management Manual Section 405-L and 480.

- 6.g AUTHORIZE AMENDMENT NUMBER 5 TO THE TRANSIT OPERATIONS & MAINTENANCE CONTRACT WITH FIRST TRANSIT, INC
1. Authorize the Mayor to execute Amendment No. 5 to the Transit Operations & Maintenance Agreement with First Transit Inc. to exercise the third extension until June 30, 2023 at the agreed upon and negotiated rate not to exceed \$2,626,896 for FY 2022-23; and
 2. Authorize the Mayor to approve the sole source procurement to the Transit Operations & Maintenance Agreement with First Transit Inc. to extend the term until June 30, 2024 at the agreed upon and negotiated rate to not exceed \$3,078,597 for FY 2023-24; and
 3. Authorize the Director of Public Works or their designee to amend and make changes to Amendment No. 5 in accordance with the terms and conditions of the agreement with First Transit for operations and maintenance for fixed route services.
- 6.h ADOPTION OF ORDINANCE NO. 1712 (2022 SERIES) APPROVING THE POLICY AND CONTINUED USE OF MILITARY EQUIPMENT BY THE CITY IN ACCORDANCE WITH ASSEMBLY BILL NO. 481
- Adopt Ordinance No. 1712 (2022 Series) entitled, “An Ordinance of the City Council of the City of San Luis Obispo, California, adopting a Military Equipment Use Policy” and approving continued use of military equipment by the agency in accordance with Assembly Bill No. 481.
- 6.i ADVISORY BODY APPOINTMENTS FOR VACANCIES ON JACK HOUSE COMMITTEE, TOURISM BUSINESS IMPROVEMENT DISTRICT BOARD, AND REVENUE ENHANCEMENT OVERSIGHT COMMISSION
- As recommended by the Council Liaisons, confirm the appointments of Toni Kincaid to the Jack House Committee (JHC), Keith Dunlop to the Citizens’ Revenue Enhancement Oversight Commission (REOC), and Clint Pearce to the Tourism Business Improvement District Board (TBID).

- 6.e ADOPTION OF ORDINANCE NO. 1696 (2021 SERIES) AMENDING CHAPTER 12.04 (ENCROACHMENTS AND EXCAVATIONS) AND 12.20 (PARK REGULATIONS) OF THE SAN LUIS OBISPO MUNICIPAL CODE TO CLARIFY THAT TENTS AND SIMILAR STRUCTURES ARE PROHIBITED ENCROACHMENTS IN CITY PARKS

Pulled by Council Member Pease

Public Comments:

Daniel Barrett

Ethan G.

Julian Powell

Andrew Chan

Sergio

Brandon Messerly

Sarah Depriest

---End of Public Comment---

Motion By Council Member Marx

Second By Vice Mayor Christianson

Adopt Ordinance No. 1696 (2021 Series) entitled, “An Ordinance of the City Council of the City of San Luis Obispo, California, amending Chapter 12.04 and Chapter 12.20 of the San Luis Obispo Municipal Code to clarify expressly that tents and similar structures are prohibited encroachments in public parks.”

Ayes (3): Council Member Marx, Vice Mayor Christianson, and Mayor Stewart

Noes (2): Council Member Pease, and Council Member Shoresman

CARRIED (3 to 2)

7. PUBLIC HEARING AND BUSINESS ITEMS

- 7.a WATER RESOURCE STATUS REPORT (Estimated Time: 30 minutes)

Utilities Director Aaron Floyd, Utilities Deputy Director Mychal Boerman, and Water Resources Program Manager Nick Teague provided an in-depth staff report and responded to Council questions.

Public Comments:

None

---End of Public Comment---

ACTION: By consensus, the Council moved to receive and file the City's 2022 Water Supply and Demand Assessment.

7.b TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) HEARING REGARDING THE ISSUANCE OF A TAX-EXEMPT DEBT OBLIGATION TO FINANCE CONSTRUCTION OF 68 AFFORDABLE HOUSING UNITS AT 3750 BULLOCK LANE (Estimated Time: 15 minutes)

Housing Policy and Programs Manager Teresa McClish provided an in-depth staff report and responded to Council questions.

Public Comments:

None

---End of Public Comment---

Motion By Vice Mayor Christianson

Second By Council Member Shoresman

1. Conduct a public hearing under the Tax Equity and Fiscal Responsibility Act of 1982 and pursuant to the requirements of the Internal Revenue Code of 1986; and
2. Adopt Resolution 11324 (2022 Series) entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, approving the issuance of Revenue Bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$30,000,000 to finance an affordable rental housing facility for the benefit of Tiburon Place, L.P., and certain other matters relating thereto" allowing the issuance of the Bonds by the California Municipal Finance Authority for the benefit of People's Self-Help Housing Corporation, on behalf of Tiburon Place, L.P., a California limited partnership, or an ownership entity to be created by the Sponsor or an affiliate of the Sponsor, to provide for the financing of the Project; such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code and California Government Code Section 6500, et seq.

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

CARRIED (5 to 0)

8. LIAISON REPORTS AND COMMUNICATIONS

Vice Chair Christianson attended La Perla sponsored by the Latino Outreach Council of San Luis Obispo County and Cal Poly's Office of University Diversity and Inclusion.

Council Member Marx updated the Council on IWMA Executive Director recruitment.

Council Member Shoresman also attended La Perla. She also attended the Race Matters SLO "shorts" 5 short films.

Mayor Stewart attended the SLO film festival Opening and Closing, The Roe vs. Wade Celebration and Take Back the Night on the Cal Poly campus. She also attended the California Cities Revenue and Taxation Committee meeting. Mayor Stewart and Council Member Pease attended Mayor/Advisory Body Chair Quarterly meeting.

9. ADJOURNMENT

The meeting was adjourned at 8:54 p.m. The next Regular City Council Meeting is scheduled for May 17, 2022 at 6:00 p.m. in the Council Chambers at City Hall, 990 Palm Street, San Luis Obispo.

APPROVED BY COUNCIL: XX/XX/202X