

M I N U T E S
REGULAR MEETING OF THE CITY COUNCIL
CITY OF SAN LUIS OBISPO
TUESDAY, APRIL 3, 2007 - 7:00 P.M.
COUNCIL CHAMBER, 990 PALM STREET
SAN LUIS OBISPO, CALIFORNIA

ROLL CALL:

Council Members

Present: Council Members Paul Brown, Andrew Carter, Vice Mayor Christine Mulholland and Mayor Dave Romero were present at Roll Call. Council Member Allen Settle was seated immediately thereafter.

City Staff:

Present: Ken Hampian, City Administrative Officer; Jonathan Lowell, City Attorney; Audrey Hooper, City Clerk; Shelly Stanwyck, Assistant City Administrative Officer; John Mandeville, Community Development Director; Bill Statler, Finance Director; John Callahan, Fire Chief; Jay Walter, Public Works Director; Claire Clark, Economic Development Manager; Tim Girvin, Chief Building Official

PRESENTATIONS

Mayor Romero presented a proclamation to Laura Lehman, Principal, and several students, of Laureate Private School, recognizing April as the Month of the Child.

PUBLIC COMMENT

Terry Mohan, San Luis Obispo, expressed concern regarding traffic at the intersection of Foothill Boulevard and Santa Rosa Street. He also discussed concerns regarding the intersection of Pacific and Broad Street.

Public Works Director Walter briefly reviewed the changes made at the intersection of Foothill and Santa Rosa. Staff will explore and report back to Council on intersection efficiencies at this location.

CONSENT AGENDA

Dan Carpenter, San Luis Obispo, spoke in support of item C2, Traffic Signal installation at Johnson Avenue and Ella Street.

Terry Mohan, San Luis Obispo, spoke in opposition to item C2 and explained why he thinks that an island should be installed on Fixlini.

Council Member Carter supported the use of the Carnegie Library by the Historical Society (item C7), but had concerns that the City was not only providing the property at no cost, but was incurring costs for maintaining it as well.

ACTION: Moved by Brown/Mulholland to approve the Consent Agenda as recommended by the City Administrative Officer; motion carried as indicated below.

C1. MINUTES OF MARCH 15 AND 20, 2007.

ACTION: Moved by Brown/Mulholland to waive oral reading and approve as presented; motion carried 5:0.

C2. TRAFFIC SIGNAL INSTALLATION AT JOHNSON AVENUE AND ELLA STREET, SPECIFICATION NO. 90574.

ACTION: Moved by Brown/Mulholland to: 1) Approve plans and specifications for the "Traffic Signal Installation at Johnson and Ella, Specification No. 90574." 2) Authorize staff to advertise for bids and authorize the CAO to award the contract if the lowest responsible bid is within the Engineer's Estimate of \$200,000. 3) Appropriate \$56,000 to the project from the Transportation Impact Fee Fund balance. 4) Authorize the transfer of \$15,000 from the design phase account to the construction phase account; motion carried 5:0.

C3. NEW BISHOP WATER STORAGE TANK, SPECIFICATION NO. 90232B.

ACTION: Moved by Brown/Mulholland to approve an amendment to an Agreement with Advantage Technical Services, Inc. in the amount of \$15,400 for additional construction inspection services associated with the New Bishop Water Storage Tank, Specification Number 90232B, and authorize the Mayor to execute the Amendment; motion carried 5:0.

C4. MID-HIGUERA WIDENING, SPECIFICATION NO. 90073B, AMENDMENT #3 TO ENVIRONMENTAL SERVICES CONTRACT.

ACTION: Moved by Brown/Mulholland to approve and execute Amendment #3 to the Agreement to Furnish Environmental Services for the Mid-Higuera Widening Project, Specification No. 90073B, in the amount of: \$32,935 with Morro Group, Inc.; motion carried 5:0.

C5. CONSULTANT SERVICES FOR DEVELOPMENT OF LOCAL DISCHARGE LIMITS.

ACTION: Moved by Brown/Mulholland to: 1) Approve an agreement with Larry Walker Associates for development of local discharge limits for an amount not to exceed \$52,300 and authorize the Mayor to execute the Agreement. 2) Appropriate \$52,300 from Sewer Fund Working Capital to Pretreatment Contract services for this project. 3) Appropriate \$30,000 from Sewer Fund Working Capital to Pretreatment Laboratory services for sampling analysis for the project; motion carried 5:0.

C6. PUMP REPAIRS FOR LAGUNA LIFT STATION.

ACTION: Moved by Brown/Mulholland to appropriate \$47,400 from Sewer Fund Working Capital to Wastewater Collection contract services for pump repair and emergency pump rentals; motion carried 5:0.

C7. NEW LEASE AGREEMENT WITH THE HISTORICAL SOCIETY FOR THE PROPERTY LOCATED AT 696 MONTEREY STREET (CARNEGIE LIBRARY).

ACTION: Moved by Brown/Mulholland to rescind the current lease agreement and approve a new 20-year (with a potential 20-year extension) lease agreement with the Historical Society for operation of the County Historical Museum at the Carnegie

Library and authorize the Mayor to execute the Agreement; motion carried 4:1
(Carter opposed).

PUBLIC HEARINGS

1. MULTI-DWELLING PROPERTY FIRE AND LIFE SAFETY INSPECTION PROGRAM.

Fire Chief Callahan presented the staff report and responded to questions.

Mayor Romero opened the public hearing.

Terry Mohan, San Luis Obispo, opposed the proposed reduction and explained why he did not think the City should bear any of the costs for this program.

The following people spoke in support of the recommendation:

Leslie Halls, San Luis Obispo
Steve Delmartini, San Luis Obispo
Steve Barasch, San Luis Obispo

Mayor Romero closed the public hearing.

During the ensuing discussion, Council Members indicated their support of the program. Questions were raised related to cost recovery. Fire Chief Callahan, Finance and IT Director Statler, and City Attorney Lowell responded and clarified that the fees need to reasonably reflect the cost of providing the inspection services.

Council Member Carter explained that while he supports the program, he would oppose the recommendation. He felt the reinspection fee should be higher as well as the per unit fees for fraternities and motels.

Council Member Brown also supported the program. He said that he would not support increasing the cost recovery for a second inspection. However, he supported a higher fee for the third and subsequent inspections.

ACTION: Moved by Settle/Mulholland to adopt Resolution No. 9889 (2007 Series) approving a 50% cost recovery fee structure for the Multi-Dwelling Property Fire and Life Safety Inspection Program by: 1) Reducing annual apartment/R-1 condominium per unit fees from \$50 per unit to \$28 per unit. 2) Reducing maximum annual fee for large apartment properties (over 500 units) from \$15,000 to \$10,000. 3) Increasing the inspection fee from \$62 to \$112.50 for the third, and each subsequent inspection to address continued non-compliance at some properties; motion carried 3:2 (Brown/Carter opposed).

2. UNREINFORCED MASONRY (URM) HAZARD MITIGATION DEADLINES AND EXCEPTIONS AS CONTEMPLATED IN MUNICIPAL CODE SECTION 15.04.050.

Assistant City Administrative Officer Stanwyck introduced this item, following which Economic Development Manager Clark presented the report. Chief Building Official Girvin was present to respond to questions.

Economic Development Manager Clark clarified that the recommendation included adopting a resolution to implement deadlines for buildings not seismically retrofitted to Level A as of July 1, 2007, and that clarifying language has been added to clause 3.b of the resolution

regarding redevelopment proposals (i.e., "Projects which propose replacement of an existing structure with a new structure").

Mayor Romero opened the public hearing.

Allan Cooper, San Luis Obispo, read a statement in which he discussed his opposition to providing incentives for demolitions, particularly of historic properties. (Mr. Cooper's statement is on file in the City Clerk's office.)

David Brodie, San Luis Obispo, suggested that consideration be given to owners of listed historical buildings, and that the City investigate financing mechanisms to assist owners of those buildings if they have financial hardships.

Elizabeth Abrahams, San Luis Obispo, discussed her concerns regarding the demolition of historic buildings and concurred with Mr. Cooper and Mr. Brodie.

Patricia Willmore, Chamber of Commerce, referred to a March 29th letter from the Chamber (on file in the City Clerk's office) and discussed the Chamber's support of the staff recommendation.

Deborah Cash, Downtown Association Administrator, discussed the Board of Directors' action at its meeting of March 30th to support the staff's recommendation. (Ms. Cash's memo confirming the Board's action is on file in the City Clerk's office.)

Steve Barasch, San Luis Obispo, suggested that a more focused group assessment should be done on buildings that are in close proximity that will be undergoing retrofitting at the same time in order to avoid the potential for creating a greater hazard than currently exists.

Joseph Abrahams, San Luis Obispo, concurred with Mr. Cooper's and Mr. Brodie's suggestions and urged Council not to permit buildings to be demolished that can be retrofitted.

Mayor Romero closed the public hearing.

Economic Development Manager Clark, Assistant CAO Stanwyck, City Attorney Lowell and CAO Hamplan responded to questions and concerns.

During the ensuing discussion Council Members Carter and Settle, Vice Mayor Mulholland and Mayor Romero spoke in support of the recommendation.

Council Member Brown supported the program, but questioned the feasibility of the recommendation. He explained why he thinks that it won't guarantee compliance, that it is not equitable, and that it may create confusion for property owners.

ACTION: Moved by Carter/Settle to: 1) Adopt Resolution No. 9890 (2007 Series) to implement deadlines for buildings not seismically retrofitted to Level A as of July 1, 2007, with exceptions for redevelopment projects, nonprofit building owners, and "planned retrofit" projects. 2) Direct staff to return with changes to the master fee schedule to eliminate favorable fees upon expiration of the building permit for retrofit and related work; motion carried 4:1 (Brown opposing).

Council recessed from 9:14 to 9:25 p.m. and reconvened with all members present.

3. TRANSFER OF CONTROL UNDER FRANCHISE ORDINANCES 1390 AND 1391, GRANTING RIGHTS TO TRANSPORT OIL AND HYDROCARBON GASES, TO CONOCOPHILLIPS COMPANY AND CONOCOPHILLIPS PIPELINE COMPANY, RESPECTFULLY.

City Attorney Lowell presented the staff report.

Mayor Romero opened the public hearing.

None were forthcoming and Mayor Romero closed the public hearing.

ACTION: Moved by Settle/Mulholland to: 1) Introduce Ordinance No. 1503 (2007 Series) approving the transfer of rights and obligations under Franchise Ordinance 1390 from Tosco Corporation to ConocoPhillips Company and amending Ordinance No. 1390 to reflect the transfer. 2) Introduce Ordinance No. 1504 (2007 Series) approving the transfer of rights and obligations under Franchise Ordinance 1391 from Union Pipeline Company ("Unocap"), a California Corporation and wholly owned subsidiary of ConocoPhillips Company to ConocoPhillips Pipe Line Company and amending Ordinance No. 1391 to reflect the transfer; motion carried 5:0.

BUSINESS ITEMS

4. MILLS ACT CONTRACT FOR THE HISTORIC OLD SAN LUIS OBISPO HIGH SCHOOL ECONOMICS BUILDING (CHC 190-06, 2030 JOHNSON).

Community Development Director Mandeville presented the staff report.

Public Comments

Dan Carpenter, applicant, spoke on behalf of the application.

---end of public comments---

ACTION: Moved by Mulholland/Carter to adopt Resolution No. 9891 (2007 Series) approving Mills Act contract for the historic Old San Luis Obispo High School Economics Building located at 2030 Johnson Avenue (CHC 190-06); motion carried 5:0.

COUNCIL LIAISON REPORTS

Vice Mayor Mulholland reported on her attendance March 28th at the Air Pollution Control District Board meeting. She also reported on a Building Livable Communities conference she recently attended.

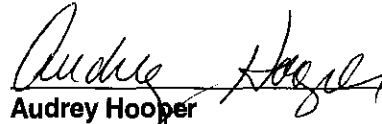
Council Member Settle reported on a League of California Cities meeting on revenue taxation which he and City Attorney Lowell recently attended.

Council Member Brown reported on a luncheon he hosted last week on the subject of homeless services in the City.

COMMUNICATIONS

In response to an inquiry by City Clerk Hooper, and in accordance with past practice, Council concurred to cancel the August 7th City Council meeting.

There being no further business to come before the City Council, Mayor Romero adjourned the meeting at 9:45 p.m. to Tuesday, April 17, 2007, in the Council Chamber, 990 Palm Street, San Luis Obispo.



Audrey Hooper
City Clerk

APPROVED BY COUNCIL: 04/17/07