



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

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**Tuesday, February 15, 2005**

**6:15 P.M.**

**CLOSED SESSION**

**Council Hearing Room  
990 Palm Street**

**CONFERENCE WITH LEGAL COUNSEL – Existing Litigation**

Pursuant to Government Code § 54956.9

DONALD BAXTER, Individually and as Trustee for MARY  
ELIZABETH MACQUEEN BAXTER v. CITY OF SAN LUIS OBISPO

San Luis Obispo County Superior Case No: CV 040460

**6:30 p.m.**

**CONFERENCE WITH LEGAL COUNSEL – Existing Litigation**

Pursuant to Government Code § 54956.9

VICTORIA O'TOOLE v. STATE OF CALIFORNIA, DEPARTMENT  
OF TRANSPORTATION, COUNTY OF SAN LUIS OBISPO; STATE  
OF CALIFORNIA v. CITY OF SAN LUIS OBISPO

San Luis Obispo County Superior Case No: CV 030270



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**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 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.

7:00 P.M.	<b>REGULAR MEETING</b>	<b>Council Chamber 990 Palm Street</b>
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**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 PARKS AND RECREATION DEPARTMENT EMPLOYEE.  
(LESAGE)**

PRESENTATION

**SPAY DAY USA PROCLAMATION.** (ROMERO – 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.

APPOINTMENT

**A1. APPOINTMENT OF NEW SLO DOWNTOWN ASSOCIATION BOARD OF DIRECTORS MEMBERS.** (CASH – 5 MINUTES)

RECOMMENDATION: By motion, appoint Doug Shaw and Tom Copeland to the SLO Downtown Association Board of Directors.

**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 SATURDAY, JANUARY 29, 2005, SPECIAL MEETING, AND TUESDAY, FEBRUARY 1, 2005, REGULAR MEETING.**  
(HOOPER)

RECOMMENDATION: Waive oral reading and approve as presented.

**C2. AUTHORIZATION OF APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) FOR FUNDING UNDER THE BUILDING EQUITY AND GROWTH IN NEIGHBORHOODS (BEGIN) PROGRAM (PROP 46).**  
(MANDEVILLE/DAVIDSON)

RECOMMENDATION: Adopt a resolution authorizing staff to complete and submit an application to HCD for the BEGIN Program and target the BEGIN funds to the Tumbling Waters project for downpayment assistance.

**C3. DAMON-GARCIA SPORTS FIELDS MAINTENANCE.**  
(WALTER/SMITH/BEIGHTS)

RECOMMENDATION: 1. Support a change in the maintenance strategy for the Damon-Garcia sports fields from contract to in-house, and approve reassigning two existing parks maintenance staff to maintain the Damon-Garcia sports fields and use contract services to backfill maintenance needs at other park areas. 2. Authorize the City Administrative Officer to approve requests for proposals for landscape maintenance services at other park areas and award the contract if within the \$126,000 annually. 3. Conceptually approve increasing the fleet by purchasing a turf mower, pick-up and utility cart for use at the Damon-Garcia sports fields, with final Council approval as part of the 2005-07 Financial Plan.

**C4. PURCHASE OF LEASED CRACK SEAL KETTLE.**  
(WALTER/SMITH/KEAVNEY)

RECOMMENDATION: Approve a purchase order in the amount of \$21,350 using existing capital outlay funds for a sole-source purchase to Crafcoc Inc. for an existing leased Crack Seal Kettle.

**C5. AUTHORIZE EXPENDITURE OF FUNDS FOR LABOR RELATIONS CONSULTANT SERVICES.** (MOLONEY/JENNY)

RECOMMENDATION: Authorize the Human Resources Department to expend up to \$40,000 for labor relations consultant services.

**C6. EMERGENCY STORM DRAIN REPAIR – 1642 EL CERRITO.**  
(WALTER/LYNCH)

RECOMMENDATION: 1. Authorize the completion of emergency work on the storm drain at 1642 El Cerrito. 2. Transfer the remaining funds in the CIP Reserve and Completed Projects accounts to the project account.

**C7. AUTHORIZATION OF AN APPLICATION FOR GRANT FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR STRUCTURAL STRENGTHENING OF THE J.P. ANDREWS BUILDING.**  
(GEORGE/CLARK)

RECOMMENDATION: Adopt a resolution authorizing the City Administrative Officer to execute and submit an application for grant monies in an amount not to exceed \$1,000,000 from the Federal Emergency Management Agency (FEMA), to be used in support of seismic retrofit of the J.P. Andrews building.

**C8. 2005 LEGISLATIVE ACTION PLATFORM.** (LOWELL)

RECOMMENDATION: 1. Adopt a resolution establishing a Legislative Action Platform for 2005; 2. Appoint a Council member and a staff person to act as legislative liaison between the League of California Cities and the City of San Luis Obispo.

**C9. 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). - CONTINUED FROM JANUARY 18, 2005** (WALTER/LIVICK)

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

BUSINESS ITEMS
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**1. 2004-05 MID-YEAR BUDGET REVIEW.** (HAMPIAN/STATLER/DOMINGUEZ – 45 MINUTES)

RECOMMENDATION: 1. Review and discuss the City's financial condition at the mid-point of 2004-05. 2. Approve revenue and expenditures changes presented in the accompanying *Mid-Year Budget Review* document, including added General Fund appropriations of \$70,000.

2. **CONSIDERATION OF A REIMBURSEMENT AGREEMENT WITH COSTCO WHOLESALE CORPORATION FOR REALIGNMENT OF CALLE JOAQUIN SOUTH.** (HAMPIAN/LOWELL/STANWYCK – 20 MINUTES)

RECOMMENDATION: Approve a reimbursement agreement with Costco Wholesale Corporation for realignment of Calle Joaquin south of Los Osos Valley Road and authorize the Mayor to execute the agreement.

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)

**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.