



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

Tuesday, October 7, 2003

4:00 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

INTRODUCTION

**INTRODUCTION OF NEW EMPLOYEE IN THE FINANCE AND INFORMATION
TECHNOLOGY DEPARTMENT; JENNIFER THOMPSON, ACCOUNTING
ASSISTANT. (STATLER)**



City Council regular meetings are televised live on 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.

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| BUSINESS ITEMS |
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1. **ADJUSTMENT TO THE FIXED PRICE FOR THE 919 PALM STREET PROPERTY – PROJECT NO. 90323.** (MCCLUSKEY/ELLIOTT – 45 MINUTES)

RECOMMENDATION: 1) Approve changes that will increase the final fixed price for the 919 Palm Street building from \$10,641,715 to \$12,169,947 in order to proceed with construction and acquisition. 2) Because of technological obsolescence of an EIR mitigation measure and the environmental benefits of an added project element, adopt a resolution approving an addendum to the final EIR to provide for elimination of the requirement to install two charging stations for battery-powered vehicles. 3) Appropriate from bond issue proceeds an additional \$1,524,189 to the Parking Fund portion of the 919 Palm Street project budget. 4) Appropriate from bond issue proceeds an additional \$816,100 to the General Fund portion of the 919 Palm Street project budget.

2. **DISCUSSION REGARDING RELINQUISHMENT OF STATE HIGHWAYS 1 & 227.** (MCCLUSKEY/WALTER – 30 MINUTES)

RECOMMENDATION: Provide direction to staff to pursue relinquishment options for State Highways 1 and 227 and begin discussions with local State elected officials to introduce necessary legislation in the next session.

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| PUBLIC HEARING |
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3. **SUB-AREA TRANSPORTATION IMPACT FEE FOR THE LOS OSOS VALLEY ROAD/US 101 INTERCHANGE PROJECT.** (MCCLUSKEY/BOCHUM – 30 MINUTES)

RECOMMENDATION: Adopt a resolution amending the City's transportation impact fees by establishing a "sub-area" fee to assist in funding improvements to the Los Osos Valley Road/US 101 interchange.

7:00 P.M.

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| PRESENTATION |
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PROCLAMATION FOR NATIONAL DENTAL HYGIENE MONTH. (ROMERO/PRICE)

PROCLAMATION FOR DISABILITY ACHIEVEMENT MONTH. (ROMERO/PRICE)

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.

C1. APPROVE MINUTES OF TUESDAY, SEPTEMBER 16, 2003 REGULAR MEETING. (PRICE)

RECOMMENDATION: Waive oral reading and approve as presented.

C2. NEW BISHOP WATER TANK, SPECIFICATION NO. 90232A. (MCCLUSKEY/HORN)

RECOMMENDATION: 1) Approve the award to and authorize the Mayor to execute a contract with Black & Veatch in the amount of \$232,022 for environmental, design, right of way and construction management services for the New Bishop Water Tank. 2) Approve the transfer of \$272,300 from the Distribution Master Plan Implementation Account to the New Bishop Water Tank Account.

C3. WATER TREATMENT PLANT STAFFING. (MOSS/HENDERSON)

RECOMMENDATION: Appropriate \$65,600 in 2003-04 and \$64,200 in 2004-05 from unreserved Water Fund Working Capital in order to fund staff needs at the Water Treatment Plant.

C4. AMEND CITY POLICY REGARDING CITY CAPITAL IMPROVEMENT PROJECTS AND RIGHT OF WAY ENCROACHMENT IN THE DOWNTOWN AREA. (MCCLUSKEY/LIVICK)

RECOMMENDATION: Adopt a resolution that rescinds Resolution No. 7068 (1992 Series) and establishes a consistent City Policy regarding Capital Improvement Projects (CIP) and Right of Way Encroachments in the downtown area during the holiday season.

C5. REPORT ON ADDED CITY CONSTRUCTION IN THE DOWNTOWN AND ARCHEOLOGICAL SERVICES FOR PIPELINE REPLACEMENT PROJECT, SPECIFICATION NO. 90245A. (MCCLUSKEY/LYNCH)

RECOMMENDATION: 1) Receive a report on the consolidation of remaining City utility construction work in the Downtown, and direct staff to bring forward a proposal in the Mid-Year Budget Report to fund added Downtown pavement work at the conclusion of the projects. 2) Approve Request for Proposals for Archeological Monitoring services for the 2004 Downtown Pipeline Replacement Project Archeological Services, Specification No. 90245A. 3) Authorize staff to advertise for proposals.

C6. ADOPT A RESOLUTION MODIFYING THE ALTA VISTA PARKING DISTRICT TO INDICATE THE RESTRICTIONS FOR THE NEWLY EXPANDED AREA APPLY ONLY FROM SEPTEMBER 15 TO JUNE 15 OF EVERY YEAR. (MCCLUSKEY/LOWELL)

RECOMMENDATION: 1) Adopt a resolution modifying the Alta Vista residential parking district to make the restrictions applicable to the new properties included in the district by Resolution No. 9455 (2003 Series) only from September 15 through June 15 of each year. 2) Rescind Resolution No. 9455 (2003 Series).

C7. SAN CARLOS SEWERLINE EASEMENT PURCHASE. (MCCLUSKEY/LYNCH)

RECOMMENDATION: 1) Accept the easement from San Luis Garbage Company for completion of the San Carlos to Woodbridge sewerline project, Specification No. 90241. 2) Authorize the Mayor to sign all easement documents. 3) Authorize payment of \$9,500 to San Luis Garbage Company upon close of escrow.

C8. ORCUTT ROAD MEDIAN LANDSCAPING. (MCCLUSKEY/WALTER)

RECOMMENDATION: 1) Transfer \$12,000 from the CIP reserve to install median landscaping on Orcutt Road near the intersection with Broad Street. 2) Direct that landscaping be a part of any future median project.

C9. COPELANDS PROJECT ARCHAEOLOGICAL SERVICES. (MANDEVILLE/RICCI)

RECOMMENDATION: 1) Approve a contract amendment with Applied EarthWorks in the amount of \$98,250, contingent upon the developer depositing with the City the amount of \$49,125, with the City responsible for the remaining \$49,125 under the terms of the approved MOU for this project. 2) Appropriate \$49,125 from unreserved Parking Fund working capital for the City's share of this added work, with the General Fund to reimburse the Parking Fund for its share of this cost from the proceeds of the sale of the Court Street property.

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| PUBLIC HEARINGS, CONTINUED |
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4. **CONSIDERATION OF A VESTING TENTATIVE TRACT MAP AT 1636 WOODLAND DRIVE TO CREATE 23 SINGLE-FAMILY RESIDENTIAL LOTS AND ONE 27-ACRE OPEN SPACE LOT ON APPROXIMATELY 40 ACRES OF UNDEVELOPED LAND WITHIN THE CITY LIMITS, REZONING THE 13 ACRES OF DEVELOPABLE LAND FROM R-1 TO R-1-S, AND AN ENVIRONMENTAL IMPACT REPORT (EIR) (TR/R/ER 11-01).**
(MANDEVILLE/WHISENAND – 2 HOURS)

RECOMMENDATION: As recommended by the Planning Commission: a) Adopt a resolution certifying the project EIR with mitigation measures and monitoring program, based on findings; b) Introduce an ordinance rezoning the 13 acres of developable land from Single-Family Residential (R-1) to Single-Family Residential with Special Considerations (R-1-S) and the open-space lot to Conservation Open Space (C/OS-40), based on findings; and c) Adopt a resolution approving the tentative map, with conditions, and based on findings.

5. **AMENDMENT OF THE MUNICIPAL CODE AND ZONING REGULATIONS RELATING TO SALES OF ALCOHOL FROM SERVICE STATIONS (TA 108-03).** (MANDEVILLE/DUNSMORE – 1 HOUR)

PLANNING COMMISSION RECOMMENDATION: 1) Introduce an ordinance amending a Municipal Code Section 5.36.020 and Zoning Regulations Sections 17.08.040 and 17.100 pertaining to sales of alcohol from service stations as presented by staff to the Planning Commission. 2) Notwithstanding the above, consider revision of proposed Municipal Code Section 5.36.020 to include a distance restriction on ancillary retail facilities to service stations.

CAO RECOMMENDATION: Introduce an ordinance amending the Municipal Code Section 5.36.020 and Zoning Regulations Sections 17.08.040 and 17.100 pertaining to sales of alcohol from service stations, including a new distance restriction incorporated into Section 17.08.040 regarding concurrent sales of fuel and beer or wine.

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| COUNCIL LIAISON REPORTS (not to exceed 15 minutes) Council Members report on conferences or other City activities. Time limit—3 minutes. |
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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 1341 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.