

M I N U T E S  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF SAN LUIS OBISPO  
TUESDAY, MARCH 20, 2007 - 5:00 P.M.  
COUNCIL CHAMBER, 990 PALM STREET  
SAN LUIS OBISPO, CALIFORNIA

ROLL CALL:

Council Members

Present: Council Members Paul Brown, Andrew Carter, Allen Settle, Vice Mayor Christine Mulholland and Mayor Dave Romero

City Staff:

Present: Ken Hampian, City Administrative Officer; Lowell, City Attorney; Audrey Hooper, City Clerk; Shelly Stanwyck, Assistant City Administrative Officer; John Mandeville, Community Development Director; John Moss, Utilities Director; Jay Walter, Public Works Director; David Hix, Wastewater Division Manager; Barbara Lynch, City Engineer; Doug Davidson, Deputy Director Community Development - Development Review; Tyler Corey, Associate Planner; Neil Havlik, Natural Resources Manager; Freddy Otte, City Biologist

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STUDY SESSION

1. MUNICIPAL STORM WATER PROGRAM.

Wastewater Division Manager Hix presented the agenda report. He, Utilities Director Moss, City Engineer Lynch and City Attorney Lowell responded to questions throughout the presentation.

During the ensuing discussion, CAO Hampian explained that final details concerning program costs and staffing will be provided with the budget. He pointed out that while the implementation of the Storm Water Program is necessary to gain mandatory regulatory compliance, it is also important to the City because it will improve flood, creek and environmental protection.

Council Members commended staff in the development of and acknowledged the need for the Municipal Storm Water Program.

Council Member Settle and Mayor Romero expressed concern regarding the magnitude of the mandate and the additional future resources that may be required to meet this mandate.

Mayor Romero called for comments from the public at this time. None were forthcoming.

Council Member Settle expressed concern that this mandate may result in a potential conflict with other agencies. In addition, because he thought the monitoring costs may exceed the current estimates, he asked for additional cost information so that he can communicate it to legislators and make them aware that this unfunded federal mandate is exceeding what the City may be able to effectively accomplish.

**ACTION:** The City's Phase II Municipal Storm Water Program was reviewed and discussed. No action was taken.

Council recessed from 6:20 to 7:00 p.m. and the meeting reconvened with all members present.

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**PRESENTATIONS**

Rick Cohen, Executive Director of Big Brothers and Big Sisters, and Brittany Hoose, Community Outreach Specialist, discussed the contributions Fire Inspector Molly Brown has made in her role as a "big sister" mentor. Fire Marshall Jim Tringham accepted the award on Ms. Brown's behalf.

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**APPOINTMENTS**

**A1. 2007 APPOINTMENTS TO CITY ADVISORY BODIES.**

City Clerk Hooper presented the agenda report. Council Liaison Subcommittees recommended that scheduled vacancies be filled as indicated below.

**Architectural Review Commission (Subcommittee Members Mulholland and Brown)**

1. Reappoint Greg Wilhelm to a four-year term expiring March 31, 2011.
2. Appoint Jason Kambitis to a four-year term expiring March 31, 2011.

**Bicycle Advisory Committee (Subcommittee Members Brown and Carter)**

1. Reappoint Timothy Gillham to a four-year term expiring on March 31, 2011.
2. Reappoint Glen Matteson to a four-year term expiring on March 31, 2011.

**Construction Board of Appeals (Subcommittee Members Brown and Carter)**

1. Reappoint Niel Dilworth to a four-year term expiring on March 31, 2011.
2. Direct staff to re-advertise for the disabled representative vacancy which has remained unfilled since the 2006 recruitment.

**Cultural Heritage Committee (Subcommittee Members Carter and Settle)**

1. Reappoint Barbara Breska to a four-year term expiring on March 31, 2011.
2. Appoint John Fowler to a four-year term expiring on March 31, 2011.
3. Appoint Dean Miller to a three-year term expiring on March 31, 2010.
4. Appoint Elise Wheeler to a two-year term expiring on March 31, 2009

**Housing Authority (Subcommittee Member Mayor Romero)**

1. Reappoint Marti Reed as Member-at-Large to a four-year term expiring on March 31, 2011.
2. Reappoint Biz Steinberg as Member-at-Large to a four-year term expiring on March 31, 2011.
3. Direct staff to re-advertise for the senior tenant and regular tenant vacancies which remain unfilled.

**Human Relations Commission (Subcommittee Members Settle and Brown)**

1. Appoint Dan Pronsollno to a four-year term expiring on March 31, 2011.
2. Appoint Trey Duffy to a four-year term expiring on March 31, 2011.
3. Appoint Charlene Rosales to a four-year term expiring on March 31, 2011.

**Joint Use of Recreational Facilities Committee (Subcommittee Members Carter and Settle)**

1. Reappoint Nancy Cochrun to a four-year term expiring on March 31, 2011.

2. Appoint Colin Jones to a four-year term expiring on March 31, 2011.
3. Direct staff to re-advertise for two regular positions that remain unfilled.

Mass Transportation Committee (Subcommittee Members Carter and Settle)

1. Reappoint Denise Martinez as a Disabled Representative to a four-year term expiring on March 31, 2011.
2. Appoint Margaret Crockett as a Member-at-Large to a four-year term expiring on March 31, 2011.
3. Appoint Tracey Amundson as a Student Representative to a four-year term expiring on March 31, 2011.
4. Appoint Christine Batteate as an Alternate to a three-year term expiring on March 31, 2010.
5. Appoint Diana Gould-Wells as an Alternate to a two-year term expiring on March 31, 2009. (See red file memo on file in the City Clerk's office.)

Parks and Recreation Commission (Subcommittee Members Brown and Carter)

1. Appoint Rick May to a four-year term expiring on March 31, 2011.
2. Appoint Craig Kincaid to a four-year term expiring on March 31, 2011.
3. Appoint Bob Wolf to a one-year term expiring on March 31, 2008.

Personnel Board (Subcommittee Members Brown and Mulholland)

1. Reappoint Phillip Ruggles to a four-year term expiring on March 31, 2011.
2. Appoint Carol Sexton to a four-year term expiring on March 31, 2011.

Planning Commission (Subcommittee Members Mulholland and Romero)

Appoint Dan Carpenter to a four-year term expiring on March 31, 2011.

Promotional Coordinating Committee (Subcommittee Members Carter and Settle)

1. Appoint Cathie Babb to a four-year term expiring on March 31, 2011.
2. Appoint Rob Sexton to a four-year term and expiring on March 31, 2011.

**ACTION:** Moved by Settle/Mulholland to make appointments to the City's advisory bodies effective April 1, 2007, in accordance with the recommendations indicated above; motion carried 5:0 for all advisory bodies except the Promotional Coordinating Committee which carried 4:0:1 (Mayor Romero abstained because a relative of his was appointed to this Committee).

Council also directed staff to re-advertise for the five scheduled vacancies that staff was unable to fill and three unscheduled vacancies.

**A2. APPOINTMENT OF NEW SAN LUIS OBISPO DOWNTOWN ASSOCIATION BOARD OF DIRECTORS MEMBERS.**

This item was pulled from the Agenda and rescheduled to the April 17, 2007, Council meeting (per red file memo on file in the City Clerk's office).

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PUBLIC COMMENT

Gary Fowler, San Luis Obispo, explained why he thinks a new Senior Center should be built instead of making improvements to the existing facility. He also urged Council to ask for an exemption to build that facility on the Dalidio property.

Michael Helper, San Luis Obispo, expressed concerns regarding the enforcement practices of the parking meter employees in the downtown. He also suggested that the 10-hour motorcycle meters should be reduced to two-hour meters in the downtown corridor.

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**CONSENT AGENDA**

Mayor Romero referred to item C2, Council Meeting Minutes, and said the motion should incorporate the revisions contained in the red file memo. He also noted the revised resolution submitted with a red file memo for Item C6, Final Accept of Public Improvements for Tract 2726), which should be incorporated into the motion. (Both memos are on file in the City Clerk's office.)

Andrew Carter asked that item C4, Compensation Philosophy, be pulled for a separate discussion.

**ACTION:** Moved by Settle/Brown to approve Consent Agenda items, with the exception of Item C4, as indicated below.

**C1. MINUTES OF MARCH 1 AND 6, 2007.**

**ACTION:** Moved by Settle/Brown to waive oral reading and approve as amended (memo on file in the City Clerk's office); motion carried 5:0.

**C2. APPROVE AMENDMENT NO. 1 TO CONTRACT WITH URS CORPORATION FOR SEISMIC ANALYSIS OF SALINAS DAM.**

**ACTION:** Moved by Settle/Brown to: 1) Approve Amendment No. 1 to the contract with URS Corporation (URS) for Phase IIB seismic analysis of the Salinas Dam in the amount of \$41,407 and authorize the Mayor to execute the contract. 2) Appropriate \$41,407 from Water Fund working capital to the Salinas Dam Seismic Account (90626) for these services; motion carried 5:0.

**C3. LASER FICHE CONVERSION PROJECT.**

**ACTION:** Moved by Settle/Brown to approve an Agreement with DataNET Solutions in an amount not to exceed \$77,292.96 to convert Police reports and documents currently stored on microfiche and paper to LaserFiche and authorize the Mayor to execute the Agreement; motion carried 5:0.

**C4. RESOLUTION TO ADOPT A COMPENSATION PHILOSOPHY.**

Following a discussion initiated by Council Member Carter, Council agreed to revise the resolution as indicated in the following motion.

Mayor Romero called for public comments on this item.

Matt Kokkonen, San Luis Obispo Financial Planner, and Patricia Wilmore, SLO Chamber of Commerce, spoke in favor of the revised language, particularly as in some instances private and public sector employers compete to fill positions.

**ACTION:** Moved by Carter/Brown to adopt Resolution No. 9885 (2007 Series) with the addition of a new item C in section 2, "The relative labor market for certain positions will also consider local private sector employers," and deletion of language in subsection D related to the private sector; motion carried 5:0.

**C5. REQUEST FOR PROPOSALS FOR CRIME PREVENTION AND COMMUNITY OUTREACH MARKETING SERVICES.**

**ACTION:** Moved by Settle/Brown to approve a request for proposals for Crime Prevention & Community Outreach Marketing Services (Specification No. 90627) for fiscal years 2007-2009 and authorize the CAO to award a contract if the proposed contract amount is less than \$55,700; motion carried 5:0.

**C6. FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR TRACT 2726 – A 168 UNIT RESIDENTIAL CONDOMINIUM (CONVERSION) SUBDIVISION 1017 SOUTHWOOD DRIVE, (PARKWOOD CONDOMINIUM, INC - SUBDIVIDER).**

**ACTION:** Moved by Settle/Brown to adopt a revised Resolution No. 9886 (2007 Series) accepting the public improvements, and reducing the improvement security for private improvements in conjunction with Tract 2726 per a red file memo (on file in the City Clerk's office); motion carried 5:0.

**C7. AUTHORIZATION OF APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) FOR FUNDING UNDER THE 2006 WORKFORCE HOUSING REWARD (WFH) PROGRAM (PROPOSITION 46).**

**ACTION:** Moved by Settle/Brown to adopt Resolution No. 9887 (2007 Series) authorizing the City Administrative Officer or his designee to complete and submit an application to HCD for the WFH Program and target the WFH funds to match existing City and CDBG funds for the replacement of the Laguna Lake Park Restrooms for ADA compliance; motion carried 5:0.

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**PUBLIC HEARINGS**

**2. VESTING TENTATIVE TRACT MAP AND PLANNED DEVELOPMENT REZONE TO CREATE TWELVE SINGLE-FAMILY RESIDENTIAL LOTS WITH EXCEPTIONS (300 LAWRENCE DRIVE, TR/RD/ER 82-05).**

Community Development Director Mandeville and Associate Planner Corey presented the agenda report.

Mayor Romero opened the public hearing.

Michael Coss, developer, discussed the history of the project and the redesigns that were submitted. He explained why he thought that the completion of the environmental review would respond to the neighbor's concerns and would assist staff in providing more direction.

Marshall Ochylski, Attorney and applicant's representative, reviewed the policy issues contained in his letter dated March 20<sup>th</sup> (on file in the City Clerk's office).

Greg McGown, applicant's representative, reviewed several of the General Plan policies and suggested that Council, as lead agency, can determine the appropriate CEQA document.

Mr. Coss and staff responded to Council's questions.

Deputy Director Community Development Davidson stated, for the record, that the same policies that applied to the 1994 Open Space Element would have applied whether the project was reviewed in 1997 or 2007.

The following people spoke in support of the developer and his proposal, and asked Council to make policy decision that would permit development on the project site:

Brian Holden, Los Osos  
Al Hummel, San Luis Obispo  
Mark Perry, Oceano  
Barbara Coss, San Luis Obispo  
Natalie Tartaglia, San Luis Obispo  
Cirus Bany, San Luis Obispo

The following people spoke against the development as proposed and supported the recommendation of the Planning Commission.

Arnold Jonas, San Luis Obispo  
Dan Caldon, San Luis Obispo  
Shawn McNabb, San Luis Obispo  
Dave Hacker, San Luis Obispo  
Mike Emnke, San Luis Obispo  
Liz Ellis, San Luis Obispo  
Jim Eckhart, San Luis Obispo

Mayor Romero closed the public hearing.

Council recessed from 9:13 to 9:25 p.m. and the meeting reconvened with all members present.

During the ensuing discussion, Council Members agreed that the tentative map was inconsistent with the General Plan in several respects and does not meet Planned Development (PD) zone requirements. The following is a summary of their concerns and recommendations:

Vice Mayor Mulholland pointed out the need for small, low-income housing rather than a traditional subdivision with large lots and suggested a more innovative project that will respond to the site's constraints.

Council Member Settle suggested that the fill can be removed and trees can be relocated, but that the project should utilize clustered development to preserve other natural resource features.

Council Member Brown said he was not concerned with the removal of the California Buckeye trees, but that the proposal contains too many units.

Council Member Carter said he wouldn't rule out development, but could not visualize as many as 10 to 12 lots on the site. He expressed concern about drainage, traffic, and privacy issues. He suggested using speed bumps for traffic control.

Mayor Romero supported development on the site, but said the number of units should be less than 12. He preferred a standard cul de sac at the end of Lawrence Drive, thought the fill needs to be replaced, did not have concerns with the removal of the California Buckeye trees, thought the presence of the wetlands and Adobe Sanicle as well as privacy issues precluded building on the lower three lots, and suggested that the drainage from all of the units should be carried in an underground pipe system. He also suggested that fees should be waived for the re-submittal of an application.

It was moved by Mulholland/Settle to approve the CAO recommendation denying a vesting tentative tract map and Planned Development rezone.

Council Member Carter asked that the references to Conservation and Open Space Element policies 7.22.1 (Protection of Significant Trees) and 7.22.4 (Preservation of Grassland Communities and Other Habitat Types) in section 1, subsection 1, removed from the resolution denying the application.

A discussion followed during which Natural Resources Manager Havlik clarified that the native grassland area includes the Mariposa Lilly, which is a species of concern. Additionally, City Attorney Lowell clarified that Council may wish to specify if the denial is without prejudice to allow the applicant to resubmit an application without having to wait the requisite one-year period.

Vice Mayor Mulholland and Council Member Settle concurred to amend the motion as indicated below.

Vice Mayor Mulholland stated for the record that she would support the amended motion, but disagreed with the reason for removing the policies as requested by Council Member Carter.

Mayor Romero reiterated that he would consider the development acceptable with less than 12 units, that Lawrence Drive should terminate in a standard cul de sac, that the fill should be eliminated, and that no development should be permitted on the lower three lots.

Council Member Carter expressed concern regarding precluding all development on the lower portion of the site.

Community Development Director Mandeville clarified that the Mariposa Lilly is afforded the same protection by the General Plan as other species in the lower portion of the site, which may preclude a lot in that area. He added that preserving and properly mitigating other impacts in that area did not require that Council preclude development in the entire lower third of the site. Instead, protecting the resources with buffer areas as described in the General Plan would be sufficient, and may be an option for the applicant to obtain one of the findings required in the PD zone.

**ACTION:** Moved by Mulholland/Settle to adopt Resolution No. 9888 (2007 Series), denying a vesting tentative tract map and Planned Development rezone to create twelve single-family residential lots with exceptions (TR/PD/ER 82-05). The motion included the following revisions to the resolution: 1) deleting the references to Conservation and Open Space Element policies 7.22.1 (Protection of Significant Trees) and 7.22.4 (Preservation of Grassland Communities and Other Habitat Types) in section 1, subsection 1, and 2) adding language in section 2 denying the project without prejudice so as to allow a revised application to be submitted without the need to wait for one year. Motion carried 5:0.

**ACTION:** Moved by Settle/Brown to provide staff and developer with the following direction: 1) Development of the site is not appropriate on the upper steeply sloped open space portion of the site, 2) The open space resources located on the lower portion of the site, including the wetlands, Adobe Sanicle, Cambria Morning Glory and Mariposa Lilly shall be preserved with appropriate buffers, and therefore those areas of the lower portion of the site are not appropriate for development. 3) The central portion of the site that has been disturbed and is covered with fill material is an appropriate area for development. 4) Application fees for a new submittal, where duplicative of fees paid for the current proposal, shall be waived. Motion carried 4:1 (Mulholland opposed).

CAO Hampian made closing remarks which included, in part, the need to focus on City policies and the Council's direction at this meeting for a future submittal. He also noted that he and Community Development Director Mandeville will take into consideration comments regarding staff assignments for future submittals, and urged the applicant to consider adding a professional planner to his team with experience working with challenging and complex projects like this one.

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The Agenda was reordered to consider Council Liaison Reports at this time.

#### COUNCIL LIAISON REPORTS

Mayor Romero reported on his attendance at the March 7<sup>th</sup> SLO Council of Governments meeting. (His report is on file in the City Clerk's office.)

Council Member Settle reported on his attendance at a meeting of the Performing Arts Center (PAC) Facilities Committee and submitted information on the capital improvement programs pending for the PAC.

Vice Mayor Mulholland reported on her attendance at the March 7<sup>th</sup> County Water Resources Advisory Committee meeting. She also reported on her attendance at the March 14<sup>th</sup> Integrated Waste Management Board meeting.

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#### COMMUNICATIONS

Vice Mayor Mulholland said she attended the Ahwahnee Conference over the weekend and will provide further information on the conference in the future.

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#### STUDY SESSION

### 3. UPDATE ON ACTIVITIES OF THE NATURAL RESOURCES PROTECTION PROGRAM IN 2006.

Assistant CAO Stanwyck introduced this item, following which Natural Resources Manager Havlik, and the City Biologist Otte, presented a report on the activities of the Natural Resources Protection Program in 2006 and the outlook for 2007. At the end of the presentation, City Biologist Otte displayed a video of steelhead trout spawning in SLO Creek taken on March 6th at the site of a silt removal project.

Mayor Romero called for public comments at this time.

Patricia Wilmore, SLO Chamber of Commerce, acknowledged the success of the City's Natural Resources Program and expressed appreciation to staff for their accomplishments.

ACTION: Council received the report. No action was taken.

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There being no further business to come before the City Council, Mayor Romero adjourned the meeting at 11:15 p.m. to Tuesday, April 3, 2007, in the Council Chamber, 990 Palm Street, San Luis Obispo.

  
Audrey Hooper  
City Clerk

APPROVED BY COUNCIL: 04/03/07