



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

Tuesday, August 3, 2004

4:00 P.M.

REGULAR MEETING

**Council Chamber
990 Palm Street**

****NOTE EARLY START TIME***

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

BUSINESS ITEM

- 2003 ANNUAL TRAFFIC SAFETY REPORT.**
(MCCLUSKEY/BOCHUM/HUDSON – 30 MINUTES)

RECOMMENDATION: 1) Receive the 2003 Annual Traffic Safety Report and associated mitigation strategies.



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.

PUBLIC HEARINGS

2. **USE PERMIT, VESTING TENTATIVE TRACT MAP, AND ENVIRONMENTAL REVIEW FOR A MIXED-USE PROJECT WITH 82 DWELLINGS AND 31,280 SQUARE FEET OF COMMERCIAL FLOOR AREA, WITH A REQUEST FOR A MIXED-USE PARKING REDUCTION; 3592 BROAD (U/TR/ER 23-04)**
(MANDEVILLE/CODRON – 60 MINUTES)

Links to Report:

Part One

Part Two

RECOMMENDATION: As recommended by the Planning Commission, adopt a resolution approving the Use Permit, Vesting Tentative Tract Map, and Mitigated Negative Declaration for the project.

7:00 P.M.

PRESENTATION

PRESENTATION FROM MARK SHAFFER, EXECUTIVE DIRECTOR RIDE-ON TRANSPORTATION, REGARDING RIDE-ON SERVICES. – 5 MINUTES

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 MONDAY, JUNE 28, 2004 SPECIAL MEETING, TUESDAY, JUNE 29, 2004 SPECIAL MEETING AND TUESDAY, JULY 6, 2004 REGULAR MEETING.** (REYNOLDS)

RECOMMENDATION: Waive oral reading and approve as presented.

C2. FINAL PASSAGE OF AN ORDINANCE PREZONING VARIOUS AREAS OF THE DALIDIO ANNEXATION SITE AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE RETAIL COMPONENT KNOWN AS THE MARKETPLACE (R 108-02). (MANDEVILLE/RICCI)

RECOMMENDATION: Grant final passage to Ordinance No. 1449 (2004 Series), which upholds an appeal of the Planning Commission's proposed denial of a proposed rezoning for the Dalidio Annexation and rezones: 48.7 acres of the property to C-R-PD, Retail-Commercial with the Planned Development overlay zoning; 8.1 acres as O-S, Office with the Special Consideration overlay zoning; 3.3 acres as R-3-S, Medium-High Density Residential with the Special Consideration overlay zoning; 45 acres as AG, Agriculture; 9.7 acres as C/OS-40, Conservation/Open Space with a 40-acre minimum parcel size; with the remainder 16.2 acres allocated toward roads and interchange right-of-way, to be consistent with the amended LUE map designations based on findings. The ordinance also includes the approval of a Preliminary Development Plan for the San Luis Obispo Marketplace component of the project in conjunction with that part of the site's C-R-PD zoning, Retail-Commercial with the Planned Development overlay.

C3. ADOPTION OF AN ORDINANCE REZONING PROPERTY AT 1661 MILL STREET AND 1231 LAUREL LANE (R 37-04 AND R 121-03).
(MANDEVILLE/DUNSMORE)

RECOMMENDATION: Grant final passage to Ordinance No. 1450 (2004 Series).

C4. FINAL PASSAGE OF ORDINANCE NO. 1451 (2004 SERIES), AMENDING THE ZONING REGULATIONS TO ALLOW CERTAIN MEDICAL SERVICES IN THE SERVICE COMMERCIAL (C-S) AND BUSINESS PARK (BP) ZONES.
(MANDEVILLE/CODRON)

RECOMMENDATION: Grant final passage to Ordinance No. 1451 (2004 Series).

C5. WATER RECLAMATION FACILITY (WRF) DISSOLVED AIR FLOTATION THICKENER (DAFT) REPAIR, SPECIFICATION NO. 90461.
(MCCLUSKEY/MCGUIRE)

RECOMMENDATION: 1) Reject all bids for the "WRF DAFT Repair", Specification No. 90461. 2) Authorize staff to advertise for bids in Spring, 2005 and authorize the City Administrative Officer to award the contract if the lowest responsible bid is within the engineer's estimate of \$200,000.

C6. LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE VOTING DELEGATE/ALTERNATE 2004. (REYNOLDS)

RECOMMENDATION: Designate Mayor Romero as the voting delegate and Vice Mayor Schwartz as the voting alternate to the League of California Cities Annual Conference.

C7. APPROVAL OF AMENDMENT NO. 1 TO FUGRO WEST AGREEMENT – WATER REUSE MATERIALS TESTING AND INSPECTION SERVICES. (MOSS/DISIMONE)

RECOMMENDATION: Approve Amendment No. 1 to the agreement with Fugro West, Inc., to complete the remaining materials testing and inspection services for the Water Reuse Project, cost not to exceed \$32,000.

C8. SWIM CENTER SAND FILTRATION PROJECT, SPECIFICATION NO. 90351. (MCCLUSKEY/SMITH)

RECOMMENDATION: 1) Award a contract in the amount of \$237,600 to NADAR for “Swim Center High Rate Sand Filtration, Specification No. 90351” and authorize the Mayor to execute the agreement. 2) Approve using \$12,600 from budgeted contingencies to cover the difference between the bid amount and the engineer’s estimate.

C9. GRANT APPLICATION SUBMITTALS FOR POLICE SERVICES. (LINDEN/BISHOP)

RECOMMENDATION: 1) Authorize staff to submit a grant application to the Federal Bureau of Justice Assistance for a 2004 Local Law Enforcement Block Grant in the amount of \$9,800, which will require City matching funds in the amount of \$1,089. 2) Authorize staff to submit a grant application to the State of California Board of Corrections for a 2004 Juvenile Accountability Incentive Block Grant in the amount of \$6,167, which will require City matching funds in the amount of \$685. 3) Authorize the Chief of Police to execute all grant related documents.

C10. ACCEPTANCE OF STATE GRANT FOR \$75,000 TO INCREASE ALCOHOL EDUCATION AND ENFORCEMENT PROGRAMS. (LINDEN/BISHOP)

RECOMMENDATION: 1) Adopt a resolution to increase education and enforcement programs focusing on underage drinking and to enter into a contract with the State to accept \$75,000 in grant funding provided through the Alcoholic Beverage Control in

cooperation with the Enforcing Underage Drinking Laws Community Trials Initiative Program. 2) Authorize the Chief of Police to execute all grant related documents.

PUBLIC HEARINGS, CONTINUED

3. **CONSIDERATION AND REVIEW OF REQUEST FOR THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THE PROPERTY OWNER AND THE DEVELOPER OF THE SAN LUIS OBISPO MARKETPLACE PROJECT, AS WELL AS A SPECIAL TAX REIMBURSEMENT AGREEMENT AND CONSERVATION EASEMENT AGREEMENT.**
(LOWELL/GEORGE/STANWYCK – 3 HOURS)

Links to Report:

Part One

Part Two

Part Three

PLANNING COMMISSION RECOMMENDATION: Do not adopt the proposed Development Agreement with the Property Owner and the Developer of the San Luis Obispo Marketplace Project.

CAO RECOMMENDATION: 1) Based on findings, introduce an ordinance approving the Development Agreement with the Property Owner and the Developer of the San Luis Obispo Marketplace and authorize the Mayor to execute the agreement. 2) Approve the Special Tax Reimbursement Agreement with the Property Owner and the Developer of the San Luis Obispo Marketplace and authorize the Mayor to execute the agreement. 3) Adopt a resolution approving a Conservation Easement Agreement with the Property Owner and the Developer of the San Luis Obispo Marketplace and authorize the Mayor to execute the agreement.

4. **APPEAL OF THE PLANNING COMMISSION'S ACTION APPROVING A USE PERMIT TO ALLOW AN OUTDOOR BARBEQUE IN CONJUNCTION WITH AN EXISTING DELI (OLD COUNTRY DELI) AT 600 MARSH STREET (AP-PC 49-04).** (MANDEVILLE/BRITZ – 60 MINUTES)

RECOMMENDATION: Adopt a resolution, denying the appeal, and upholding the Planning Commission action to approve the Use Permit to allow the outdoor barbeque, based on findings, and subject to conditions.

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.