

M I N U T E S  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF SAN LUIS OBISPO  
TUESDAY, JUNE 6, 2000 - 5:00 P.M.  
COUNCIL CHAMBER, 990 PALM STREET  
SAN LUIS OBISPO, CALIFORNIA

ROLL CALL:

Council Members

Present: Council Members John Ewan, Jan Howell Marx, Dave Romero, Vice Mayor Ken Schwartz, and Mayor Allen K. Settle

City Staff:

Present: John Dunn, City Administrative Officer; Jeff Jorgensen, City Attorney; Lee Price, City Clerk; Ken Hampian, Assistant City Administrative Officer; Arnold Jonas, Community Development Director; Bill Statler, Finance Director; Ann Slate, Human Resources Director; Jim Gardiner, Police Chief; Bob Neumann, Fire Chief; John Moss, Utilities Director; Mike McCluskey, Public Works Director; Paul LeSage, Parks and Recreation Director; Wendy George, Assistant to the CAO; Sue Baasch, Administrative Analyst; Dave Elliott, Administrative Analyst; Todd Martin, City Arborist; Linda Asprien, Revenue Manager; Whitney McIlvaine, Associate Planner

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BUSINESS ITEM

1. COMMUNITY CENTER/THERAPY POOL NEEDS STUDY.

Parks and Recreation Director LeSage introduced the staff report. Consultants Charlie Knox and Sara Kocher from the firm of Crawford, Multari, Clark & Mohr provided an in-depth review of the study and recommendations. Park & Recreation Commission Chair Neville briefly summarized the response by the Commission to the study.

Public Comments:

Bill Storm spoke in support of the recommendations and urged the Council to make a new senior center a high priority. He reported that local senior groups will continue to work with the City, and are willing to help raise funds. In response to Council inquiry, Mr. Storm noted that seniors need nutrition programs but the current facility is not large enough to accommodate the program.

---End of Public Comments---

**ACTION:** Moved by Ewan/Marx to 1) approve the recommendation of the Parks and Recreation Commission endorsing the Community Center and Therapy Pool Needs Study. 2) Direct staff to bring this project forward at such time as adequate funding exists for the community center and 3) Direct staff to move forward with plans for the therapy pool rear Sinsheimer Pool and the interim solution for the senior center at the Recreation Center; motion carried 5:0.

Mayor called a break at 6:00 p.m.

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**CLOSED SESSION ANNOUNCEMENT**

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

Agency Negotiators: Ken Hampian, Wendy George, Karen Jenny  
Employee Organization: San Luis Obispo Fire Battallon Chiefls' Association

**ACTION:** City Attorney Jorgensen reported that Council gave instructions to its negotiators.

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

Agency Negotiators: Ann Slate, Karen Jenny  
Represented Employees: San Luis Obispo Police Staff Officers Association

**Action:** City Attorney Jorgensen reported that Council gave instructions to its negotiators.

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**PRESENTATIONS**

**TEEN COMMUNITY SERVICES RECOGNITION**

Mayor Settle presented Certificates of Appreciation to 27 San Luis Obispo High School students recognizing them for the many volunteer hours they have donated to the community.

**SPECIAL OLYMPICS PROCLAMATION**

Mayor Settle presented a proclamation to Police Chief Gardiner declaring June 12, 2000 through June 13, 2000 as Special Olympics Law Enforcement Torch Run Days in San Luis Obispo.

**NATIONAL MANAGEMENT ASSOCIATION (NMA) WEEK**

Mayor Settle presented a proclamation to David Hix, NMA President, proclaiming the week of June 5, 2000 through June 9, 2000 as National Management Association Week.

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**PUBLIC COMMENT**

Jason Berg, Jeff Zimmerman and Bill Sutton, representing the San Luis Obispo Police Officers and Firefighters Associations, asked the Council to place an item on the June 20<sup>th</sup> City Council agenda. The item was consideration of placing on the November ballot a measure (as proposed by the proponents) that would amend the City Charter by adding a provision for binding arbitration for public safety employees and to do so without a companion.

Individual Council comments followed; there insufficient support for placing the matter on the next agenda.

Gary Fowler, 777 Mill Street, expressed concern regarding the red curb painting permit process. Mr. Fowler expected the City to repaint the curbs on his street and objects to the present red curb painting policy. Staff was asked to contact Mr. Fowler about his concerns.

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CONSENT AGENDA

**ACTION:** Moved by Romero/Ewan to approve the consent agenda as recommended by the City Administrative Officer; motion carried 5:0.

**C1. COUNCIL MINUTES OF TUESDAY, MAY 16, 2000.**

**ACTION:** Continued to 6/20 at staff's request.

**C2. SUPPORT FOR TAXPAYERS FOR FAIR COMPETITION.**

**ACTION:** Moved by Romero/Ewan to adopt Resolution No. 9045 supporting "The Fair Competition and Taxpayer Savings Act" Initiative; motion carried 5:0.

**C3. LEASE OF BATTERY-POWERED PICKUP TRUCKS.**

**ACTION:** Moved by Romero/Ewan to 1) authorize the City Administrative Officer to submit a commercial application and execute a lease agreement in the amount of \$78,200 with Barber Ford of Ventura, California to lease five battery-powered for EV Ranger pick up trucks for three years. 2) Appropriate \$75,400 of Petroleum Violation Escrow Account (PVEA) grant revenue and \$4,800 from the unappropriated balance of the General Fund to a new Capital Improvement Project account to cover the cost of the lease and the installation of charging stations; motion carried 5:0.

**C4. APPROVAL OF INCREASE IN SELF-INSURED RETENTION FOR LIABILITY INSURANCE FROM \$100,000 TO \$250,000.**

**ACTION:** Moved by Romero/Ewan to approve increasing the self-insured retention for liability insurance from \$100,000 to \$250,000; motion carried 5:0.

**C5. SANITARY SURVEY UPDATES AND INTER-AGENCY AGREEMENTS.**

**ACTION:** Moved by Romero/Ewan to approve the request for proposals and inter-agency agreements for the preparation of two new Sanitary Surveys and five Sanitary Survey Updates, and authorize the City Administrative to award the consultant services contract and execute the agreements if the selected consultant proposal is within the project budget; motion carried 5:0.

**C6. AMENDMENT #4 TO THE CITY/COUNTY AGREEMENT FOR PROVIDING WATER AND SEWER SERVICE TO THE COUNTY AIRPORT.**

**ACTION:** Moved by Romero/Ewan to adopt Resolution No. 9046 approving Amendment #4 to the City/County Agreement for water and sewer service to the

airport, clarifying certain sections of the agreement, expanding the service area, and transferring ownership and maintenance responsibilities of the airport Lift Station from the County of San Luis Obispo to the City of San Luis Obispo; motion carried 5:0.

**C7. FINAL PASSAGE OF ORDINANCE NO. 1370 TO IMPLEMENT MILITARY SERVICE AS PUBLIC SERVICE FOR FIRE MEMBERS OF CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS).**

**ACTION:** Moved by Romero/Ewan to grant final passage to Ordinance No. 1370; motion carried 5:0.

**C8. AUTHORIZATION TO APPLY FOR ENVIRONMENTAL GRANT FUNDS FROM THE LAND AND WATER CONSERVATION FUND AND FROM THE COASTAL GRANT RESOURCES GRANT PROGRAM FOR THE PROJECT KNOWN AS THE FOSTER PROPERTY ACQUISITION.**

**ACTION:** Moved by Romero/Ewan to adopt Resolution No. 9047 and Resolution No. 9048 authorizing staff to complete and submit applications for grant monies in the amount of \$100,000 from the Land and Water Conservation Fund, and in the amount of \$150,000 from the State Coastal Resources Grant Program, which would be used in support of the acquisition of the Foster property in the Irish Hills at the end of Royal Way; motion carried 5:0.

**C9. MEMORANDUM OF AGREEMENT WITH SAN LUIS OBISPO LITTLE THEATRE CONCERNING PROPERTY AT 630 MONTEREY STREET.**

**ACTION:** Moved by Romero/Ewan to approve a Memorandum of Agreement with the San Luis Obispo Little Theater regarding provisions of a proposed lease of real property at 630 Monterey Street for the purpose of constructing a community theater on the site; motion carried 5:0.

**C10. STREET RECONSTRUCTION/RESURFACING – SUMMER 2000. SPECIFICATION NO. 90012B.**

**ACTION:** Moved by Romero/Ewan to 1) approve plans and specifications for "Street Reconstruction/Resurfacing Summer 2000." 2) Authorize staff to advertise for bids. 3) Authorize the City Administrative Officer to award the contract if the lowest responsible bid is within the budget amount of \$849,812. 4) Authorize the transfer of \$365,000 from the current Pavement Management Plan (PMP) budget to the Santa Rosa/Monterey/California waterline project budget, Specification No. 90151; motion carried 5:0.

**C11. ASSESSMENT OF NEEDS AND THE DEVELOPMENT OF TECHNICAL SPECIFICATIONS FOR A CITY-WIDE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM.**

**ACTION:** Moved by Romero/Ewan to approve a Consultant Services Agreement with @doc in the amount of \$17,500 for the purpose of assisting staff with assessing needs and developing technical specifications for a City-wide electronic document management system; motion carried 5:0.

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APPOINTMENT

A1. JACK HOUSE COMMITTEE APPOINTMENT.

ACTION: Moved by Settle/Schwartz to appoint Greg Dillman to a four-year term beginning on June 6, 2000 to expire on March 30, 2004; motion carried 5:0.

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PUBLIC HEARINGS

2. APPEAL OF THE TREE COMMITTEE'S DECISION TO DENY A TREE REMOVAL REQUEST AT 400 FOOTHILL BOULEVARD.

City Arborist Martin provided the staff report.

Mayor Settle opened the public hearing.

Naomi Wright, appellant, spoke in support of her appeal.

Mayor Settle closed the public hearing.

ACTION: Moved by Romero/Settle to adopt Resolution No. 9049 upholding the appeal of the Tree Committee's decision to deny the removal request and approving the request to remove a tree at 400 Foothill Boulevard causing undue hardship, with the condition that the property owner replace the tree with a 24" box tree of a species acceptable to the property owner and the City prior to the removal and with all costs to be paid for by the property owner; motion carried 5:0.

3. CONSIDERATION OF A MINOR SUBDIVISION AT 1129 GEORGE STREET (MS/ER/A 57-00).

Associate Planner McIlvaine provided the staff report and responded to questions from the Council.

Mayor Settle opened the public hearing.

Applicant John Evans, 1136 George Street, spoke in support of the project and noted that he concurs with the recommended conditions of approval. He responded to questions from the Council.

Bruce Hilton, 1148 George Street, spoke in support.

Mark Anderson, tenant at 1174 Ella Street, expressed concern about the density proposed.

Mark Lowerison, owner of 1174 Ella Street, stated that he was concerned about the architectural aspects of the project. He also voiced concern that the applicant is not the property owner and submitted for the record related correspondence.

Margarita Yin, 1151 Ella Street, expressed concern about the increased density and potential change in neighborhood character.

Katherine Dollard, 1101 Ella Street, expressed similar concern.

Lisa Lowerison, 1174 Ella Street, asserted that the proposed project will affect property value.

David Jeffrey, 1128 Iris Street, spoke in favor of approval and suggested Council consider adding a condition that there be no parking exceptions.

In response to Council inquiry, Applicant John Evans, reported that the escrow is contingent upon the approval of the project. He cannot obtain financing unless he obtains approval for the project, however financing is eminent with approval. He said he has no objection to agreeing to a restriction that no secondary units be added on.

Mayor Settle closed the public hearing.

City Attorney Jorgensen advised that the packet submitted by Lowerison relates to a dispute regarding prescriptive property rights and has no bearing on this issue.

Council agreed to amend the conditions of approval as follows: Add, "Secondary dwelling units shall be prohibited on lots resulting from this subdivision." Add an 'h': "No parking exceptions shall be granted."

**ACTION:** Moved by Romero/Marx to adopt Resolution No. 9050: 1) approving a mitigated negative declaration; 2) a tentative parcel map with exceptions to the subdivision and grading regulations; and 3) a use permit to allow an exception to the reduction of density with slope, based on findings and subject to conditions as amended; motion carried 5:0.

Break called at 8:50 p.m. At 9:00 p.m. the meeting resumed.

4. ENTERPRISE FUND RATE REVIEWS.

- A. 2000 WATER FUND REVIEW.
- B. 2000 SEWER FUND REVIEW.
- C. 2000 PARKING FUND REVIEW.
- D. 2000 TRANSIT FUND REVIEW.
- E. 2000 GOLF COURSE FUND RATE REVIEW.

Mayor Settle opened the public hearing. There was no public comment. Mayor Settle closed the public hearing.

**ACTIONS:** Moved by Ewan/Schwartz to review and file the 2000 annual water fund financial review. 2) Conceptually approve the proposed operating program change request (\$19,700 in 2000-2001, and \$25,700 per year through 2006), and capital improvement plan request (\$90,000), pending the June 20, 2000, budget review; 3) review and file the 2000 annual sewer fund financial review. 4) Conceptually approve the proposed operating program change request (\$11,300) and capital improvement plan request (\$30,000), pending the June 20, 2000, budget review; 5) to review and discuss the worksheet "Changes in Working Capital - Parking Fund"; 6) to review and discuss the worksheet "Changes in Working Capital - Transit Fund"; 7) adopt Resolution No. 9051 with the following fees for Laguna Lake Golf Course effective July 1, 2000: Senior/Youth Weekdays \$5.75, General Weekdays \$7.75, Weekends \$8.50, Senior/Youth Weekends \$6.50, Senior/Youth 10-Play Cards \$52.50, General 10-Play Cards \$62.50; and 8) Authorize a General Fund transfer of \$171,000 for general government costs and capital improvements; motion carried 5:0.

At 9:09 p.m. the Council adjourned to the Capital Improvement Board meeting.

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CAPITAL IMPROVEMENT BOARD

The Council convened as the Capital Improvement Board.

5. ANNUAL MEETING OF THE CAPITAL IMPROVEMENT BOARD.

**ACTION:** Moved by Romero/Marx to 1) approve the Minutes of the meeting held on September 21, 1999. 2) Elect officers for the Capital Improvement Board (President and Vice President); motion carried 5:0.

At 9:09 the Capital Improvement Board adjourned. The Council meeting reconvened.

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BUSINESS ITEMS

6. CAL POLY MASTER PLAN UPDATE REVIEW AND COMMENT.

Community Development Director Jonas provided the staff report. Linda Dalton, Cal Poly Vice Provost, indicated that comments received have been very constructive and many will be incorporated.

Vice Mayor Schwartz urged the University to consider the full impacts of the college on the community, particularly in the area of housing. Competition for housing is not with Cuesta College students, as stated in the Plan, but rather with low and moderate income families in SLO, he added. Vice Mayor Schwartz asked Cal Poly to consider the comments submitted to the City by Residents for Quality Neighborhoods.

Council Member Marx encouraged Cal Poly to begin now to educate students about what it means to live in a community and urged the University to consider the environmental impacts to the neighborhoods and the community as a whole when designing and constructing new facilities and amenities.

Council Member Ewan expressed concerns regarding transit programs and emphasized the need for creating solutions to traffic impacts.

Vice Mayor Schwartz suggested that comments made by Carla Saunders relative to an EIR and sound be forwarded as part of the City's comments.

**ACTION:** Moved by Romero/Ewan to forward recommendations by the City and correspondence received from the public to Cal Poly for inclusion in the Cal Poly Master Plan, emphasizing achievement of the Plan's policies and goals through cooperative involvement with the City and its citizens, and minimization of potential adverse impacts on the City's neighborhoods and on the community resulting from University growth or operations; motion carried 5:0.

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COUNCIL LIAISON REPORTS

None.

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COMMUNICATIONS

UNDERGROUND ELECTRIC SERVICE IN THE DOWNTOWN

Council Member Romero requested that Council direct staff to consider and report back on two options regarding installation of underground conduit in the downtown. Staff reported that there are no resources to fund the study and recommended that Council review the matter during budget discussions, if there is support. Discussion ensued. Staff agreed to install conduit in the new sidewalk on Higuera Street as part of the bridge replacement project.

Staff further agreed that the best way to plan for enhanced electrical infrastructure (e.g. conduit) in the downtown is through the completion of a long-range electrical service master plan. However, given the Public Works Departments' current workload and priorities, such an undertaking should be considered, and if appropriate, further defined through Council goal setting for the 2001-03 Financial Plan.

LEGISLATIVE ISSUES "BRICKS AND MORTARS"

Vice Mayor Schwartz suggested that the City send letters to legislators stating the City's position on the Educational Revenue Augmentation Fund (ERAF) cap and legislative issues. Council directed City Attorney Jorgensen to draft the letters.

COUNCIL MEETINGS OF JUNE 15<sup>TH</sup>

Mayor Settle announced two joint City Council meetings will be held at the Embassy Suites Hotel on Thursday, June 15<sup>th</sup>: 1) Joint meeting with the Cal Poly Foundation, Performing Arts Center Commission and the City Council to begin at noon. 2) Joint meeting with the seven cities in San Luis Obispo County starting at 7:00 p.m.

LEAGUE OF CALIFORNIA CITIES CHANNEL COUNTIES DIVISION MEETING

Council Member Romero announced that the next League of California Cities Channel Counties Division meeting is Friday, June 30<sup>th</sup> in Moorpark.

OLIVE FRUIT FLY

Mayor Settle announced that the San Luis Obispo County Agricultural Commissioner reports that the olive fruit fly has been found in the Laguna Lake area. The Commissioner will keep the City informed of mitigation measures.

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There being no further business to come before the City Council, Mayor Settle adjourned the meeting at 10:10 p.m. to, Thursday, June 15<sup>th</sup> at 12:00 noon the Embassy Suites in San Luis Obispo for purpose of meeting in a joint session with Poly Foundation and PAC Board.

  
Lee Price, C.M.C.  
City Clerk

APPROVED BY COUNCIL: 6/20/00  
LP:dr