



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

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**Tuesday, December 7, 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 Paul Brown, Christine Mulholland,  
Allen K. Settle, Vice Mayor John Ewan, Mayor Dave Romero

INTRODUCTION

**INTRODUCTION OF NEW UTILITIES DEPARTMENT EMPLOYEES.** (MOSS)

PRESENTATION

**PRESENTATION OF AWARD FOR EXCELLENCE IN FINANCIAL REPORTING TO CAROLYN DOMINGUEZ.** (STATLER – 15 MINUTES)

**PRESENTATION OF THE FAMILY OF THE YEAR PROCLAMATION.** (ROMERO – 5 MINUTES)



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. DAMON GARCIA SHADE STRUCTURE DONATION. (LESAGE/BLAKE)**

RECOMMENDATION: Accept the Family and Friends of Adrian Brown's offer to donate a shade structure at the Damon-Garcia Sports Fields and authorize the Mayor, on behalf of the City, to enter into a donor agreement with the Friends and Family of Adrian Brown.

**C2. ADOPTION OF AN ORDINANCE AMENDING THE PLANNED DEVELOPMENT ORDINANCE FOR 55 BROAD STREET TO ALLOW THE ADDITION OF TWENTY NEW SENIOR APARTMENTS INCLUDING A CREEK SETBACK EXCEPTION AND A PARKING STRUCTURE (PD/ER 163-02).**  
(MANDEVILLE/DUNSMORE)

RECOMMENDATION: Adopt Ordinance No. 1465, amending the Planned Development to allow twenty new senior apartments, a creek setback exception and a new parking structure.

**C3. STANDARD SPECIFICATIONS AND ENGINEERING STANDARDS.**  
(WALTER/LYNCH)

RECOMMENDATION: Adopt a resolution approving the revised City Standard Specifications and Engineering Standards for Construction Projects and rescind the previous resolution.

**C4. WATER REUSE PROJECT – AMENDMENT #5 FOR OFFICE ENGINEERING SERVICES EXTENSION.** (MOSS)

RECOMMENDATION: 1. Approve Addendum #5 in the amount of \$127,040 to the agreement with Brown and Caldwell Consultants for extension of Office Engineering Services. 2. Authorize transfer of \$127,040 from Water Fund working capital to Water Reuse design to cover the additional costs of this addendum.

**C5. BANNER AND FLAG POLICY REVISIONS.** (LESAGE/FITZGERALD)

RECOMMENDATION: As recommended by the Parks and Recreation Commission and the Downtown Association, adopt a resolution approving minor changes to the City's Banner and Flag Policy.

**C6. FLEET REPLACEMENT -- WASTEWATER COLLECTION CLOSED CIRCUIT TELEVISION INSPECTION UNIT, SPECIFICATION NO. 90431.**  
(MOSS/NANCE)

RECOMMENDATION: 1. Approve a single source purchase and authorize the CAO to execute an agreement for the purchase of a Closed Circuit Television Unit/Vehicle from Advanced Infrastructure Technologies for \$116,155. 2. Approve a budget amendment request increasing sewer fund revenues by \$22,000 from the sale of surplus unit and transferring \$18,000 from these revenues to Specification No. 90431.

**C7. UTILITY TRENCH REPAIR -- FALL 2004, SPECIFICATION 90511.**  
(WALTER/WALKER)

RECOMMENDATION: 1. Approve Specifications for "Utility Trench Repair – Fall 2004, Specification No. 90511." 2. Authorize staff to advertise for bids. 3. Authorize the CAO to award the contract to the lowest responsible bidder within the engineer's estimate of \$73,520.

**C8. FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR TRACT 2366, A 14-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 936 FULLER ROAD (STONE CREEK DEVELOPMENT, SUBDIVIDER).**  
(WALTER/LIVICK)

RECOMMENDATION: Adopt a resolution accepting the public improvements and releasing the bonds for Tract 2366.

**C9. FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR TRACT 2372, A 15-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 906 CALLE DEL CAMINOS (BERGANTZ DEVELOPMENT CORPORATION, SUBDIVIDER).** (WALTER/LIVICK)

RECOMMENDATION: Adopt a resolution accepting the public improvements and releasing the bonds for Tract 2372.

**C10. FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR TRACT 2401, A 54-LOT RESIDENTIAL SUBDIVISION AT 11955 LOS OSOS VALLEY ROAD (OBISPO ESTATES-LOVR-SLO, LLC [R.W. HERTEL] SUBDIVIDER).**  
(WALTER/LIVICK)

RECOMMENDATION: Adopt a resolution accepting the public improvements and releasing the bonds for Tract 2401.

**C11. FINAL MAP APPROVAL FOR TRACT 2490, A 7-LOT COMMON INTEREST RESIDENTIAL SUBDIVISION AT 2903 BROAD ST. (BOLDUAN FAMILY TRUST, SUBDIVIDER).** (WALTER/LIVICK)

RECOMMENDATION: Adopt a resolution approving the final map for Tract 2490 and authorizing the Mayor to execute the subdivision agreement on behalf of the City.

**C12. RESOLUTION THAT CLARIFIES THE INTENT OF THE DANA STREET ABANDONMENT, (RESOLUTION NO. 2472 [1973 SERIES]); THE ABANDONMENT DID NOT INCLUDE ABANDONMENT OF HAYS STREET.**  
(WALTER/LIVICK)

RECOMMENDATION: Adopt a resolution that clarifies the intent of the Dana Street abandonment (Resolution No. 2470 [1973 Series]) and direct the City Clerk to Record said clarifying resolution with the County Clerk Recorder.

**C13. ANNUAL STATEMENT OF DEVELOPMENT IMPACT FEES.**  
(STATLER/DOMINGUEZ)

RECOMMENDATION: Receive and file annual statements of revenues and expenditures from development impact fees for 2003-04 (water, wastewater and transportation).

BUSINESS ITEMS

**1. UTILITY RATE STRUCTURE AND BILLING SYSTEM REVIEW.**  
(MOSS/STATLER – 30 MINUTES)

RECOMMENDATION: 1. Review and discuss utility rate structure and billing system issues. 2. Authorize the City Administrative Officer to issue a Request for Proposals for the following financial and engineering services: a. Review issues and make recommendations regarding the need for any modifications to the City’s water and sewer rate structures; b. Provide an analysis of available utility billing systems; c. Provide an analysis of remote meter reading systems and the benefits/costs to be realized with remote read systems; and d. Provide an analysis and recommendation regarding billing frequency. 3. Authorize the City Administrative Officer to award a contract for services, if within the estimate of \$47,500. 4. Support expansion of City’s utility billing services with web-enabled functionality.

**2. GROUNDWATER PROJECT: PHASE 1 EVALUATION OF PROJECT ALTERNATIVES AND POTENTIAL IMPACTS.** (MOSS/HENDERSON – 30 MINUTES)

RECOMMENDATION: 1. Receive and file report. 2. Direct staff to defer additional work associated with the Groundwater Development Project. 3. Direct staff to pursue the development of use of groundwater to meet non-potable irrigation needs of commercial or institutional customers where feasible.

**3. ACCEPTANCE OF AN OFFER OF DONATION OF A 1.05 ACRE PROPERTY ON SAN LUIS OBISPO CREEK AT PRADO ROAD AND SOUTH HIGUERA STREET.** (GEORGE/HAVLIK – 10 MINUTES)

RECOMMENDATION: Accept the recommendation of the Planning Commission and authorize the Mayor to adopt a resolution accepting the donation of a 1.05 acre parcel on the east side of San Luis Obispo Creek at Prado Road and South Higuera Street from Mr. Rob Olson, his wife Elise ("Peaches"), Randy Ramsay, and Lizbeth Gladwill, subject to easements of record and any non-substantive changes approved by the City Attorney, per Mr. Olson's letter offer of September 29, 2004.

PUBLIC HEARINGS

**4. SAN LUIS GARBAGE COMPANY INTERIM YEAR SOLID WASTE RATE ADJUSTMENT APPLICATION. (MOSS/MUNDS – 20 MINUTES)**

RECOMMENDATION: Adopt a resolution increasing solid waste rates by 3.42% for interim year 2005 to become effective on February 1, 2005.

**6:00 P.M.**

CLOSED SESSION Council Hearing Room  
990 Palm Street

**CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Government Code § 54957.6**

Agency Negotiator: Monica Moloney, Karen Jenny, Bill Avery  
Employee Organization: San Luis Obispo City Employees' Association (SLOCEA)

**CONFERENCE REGARDING PROPERTY NEGOTIATIONS  
Pursuant to Government Code § 54956.8**

Property: 1049 Orcutt Road  
Landowner: Bullock Family  
Negotiating Parties:  
City of San Luis Obispo: Jonathan P. Lowell, Tim Bochum  
Landowner: Bullock Family  
Negotiations: Provide direction to City negotiators

**CONFERENCE REGARDING PROPERTY NEGOTIATIONS  
Pursuant to Government Code § 54956.8**

Property: 1636 Woodland Drive  
Negotiating Parties:  
City of San Luis Obispo: Neil Havlik  
Landowner: Bowden Ranch Partners, LC  
Negotiations: Whether to acquire

**CONFERENCE REGARDING PROPERTY NEGOTIATIONS  
Pursuant to Government Code § 54956.8**

Property: 485 Buckley Road  
Negotiating Parties:  
City of San Luis Obispo: Neil Havlik  
Landowner: Ercole and Naomie Brughelli  
Negotiations: Whether to acquire easement

**7:00 P.M.**

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.

PUBLIC HEARINGS

**5. PUBLIC HEARING OF EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS REGARDING THE CALLE JOAQUIN RELOCATION. (LOWELL/BOCHUM – 15 MINUTES)**

RECOMMENDATION: Open the hearing, review facts, accept comments, close the hearing and adopt the Resolution of Necessity to initiate eminent domain proceedings against the subject property.

**6. NOMINATION OF PROPERTY LOCATED AT 2030 JOHNSON AVENUE TO THE MASTER LIST OF HISTORIC RESOURCES. (MANDEVILLE/HOOK – 10 MINUTES)**

RECOMMENDATION: As recommended by the Cultural Heritage Committee, adopt a resolution adding the property to the Master List of Historic Resources.

7. **REQUEST TO AMEND THE GENERAL PLAN, ADJUST THE DEVELOPMENT LIMIT LINE AND REZONE THE PROPERTY AT 215 BRIDGE STREET TO ACCOMMODATE A PLANNED DEVELOPMENT THAT WILL INCLUDE SIXTEEN RESIDENTIAL SITES AND AN EIGHT-UNIT COMMERCIAL CONDOMINIUM PROJECT (GP/R/TR/ER 64-03).** (MANDEVILLE/DUNSMORE – 90 MINUTES)

RECOMMENDATION: As recommended by the Planning Commission at a public hearing on October 27, 2004: 1. Adopt a resolution amending the General Plan Land Use Element map to change the land use designation from Services and Manufacturing to Medium-Density Residential (for a portion of the site) and adjust the hillside development limit line from the 175-foot contour to the 185-foot contour, and approving a revised Mitigated Negative Declaration (ER 64-03). 2. Introduce an ordinance changing the zoning on the subject property below the 185-foot elevation contour from Manufacturing and Conservation Open Space to Medium-Density Residential Planned Development and Manufacturing Planned Development (R-2-PD and M-PD). 3. Adopt a resolution approving a subdivision with sixteen residential lots and a remainder parcel, and a commercial condominium with eight commercial airspace units, including a creek setback exception to allow the replacement of the vehicular bridge with a clear span design.

8. **GENERAL PLAN AMENDMENT, SPECIFIC PLAN AMENDMENT, AND REZONE FROM SERVICES AND MANUFACTURING (C-S-SP-PD) TO OFFICE (O-SP) FOR PROPERTIES AT 715 AND 735 TANK FARM ROAD (GP/SP/R/ER 52-04).** (MANDEVILLE/COREY – 30 MINUTES)

RECOMMENDATION: 1. Adopt a resolution approving a Negative Declaration of environmental impact (ER 52-04) and amending the General Plan Land Use Element map and Edna-Islay Specific Plan map to change the land use designations of the site from Services and Manufacturing to Office. 2. Introduce an ordinance changing the zoning on the subject properties from Service Commercial Specific Planned Development (C-S-SP-PD) to Office Specific Plan (O-SP).

9. **CONSIDERSATION OF A LOT LINE ADJUSTMENT BETWEEN TWO PARCELS WITH AN EXCEPTION TO LOT WIDTH, 465 & 467 DANA STREET (LLA 177-04).** (MANDEVILLE/COREY – 30 MINUTES)

RECOMMENDATION: Adopt a resolution approving a lot line adjustment, with an exception to the Subdivision Regulations, based on findings and subject to code requirements.

BUSINESS ITEMS
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**10. INTRODUCE AN ORDINANCE ENABLING SAFETY ENHANCEMENT ZONES IN THE CITY OF SAN LUIS OBISPO, AND ESTABLISHING A CITY-WIDE SAFETY ENCHANCEMENT ZONE DURING MARDI GRAS. (LINDEN/BLANKE – 15 MINUTES)**

RECOMMENDATION: That the City Council introduce an ordinance adding Chapter 9.22 to Title 9 of the San Luis Obispo Municipal Code that would: 1. Enable the designation of Safety Enhancement Zones in the City of San Luis Obispo to temporarily increase fines and penalties for certain Municipal Code violations for a designated time period; and, 2. Establish a city-wide Safety Enhancement Zone during the period of Mardi Gras each year.

**11. COUNCIL LIAISON SUBCOMMITTEE ASSIGNMENTS 2005. (HOOPER – 5 MINUTES)**

RECOMMENDATION: Approve Council Liaison Subcommittee assignments for calendar year 2005 as listed in Attachment 1.

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.