



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

---

**Tuesday, July 6, 2004**

**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, Christine Mulholland,  
Allen K. Settle, Vice Mayor Ken Schwartz,  
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.

**APPOINTMENTS**

**A1. APPOINTMENT RECOMMENDATIONS TO THE MASS TRANSPORTATION COMMITTEE (MTC). (EWAN/MULHOLLAND – 5 MINUTES)**

**RECOMMENDATION:** 1) Appoint Jose Lemus to an unexpired term as the Member at Large on the MTC to begin July 13, 2004 and end on March 31, 2007. 2) Appoint Dustin Dravland Robinson to an unexpired term as the Student Representative on the MTC to begin July 13, 2004 and end on March 31, 2005.



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 issues 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.

**CORRESPONDENCE TO COUNCIL:** Written comments on agenda items are encouraged and are most effective if presented at least one day prior to the meeting. Note: Correspondence to Council received after 5:00 p.m. on the day of the Council meeting regarding agenda items may not be distributed until the following day.

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, JUNE 15, 2004 REGULAR MEETING.**  
**(REYNOLDS)**

RECOMMENDATION: Waive oral reading and approve as presented.

**C2. EMPLOYMENT CONTRACTS FOR DOWNTOWN ASSOCIATION**  
**ADMINISTRATOR AND PROMOTIONS COORDINATOR.** (MOLONEY)

RECOMMENDATION: Adopt a resolution approving the contracts of employment between the City of San Luis Obispo and the Downtown Association Administrator and Promotions Coordinator.

**C3. MARSH STREET SEWER IMPROVEMENT PROJECT, SPECIFICATION NO.**  
**90248.** (MCCLUSKEY/CORNEJO)

RECOMMENDATION: 1) Approve plans and specifications for "Marsh Street Sewer Improvement Project, Specification No. 90248." 2) Authorize staff to advertise for bids for Specification No. 90248 and authorize the City Administrative Officer to award the contract to the lowest responsible bid that is within the Engineer's Estimate.

**C4. STREET RECONSTRUCTION AND RESURFACING PROJECT, SUMMER**  
**2004, SPECIFICATION NO. 90407.** (MCCLUSKEY/LAWRENCE)

RECOMMENDATION: Approve the award to and execute a contract with R. Burke Corporation in the amount of \$1,787,768 for the Street Reconstruction and Resurfacing Project, Summer 2004, Specification No. 90407.

PUBLIC HEARINGS

**1. CONSIDERATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (EIR)**  
**AND COUNTY TAX SHARING AGREEMENT, AND APPEAL OF THE**  
**PLANNING COMMISSION'S REJECTION OF AN ANNEXATION,**  
**PREZONING, INCLUDING PRELIMINARY DEVELOPMENT PLAN FOR THE**  
**RETAIL COMPONENT, GENERAL PLAN AMENDMENT, USE PERMIT, AND**  
**RELATED ACTIONS, FOR THE DALIDIO ANNEXATION/SAN LUIS**  
**MARKETPLACE DEVELOPMENT (ANNX/GP/R/PD/U/ER 108-02); 2005**  
**DALIDIO DR.** (MANDEVILLE/RICCI – 3 HOURS)

**PLANNING COMMISSION RECOMMENDATION:** 1) Adopt a resolution that certifies the EIR, incorporating the Errata Report that modifies the text of the EIR to find the proposed project “potentially inconsistent” with two general Plan policies; LU 1.4, Jobs/Housing Relationship, and LU 1.13.5 E., Open Space. 2) Determine that a Statement of Overriding Considerations for identified Class 1 impacts is not appropriate because the economic, social, and other considerations of the project do not outweigh the significant and unavoidable impacts. 3) Deny the Annexation, General Plan Amendment, Rezoning, Use Permit, and Preliminary Development Plan because the scale of the proposed commercial project exceeds community needs and its development is premature.

**CAO RECOMMENDATION:** 1) Adopt a resolution that certifies the EIR, including the mitigation monitoring program, based on findings, including a finding of overriding considerations relative to traffic/circulation, air quality, noise, cultural resources, and loss of agricultural land, and endorses Alternative 7.3, which includes a housing component. 2) Uphold appeal and adopt a Resolution of Application requesting that the Local Agency Formation Commission (LAFCO) take proceedings for the 131-acre annexation, based on findings. 3) Uphold appeal and adopt a resolution amending the General Plan Land Use Element Map to reflect the applicant’s current land use proposal, based on findings. 4) Uphold appeal and introduce ordinance rezoning sites within the annexation area to be consistent with the proposed Land Use Element map designations (C-R-PD, Retail Commercial Planned Development; O-S, Office with the Special Consideration overlay; R-3-S Medium-High Density Residential with the Special Consideration overlay; C/OS-40, Conservation/Open Space; and AG, Agriculture), and approving a Preliminary Development Plan for the C-R-PD component known as the San Luis Obispo Marketplace, based on findings, and subject to conditions. 5) Uphold appeal and approve a Use Permit to allow retail stores with floor areas between 60,000 and 140,000 square feet, based on findings, and subject to conditions. 6) Adopt a resolution accepting the negotiated exchange of property tax revenues and annual tax increment that is required as a prerequisite of any jurisdictional change by the Revenue and Tax Code Section 99.

**2. AMENDMENTS TO THE CITY’S GENERAL PLAN LAND USE ELEMENT AND ASSOCIATED ZONE RECLASSIFICATIONS AND TEXT AMENDMENTS FOR LAUREL LANE AND SOUTHWOOD PROPERTY, AMERICAN LEGION SITE AT 1661 MILL STREET, AND MEDICAL SERVICES IN THE CITY. (GP/R, TA AND ER 121-03, 37-04 AND 22-04) (MANDEVILLE/WHISENAND – 5 MINUTES)**

**RECOMMENDATION:** As recommended by the Planning Commission and previously approved in concept by the City Council: 1) Adopt a resolution approving the Negative Declarations of Environmental Impact and amending both text and map of the Land Use Element of the City’s General Plan; 2) Introduce an ordinance to print rezoning property at 1231 Laurel Lane and 1661 Mill Street; and 3) Introduce an ordinance to print amending the text of the Zoning Regulations related to medical office uses.

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 5:30 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.