CALL TO ORDER: Mayor Heidi Harmon

ROLL CALL: Council Members Carlyn Christianson, Andy Pease, Erica A. Stewart, Vice Mayor Aaron Gomez and Mayor Heidi Harmon

This portion of the meeting has been Cancelled due to escalating concerns with the COVID-19 Coronavirus outbreak.

PRESENTATION

ADVISORY BODY RECOGNITION EVENT (MAYOR / COUNCIL – 60 MINUTES)

The Mayor and City Council will recognize Advisory Body members for their service, followed by a short reception in the Council Hearing Room.

ADJOURNMENT
CALL TO ORDER: Mayor Heidi Harmon

ROLL CALL: Council Members Carlyn Christianson, Andy Pease, Erica A. Stewart, Vice Mayor Aaron Gomez and Mayor Heidi Harmon

PUBLIC COMMENT ON CLOSED SESSION ITEM

CLOSED SESSION

A. 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: Two.

A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency. The existing facts and circumstances exposing the City to litigation include the following:

On September 3, 2019, the City Council adopted the Clean Energy Choice Program with the second reading of the related ordinances planned for the September 17, 2019, Council meeting. On September 13, 2019, the City received correspondence from legal counsel representing the Utility Workers Union of America Local 132 alleging violations of conflict-of-interest rules related to the ordinances, which was followed by notification of a formal complaint being filed with the California Fair Political Practices Commission (“FPPC”) against Councilmember Pease. The September 13, 2019, letter is on file with the City Clerk.

On September 20, 2019, the City requested formal advice from the FPPC on behalf of Councilmember Pease and a majority of the City Council regarding the application of the commission’s statutes, rules and regulations concerning the City’s adoption of the Clean Energy Choice Program. On October 12, 2019, the City was notified that the FPPC would not be providing advice as requested.
On October 28, 2019, the City requested formal advice from the FPPC on behalf of just a majority of the City Council regarding the application of the commission’s statutes, rules and regulations concerning the City’s adoption of the Clean Energy Choice Program. On November 14, 2019, the FPPC issued a formal letter declining to provide advice as requested. That November 14, 2019, letter is on file with the City Clerk.

Additionally, the City has received correspondence dated October 1, 2019, from Saro G. Rizzo, Attorney at Law, expressing concerns with the City’s Clean Energy Choice Program ordinances. The October 1, 2019 letter is on file with the City Clerk.

All letters on file are available for review in the City Clerk’s Office located at 990 Palm Street.

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Paragraph (1) of subdivision (d) of Government Code § 54956.9; Name of case: Bonnie Kessner et al v. City of Santa Clara et al; Santa Clara Superior Court Case No. 20CV364054

ADJOURNMENT

Adjourn to the next Regular City Council Meeting scheduled for Tuesday, March 17, 2020 at 6:00 p.m. in the Council Chamber, 990 Palm Street, San Luis Obispo, California.
Tuesday, March 17, 2020

6:00 PM  
REVISED*  
REGULAR MEETING

* Revised to Add Business Item B1 (following Agenda Item 12)

CALL TO ORDER: Mayor Heidi Harmon

ROLL CALL: Council Members Carlyn Christianson, Andy Pease, Erica A. Stewart, Vice Mayor Aaron Gomez and Mayor Heidi Harmon

PLEDGE OF ALLEGIANCE: Vice Chair Gomez

CITY ATTORNEY REPORT ON CLOSED SESSION

APPOINTMENTS

1. 2020 APPOINTMENTS TO CITY ADVISORY BODIES  
(HERMANN / PURRINGTON / CHRISTIAN – 5 MINUTES)

Recommendation:

As recommended by the Council Liaison Subcommittees, make appointments to the City of San Luis Obispo's Advisory Bodies as set forth in the staff report and direct the City Clerk to continue to recruit for any unfilled vacant positions.

PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA (not to exceed 15 minutes total)
The Council welcomes your input. You may address the Council by completing a speaker slip and giving it to the City Clerk prior to the meeting. At this time, you may address the Council on items that are not on the agenda. Time limit is three minutes. State law does not allow the Council to discuss or take action on issues not on the agenda, except that members of the Council or staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights (Gov. Code sec. 54954.2). Staff may be asked to follow up on such items.
CONSENT AGENDA
Matters appearing on the Consent Calendar are expected to be non-controversial and will be acted upon at one time. A member of the public may request the Council to pull an item for discussion. Pulled items shall be heard at the close of the Consent Agenda unless a majority of the Council chooses another time. The public may comment on any and all items on the Consent Agenda within the three-minute time limit.

2. WAIVE READING IN FULL OF ALL RESOLUTIONS AND ORDINANCES (PURRINGTON)
   Recommendation:

   Waive reading of all resolutions and ordinances as appropriate.

3. MINUTES REVIEW - MARCH 3, 2020 CITY COUNCIL MEETING (PURRINGTON)
   Recommendation:

   Approve the minutes of the City Council meeting held on March 3, 2020.

4. ADDITION OF THE PROPERTY AT 858 TORO STREET TO THE MASTER LIST OF HISTORIC RESOURCES AS “THE VIRGINIA LEVERING LATIMER HOUSE” (CODRON / OETZELL)
   Recommendation:

   As recommended by the Cultural Heritage Committee, adopt a Resolution entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, adding the property located at 858 Toro Street to the Master List of Historic Resources as “The Virginia Levering Latimer House” (Hist-0701-2019).”

5. AUTHORIZATION TO ADVERTISE ROADWAY SEALING PROJECT 2020, SPECIFICATION NO. 1000114 (STANWYCK / BANKER-HIX)
   Recommendation:

   1. Adopt a Resolution entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, amending the Bicycle Transportation Plan (Amended 2019) to update the alignment of the Beach/King Neighborhood Bicycle Boulevard;” and
   2. Approve the project plans and specifications for the Annual Slurry Sealing Project 2020, Specification No. 1000114; and
   3. Authorize staff to advertise for bids and authorize the City Manager to award the construction contract if the lowest responsible bid is within the Engineer’s Estimate of $1,822,000.
6. REQUEST TO ADVERTISE FOR BROAD STREET/WOODBRIDGE PEDESTRIAN HYBRID BEACON, SPECIFICATION NUMBER 91609 (STANWYCK / RICE)

Recommendation:

1. Approve plans and specifications for the Broad Street/Woodbridge Pedestrian Hybrid Beacon (PHB), Specification No. 91609; and
2. Authorize staff to formally advertise for bids; and
3. Authorize the City Manager to award the construction contract if the lowest responsible bid is within the publicly disclosed funding amount of $406,436.

7. AUTHORIZATION TO ADVERTISE AND AWARD RAILROAD SAFETY TRAIL TAFT TO PEPPER PROJECT, SPECIFICATION NO. 91375 (STANWYCK / WHEELER)

Recommendation:

1. Approve plans and specifications for the Railroad Safety Trail Taft to Pepper Project (Project), Specification No. 91375, and authorize staff to formally advertise for bids; and
2. Authorize the City Manager to award the construction contract if the lowest responsible bid is within the publicly disclosed funding amount of $5,070,600; and
3. Authorize the City Manager to award the construction management contract if the lowest responsible bid is within the publicly disclosed funding amount of $603,750; and
4. Authorize the City Manager to award the railroad services contracts for flagging and permitting, not to exceed the publicly disclosed funding amount of $110,000.

8. AWARD OF ISLAY HILL PARK PLAYGROUND RENOVATION, SPECIFICATION NO. 91654 (STANWYCK / KLOEPPER)

Recommendation:

1. Adopt a Resolution entitled, “A Resolution of the Council of the City of San Luis Obispo, California, approving an Amendment to the Islay Hill Park Playground Renovation Project and related budgetary appropriations;” and
2. Award a construction contract to R.E. Schultz Construction, Inc. in the amount of $334,705 for the Islay Hill Park Playground Renovation Project; and
3. Appropriate $38,521 from the Local Revenue Measure Fund balance to the project account and approve a budget transfer of $500,000 from the Playground Equipment Annual Asset Maintenance account to the project account.
9. **AWARD CONTRACT FOR THE MARSH STREET BRIDGE REPLACEMENT, SPECIFICATION NO. 90480** (STANWYCK / McGUIRE)

Recommendation:

1. Award a contract to Souza Construction Inc. in the amount of $4,335,572 for the “Marsh Street Bridge Replacement, Specification No. 90480;” and
2. Authorize the City Manager to issue construction contract change orders in excess of $100,000 if within available budget; and
3. Authorize the City Manager to amend the Construction Management Services Agreement in excess of $50,000 if within available budget.

10. **DISINFECTION BYPRODUCT REDUCTION AND PIPE GALLERY IMPROVEMENTS PROJECT, SPECIFICATION NO. 1000044, CONSTRUCTION CONTINGENCY** (FLOYD / MEEKS / METZ)

Recommendation:

Approve a Resolution entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, authorizing use of Water Fund Unreserved Working Capital to increase Construction Contingencies for the Disinfection Byproduct Reduction and Water Treatment Plant Pipe Gallery Improvements Project, Specification No. 1000044.”

11. **DEPARTMENT OF JUSTICE LIVESCAN ACCESS FOR EMPLOYMENT PURPOSES** (IRONS / ROLTGEN)

Recommendation:

Adopt a Resolution entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, authorizing the City Human Resource’s staff to access State and Federal level summary Criminal History for Employee Background Information through the Department of Justice.”

12. **AUTHORIZED A PROPOSITION 64 PUBLIC HEALTH & SAFETY GRANT APPLICATION FOR NON-COMPLIANT CANNABIS DELIVERY ENFORCEMENT** (HERMANN / BAILEY)

Recommendation:

Adopt a Resolution entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, authorizing submittal of the City’s Cannabis Mobile Delivery Enforcement Proposal for the Proposition 64 Public Health & Safety Grant administered by the Board of State and Community Corrections;” and authorize the City Manager, or their designee, to execute any required grant administration related documentation.
PUBLIC HEARING AND BUSINESS ITEMS

B1. CONSIDERATION OF DECLARING A LOCAL EMERGENCY WITHIN THE CITY OF SAN LUIS OBISPO (JOHNSON/DIETRICK - 10 MINUTES)

Recommendation:

Adopt a Resolution entitled “A Resolution of the City Council of the City of San Luis Obispo, California, proclaiming a Local Emergency within the City of San Luis Obispo related to the Pandemic of Virus Known as COVID-19.

13. REGIONAL INFRASTRUCTURE AND AFFORDABLE HOUSING STRATEGIC ACTION PLAN COUNTYWIDE COMPACT (JOHNSON – 20 MINUTES)

Recommendation:

Adopt a Resolution entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, endorsing and authorizing the mayor or designee to sign the San Luis Obispo Countywide Regional Compact.”


Recommendation:


15. AUTHORIZE THE USE OF FY2018-19 UNDESIGNATED FUND BALANCE FOR ONE-TIME BUDGET ALLOCATIONS AND FORMALLY ADOPT THE FEDERAL EMERGENCY AND FEDERAL GRANT PROCUREMENT PROCEDURES (JOHNSON / ELKE – 30 MINUTES)

Recommendation:

1. Adopt a Resolution entitled, “Resolution of the City Council of the City of San Luis Obispo, California, approving amendments to the 2019-20 budget allocation for the General, Water, Sewer, Parking, Transit and Public Art Funds;” and
2. Approve one full-time equivalent position in support of the reorganization of Community Service departments; and
3. Review recommended changes to the Capital Improvement Plan; and
4. Adopt a Resolution entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, adopting the Federal Emergency and Federal Grant Procurement Procedures.”
16. REVIEW OF THE PROPOSED “EAST AIRPORT” ANNEXATION OF APPROXIMATELY 58 ACRES OF PROPERTY (33 PARCELS) ALONG BROAD STREET AT FARM HOUSE LANE, KENDALL ROAD, PROSPECT STREET AND ASSOCIATED INFRASTRUCTURE IMPROVEMENTS, INCLUDING APPROVAL OF A PLAN FOR SERVICES, PRE-ANNEXATION AGREEMENT, AND APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) REGARDING THE PROPOSED ANNEXATION, AND ADOPTION OF AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (SCH#2000051062) (PL-ANNX-2030-2018; EID-0006-2020)

(CODRON / McCLISH – 60 MINUTES)

Recommendation:

1. As recommended by the Planning Commission, adopt a Resolution entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, approving the annexation of the East Airport Annexation Area properties (East Airport Commerce Park Association, Senn-Glick) to the City of San Luis Obispo (PL-ANNX-2030-2018, EID-0006-2020).”

2. Introduce an Ordinance entitled, “An Ordinance of the City Council of the City of San Luis Obispo, California, adopting amendments to Chapter 17.94 of Title 17 (Zoning Ordinance) establishing provisions for the continuance of Non-Conforming Uses existing at the time of annexation within the East Airport Area (PL-ANNX-2030-2018, EID-0006-2020).”

17. MEMORANDUM OF UNDERSTANDING WITH CAL POLY REGARDING IMPLEMENTATION OF MITIGATION MEASURES IDENTIFIED IN THE CAL POLY MASTER PLAN ENVIRONMENTAL IMPACT REPORT

(CODRON / 90 MINUTES)

Recommendation:

Authorize the City Manager to execute the proposed memorandum of understanding with Cal Poly to ensure that impacts on City services and infrastructure associated with build-out of the Master Plan are properly identified and mitigated.

LIAISON REPORTS AND COMMUNICATIONS

(Not to exceed 15 minutes) Council Members report on conferences or other City activities. At this time, any Council Member or the City Manager may ask a question for clarification, make an announcement, or report briefly on his or her activities. In addition, subject to Council Policies and Procedures, they may provide a reference to staff or other resources for factual information, request staff to report back to the Council at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda. (Gov. Code Sec. 54954.2)
ADJOURNMENT

The next Regular City Council Meeting is scheduled for Tuesday, April 7, 2020, Closed Session at 5:30 p.m. in the Council Hearing Room, Regular Session at 6:00 p.m. in the Council Chamber, 990 Palm Street, San Luis Obispo, California.

LISTENING ASSISTIVE DEVICES are available for the hearing impaired--please see City Clerk. The City of San Luis Obispo wishes to make all of its public meetings accessible to the public. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk’s Office at (805) 781-7100 at least 48 hours before the meeting, if possible. Telecommunications Device for the Deaf (805) 781-7410.

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