



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

Tuesday, December 6, 2005

5:00 P.M.

REGULAR MEETING

Council Chamber
990 Palm Street

CALL TO ORDER: Mayor Dave Romero

ROLL CALL: Council Members Paul Brown, Christine Mulholland,
Allen K. Settle, Vice Mayor John Ewan,
Mayor Dave Romero

APPOINTMENTS

A1. VICE MAYOR APPOINTMENT. (HOOPER)

RECOMMENDATION: Appoint Council Member Allen Settle as Vice Mayor to serve a one-year term commencing upon appointment.

**A2. REDESIGNATION OF JACK HOUSE COMMITTEE MEMBER.
(MULHOLLAND/SETTLE)**

RECOMMENDATION: Redesignate Geraldine Johnson from an at-large member of the Jack House Committee to the County Historical Society representative.

A3. APPOINTMENT RECOMMENDATIONS TO THE MASS TRANSPORTATION COMMITTEE (MTC). (MULHOLLAND/BROWN)

RECOMMENDATION: 1. Appoint Kathryne Howard to serve an unexpired term as the Member-At-Large on the Mass Transportation Committee to begin January 11, 2006, and end on March 31, 2007. 2. Appoint Emily Avery to serve an unexpired term as the Student Representative on the Mass Transportation Committee to begin January 11, 2006, and end on March 31, 2007.



City Council regular meetings are televised live on Charter Channel 20. The City of San Luis Obispo is committed to including 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 781-7100.

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.

A4. APPOINTMENT RECOMMENDATION TO THE PLANNING COMMISSION.
(EWAN/ROMERO)

RECOMMENDATION: Appoint Jason McCoy to an unexpired term ending March 31, 2007.

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. MINUTES OF TUESDAY, NOVEMBER 15, 2005. (HOOPER)

RECOMMENDATION: Waive oral reading and approve as presented.

C2. TELECOMMUNICATION GROUND LEASE AT LAGUNA LAKE GOLF COURSE. (LESAGE/BLAKE)

RECOMMENDATION: Approve a Memorandum of Understanding (MOU) with New Cingular Wireless PCS, LLC (Cingular) for a telecommunication ground lease at Laguna Lake Golf Course and authorize the CAO to approve the lease after all discretionary approvals are achieved.

C3. PURCHASE NEW BISHOP WATER TANK EASEMENT. (WALTER/HORN)

RECOMMENDATION: 1. Approve an easement agreement which provides for a permanent and a temporary construction easement from the County of San Luis Obispo in exchange for \$60,500. 2. Authorize the Mayor to execute the agreement, accept the easements, and execute any other documents associated with this transaction.

C4. FOOTHILL BRIDGE REPLACEMENT PROJECT, SPECIFICATION NO. 90197D CONSTRUCTION MANAGEMENT FUNDING.
(WALTER / LYNCH)

RECOMMENDATION: 1. Authorize the transfer of \$17,000 from the Capital Improvement Plan (CIP) Completed Projects account and appropriate \$68,000 in Federal Highway Bridge Replacement and Rehabilitation (HBRR) grant revenue to the project budget for additional Construction Management and Environmental Monitoring. 2. Approve the agreement with the Morro Group to complete follow up monitoring and regulatory mandated reporting for up to five years.

C5. RELOCATION OF PUBLIC ART BENCHES. (GEORGE/KISER)

RECOMMENDATION: 1. Approve relocating the public art benches known as *Community's Bridge* from Higuera Street to the plaza at 1050 Monterey Street, adjacent

to the "old" County Government Center. 2. Approve the indemnification and maintenance agreement between the County of San Luis Obispo and the City for maintenance and liability of the benches in the new location and authorize the Mayor to execute the agreement. 3. Accept the offer from San Luis Obispo Court Street to purchase, install and donate a new piece of public art valued at \$15,000 for the Higuera Street location, subject to completion of the City's approval process for donated public art.

C6. 2006 STANDARD SPECIFICATIONS AND ENGINEERING STANDARDS FOR CONSTRUCTION. (WALTER/VAN BEVEREN)

RECOMMENDATION: Adopt a resolution approving the 2006 City Standard Specifications and Engineering Standards for Construction Projects and rescind Resolution No. 9628 (2004 Series).

C7. BIOSOLIDS REUSE CONTRACT. (MOSS/HIX)

RECOMMENDATION: Approve sole source agreement with Engel and Gray Inc., for biosolids services in a base rate amount of \$32.45 per ton and authorize Mayor to execute contract.

C8. FINAL ADOPTION OF ORDINANCE NO. 1485 (2005 SERIES), REZONING 11.7 ACRES FROM M-PD TO R-4-PD AND APPROVING THE DEVELOPMENT PLAN FOR THE TUMBLING WATERS PROJECT (PD 151-03); 861 AND 953 ORCUTT ROAD. (MANDEVILLE/CODRON)

RECOMMENDATION: Adopt Ordinance No. 1485 (2005 Series).

C9. FINAL ADOPTION OF ORDINANCE NO. 1486 (2005 SERIES), REZONING 5.3 ACRES FROM C-S-S TO R-4-PD AND C-C-PD AND APPROVING THE DEVELOPMENT PLAN FOR THE CREEKSTON PROJECT (PD 164-02); 791 ORCUTT ROAD, 3330 AND 3360 BROAD STREET. (MANDEVILLE/CODRON)

RECOMMENDATION: Adopt Ordinance No. 1486 (2005 Series)

BUSINESS ITEMS

1. ARTIFICIAL TURF SPORTS FIELDS. (LESAGE/WALTER - 45 MINUTES)

RECOMMENDATION: As recommended by the Parks and Recreation Commission (PRC) and the Joint Use Committee (JUC): 1. Receive information on artificial turf sports fields and conceptually endorse artificial turf as a potential athletic field strategy. 2. Direct staff to prepare an artificial turf capital improvement project request for

Stockton Field in Sinsheimer Park, using non-General Fund resources, for consideration during the 2007-09 Financial Plan process.

**2. COUNCIL LIAISON SUBCOMMITTEE ASSIGNMENTS FOR 2006.
(HOOPER - 5 MINUTES)**

RECOMMENDATION: Approve Council Liaison Subcommittee assignments for calendar year 2006 as listed in the Attachment.

7:00 P.M.

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

INTRODUCTION OF NEW PUBLIC WORKS EMPLOYEES. (WALTER)

PRESENTATIONS

PROCLAMATION FOR FAMILY OF THE YEAR. (ROMERO)

**PROCLAMATION FOR MDA FIRE FIGHTER APPRECIATION WEEK.
(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.

PUBLIC HEARINGS

3. CONSIDERATION OF REPROGRAMMING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG) FROM THE HOSPICE ELEVATOR PROJECT TO THE FIRE STATION #2 HANDICAPPED ACCESS PROJECT WITH THE REMAINDER GOING TO THE HANDICAPPED CURB RAMPS PROGRAM AND ANHOLM PARK IMPROVEMENTS. (MANDEVILLE/DAVIDSON - 20 MINUTES)

HRC RECOMMENDATION: Do not approve the reprogramming of \$60,000 in CDBG funds from the Hospice Elevator project to the Fire Station #2 Handicapped Access project, but find another source of funding for this worthy project.

CAO RECOMMENDATION: Approve the reprogramming of \$60,000 in CDBG funds from the Hospice Elevator project to the Fire Station #2 Handicapped Access project (\$35,000) with the remainder (\$25,000) going to the Handicapped Curb Ramps program (\$10,000) and Anholm Park improvements (\$15,000).

4. **APPEAL OF THE TREE COMMITTEE DECISION TO APPROVE TREE REMOVAL REQUEST.** (WALTER/BEIGHTS - 60 MINUTES)

RECOMMENDATION: Adopt a resolution denying the appeal of the Tree Committee's decision to approve the removal of trees at 1500 Lizzie Street, otherwise known as the Bowden Ranch project.

5. **GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION FOR PROPERTY AT THE SOUTHWEST CORNER OF NIPOMO AND MARSH STREETS; AMENDMENT OF CHAPTER 4.30 OF THE CITY OF SAN LUIS OBISPO'S MUNICIPAL CODE MODIFYING THE DOWNTOWN PARKING IN-LIEU FEE AREA, AND; ENVIRONMENTAL REVIEW (GP/R/ER 160-05).**
(MANDEVILLE/HILL - 20 MINUTES)

RECOMMENDATION: Adopt a Resolution approving a Mitigated Negative Declaration and amend the General Plan Land Use Element map to change the land use designation for 1221 Nipomo from High-Density Residential to General Retail; 2. Introduce an Ordinance amending Section 4.30.015 of the City of San Luis Obispo's Municipal Code modifying the Downtown Parking In-Lieu Fee Area to include 1221 Nipomo; and 3. Introduce an Ordinance changing the zoning of 1221 Nipomo from High-Density Residential (R-4) to Downtown Commercial with a Mixed-Use Overlay (C-D-MU), and changing the zoning of 1213 Nipomo, 577 and 579 Marsh from Downtown Commercial (C-D) to Downtown Commercial with a Mixed-Use Overlay (C-D-MU).

6. **URBAN WATER MANAGEMENT PLAN UPDATE.**
(MOSS/HENDERSON/MUNDS - 30 MINUTES)

RECOMMENDATION: Adopt a resolution approving the update to the Urban Water Management Plan.

7. **FINAL APPROVAL OF A GENERAL PLAN AMENDMENT TO REDESIGNATE 17 ACRES OF LAND FROM SERVICES AND MANUFACTURING TO HIGH DENSITY RESIDENTIAL AND COMMUNITY COMMERCIAL (GPA 114-02); 791, 861 AND 953 ORCUTT ROAD, AND 3330 AND 3360 BROAD STREET.**
(MANDEVILLE/CODRON - 5 MINUTES)

RECOMMENDATION: Grant final approval to the General Plan Amendment for the Four Creeks Project.

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 TO THE REGULAR MEETING OF JANUARY 3, 2006, AT 7:00 P.M. IN THE COUNCIL CHAMBER. PLEASE NOTE THE DECEMBER 20, 2005, MEETING HAS BEEN CANCELED.

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 Ludwick Community Center located at 864 Santa Rosa 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 Council Chamber, City Hall, located at 990 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.