

MINUTES
MEETING OF THE CITY COUNCIL
CITY OF SAN LUIS OBISPO
TUESDAY, JUNE 1, 2010
990 PALM STREET
SAN LUIS OBISPO, CALIFORNIA

4:00 P.M. – SPECIAL MEETING – COUNCIL HEARING ROOM

ROLL CALL:

Council Members

Present: Council Members John Ashbaugh, Jan Howell Marx, Allen K. Settle, and Vice Mayor Andrew Carter. **Absent:** Mayor Dave Romero

City Staff

Present: Katie Lichtig, City Manager, Christine Dietrick, City Attorney, Shelly Stanwyck, Assistant City Manager, and Sue Chippendale, Deputy City Clerk, were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

BUSINESS ITEMS

ENTERPRISE FUND FISCAL REVIEW

1. 2010 LAGUNA LAKE GOLF COURSE FUND RATE REVIEW.

Parks and Recreation Director Kiser introduced this item and presented the agenda report and responded to Council questions.

Public Comments

The following citizens spoke in support of continuing to maintain the Laguna Lake Golf Course as a golf course:

June Minikel, San Luis Obispo
Ginny Terrill, San Luis Obispo
Peg Brown, San Luis Obispo
Mary Parker, San Luis Obispo
Ruth Starr, San Luis Obispo
Dan Hinz, San Luis Obispo
Roger Zino, employee at LLGC
Joan Scholz, San Luis Obispo
Carolyn Smith, San Luis Obispo
Willie Long, San Luis Obispo

Allen Hensley, Arroyo Grande

Paul Karir, Pismo Beach

---end of public comments---

Council Member Ashbaugh spoke in opposition to raising rates as proposed. Mr. Ashbaugh suggested a partial increase.

Council Member Settle spoke in opposition to any fee increases.

Council Member Marx spoke about her concerns with the number of City residents utilizing the Golf Course, and recommended an analysis of maintaining the golf course as a park. Ms. Marx spoke in support of not raising green fees.

Vice Mayor Carter spoke in opposition to increasing the golf course fees.

ACTION: Moved by Settle/Ashbaugh to not increase the green fees at Laguna Lake Golf Course for 2010; motion carried 4:0.

ACTION: Moved by Settle/Ashbaugh to approve Items 3 and 4 with modification to the General Fund Transfer to reflect no green fee increase for 2010-11; motion carried 3:1 (Marx opposed).

2. 2010 TRANSIT ENTERPRISE FUND REVIEW.

Director of Public Works Walter introduced this item, following which Transit Manager Webster and Public Works Administrative Analyst Mudgett presented the agenda report and responded to Council questions.

Public Comments

There were no public comments.

---end of public comments---

ACTION: Moved by Settle/Marx to approve staff recommendation as presented; motion carried 4:0.

3. 2010 PARKING ENTERPRISE FUND REVIEW.

Parking Services Manager Horch and Public Works Administrative Analyst Mudgett presented the agenda report and responded to Council questions.

Public Comments

Deborah Cash, Downtown Association Executive Director, commended staff for managing the parking in the downtown area. Ms. Cash also spoke in opposition to fee increases.

---end of public comments---

Council discussion ensued during which they discussed charging for parking on Sunday's, the City's Meter Key Program, and differential meter rates.

ACTION: Moved by Marx/Settle to conceptually approve the Parking Enterprise Fund budget of 2010-11, with repeal of the scheduled rate increase to the parking structure and the non-core parking meter rates, with final action on June 15, 2010, with the adoption of the 2010-11 Budget, and directed staff to complete expeditious analysis of Sunday afternoon charges and meter differential rates; motion carried 4:0.

4. 2010 WATER FUND REVIEW.

Utilities Director Mattingly introduced this item, following which Senior Administrative Analyst Bishop and Water Division Manager Henderson presented the agenda report and responded to questions.

Public Comments

There were no public comments.

---end of public comments---

ACTION: Moved by Ashbaugh/Settle to approve Staff recommendations as presented; motion carried 4:0.

5. 2010 SEWER FUND REVIEW.

Utilities Director Mattingly introduced this item, following which Wastewater Division Manager Dave Hix and Senior Administrative Analyst Katherine Bishop presented the agenda report and responded to Council questions.

Public Comments

There were no public comments.

---end of public comments---

Vice Mayor Carter spoke about his concerns regarding the stringent environmental regulations imposed on the City by the Regional Water Quality Control Board.

ACTION: Moved by Settle/Marx to approve staff recommendations as presented; motion carried 4:0.

ADJOURN TO CLOSED SESSION AT 6:42 P.M.

ANNOUNCEMENT OF CLOSED SESSION TOPIC

City Attorney Dietrick announced the following Closed Session topic:

CONFERENCE REGARDING PROPERTY NEGOTIATIONS

Pursuant to Government Code § 54956.8

PROPERTY:	736 Marsh Street
NEGOTIATING PARTIES:	
City of San Luis Obispo:	Katie Lichtig, Shelly Stanwyck, J. Christine Dietrick
WestPac:	Hamish Marshall
NEGOTIATIONS:	Direction on terms of real property negotiation

PUBLIC COMMENT ON CLOSED SESSION ITEM

Mayor Romero called for public comments. None were forthcoming and the meeting adjourned to the Closed Session.

CLOSED SESSION REPORT

City Attorney Dietrick reported on the Closed Session at the commencement of the 7:00 p.m. Regular Meeting.

The Closed Session adjourned at 7:00 p.m.

7:00 P.M. – REGULAR MEETING – COUNCIL CHAMBER

Vice Mayor Carter called the Regular Meeting to order at 7:10 p.m.

CLOSED SESSION REPORT

City Attorney Dietrick reported that Council met in Closed Session at 6:43 p.m. to discuss Property Negotiations as indicated above. No further reportable action was taken.

PRESENTATIONS

Vice Mayor Carter presented certificates of appreciation to San Luis Obispo High School students for their community service.

PUBLIC COMMENT

Vice Mayor Carter opened the public hearing.

David Arndt, San Luis Obispo, spoke about his concerns regarding the Sewer Replacement Project and requested to delay the project until late June.

City Manager Lichtig, along with Council concurrence, agreed that the project should be delayed and asked that Mr. Arndt speak with Public Works Director Walter for clarification.

Linda A. Groover, San Luis Obispo, spoke about her concerns regarding building height limits.

Gary Fowler, San Luis Obispo, spoke about his concerns regarding the current police officer investigations.

City Attorney Dietrick explained that proper procedures must be followed in compliance with the law and failure to follow can result in reversal of disciplinary action, and further costs to the City.

Terry Mohan, San Luis Obispo, spoke about his concerns regarding proper cyclist etiquette.

---end of public comments---

CONSENT AGENDA

Council Member Marx stated in regards to Item C6, that the property she owns on Orcutt Road is more than 500 feet from the address in question; therefore she is able to vote on that item.

ACTION: Moved by Ashbaugh/Settle to approve the Consent Agenda as indicated below including amendments (4:0).

C1. MINUTES OF APRIL 6 AND APRIL 13, 2010.

ACTION: Moved by Ashbaugh/Settle to waive oral reading and approve as amended; motion carried 4:0.

C2. NOVEMBER 2, 2010, GENERAL MUNICIPAL ELECTION.

ACTION: Moved by Ashbaugh/Settle to: 1. Adopt Resolution No. 10177 (2010) calling for, and giving notice of, a General Municipal Election on Tuesday, November 2, 2010,

and adopting regulations pertaining to candidates' statements. 2. Adopt Resolution No. 10178 (2010) requesting that the San Luis Obispo County Board of Supervisors consolidate the November 2, 2010, General Municipal Election with the Statewide General Election to be held on that date; motion carried 4:0.

C3. UNDERWRITER SELECTION: ANALYSIS OF PENSION COST REDUCTION OPPORTUNITIES.

ACTION: Moved by Ashbaugh/Settle to authorize the City Manager to issue a request for proposals for an underwriter to serve as part of a financing team that will analyze cost reduction opportunities via the issuance of pension obligation bonds for the City's Safety Plan "side pool;" and to award the contract to the most qualified firm; motion carried 4:0.

C4. OPTION AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY WITH IRISH HILLS PLAZA WEST, LLC.

ACTION: Moved by Ashbaugh/Settle to adopt Resolution No. 10179 (2010): 1. Authorizing the Mayor to exercise the option to purchase 310 acres of land at the Froom Ranch from Irish Hills West, LLC, at an agreed purchase price of \$635,500, and accept the title to the property on behalf of the City of San Luis Obispo. 2. Authorizing the conveyance of a Deed of Conservation Easement to the Land Conservancy of San Luis Obispo County covering the 310 acres. 3. Providing certain assurances regarding historical and archeological resources on the property to the Federal Land and Water Conservation Fund. 4. Providing a deed restriction covering the property as required by the Nature Conservancy of California. 5. Direct staff to advance funds into the escrow to accommodate the Federal Land and Water Conservation Fund program, which provides reimbursements. 6. Authorizing the City Attorney to approve any non-substantive changes required to the documents to facilitate the transaction; motion carried 4:0.

C5. FISCAL YEAR 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM APPLICATION.

ACTION: Moved by Ashbaugh/Settle to: 1. Authorize staff to submit an application for a 2010 Edward Byrne Memorial Justice Assistance Grant in the amount of \$16,847 to purchase crime prevention and detection technology and to fund officer training. 2. If the grant is awarded, authorize the City Manager to execute necessary grant documents; motion carried 4:0.

C6. FINAL ACCEPTANCE OF A PORTION OF SUBDIVISION IMPROVEMENTS (CREEKSTON FRONTAGE, M07-009, 791 ORCUTT) FOR TRACT 2707 – A RESIDENTIAL CONDOMINIUM SUBDIVISION AT 953 ORCUTT ROAD (CITYVIEW CREEK, AKA WATT COMMUNITIES).

ACTION: Moved by Ashbaugh/Settle to adopt Resolution No. 10180 (2010) accepting the public improvements for the Creekston frontage portion at 791 Orcutt Road (M07-009) for Tract 2707 and releasing the corresponding sureties; motion carried 4:0.

C7. CITY HALL ROOF REPAIRS, SPECIFICATION NO. 90778.

ACTION: Moved by Ashbaugh/Settle to: 1. Approve plans and specifications for City Hall Roof Repairs, Specification No. 90778. 2. Authorize staff to advertise for bids. 3. Authorize the City Manager to award a construction contract if the lowest responsible bid is less than the Engineer's Estimate of \$250,000. 4. Approve a transfer of \$50,000 from the project construction account to the project construction management account; motion carried 4:0.

C8. AMENDMENT TO THE SAN LUIS OBISPO MUNICIPAL CODE REQUIRING CITY TAXES TO BE PAID PRIOR TO CLAIMANTS SEEKING JUDICIAL RELIEF.

ACTION: Moved by Ashbaugh/Settle to introduce Ordinance No. 1549 (2010 Series) to require that a City tax be paid before a person contesting the validity or the amount of the tax may seek judicial relief; motion carried 4:0.

C9. REVIEW OF HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT ENDORSED UPDATE OF THE HOUSING ELEMENT OF THE CITY'S GENERAL PLAN.

ACTION: Moved by Ashbaugh/Settle to adopt Resolution No. 10181 (2010) to approve the State Housing and Community Development Department endorsed update of the Housing Element of the General Plan and associated Negative Declaration of environmental effects; motion carried 4:0.

C10. SAFE ROUTES TO SCHOOL GRANT APPLICATION.

ACTION: Moved by Ashbaugh/Settle to: 1. Approve the project to install speed feedback signs and school warning beacons on Los Osos Valley Road near Laguna Middle School. 2. Direct staff to seek funding for the project from the Safe Routes to School grant funding program provided by the State. 3. Approve the minimum ten percent (10%) funding match of \$4,500 from the Annual Traffic Safety Budget required for the grant funding program; motion carried 4:0.

PUBLIC HEARING

6. CONSIDERATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (EIR), USE PERMIT AND VESTING TENTATIVE TRACT MAP FOR THE GARDEN STREET TERRACES PROJECT.

City Attorney Dietrick asked Council to state for the record any ex-parte communications with parties prior to the Council meeting.

Vice Mayor Carter, and Council Members Ashbaugh, Marx, and Settle stated they individually met with applicants Hamish Marshal and Carol Florence prior to the Council meeting.

Community Development Director Mandeville introduced this item, following which Associate Planner Corey presented the agenda report and responded to questions. Planning Consultant Dan Gira gave a Presentation.

Applicant representative Carol Florence, Principal Planner with Oasis Associates, joined by Project Applicant Hamish Marshall and Project Architect George Garcia, presented a summary of the project history, and of the Final EIR and spoke in support of staff's recommendation.

Vice Mayor Carter opened the public hearing.

Allan Cooper, San Luis Obispo, spoke about his concerns regarding the project and recommended to delay the design review until September.

Elizabeth Thyne, San Luis Obispo, spoke in support of the EIR report as amended. Ms. Thyne suggested that a physical model be available for public review.

Linda A. Groover, San Luis Obispo, spoke about the importance of a physical model of the project.

Sara McEre, San Luis Obispo, spoke about her concerns regarding the use of the Garden Street alley.

Joseph Abrahams, San Luis Obispo, commended the developer for their flexibility and willingness to listen to the community member's concerns. Mr. Abrahams recommended that Council should review a physical model before approving the project.

Elizabeth Abrahams, San Luis Obispo, spoke of the importance of viewing a physical model of the project.

David Brodie, San Luis Obispo, spoke in support of the final EIR and the use of a physical model.

Keith Hamilton, San Luis Obispo Spoke about his concerns regarding parking.

Richard Stephens, San Luis Obispo, spoke about his concerns regarding the loss of parking spaces on Garden Street.

Marianne Orme, San Luis Obispo, spoke about her concerns regarding the loss of parking on Garden Street and the loss of business during construction.

Deborah Cash, Executive Director of the Downtown Association, spoke in support of the project.

Jody Frey, San Luis Obispo, spoke about her concerns regarding parking for disabled vehicles.

Ermina Karim, Chamber of Commerce, spoke in support of the project.

Victor Montgomery, spoke in support of staff's recommendation.

Terry Mohan, San Luis Obispo, spoke about his concerns regarding the removal of the public parking lot.

David Lee, San Luis Obispo, spoke about his concerns regarding the size of the project and the importance of the use of a physical model for public review.

Gene Gisin, San Luis Obispo, spoke about the importance of the use of a physical model of the project for public review.

Eric Meyer, San Luis Obispo, commended the developers, staff and citizens for the input toward the project.

Vice Mayor Carter closed the public hearing.

Mr. Marshall discussed issues regarding the proposed market, removal and re-planting of trees, and valet parking. In addition, Council spoke of their support of staff's recommendation, and commended the developers for working collaboratively with the staff and the community.

Vice Mayor Carter stated that a physical model of the final design will become available.

ACTION: Moved by Settle/Marx to adopt Resolution No. 10182 (2010 Series) with inclusion of revision to Mitigation Measure MM NO-3c to read as follows: "All applicable common outdoor residential activity areas directly facing Broad and Marsh streets shall provide construction and/or other methodologies to reduce outdoor activity area noise levels to below 60 CNEL. This requirement is optional for all applicable private outdoor residential activity areas (e.g., residential balconies, courtyards, etc.)" and Resolution No. 10183 (2010 Series); motion carried 4:0.

BUSINESS ITEMS

7. **TERM SHEET FOR LONG-TERM LEASE OF CITY'S PARKING LOT NUMBER TWO.**

Assistant City Manager Stanwyck and Economic Development Manager Clark presented the agenda report and responded to questions.

Public Comments

There were no public comments.

---end of public comments---

ACTION: Moved by Settle/Ashbaugh to approve staff recommendations as presented. Motion carried 4:0.

8. **PISMO AND BUCHON NEIGHBORHOOD TRAFFIC MANAGEMENT.**

Director of Public Works Walter introduced this item, following which Traffic Operations Manager Hudson presented the agenda report and responded to questions.

Public Comments

Bill Casella, San Luis Obispo, spoke about traffic safety concerns on Johnson and Toro.

Sherry Fontana, San Luis Obispo, spoke in support of staff's recommendation and recommended Council to impliment speed humps on Buchon.

David Kirkendall, San Luis Obispo, spoke in support of staff's recommendation.

Jody Frey, San Luis Obispo, spoke about her concerns regarding emergency service response times with speed limiting measures.

Paul Taylor, San Luis Obispo, spoke in support of staff's recommendation with the exception of the implementation of speed humps on Pismo Street.

Eric Meyer, San Luis Obispo, spoke about his concerns regarding traffic safety on Pismo Street and Buchon Street.

---end of public comments---

Public Works Deputy Director Bochum explained that the left turn onto Johnson Avenue will be analyzed at a later date.

Senior Traffic Engineer Hudson stated that speed humps on residential arterials are not allowed, per the current NTM guidelines.

ACTION: Moved by Marx/Ashbaugh adopt Resolution No. 10184 (2010 Series); motion carried 4:0.

COUNCIL LIAISON REPORTS

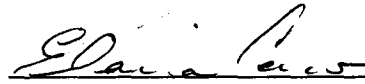
Council Member Marx reported on her attendance at the Air Pollution Control District meeting, and Local Government Commission Stakeholder meeting.

Council Member Ashbaugh reported on his attendance at the Land Conservancy meeting at the Octagon Barn, and Homeless Services Oversight Committee meeting.

COMMUNICATIONS

There were no further communications.

There being no further business to come before the City Council, Vice Mayor Carter adjourned the meeting at 10:58 p.m.



Elaina Cano, CMC
City Clerk

APPROVED BY COUNCIL: 09/07/10

