



## Council Minutes

March 7, 2023, 4:00 p.m.

Council Chambers, 990 Palm Street, San Luis Obispo

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

Council Members Absent: Vice Mayor Jan Marx

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

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### 1. CLOSED SESSION: STARTS AT 4:00 PM

#### 1.a CALL TO ORDER

Mayor Erica A. Stewart called the Closed Session Meeting of the San Luis Obispo City Council to order at 4:05 PM in the Finance & IT Conference Room at City Hall, 990 Palm Street, San Luis Obispo and indicated that Vice Mayor Marx was absent.

#### 1.b PUBLIC COMMENT FOR CLOSED SESSION ITEMS ONLY

Public Comments:

None

*---End of Public Comment---*

#### 1.c CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

City Attorney Christine Dietrick indicated that there was no reportable action but we will continue to evaluate and report any reportable action moving forward.

#### 1.d ADJOURNMENT

**2. CALL TO ORDER**

A Regular Meeting of the San Luis Obispo City Council was called to order on March 7, 2023 at 5:40 p.m. in the Council Chambers, 990 Palm Street, San Luis Obispo, by Mayor Stewart.

**3. PLEDGE OF ALLEGIANCE**

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

**4. PRESENTATIONS**

**4.a INTRODUCTIONS - UTILITIES SOLID WASTE & RECYCLING  
MANAGER AND UTILITIES BUSINESS MANAGER**

Utilities Director Aaron Floyd introduced Meg Buckingham, Solid Waste & Recycling Manager, and Shane Whittington, Business Manager for the Utilities Department.

**4.b INTRODUCTIONS - PARKS MAINTENANCE SUPERVISOR, PARKING  
SERVICES SUPERVISOR, CAPITAL IMPROVEMENT  
ADMINISTRATIVE MANAGER**

Public Works Director Matt Horn introduced Billy Harvey, Parks Maintenance Supervisor; Jose (Luis) Leon, Parking Services Supervisor; and Greg Cleary, Capital Improvement Program Administrative Manager.

**4.c SAN LUIS OBISPO COUNCIL OF GOVERNMENTS REGIONAL  
TRANSPORTATION PLAN PRESENTATION**

Steven Hanamiakia, SLOCOG provided a presentation on the San Luis Obispo Council of Governments (SLOCOG) Regional Transportation Plan.

**4.d CITY MANAGER REPORT**

City Manager Derek Johnson provided a report on upcoming projects.

**5. PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA**

Public Comment:

Alan Forrest

*--End of Public Comment--*

**6. CONSENT AGENDA**

Mayor Stewart requested that Item 6d be pulled from the Consent agenda.

**Motion By** Council Member Shoresman

**Second By** Council Member Pease

To approve Consent Calendar Items 6a to 6e.

Ayes (4): Council Member Francis, Council Member Pease, Council Member Shoresman, and Mayor Stewart

Absent (1): Vice Mayor Marx

CARRIED (4 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 - FEBRUARY 15, 2023 AND FEBRUARY 21, 2023  
COUNCIL MINUTES**

Approve the following minutes of the City Council:

- February 15, 2023 - Special Closed Session Meeting
- February 21, 2023 - Regular Meeting

**6.c AUTHORIZE THE REPLACEMENT OF ACTIFLO MIXER GEARBOXES  
AS PART OF WATER TREATMENT PLANT MAJOR FACILITY  
MAINTENANCE**

1. Approve the purchase and installation of replacement parts for the City's Water Treatment Plant (WTP) Actiflo Mixer Gearboxes and authorize the City Manager to execute a Sole Source Purchase Agreement with MISCOWater in the amount of \$500,322; and
2. Authorize the use of Water Fund Undesignated Capital for the purchase and installation of replacement parts for the City Water Treatment Plant Actiflo Mixers in the amount of \$255,322, Specification No. 1000542-05; and
3. Find the project exempt from the California Environmental Quality Act (CEQA).

6.e APPROVE FY 2022-23 BUDGET AMENDMENT AND ONGOING BUDGET ALLOCATIONS FOR THE 2023-25 FINANCIAL PLAN

Adopt Resolution No. 11398 (2023 Series) entitled, "A Resolution of the Council of the City of San Luis Obispo, California, approving an amendment to the adopted 2022-23 Budget Appropriations and the 2023-25 Financial Plan."

6.d AWARD NORTH CHORRO NEIGHBORHOOD GREENWAY PROJECT, SPECIFICATION NO. 1000036

Public Comments:

Keith Gurnee

Meri Kay Gurnee

John Madonna

Paul Allen

Gary Havas

Lea Brooks

Rick Ellison

Milo Skapinsky

Brett Cross

Greg Macedo

Kim Bisheff

Barry Rands

Garrett Otto

Fred Starbuck

Anne Hodges

Kimmie Nguyen

Scott Hildebrand

Sandra Rowley

Hans Hershberger

*---End of Public Comment---*

*Council Member Pease read Vice Mayor Marx comments into the record. A copy her comments are also saved for the public record in the Agenda Correspondence folder for this meeting.*

**Motion By** Council Member Pease

**Second By** Council Member Shoresman

1. Award a construction contract for the North Chorro Neighborhood Greenway Project to Souza Engineering Contracting Inc. DBA Souza Construction in the amount of \$6,076,939; and
2. Authorize the City Engineer to approve construction contract change orders up to and in excess of \$200,000, if within the available project budget; and
3. Adopt Resolution No. 11399 (2023 Series) entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, authorizing use of Undesignated Local Revenue Measure Funds and Capital Projects Reserve Funds to support the North Chorro Neighborhood Greenway Project, Specification No. 1000036" to appropriate \$1,600,000 in undesignated Local Revenue Measure fund balance to the project; and
4. Appropriate \$218,708 in Capital Projects Reserve funding to the project; and
5. Authorize a transfer of existing funding in the following amounts to the project account:
  - a. Transfer \$100,000 from Sidewalk Annual Asset Maintenance Account (Spec. No. 90849)
  - b. Transfer \$141,101 from the Streetlights Annual Asset Maintenance (Spec. No. 91616)
  - c. Transfer \$100,000 from Pedestrian Crossing Improvements (Spec. No. 1000069)
  - d. Transfer \$76,869 from Active Transportation Plan-Pedestrian Facility Improvements (Spec. No. 1000502-01)
  - e. Transfer \$105,507 from Active Transportation Plan-Bicycle Facility Improvements (Spec. No. 1000502-02)
  - f. Transfer \$94,600 from Railroad Safety Trail (Taft to Pepper) (Spec. No. 91375)
  - g. Transfer \$178,340 from California/Foothill Railroad Crossing (Spec. No. 91293)
  - h. Transfer \$90,837 from 862 Aerovista Development VMT Fair Share Mitigation Fee (Account No. 701-0000-47202)
  - i. Transfer \$4,520 from Sewer Manhole Cover Adjustments (Spec. No. 1000084)
  - j. Transfer \$21,008 from Water Valve Cover Adjustments (Spec. No. 91149)
  - k. Transfer \$164,715 from the Morro, Mill, Santa Rosa Sewer Project (Specification No. 1000561)

6. Approve the final project plans and specifications for the North Chorro Neighborhood Greenway Project.

Ayes (4): Council Member Francis, Council Member Pease, Council Member Shoresman, and Mayor Stewart

Absent (1): Vice Mayor Marx

CARRIED (4 to 0)

## 7. PUBLIC HEARING AND BUSINESS ITEMS

7.a INTRODUCE AN ORDINANCE AMENDING SEVERAL SECTIONS OF THE MUNICIPAL CODE TO AUTHORIZE DESIGNEES OF THE POLICE CHIEF TO ISSUE CITATIONS FOR ALL INFRACTION AND MISDEMEANOR VIOLATIONS OF THE MUNICIPAL CODE  
(Estimated Time: 30 minutes)

Chief of Police Rick Scott and Administrative Captain Brian Amoroso provided an in-depth staff report and responded to Council questions.

Public Comments:

Angie Kasprzak

*---End of Public Comment---*

**Motion By** Mayor Stewart

**Second By** Council Member Francis

Introduce Ordinance No. 1724 (2023 Series) entitled, “An Ordinance of the City Council of the City of San Luis Obispo, California, amending Title 1 “General Provisions”, Chapter 16 “Citation Procedure”, Section 1.16.060 “Code Enforcement Officer Designation Authority”; amending Title 10 “Vehicles and Traffic”, Chapter 10.08 “Administration”, Section 10.08.070 and Chapter 10.68 “Inoperative Vehicles”, Section 10.68.020; and amending Title 9 “Public Peace, Morals and Welfare” to add Chapter 9.60 “Enforcement” in order to authorize designees of the Police Chief, including Community Service Officers, to issue citations for all Infraction and Misdemeanor Violations of the Municipal Code and making a determination of exemption under the California Environmental Quality Act.” with the following change to **SECTION 3** of the Ordinance, shown below in *italics*:

### 9.60 Enforcement

In addition to any other provisions of this code charging persons with enforcement of specific provisions of this code, all adopted ordinances under this code, the violation of which are an infraction or a misdemeanor shall be administered and enforced by the police chief or such other persons as they shall designate as enforcing officers, ***meeting the established qualifications for such personnel*** including but not limited to police-community service officers.

Ayes (4): Council Member Francis, Council Member Pease, Council Member Shoresman, and Mayor Stewart

Absent (1): Vice Mayor Marx

CARRIED (4 to 0)

7.b INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 9.10 AND CHAPTER 17.86 OF THE MUNICIPAL CODE MODIFYING SPECIFIC RULES FOR CANNABIS RETAIL STOREFRONT OPERATIONS  
(Estimated Time: 60 minutes)

Community Development Director Michael Codron and Cannabis Business Coordinator Alex Fuchs provided an in-depth staff report and responded to Council questions.

Public Comments:

Hilary Campbell

Sarah Wells

Megan Souza

Austen Connella

*---End of Public Comment---*

**Motion By** Council Member Francis

**Second By** Council Member Shoresman

1. Receive an update on the City's Cannabis Business Program; and
2. Introduce Ordinance No. 1725 (2023 Series) entitled, "An Ordinance of the City Council of the City of San Luis Obispo, California, amending Chapter 17.86 (Regulations for Specific Land Uses and Activities) and Chapter 9.10 (Cannabis Regulations) of the Municipal Code modifying specific rules for commercial cannabis business retail storefront operations."

Ayes (4): Council Member Francis, Council Member Pease, Council Member Shoresman, and Mayor Stewart

Absent (1): Vice Mayor Marx

CARRIED (4 to 0)

## **8. LIAISON REPORTS AND COMMUNICATIONS**

Council Member Pease indicated that SLOCOG has a regional housing infrastructure plan that they are developing. She has been asked to serve on the Steering Committee.

Council Member Shoresman indicated that she and Council Member Francis attended their first Nacimiento Committee meeting in the past week.

Council Member Francis received her onboarding for the Air Pollution Control District. She also asked the Council if they were interested in requesting staff to add a discussion regarding a moratorium on new parking districts until the program could be re-evaluated. By consensus, the Council directed staff to look at the agenda forecast and discuss with the Mayor a possible date to add this to the agenda.

Mayor Stewart thanks the Council and City Clerk staff for all the work that went into completing all the interviews for the Advisory Board annual recruitment. She attended Art After Dark and encouraged the Council to attend the next one. She also advised the Council that from March 16 - March 19, the 'Wall that Heals' exhibit will be open at Madonna Inn and encouraged everyone to go see it.

## **9. ADJOURNMENT**

The meeting was adjourned at 9:08 p.m. The next Regular City Council Meeting is scheduled for March 21, 2023 at 5:30 p.m. in the Council Chambers at City Hall, 990 Palm Street, San Luis Obispo.

APPROVED BY COUNCIL: XX/XX/2023