



Council Minutes

July 5, 2022, 6:00 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. CALL TO ORDER

A Regular Meeting of the San Luis Obispo City Council was called to order on July 5, 2022 at 6:00 p.m. in the Council Chambers, 990 Palm Street, San Luis Obispo, by Mayor Stewart.

2. PLEDGE OF ALLEGIANCE

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

3. PRESENTATIONS

3.a PRESENTATION - CENTRAL COAST COMMUNITY CHOICE ENERGY

The City Council received a presentation from Central Coast Community Choice Energy Manager of Customer Accounts and Services, Jenna Espinosa.

3.b PROCLAMATION - PARKS MAKE LIFE BETTER MONTH

Mayor Stewart presented a proclamation declaring the month of July as "Parks Make Life Better Month" to Parks & Recreation Director Greg Avakian on behalf of the City's Parks & Recreation Department.

3.c CITY MANAGER REPORT

City Manager Derek Johnson provided a report on upcoming projects.

4. PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

Public Comment:

Fred Starbuck

Fitzgerald Kelly

Janine Rands

Paul Rys

Betty Winholtz

--End of Public Comment--

5. CONSENT AGENDA

Motion By Council Member Marx

Second By Vice Mayor Christianson

To approve Consent Calendar Items 5a to 5f.

Ayes (5): Council Member Marx, Council Member Pease, Council Member Shoresman, Vice Mayor Christianson, 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 - JUNE 21, 2022 COUNCIL MINUTES

Approve the minutes of the City Council meeting held on June 21, 2022.

5.c ADOPTION OF FY 2022-23 COMMUNITY PROMOTION PROGRAMS FOR TOURISM BUSINESS IMPROVEMENT DISTRICT AND PROMOTIONAL COORDINATING COMMITTEE

As recommended by the Tourism Business Improvement District (TBID) Board and the Promotional Coordinating Committee (PCC):

1. Authorize the City Manager to enter into program expenditures and various contracts for the TBID not to exceed the 2022-23 revenue of \$1,518,609 (excludes staffing costs), based on the recommendations by the TBID Board and the adopted TBID Fund revenue projections as part of the 2021-23 Financial Plan; and
2. This includes approval of the funding of year one of the two-year extension of the contract with Noble Studios for marketing services in the amount of \$900,600; and

3. The funding of the first one-year extension of the contract with Badger Branding for content marketing services in the amount of \$128,200; and
4. Authorize the City Manager to enter into expenditures utilizing the TBID Fund's available un-assigned fund balance in 2022-23 fiscal year based on the most recent audited financials and the recommendations by the TBID Board; and
5. Authorize the City Manager to use the TBID Fund Reserve of \$100,000 for tourism marketing expenditures in 2022-23 in accordance with the TBID reserve policy; and
6. Authorize the City Manager to enter into various contracts and program expenditures for Community Promotions not to exceed the 2022-23 program budget of \$367,000 (excludes staffing costs) based on the recommendations by the PCC.

5.d AUTHORIZATION TO SUBMIT AN APPLICATION FOR THE CALIFORNIA AUTOMATED PERMIT PROCESSING PROGRAM GRANT

Adopt Resolution No. 11342 (2022 Series) entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, authorizing an application for the California Automated Permit Processing Program Grant released by the California Energy Commission."

5.e SELECTION OF VOTING DELEGATE AND ALTERNATES FOR THE 2022 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

Appoint Council Member Jan Marx as the Voting Delegate and Mayor Erica A. Stewart and Council Member Andy Pease as Alternate Voting Delegates to vote on the City's behalf at the Annual Business Meeting of the League of California Cities on Friday, September 9, 2022.

5.f SECOND READING OF ORDINANCE NO. 1715 (2022 SERIES) AMENDING MUNICIPAL CODE CHAPTER 2.04 (COUNCIL MEETING) TO MODIFY REGULAR MEETING TIMES

Adopt Ordinance No. 1715 (2022 Series) entitled, "An Ordinance of the City Council of the City of San Luis Obispo, California, amending the San Luis Obispo Municipal Code Chapter 2.04 (Council Meeting) to modify Regular Meeting times."

Item 5g pulled from Consent by Council Member Pease.

5.g CONSIDERATION OF A RESOLUTION IN SUPPORT OF
REPRODUCTIVE FREEDOM

Public Comments:

Emily Francis

Miriam Shah

Rita Casaverde

Quinn Brady

---End of Public Comment---

Motion By Mayor Stewart

Second By Council Member Pease

Adopt Resolution No. 11343 (2022 Series) entitled “A Resolution of the City Council of the City of San Luis Obispo, California, Affirming Support of Reproductive Freedom” with the following changes to the sixth Whereas:

- **WHEREAS**, women with access to reproductive health services are more likely to ~~finish college, pursue higher education~~ **pursue and complete higher education**, participate for a longer period in the labor force, **for economic sustainability, career growth and self-sustainability** and are much less likely to fall into poverty and receive public assistance later in life; and

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

CARRIED (5 to 0)

6. PUBLIC HEARING AND BUSINESS ITEMS

6.a INTRODUCE AN ORDINANCE TO AMEND TITLE 5, CHAPTER 5.50 (SIDEWALK CAFES) TO ADD CHAPTER 5.51 (PARKLETS), AND APPROVE THE OUTDOOR DINING GUIDE (Estimated Time: 90 minutes)

Public Works Director Matt Horn and Active Transportation Manager Adam Fukushima provided an in-depth staff report and responded to Council questions.

Public Comments:

Heide Bea
Greg Holt
Russell Mills
Molly Kern
Eric Daniels

---End of Public Comment---

Motion By Council Member Shoresman

Second By Vice Mayor Christianson

1. Introduce an Ordinance entitled, “An Ordinance of the City Council of the City of San Luis Obispo, California, amending Title 5 (Licenses, Permits, and Regulations) of the Municipal Code to amend Chapter 5.50 (Sidewalk Cafés) and add Chapter 5.51 (Parklets)”;
2. Adopt Resolution No. 11344 (2022 Series) entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, approving the City of San Luis Obispo Outdoor Dining Guide and adopting new fees for parklets, sidewalk cafes, and tables and chairs permits.” with the following changes:

Modification to Exhibit A to the Draft Resolution:

- Adjust fee calculation using street sweeping for 20 parklets as presented at the meeting.
- The cost of the space for the bike corral should not be included in the fee as this is a community-wide benefit.

Modification to the Outdoor Dining Guide:

Chapter 3.1, Section: PARKLET PERIMETER / BARRIER SYSTEM

Parklets must have a continuous vertical barrier along each end, and along the exterior side adjacent to the vehicle travel lane. Unless otherwise approved by the City, this barrier must be between 36 and 42 inches in height (as measured from the parklet surface) and ~~may~~ **shall** be constructed using metal or wooden structures. The barrier system must be able to withstand a minimum of a 250-pound horizontal force and should have no gaps or openings larger than 4 inches to minimize potential for persons exiting the parklet into the street.

Chapter 3.1, Section: BIKE PARKING AND OTHER OUTER ELEMENTS

Parklets occupying two or more parking spaces will be required to include bicycle parking **on the downside of the flow of traffic** unless approved by the Public Works Director.

Chapter 4. OPERATING REQUIREMENTS FOR OUTDOOR DINING

D. A path of travel for pedestrians shall be maintained free and clear of any existing obstacles (street furniture, utilities, etc.) to the satisfaction of the Public Works and Community Development Directors. Such clear pathway shall link **continuously** with pathways on each side of the property and shall allow a minimum clear space of 6 feet. For new sidewalk construction, the pathway should be 8 feet. These minimum widths are to ensure compliance with ADA standards and reduce liability concerns due to shifting tables, wait staff standing in the sidewalk or other obstructions which can reduce the effective width.

W. The parklet permit holder is required to keep the parklet area in activation, using the parklet for the intended use at least 5 days per week for at least 4 hours per day unless **otherwise** approved by the Community Development Director. ~~due to an emergency, inclement weather, or other approved reason.~~

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

CARRIED (5 to 0)

6.b INTRODUCTION OF TWO ORDINANCES SUPPORTING THE CLEAN ENERGY FOR NEW BUILDINGS PROGRAM (Estimated Time: 75 minutes)

Council Member Pease indicated she would be recusing herself from this item as the FPPC is still reviewing a complaint regarding her ability to vote on this subject due to the nature of her work as a consultant.

Deputy City Manager Greg Hermann, Community Development Director Michael Codron, and Sustainability Manager Chris Read provided an in-depth staff report and responded to Council questions.

Public Comments:

Mike Cormode

Eric Daniels

Bruce Severance

Molly Kern

Eric Veium

---End of Public Comment---

Motion By Vice Mayor Christianson

Second By Council Member Marx

1. Introduce an Ordinance entitled, “An Ordinance of the City Council of the City of San Luis Obispo, California, amending Title 8 (Health and Safety) of the San Luis Obispo Municipal Code by adding Chapter 8.10 requiring all-electric new buildings” with the following amendment:

8.10.050.A.b: Process Loads in a Newly Constructed Manufacturing and Industrial Facility. For a Manufacturing and Industrial ~~facilities~~ facility with ~~unknown~~ future tenants, an exemption may be provided ~~pending review of initial tenant occupancy.~~ that allows the extension of Natural Gas Infrastructure into the building at time of construction to support future Process Loads.

2. Introduce an Ordinance entitled, “An Ordinance of the City Council of the City of San Luis Obispo, California, amending Title 17 (Zoning Regulations) of the Municipal Code supporting the Clean Energy for New Buildings Program (PL-CODE-0286-2022)” to provide regulatory flexibility through December 31, 2025 in support of the Clean Energy for New Buildings Incentive Program; and
3. Direct Staff to return to Council by December 31, 2025 to report on the effectiveness and appropriateness of the proposed exemptions and incentives and, if necessary, propose amendments.

Ayes (4): Council Member Marx, Council Member Shoresman, Vice Mayor Christianson, and Mayor Stewart

Conflict (1): Council Member Pease

CARRIED (4 to 0)

7. LIAISON REPORTS AND COMMUNICATIONS

Mayor Stewart met with the new Cal Poly ASI President.

Council Member Marx updated the Council regarding meetings held by the APCD and IWMA.

By consensus, the Council agreed that Mayor Stewart and Council Member Shoresman would represent the City at the public meeting related to the decommissioning of the Diablo Canyon Power Plant held by the Nuclear Regulatory Commission, Region IV, on July 21, 2022 from 6:00 – 9:00 p.m., at the San Luis Obispo County Board of Supervisors Meeting Room, 1055 Monterey Street, San Luis Obispo.

8. ADJOURNMENT

The meeting was adjourned at 10:30 p.m. The next Regular City Council Meeting is scheduled for July 19, 2022 with **Closed Session at 5:00 p.m.** and the **Regular Meeting at 6:00 p.m.** in the Council Chambers at City Hall, 990 Palm Street, San Luis Obispo.

APPROVED BY COUNCIL: XX/XX/202X