



# Council Minutes

City Hall, 990 Palm Street, San Luis Obispo

## Tuesday, November 19, 2019 Regular Meeting of the City Council

### CALL TO ORDER

A Regular Meeting of the San Luis Obispo City Council was called to order on Tuesday, November 19, 2019 at 5:30 p.m. in the Council Hearing Room, located at 990 Palm Street, San Luis Obispo, California, by Vice Mayor Andy Pease.

### ROLL CALL

#### Council Members

**Present:** Council Members Carlyn Christianson, Aaron Gomez, Erica A. Stewart, and Vice Mayor Andy Pease.

**Absent:** Mayor Heidi Harmon

#### City Staff

**Present:** Shelly Stanwyck, Assistant City Manager; Christine Dietrick, City Attorney; and Teresa Purrington, City Clerk; were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

### PUBLIC COMMENT ON CLOSED SESSION ITEMS

None.

---End of Public Comment---

### CLOSED SESSION

#### A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Paragraph (1) of subdivision (d) of Government Code § 54956.9; Name of case: *Donald Clyde Baer, an incompetent person by and through his Guardian ad Litem Jennifer L. Baer-Riedhart, and Carolyn Baer, an incompetent person by and through her Guardian ad Litem Jennifer L. Baer-Riedhart, v. City of San Luis Obispo; Carolyn Margaret Fergoda; and Does 1 through 100*; San Luis Obispo Superior Court Case No. 18CV-0471.

**ADJOURN AT 5:55 P.M. TO THE REGULAR MEETING OF TUESDAY, NOVEMBER 19, 2019 IN THE COUNCIL CHAMBER, 990 PALM STREET, SAN LUIS OBISPO, CALIFORNIA**

**CALL TO ORDER**

A Regular Meeting of the San Luis Obispo City Council was called to order on Tuesday, November 19, 2019 at 6:00 p.m. in the Council Chamber, located at 990 Palm Street, San Luis Obispo, California, by Vice Mayor Andy Pease.

**ROLL CALL**

**Council Members**

**Present:** Council Members Carlyn Christianson, Aaron Gomez, Erica A. Stewart, and Vice Mayor Andy Pease.

**Council Members**

**Absent:** Mayor Heidi Harmon

**City Staff**

**Present:** Shelly Stanwyck, Assistant City Manager; Christine Dietrick, City Attorney; and Teresa Purrington, City Clerk; were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

**PLEDGE OF ALLEGIANCE**

Council Member Christianson led the Pledge of Allegiance.

**CITY ATTORNEY REPORT ON CLOSED SESSION**

City Attorney Dietrick stated that the Council met in Closed Session regarding one matter of existing litigation in the matter of Baer-Riedhart, v. City of San Luis Obispo; Carolyn Margaret Fergoda; and Does 1 through 100 there was no reportable action.

**PRESENTATIONS**

**1. INTRODUCTION OF ADMINISTRATIVE ANALYST FOR UTILITIES - KELLY MATTOS**

Utilities Director Aaron Floyd introduced Kelly Mattos, the new Administrative Analyst for the Utilities Department.

**APPOINTMENTS**

**2. APPOINTMENT TO THE ACTIVE TRANSPORTATION COMMITTEE**

City Clerk Teresa Purrington presented an overview of the report.

Public Comments:

None

---End of Public Comments---

**ACTION:** MOTION BY COUNCIL MEMBER CHRISTIANSON, SECOND BY COUNCIL MEMBER STEWART, CARRIED 4-0-1 (MAYOR HARMON ABSENT) to approve the appointment of Donnette Donaway to the Active Transportation Committee.

**PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Kris Roudebush  
Susan McMiller  
Alec Flatos  
Kylie Clark

---End of Public Comment---

**CONSENT AGENDA**

**Item #8 pulled from Consent by Council Member Christianson**

**ACTION:** MOTION BY COUNCIL MEMBER CHRISTIANSON, SECOND BY COUNCIL MEMBER GOMES, CARRIED 4-0-1 (MAYOR HARMON ABSENT) to approve Consent Calendar Items 3 thru 7 and 9 thru 12.

**PUBLIC COMMENT**

Item 5 - Kylee Clark

**3. WAIVE READING IN FULL OF ALL RESOLUTIONS AND ORDINANCES**

CARRIED 4-0-1 (MAYOR HARMON ABSENT), to waive reading of all resolutions and ordinances as appropriate.

**4. DRAFT MINUTES REVIEW - NOVEMBER 12, 2019 CITY COUNCIL MEETING**

CARRIED 4-0-1 (MAYOR HARMON ABSENT), to approve the minutes of the City Council meeting held on November 12, 2019.

**5. CONSIDERATION OF THE HUMAN RELATIONS COMMISSION'S RECOMMENDED PRIORITIES FOR THE 2020-21 COMMUNITY DEVELOPMENT BLOCK GRANT AND GRANTS-IN-AID PROGRAMS**

CARRIED 4-0-1 (MAYOR HARMON ABSENT) to approve the Community Development Block Grant and Grants-in-Aid funding priorities for the 2020-21 funding year, as recommended by the Human Relations Commission.

**6. 2019-20 FIRST QUARTER FINANCIAL REPORT**

CARRIED 4-0-1 (MAYOR HARMON ABSENT) to receive an update on the status of the current financial position, Major City Goals, and CIP projects for the first quarter of Fiscal Year 2019-20. The City's Financial Reporting and Budget Administration policy for interim reporting requires that staff prepare and issue a formal quarterly report to the Council.

7. **AMENDMENT #2 TO THE CURRENT AGREEMENT FOR JOINT CONSTRUCTION AND FINANCING COSTS FOR AN ANIMAL SERVICES FACILITY**

CARRIED 4-0-1 (MAYOR HARMON ABSENT) to authorize the City Manager to approve Amendment #2 to the Agreement for Allocation of Construction and Financing Costs for an Animal Services Shelter.

8. **HIGUERA STREET SIDEWALK REPAIR, SPECIFICATION NO. 91320**

Council Member Gomez recused himself as his business is within 500 feet of the property.

CARRIED 3-0-1-1 (COUNCIL MEMBER GOMEZ RECUSED AND MAYOR HARMON ABSENT) to:

1. Approve construction documents for “Higuera Street Sidewalk Repair, Specification No. 91320”; and
2. 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 \$295,000.
3. *And, directing staff to send out the Notice of Correction to the property owner, requiring the owner to start the sidewalk replacement work and pursue diligently until complete. If the Property Owner fails to start this work within two weeks, the City could then complete the necessary work. Upon completion of this work, the final cost of the work would be presented to City Council in a Public Hearing in which City Council would make the final determination on whether to lien the property to eventually obtain reimbursement for this cost.*

9. **MARSH STREET BRIDGE REPLACEMENT EASEMENTS, SPECIFICATION NO. 90480**

CARRIED 4-0-1 (MAYOR HARMON ABSENT,) to:

1. Authorize the City Manager to execute an extension agreement with 1042 Pacific Street, a California General Partnership, for a temporary construction easement at 1042 Pacific Street; and
2. Authorize the City Manager to execute an extension agreement with Charles Zanoli, Surviving Trustee, for a temporary construction easement at 1043 Marsh St.; and
3. Authorize the City Manager to execute an extension agreement with the Maino Family Trusts for temporary construction easements at 1020 & 1080 Marsh St.

10. **INTEGRATED REGIONAL WATER MANAGEMENT (IRWM) GRANT FUNDING FOR THE WATER RESOURCE RECOVERY FACILITY**

CARRIED 4-0-1 (MAYOR HARMON ABSENT), to adopt a Resolution No. 11061 (2019 Series) entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, accepting a grant from the San Luis Obispo County Flood Control and Water Conservation District” in the amount of \$1,314,530 for the construction of the Membrane Bioreactor and Ultraviolet Disinfection processes for the Water Resource Recovery Facility project.

**11. AUTHORIZE 2019 AIR POLLUTION CONTROL DISTRICT GRANT APPLICATION TO SUPPORT PROCUREMENT OF INFRASTRUCTURE NEEDED TO TRANSITION TO ZERO EMISSION TRANSIT VEHICLES**

CARRIED 4-0-1 (MAYOR HARMON ABSENT) to:

1. Authorize the Public Works Director, or their designee, to execute and file grant applications with the Air Pollution Control District (APCD) for transit projects and to execute any related grant applications, certifications, assurances, forms, agreements, and associated documents on behalf of the City; and
2. Approve a Transit Budget Amendment to increase the budget reflecting these grant funds, if awarded.

**12. COUNCIL CHAMBER AUDIO/VIDEO REPLACEMENT PROJECT, SPECIFICATION NO. 100120**

CARRIED 4-0-1 (MAYOR HARMON ABSENT) to increase the amount the City Manager is authorized to award from \$200,000 to \$230,000 for a contract if the lowest responsible bid is within the approved project budget of \$230,000 from the City’s Share of the Public, Educational, and Government (PEG) funds.

**PUBLIC HEARING ITEMS AND BUSINESS ITEMS**

**13. REVIEW OF THE PROPOSED ANNEXATION OF APPROXIMATELY 39 ACRES OF PROPERTY (30 PARCELS) ALONG FIERO LANE AND CLARION COURT AND ASSOCIATED INFRASTRUCTURE IMPROVEMENTS, INCLUDING APPROVAL OF THE SECOND AMENDMENT TO THE MEMORANDUM OF AGREEMENT REGARDING THE PROPOSED ANNEXATION, AND ADOPTION OF AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION TIERED FROM THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE AIRPORT AREA AND MARGARITA AREA SPECIFIC PLANS AND RELATED FACILITIES MASTER PLANS (SCH#2000051062) (PL-ANNX-1166-2015; EID-0626-2019)**

Council Members Gomez noted his Ex Parte Communications regarding the project. Council Members Stewart, and Christianson and Vice Mayor Pease reported having no Ex Parte Communications.

Community Development Director Michael Codron, Senior Planner Shawna Scott and Contract Planner Dave Watson provided an in-depth staff report and responded to Council questions.

Rob Miller, Wallace Group, indicated that they support staff’s recommendation and is available for questions.

Public Comments:

Matt Quaglino  
Carol Florence

---End of Public Comment---

**ACTION:** MOTION BY COUNCIL MEMBER CHRISTIANSON, SECOND BY COUNCIL MEMBER GOMEZ, CARRIED 4-0-1 (MAYOR HARMON ABSENT) to adopt Resolution No. 11062 (2019 Series) entitled “A Resolution of the City Council of the City of San Luis Obispo, California, approving application for the Annexation of the Fiero Lane and Clarion Court Properties (Fiero Lane Water Company, FLWC) to the City of San Luis Obispo and the associated second amendment to the Memorandum of Agreement, with Adoption of an Initial Study/Mitigated Negative Declaration (Multiple Properties, 850 Fiero Lane, Primary; PL-ANNX-1166-2015, EID-0626-2019)” to:

1. Approve and authorize the Mayor to execute the Second Amendment to the Memorandum of Agreement for the Annexation of the Fiero Lane/Clarion Court area, which incorporates conditions of annexation as recommended by the Planning Commission; and
2. Approve the filing of an application and request for San Luis Obispo Local Agency Formation Commission (LAFCo) to initiate proceedings for annexation of the Fiero Lane-Clarion Court area; and
3. Direct the Community Development Director to process the application; and
4. Authorize City Manager to execute documents in a form approved by the City Attorney related to the annexation of the subject lands to the City of San Luis Obispo; and
5. Authorize the City Manager to initiate tax negotiations with the County of San Luis Obispo; and
6. Adopt the associated Initial Study / Mitigated Negative Declaration for the annexation, which tiers off the certified Final Environmental Impact Report for the Airport Area and Margarita Area Specific Plans and Related Facilities Master Plans (SCH# 2000051062).

#### **14. WATER ENERGY EFFICIENCY PROJECT**

Utilities Director Aaron Floyd and Utilities Deputy Director of Water Mychal Boerman please present the report

Public Comments:

None

---End of Public Comment---

**ACTION:** MOTION BY COUNCIL MEMBER CHRISTIANSON, SECOND BY COUNCIL MEMBER STEWART, CARRIED 4-0-1 (MAYOR HARMON ABSENT) to:

1. Receive the Water Energy Efficiency Project Investment Grade Audit.
2. Authorize the City Manager to execute a Work Order, upon approval of the City Attorney as to form, to enter into agreement with PG&E for implementation of the Water Energy Efficiency Project (Project) at a not to exceed cost of \$13,999,644.
3. Approve Resolution No. 11063 (2019 Series) entitled “A Resolution of the City Council of the City of San Luis Obispo, California, authorizing use of Water Fund unreserved working capital for the Water Energy Efficiency Project” to provide adequate cash flow when considered necessary for Project implementation and authorize the Finance Director to execute any and all certificates, contracts, and other documents necessary to secure project financing.

**COUNCIL COMMUNICATIONS AND LIAISON REPORTS**

Council Member Christianson attended the Transitions Mental Health and Housing Authority of San Luis Obispo grand opening of the Bishop Street Studios project.

**ADJOURNMENT**

The meeting was adjourned at 7:23p.m. The next Regular City Council Meeting is scheduled for Tuesday, December 3, 2019 at 4:30 and 6:00 p.m., in the Council Chamber, 990 Palm Street, San Luis Obispo, California.

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Teresa Purrington  
City Clerk

APPROVED BY COUNCIL: XX/XX/2019

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