



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

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**Tuesday, August 19, 2003**

**6:30 P.M.**

**CLOSED SESSION**

**Council Hearing Room  
990 Palm Street**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code § 54957

Public Employee: City Attorney

**7:00 P.M.**

**REGULAR MEETING**

**Council Chamber  
990 Palm Street**

**CALL TO ORDER:** Mayor Dave Romero

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Council Members John Ewan, Ken Schwartz,  
Allen K. Settle, Vice Mayor Christine Mulholland,  
Mayor Dave Romero

INTRODUCTIONS

**INTRODUCTION OF NEW UTILITIES DEPARTMENT EMPLOYEES: HOWARD BREWEN, WASTEWATER COLLECTIONS SYSTEMS OPERATOR, DAVID WHARTON, PLANT MAINTENANCE TECHNICIAN, KATIE DISIMONE, WATER PROJECTS MANAGER AND AARON FLOYD, LAB ANALYST. (MOSS)**



City Council regular meetings are televised live on Charter Channel 20. The City of San Luis Obispo is committed to include 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 781-7103.

**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 open the floor to and 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 issue 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.

**COUNCIL CORRESPONDENCE:** Written comments on agenda items are encouraged and are most effective if presented at least five days prior to the meeting. Council Correspondence regarding agenda items received after 5:00 p.m. on the day of the Council meeting will be distributed the following day.

PROCLAMATION
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**ALZHEIMER'S MEMORY WALK PROCLAMATION.** (ROMERO/PRICE)

PUBLIC COMMENT PERIOD FOR ITEMS <u>NOT</u> ON THE AGENDA (not to exceed 15 minutes total)
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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.
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PRESENTATIONS
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**PRESENTATION BY THE COUNTY OF SAN LUIS OBISPO REGARDING THE NACIMIENTO PIPELINE PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT (EIR).** (MOSS/FERRARA/ORTEN – 60 MINUTES)

**PRESENTATION BY DAVID MULLINAX, LEAGUE OF CALIFORNIA CITIES REGIONAL REPRESENTATIVE, OF THE STATE'S POST BUDGET WRAP-UP AND INFORMATION ON THE LEAGUE'S PROPOSED CONSTITUTIONAL AMENDMENT TO PROTECT MUNICIPAL REVENUES.** (15 MINUTES)

APPOINTMENTS
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**A1. APPOINTMENT RECOMMENDATIONS TO THE MASS TRANSPORTATION COMMITTEE (MTC).** (MULHOLLAND/EWAN – 5 MINUTES)

RECOMMENDATION: 1) Appoint D. Gregg Doyle to an unexpired term as the Technical Representative on the MTC to begin September 10, 2003 and end on March 31, 2005. 2) Appoint Rob Nesbitt to an unexpired term as an Alternate Member on the MTC to begin September 10, 2003 and end on March 31, 2005.

CONSENT AGENDA
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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.
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**C1. MINUTES OF TUESDAY, JULY 15, 2003.** (PRICE)

RECOMMENDATION: Waive oral reading and approve as presented.

**C2. TECHNICAL STUDIES FOR THE WATER RECLAMATION FACILITY NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. (MOSS/HIX)**

RECOMMENDATION: Approve an agreement with Larry Walker and Associates in the amount of \$205,950.00 for technical studies for the Water Reclamation Facility NPDES permit.

**C3. NEW SIDEWALK CONSTRUCTION 2002-03, SPECIFICATION NO. 90262A. (MCCLUSKEY/WALKER)**

RECOMMENDATION: 1) Approve plans and specifications for "New Sidewalk Construction 2002-03", Specification No. 90262A. 2) Authorize staff to advertise for bids and authorize the City Administrative Officer to award the contract if the lowest responsible bid is within the engineer's estimate of \$84,294.

**C4. GROUNDWATER DEVELOPMENT PROJECT. (MOSS/HENDERSON)**

RECOMMENDATION: Approve the contract with Stetson Engineers Inc. for Phase I services for the Groundwater Development Project for an amount not to exceed \$125,750 and authorize the Mayor to execute the contract.

**C5. LAGUNA HILLS PLAYGROUND AND ISLAY HILL SWINGS, SPECIFICATION NO. 90272B. (MCCLUSKEY/FRASER)**

RECOMMENDATION: 1) Approve the award to and authorize the Mayor to execute a contract with V. Lopez Jr. & Sons in the amount of \$161,823.43 for the "Laguna Hills Playground & Islay Hill Swings, Specification No. 90272B." 2) Approve the transfer of \$16,141.83 from the budgets of several completed projects to the project budget.

**C6. FINAL PROJECT BUDGET AND CONSULTANT CONTRACT AMENDMENTS FOR THE MARSH STREET GARAGE EXPANSION PROJECT. (MCCLUSKEY/OPALEWSKI)**

RECOMMENDATION: 1) Finalize the project budget and funding sources for the Marsh Street garage expansion project in the amount of \$9,156,100 and approve additional funding of \$464,700 from the unappropriated Parking Fund working capital. 2) Approve \$165,000 claim from ARB, Inc. and authorize the Mayor to execute the change order. 3) Approve contract amendments as follows and authorize the Mayor to execute revised agreements: a) Harris & Associates (\$17,000) for additional construction management. b) Phillips Metsch Sweeney Moore (\$18,500) for additional construction administration and completion of the as-built construction drawings.

**C7. DESIGN SERVICES FOR TANK FARM GRAVITY SEWER, LIFT STATION AND FORCEMAIN. (MOSS/HIX)**

RECOMMENDATION: Approve an agreement with Brown and Caldwell Engineers in the amount of \$594,816 for design services for the Tank Farm Gravity Sewer, Lift Station and Forcemain.

**C8. REQUEST FOR PROPOSALS (RFP) FOR DESIGN OF ALRITA PUMP STATION REPLACEMENT PROJECT, SPECIFICATION NO. 90234. (MOSS/GILMORE)**

RECOMMENDATION: 1) Approve the Request for Proposals (RFP) package, and authorize staff to advertise for proposals. 2) Authorize the City Administrative Officer to award the contract if the proposed cost is less than available budget.

**C9. SANTA ROSA PARK RENOVATIONS. (STATLER)**

RECOMMENDATION: 1) Appropriate \$10,600 from the Parkland Development Fund for additional lighting as part of the Santa Rosa Park renovation project. 2) Approve a sole source contract in the amount of \$10,622.40 to Specialty Construction for this work.

**C10. AUDIT SERVICES CONTRACT. (STATLER/DOMINGUEZ)**

RECOMMENDATION: Renew the audit services contract with Glenn, Burdette, Phillips and Bryson (GBPB) for an additional two years and authorize the Mayor to execute the contract.

**C11. 2003-05 COMMUNITY PROMOTIONS CONTRACTS. (GEORGE/STANWYCK)**

RECOMMENDATION: 1) Approve funding for and authorize the Mayor to execute a two-year contract with the San Luis Obispo Chamber of Commerce (Chamber) to provide public relations services in the amount of \$39,800 in 2003-04 and \$40,990 for 2004-05. 2) Approve funding for and authorize the Mayor to execute a two-year contract with the Chamber to provide visitor and tourist information services in the amount of \$79,000 in 2003-04 and \$81,370 for 2004-05. 3) Approve funding for and authorize the Mayor to execute a two-year contract with the San Luis Obispo County Visitors and Conference Bureau (VCB) to provide regional marketing services in the amount of \$68,000 for 2003-04 and \$70,040 for 2004-05.

**C12. WATER REUSE PROJECT MITIGATION – STEELHEAD ABUNDANCE MONITORING OF SAN LUIS CREEK WATERSHED. (MOSS)**

RECOMMENDATION: Approve an agreement with Thomas R. Payne and Associates for Steelhead Abundance Monitoring Services for San Luis Obispo Creek and Tributaries in an amount not to exceed \$36,010. Authorize the Utilities Director to approve up to an additional 10% contingency for a total of \$39,610.

**C13. AUTHORIZATION FOR CITY’S DELEGATE TO VOTE REGARDING PROPOSED CONSTITUTIONAL AMENDMENT AT LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE. (LOWELL)**

RECOMMENDATION: Authorize the City’s Voting Delegate to support at the General Assembly of City Voting Delegates at the League of California Cities Annual Conference a proposed constitutional amendment to protect municipal revenues.

PUBLIC HEARING

**1. LICENSURE OF TOBACCO RETAILERS. (LOWELL/TRUJILLO – 30 MINUTES)**

RECOMMENDATION: 1) Introduce for first reading by title only an Ordinance adding Chapter 8.14 to the San Luis Obispo Municipal Code regarding the Licensure of Tobacco Retailers. 2) Adopt a Resolution amending the Master Fee Schedule to include a tobacco retail licensing fee in the amount of \$255.00 per licensee per year.

BUSINESS ITEM

**2. STANLEY MOTORS (COLE MOTORS) RELOCATION AND RETENTION. (GEORGE/STANWYCK – 30 MINUTES)**

RECOMMENDATION: Consistent with General Plan policies and a Major Council Goal for 2003-05, support the relocation and retention of Stanley Motors by: a) waiving the City’s Inclusionary Housing Fee for the Cole Motors Project; and b) approving the calculation of the Cole Motors Project’s Building Permit fees at the rates applicable on July 7, 2003, the date the Project application was deemed complete by the Community Development Department.

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.**

## **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 7:00 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 Recreation Department located at 1341 Nipomo 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 City/County Library located at 995 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.