



council agenda
CITY OF SAN LUIS OBISPO
CITY HALL, 990 PALM STREET

Tuesday, February 4, 2003

7:00 P.M.

REGULAR MEETING

**Council Chamber
990 Palm Street**

CALL TO ORDER: Mayor Dave Romero

PLEDGE OF ALLEGIANCE

ROLL CALL: Council Members John Ewan, Ken Schwartz,
Allen K. Settle, Vice Mayor Christine Mulholland,
Mayor Dave Romero

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 or items on the Consent 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. Staff reports and other written documentation relating to each item referred to on this agenda are on file in the City Clerk's Office in Room 1 of City Hall.

CONSENT AGENDA

The Consent Agenda is approved on one motion. Council Members may pull consent items to be considered after Business items. The public may comment on any item on the Consent Calendar.



City Council regular meetings are broadcast live on KCPR, 91.3 FM and Charter Channel 20. The City of San Luis Obispo is committed to include the disabled in all of its services, programs, and activities. Telecommunications Device for the Deaf (805) 781-7410. Please speak to the City Clerk prior to the meeting if you require a hearing amplification device. For more agenda information, call 781-7103.

PUBLIC COMMENTS ON AGENDA ITEMS: You may address the Council on any item described in this agenda by completing a speaker slip and giving it to the City Clerk prior to the meeting. The Mayor will open the floor to and invite public comments before the Council takes action on each item. (Gov. Code Sec. 54954.3(a)). Your speaking time is limited to three (3) minutes. (CC&P Sec.1.3.7).

CITY COUNCIL PROCEDURES FOR PUBLIC HEARINGS: The Mayor will announce each item and thereafter, the hearing will be conducted as follows:

1. City staff will present the staff report and recommendation on the proposal being heard and respond to questions from Council.
2. The Mayor will open the public hearing by first asking the project applicant/appellant (or his/her representative) to present any points necessary for the Council, as well as the public, to fully understand the proposal.
3. The Mayor will then ask other interested persons to come to the podium to present testimony either in support of or in opposition to the proposal.
4. Finally, the Mayor will invite the applicant/appellant (or his/her representative) back to the podium to respond to the public testimony, if appropriate. The Mayor will then close the public hearing and limit further discussion to the Council and staff prior to the Council taking a vote.

RULES FOR PRESENTING TESTIMONY AT A PUBLIC HEARING: City Council meetings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons who wish to present testimony are asked to observe the following rules:

1. Speakers are asked to submit speaker slips to the City Clerk.
2. If you have filled out a Speaker Slip, the Mayor will call you to the podium.
3. Speakers shall address the Council from the podium after giving his/her name and city of residence. Speakers shall direct their comments to the Council, not the audience.
4. Speakers shall limit comments to three minutes. The Mayor, after all others have spoken, may allow additional brief comments from speakers who have already commented on the same agenda item.
5. If testifying as paid representatives, as defined in the Municipal Code speakers shall register as a Municipal Advocate and shall preface their comments by identifying themselves as Municipal Advocates (§2.64.020 & §2.64.050 & §2.64.070).
6. Applicants, appellants or applicant representatives desiring to speak shall:
 - a. Submit speaker slips to the City Clerk (available on a plastic rack at the entrance to the Council Chamber).
 - b. Shall be permitted to speak first during the public comment portion of the public hearing for not more than ten minutes.
 - c. Address the Council from the podium after giving their name and address, and/or the name and address of the applicant/appellant they are representing. If the applicant/appellant's representative is a paid Municipal Advocate, they shall comply with Number 5 above.
7. If you challenge an issue in court, you may be limited to raising only those issue you or someone else raised at this public hearing as described above, or in written correspondence delivered to the City before or during the public hearing.

COUNCIL CORRESPONDENCE: Written comments on agenda items are encouraged and are most effective if presented at least five days prior to the meeting. Council Correspondence regarding agenda items received **after** 5:00 p.m. on the day of the Council meeting will be distributed the following day.

C1. MINUTES OF TUESDAY, JANUARY 7, 2003, TUESDAY, JANUARY 14, 2003, AND TUESDAY, JANUARY 21, 2003. (PRICE)

RECOMMENDATION: Waive oral reading and approve as presented.

C2. WATER REUSE MASTER PLAN. (MOSS/HENDERSON)

RECOMMENDATION: 1) Approve contract with Dudek and Associates for the development of the Water Reuse Master Plan for an amount not to exceed \$124,390. 2) Authorize the Mayor to award the contract, and appropriate \$62,200 from the State Grant revenues and \$62,200 from Water Fund Working Capital to fund this cost.

C3. AWARD CONTRACT FOR THE CONSTRUCTION OF THE LUDWICK COMMUNITY CENTER REMODEL, SPECIFICATION NO. 90163B.
(MCCLUSKEY/MCGUIRE)

RECOMMENDATION: 1) Award a contract in the amount of \$709,900 to Maino Construction for the "Ludwick Community Center Remodel", Specification No. 90163B. 2) Authorize the Mayor to execute the contract. 3) Approve transferring \$111,144 from the Capital Outlay Fund completed projects account to the Ludwick Community Center Project account.

C4. ACCEPTANCE OF STATE GRANT OF \$91,860 TO INCREASE ALCOHOL EDUCATION AND ENFORCEMENT. (LINDEN/BISHOP)

RECOMMENDATION: 1) Adopt a resolution to increase enforcement and education programs focusing on underage drinking and alcohol sales to minors with grant funding of \$91,860 provided through the Alcoholic Beverage Control (ABC) in cooperation with the Office of Traffic Safety (OTS). 2) Authorize the Chief of Police to execute all grant related documents.

C5. NAMING OF THE BILL ROALMAN BICYCLE BOULEVARD AND BUDGET FOR THE BICYCLE BOULEVARD PROJECT ON MORRO STREET – SPECIFICATION NO. 90195. (MCCLUSKEY/MANDEVILLE)

RECOMMENDATION: 1) As recommended by the Bicycle Advisory Committee, the Cultural Heritage Committee and the Architectural Review Commission, adopt a resolution naming the bicycle boulevard on Morro Street, "The Bill Roalman Bicycle Boulevard". 2) Approve the following transfers and appropriations to the Morro Street Bicycle Boulevard project budget: a) Transfer of \$57,500 from the Downtown Access Improvements Project budget. b) Transfer of \$120,000 from the Morro-Santa Barbara Traffic Signal Installation Project budget. c) Appropriation of \$108,000 in Bicycle Transportation Account (BTA) grant revenue. d) Appropriation of \$120,000 in Urban State Highway Account (SHA) grant revenue.

C6. ADDENDUM TO THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND THE SAN LUIS OBISPO FIRE BATTALION CHIEFS' ASSOCIATION. (JENNY)

RECOMMENDATION: Adopt a resolution approving an Addendum to the Memorandum of Agreement between the City and the San Luis Obispo Fire Battalion Chiefs' Association.

C7. FINAL CONSTRUCTION MANAGEMENT CONTRACT AMENDMENT FOR MARSH STREET GARAGE EXPANSION PROJECT. (MCCLUSKEY/OPALEWSKI)

RECOMMENDATION: Approve contract Amendment No. 2 for additional construction management services to Harris & Associates in the amount of \$200,794 and authorize the Mayor to sign the contract amendment.

C8. ORDINANCE NO. 1430 (2003 SERIES) REZONING PROPERTY AT 3301 ROCKVIEW FROM R-2-S TO R-2-PD; PD/TR/ER 155-02. (MANDEVILLE/CODRON)

RECOMMENDATION: Adopt Ordinance No. 1430.

C9. RESOLUTION SUPPORTING THE FRAMEWORK OF A CONSERVATION TRANSACTION BETWEEN THE AMERICAN LAND CONSERVANCY AND THE HEARST CORPORATION FOR THE HEARST RANCH IN NORTHWESTERN SAN LUIS OBISPO COUNTY. (GEORGE/HAVLIK)

RECOMMENDATION: Adopt a resolution supporting the "Conservation Framework" of an Agreement between the American Land Conservancy (ALC) of San Francisco, and the Hearst Corporation, regarding development restrictions, environmental protection, and public access to portions of the 82,000 acre Hearst Ranch in northwestern San Luis Obispo County.

C10. RESOLUTION SUPPORTING S2535, THE CALIFORNIA WILD HERITAGE ACT OF 2002. (GEORGE/HAVLIK)

RECOMMENDATION: Adopt a resolution supporting S2535 the "California Wild Heritage Act of 2002", submitted to the Congress by Senator Barbara Boxer, which designates a wide variety of public lands in California as Wilderness, including five areas in San Luis Obispo County, as requested by the nonprofit California Wild Heritage Campaign.

PUBLIC HEARINGS

1. **MASTER PLAN FOR THE REDEVELOPMENT OF THE MOTEL INN PROPERTY (2223 MONTEREY; APPLICATION NOS. ER, A AND TR 122-01).**
(MANDEVILLE/RICCI – 45 MINUTES)

RECOMMENDATION: As recommended by the Planning Commission on January 8, 2003, adopt resolutions which: a) Approve a Use Permit to allow further development of a site in the C-T-S zone, based on findings including required findings in support of requested creek setback exceptions, C/OS building height exceptions, a mixed-use and shared parking reduction, and adopting a Negative Declaration of environmental impact with Mitigation Measures, and subject to conditions and code requirements. b) Approve a Tract Map to create a commercial condominium for the proposed new building known as the Apple Farm Phase 2, based on findings including adoption of a Negative Declaration of environmental impact with Mitigation Measures, and subject to conditions and code requirements.

2. **APPEAL OF TREE COMMITTEE DECISION TO APPROVE TREE REMOVAL REQUEST; MICHAEL R. BOTWIN, APPELLANT.** (MCCLUSKEY/COMBS – 30 MINUTES)

RECOMMENDATION: Adopt a resolution denying the appeal of the Tree Committee's decision to approve the removal request at 2389 Helena Street.

BUSINESS ITEMS

3. **SCOPE OF WORK AND SHARED COSTS FOR AN ENVIRONMENTAL IMPACT REPORT FOR THE ORCUTT AREA SPECIFIC PLAN (ER 209-98).**
(MANDEVILLE/MATTESON – 45 MINUTES)

RECOMMENDATION: 1) Approve the Request for Proposal (RFP) for the Orcutt Area EIR, and authorize the City Administrative Officer to award the contract if it is within the contract estimate of \$120,000, subject to prior receipt of funds from the applicants for their share of the contract and administrative costs. 2) Authorize the City Administrative Officer to approve and issue an RFP to prepare an alternative design emphasizing cluster and courtyard development; and to award the contract if within the contract estimate of \$25,000, subject to prior receipt of funds from the applicants for their share of the contract costs. 3) Approve funding 50% of the total cost of the EIR (\$156,000, including administrative costs of 30% in conformance with City policy) and alternate design services (\$25,000), and appropriate \$90,500 from the General Fund unreserved balance for this purpose, with the balance (\$90,500) to be paid by the property owners prior to any contract awards by the City Administrative Officer; direct that the City's share of these costs will be reimbursed at the time of development in the manner set

forth in the specific plan infrastructure financing program. 4) Adopt the following criteria for considering any future requests by other applicants for City financial participation in funding an EIR: The City will consider financially participating in the cost of EIR preparation only when it is for a specific plan, there are a significant number of property owners, and the City wants to encourage expedited preparation as a high community-wide priority.

4. TELECOMMUNICATIONS FACILITY LEASE AT SANTA ROSA PARK.
(LESAGE/MCDONALD – 15 MINUTES)

RECOMMENDATION: As recommended by the Parks and Recreation Commission, the Architectural Review Commission, and the Planning Commission, approve a lease agreement with Cingular Wireless for a telecommunications facility at Santa Rosa Park, which includes the plans and specifications for park improvements (to be completed for a guaranteed maximum price of \$227,083 by Cingular Wireless).

5. CONTINUED CONSIDERATION OF COUNCIL GOAL SETTING FOR 2003 - 05, IF NEEDED. (STATLER – 60 MINUTES)

RECOMMENDATION: If needed, continue consideration of goals for 2003-05 from the February 1 budget workshop.

COUNCIL LIAISON REPORTS (not to exceed 15 minutes)
Council Members report on conferences or other City activities. Time limit—3 minutes.

COMMUNICATIONS (not to exceed 15 minutes)
At this time, any Council Member or the City Administrative Officer 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).

A. ADJOURN.

ADVISORY BODIES

ARCHITECTURAL REVIEW COMMISSION (ARC)

The ARC generally meets the first and third Monday of each month. The meetings are held in City Hall in the Council Hearing Room at City Hall, 990 Palm St. and begin at 5:00 p.m. Call 781-7170 to confirm times and dates.

BICYCLE ADVISORY COMMITTEE (BAC)

The Bicycle Advisory Committee meets quarterly in March, June, September, and December. Call 781-7178 to confirm exact dates and times.

CITY COUNCIL

The City Council meets on the first and third Tuesday of every month. The meetings generally begin at 7:00 p.m. and are held at City Hall in the Council Chamber, 990 Palm Street. Call 781-7103 to confirm times and dates.

CULTURAL HERITAGE COMMITTEE (CHC)

The CHC meetings are held on the fourth Monday of the Month at 5:30 p.m. in the Council Hearing Room at City Hall, 990 Palm St. Call 781-7170 to confirm dates and times.

DOWNTOWN ASSOCIATION BOARD OF DIRECTORS

The Downtown Association Board usually meets the second Tuesday of the month at 7:30 a.m. in the Council Hearing Room located at City Hall, 990 Palm St. Call 541-0286 to confirm the date and time.

HOUSING AUTHORITY

The Housing Authority meets the third Thursday of the month at noon in the Housing Authority offices located at 487 Leff St. Call 543-4478 to confirm dates and times

HUMAN RELATIONS COMMISSION (HRC)

The Human Relations Commission usually meets the first Wednesday of the month at City Hall in the Council Hearing Room, 990 Palm St. beginning at 5:00 p.m. Call 781-7251 to confirm dates and times.

JACK HOUSE COMMITTEE

The Jack House Committee meets the second Wednesday of the month at the Parks & Recreation Department, 1341 Nipomo Street, at 7:00 p.m. Call 781-7305 to confirm the dates and times.

JOINT USE OF RECREATIONAL FACILITIES COMMITTEE (JUC)

The Joint Use Committee meets the fourth Tuesday of each month at noon at the Recreation Department located at 1344 Nipomo Street. Call 781-7300 to confirm dates and times.

MASS TRANSPORTATION COMMITTEE (MTC)

The Mass Transportation Committee meetings are held on call, generally on a quarterly basis. Call 781-7121 to confirm exact dates and times.

PARKS AND RECREATION COMMISSION (P&R)

The Parks and Recreation Commission typically meets the first Wednesday of the month in the City/County Library located at 995 Palm St. and begin at 7:00 p.m. Call 781-7300 to confirm dates and times.

PLANNING COMMISSION (PC)

The Planning Commission meets the second and fourth Wednesday of the month at 7:00 p.m. in the Council Chamber, City Hall, 990 Palm Street. Call 781-7170 to confirm dates and times.

PROMOTIONAL COORDINATING COMMITTEE (PCC)

The Promotional Coordinating Committee meets the second Wednesday of each month at 5:30 p.m. in the Council Hearing Room at City Hall, 990 Palm St. Call 781-7123 to confirm the times and places.

TREE COMMITTEE

Tree Committee meets at 5:00 p.m. on the fourth Monday of the month at the City's Corporation Yard located at 25 Prado Road. Call 781-7220 to confirm dates and times.