



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

Tuesday, March 16, 2004

7:00 P.M.

REGULAR MEETING

**Council Chamber
990 Palm Street**

CALL TO ORDER: Mayor Dave Romero

**PRESENTATION OF THE FLAG
AND**

PLEDGE OF ALLEGIANCE: Ca-Pri-Se and Nature Friends

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

PRESENTATIONS

PROCLAMATION FOR CAMP FIRE USA'S ABSOLUTELY INCREDIBLE KID DAY.
(ROMERO – 5 MINUTES)

**DOWNTOWN ASSOCIATION SLIDE PRESENTATION OF BEAUTIFICATION
AWARD WINNERS.** (CASH – 15 MINUTES)

PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA (not to exceed 15 minutes total)

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.



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.

APPOINTMENTS

A1. APPOINTMENT RECOMMENDATION TO THE PROMOTIONAL COORDINATING COMMITTEE (PCC). (MULHOLLAND/ROMERO – 3 MINUTES)

RECOMMENDATION: Reappoint Bob Griffin to a four-year term beginning on April 1, 2004 and expiring on March 31, 2008.

A2. APPOINTMENT RECOMMENDATION TO THE PLANNING COMMISSION. (ROMERO/SETTLE – 3 MINUTES)

RECOMMENDATION: Appoint Andrea Miller to the Planning Commission for a four-year term beginning April 1, 2004 and ending March 31, 2008.

A3. APPOINTMENT RECOMMENDATIONS TO THE PERSONNEL BOARD. (SETTLE/EWAN – 3 MINUTES)

RECOMMENDATION: 1) Reappoint Norie Placak to a one-year term to begin April 1, 2004 and ending March 31, 2005. 2) Appoint Philip Ruggles to fill an unexpired term beginning April 1, 2004 and ending March 31, 2007.

A4. APPOINTMENT RECOMMENDATIONS TO THE PARKS AND RECREATION COMMISSION. (SETTLE/SCHWARTZ – 3 MINUTES)

RECOMMENDATION: 1) Appoint Don Dollar to a four-year term beginning on April 1, 2004 and expiring on March 31, 2008. 2) Appoint John Knight to a four-year term beginning on April 1, 2004 and expiring on March 31, 2008.

A5. APPOINTMENT RECOMMENDATION TO THE SAN LUIS OBISPO HOUSING AUTHORITY. (ROMERO – 3 MINUTES)

RECOMMENDATION: Reappoint David Booker to a four-year term to begin on April 1, 2004 and expire on March 31, 2008.

A6. APPOINTMENT RECOMMENDATION TO THE CULTURAL HERITAGE COMMITTEE. (MULHOLLAND/EWAN – 3 MINUTES)

RECOMMENDATION: Appoint Robert Pavlik to a four-year term beginning on April 1, 2004 and ending on March 31, 2008.

A7. APPOINTMENT RECOMMENDATIONS TO THE CONSTRUCTION BOARD OF APPEALS. (EWAN/MULHOLLAND – 3 MINUTES)

RECOMMENDATION: 1) Appoint Bryan Gingg to serve as the disabled representative for a four-year term beginning April 1, 2004 and expiring March 31, 2008. 2) Appoint Andrew Blasjo to serve a four-year term beginning April 1, 2004 and expiring March 31, 2008. 3) Appoint John Fowler to fill an unexpired term of one year beginning April 1, 2004 and expiring March 31, 2005.

A8. APPOINTMENT RECOMMENDATIONS TO THE BICYCLE ADVISORY COMMITTEE. (SCHWARTZ/MULHOLLAND – 3 MINUTES)

RECOMMENDATION: 1) Appoint Ben Lerner to a four-year term beginning on April 1, 2004 and expiring on March 31, 2008. 2) Appoint Kevin Christian to fill an unexpired term of one year beginning April 1, 2004 and ending March 31, 2005.

A9. APPOINTMENT RECOMMENDATION TO THE ARCHITECTURAL REVIEW COMMISSION. (EWAN/SCHWARTZ – 3 MINUTES)

RECOMMENDATION: Reappoint Michael Boudreau to serve a four-year term beginning April 1, 2004 and expiring on March 31, 2008.

A10. APPOINTMENT OF NEW SLO DOWNTOWN ASSOCIATION BOARD OF DIRECTORS MEMBERS. (CASH – 3 MINUTES)

RECOMMENDATION: By motion, reappoint Brad Bilsten, Kathi Main and Frank Merson, and appoint Alex Gough, Tom Swem and Patty Carpenter to the SLO Downtown Association Board of Directors.

CONSENT AGENDA

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.

C1. APPROVE MINUTES OF FEBRUARY 24, 2004 SPECIAL MEETING AND MARCH 1, 2004 REGULAR MEETING. (PRICE)

RECOMMENDATION: Waive oral reading and approve as presented.

C2. GRANT APPLICATION SUBMITTALS FOR ALCOHOL ENFORCEMENTS. (LINDEN/BISHOP)

RECOMMENDATION: 1) Authorize staff to submit a grant application proposal to the Department of Alcoholic Beverage Control to fund alcohol enforcement efforts. 2) Authorize staff to submit a grant application proposal via the Office of Traffic Safety to the Office of Juvenile Justice and Delinquency Prevention to fund enforcement of underage drinking laws.

C3. THURSDAY NIGHT PROMOTIONS RULES AND REGULATIONS. (CASH)

RECOMMENDATION: Approve recommended changes to the Downtown Association's Rules and Regulations for Thursday Night Promotions.

C4. FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR TRACT 1750-UNIT 6, A 58-LOT RESIDENTIAL SUBDIVISION AT SPANISH OAKS DR. AND ORCUTT RD. R.W. HERTEL AND SONS, INC., SUBDIVIDER. (MCCLUSKEY/LIVICK)

RECOMMENDATION: Adopt a resolution accepting the public improvements and releasing the bonds for Tract 1750 – Unit 6.

C5. FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR TRACT 1750-UNIT 4, A 74-LOT RESIDENTIAL SUBDIVISION AT BROOKPINE DR. AND IRONBARK ST. R.W. HERTEL AND SONS, INC., SUBDIVIDER. (MCCLUSKEY/LIVICK)

RECOMMENDATION: Adopt a resolution accepting the public improvements and releasing the bonds for Tract 1750 – Unit 4.

C6. ABANDONMENT OF THE TURNER AVENUE RIGHT-OF-WAY (ABAN 106-03) (MCCLUSKEY/LIVICK)

RECOMMENDATION: As recommended by the Planning Commission on January 28, 2004, adopt a resolution summarily abandoning Turner Avenue.

C7. FINAL PASSAGE OF ORDINANCE NO. 1447 (2004 SERIES) AMENDING SECTION 10.44.030 OF MUNICIPAL CODE, STOPPING FOR LOADING OR UNLOADING ONLY AS ADOPTED BY THE CITY OF SAN LUIS OBISPO. (MCCLUSKEY/HORCH)

RECOMMENDATION: Grant final passage to Ordinance No. 1447 (2004 Series).

C8. ADOPT A RESOLUTION APPROVING REVISION TO PROMOTIONAL COORDINATING COMMITTEE BYLAWS. (GEORGE/STANWYCK)

RECOMMENDATION: As recommended by the Promotional Coordinating Committee, adopt a resolution approving revisions to the Promotional Coordinating Committee (PCC) Bylaws (Article 4, Section G).

PUBLIC HEARINGS

1. **SLO BASEBALL STADIUM ADVERTISING BANNER FEES.**
(LESAGE/FITZGERALD – 15 MINUTES)

RECOMMENDATION: 1) As recommended by the Parks and Recreation Commission and the Advisory Committee on the Joint Use of Recreational Property (Joint Use Committee), amend the City's Master Fee Schedule to establish fees for posting advertising banners at the San Luis Obispo Baseball Stadium at \$25.00 for a banner 4 feet by 8 feet or less and \$50.00 for a banner larger than 4 feet by 8 feet. 2) Allocate fees received to the General Fund.

2. **FILM ORDINANCE, REGULATIONS AND FILM APPLICATION FEE.**
(LESAGE/FITZGERALD – 30 MINUTES)

RECOMMENDATION: As recommended by the Parks and Recreation Commission: 1) Introduce an ordinance to print establishing filming regulations within the City of San Luis Obispo. 2) Adopt a resolution establishing the filming application fee at \$70.00 for still photography and minor commercial filming ventures; \$100.00 for major commercial ventures and \$30.00 for non-profit and destination marketing organizations and include the fees in the City's Master Fee Schedule. 3) Adopt a resolution to approve regulations to implement the film ordinance and authorize the City Administrative Officer to make minor administrative changes in the regulations as long as they are intended to carry out the purpose of these regulations and will not have any significant policy impacts.

BUSINESS ITEMS

3. **REFINANCING 1994 LEASE REVENUE BONDS.** (STATLER/DOMINGUEZ – 15 MINUTES)

RECOMMENDATION: Adopt a resolution approving the refinancing of the 1994 Lease Revenue Bonds.

4. **MEETING OF THE CAPITAL IMPROVEMENT BOARD.**
(STATLER/DOMINGUEZ – 5 MINUTES)

RECOMMENDATION: 1) Approve minutes of meeting held on June 4, 2002. 2) Elect officers for the Capital Improvement Board (President and Vice President). 3) Adopt a resolution approving the refinancing of the 1994 Lease Revenue Bonds. 4) Adjourn to the next regular meeting.

5. DOWNTOWN PEDESTRIAN LIGHT STANDARD. (MCCLUSKEY/FRASER – 30 MINUTES)

RECOMMENDATION: Adopt a resolution 1) approving a downtown pedestrian-scale pole and light fixture as recommended by the Architectural Review Commission (ARC); and 2) establishing an initial Downtown Pedestrian Lighting District as co-terminus with the boundaries of the downtown commercial core.

PUBLIC HEARINGS, CONTINUED

6. DRAFT HOUSING ELEMENT UPDATE. (MANDEVILLE/HOOK – 2 HOURS)

RECOMMENDATION: 1) Approve the Council's changes to Chapter 3 of Draft Housing Element, 2) Review and conceptually approve the amended Inclusionary Housing Requirements, or provide alternative direction, 3) Review Chapter 4, and review and finalize changes to the Council Hearing Draft Housing Element, with direction to staff to bring back the amended Council Hearing Draft for adoption at the Council's March 30, 2004 special meeting.

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).

A. 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 5:30 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.