



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

Tuesday, May 4, 2004

6:45 P.M.

CLOSED SESSION

**Council Hearing Room
990 Palm Street**

LIABILITY CLAIMS

Pursuant to Government Code § 54956.95

Workers' Compensation Claim Re Michael R. Brenner

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, Christine Mulholland,
Allen K. Settle, Vice Mayor Ken Schwartz,
Mayor Dave Romero

INTRODUCTIONS

INTRODUCTION OF NEW PUBLIC WORKS EMPLOYEES. (MCCLUSKEY – 5 MINUTES)

INTRODUCTION OF NEW UTILITIES EMPLOYEES. (MOSS – 5 MINUTES)



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.

PRESENTATION

PROCLAMATION FOR WATER AWARENESS MONTH. (MOSS/MUNDS – 5 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.

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 TUESDAY, APRIL 20, 2004 REGULAR MEETING.
(REYNOLDS)

RECOMMENDATION: Waive oral reading and approve as presented.

C2. THURSDAY NIGHT PROMOTIONS RULES AND REGULATIONS. (CASH)

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

C3. BUDGET AMENDMENT: DAMON GARCIA SPORTS FIELDS.
(MCCLUSKEY/VAN BEVEREN)

RECOMMENDATION: 1) Approve an increase in the construction budget for the Damon-Garcia sports fields of \$200,000. 2) Transfer \$200,000 from completed projects in the Capital Outlay Fund (\$194,600) and Parkland Development Fund (\$5,400) to fund the increase in the construction budget. 3) Transfer the remaining balance from completed projects in the Capital Outlay Fund of \$45,200 to the CIP Reserve.

C4. RODRIGUEZ ADOBE, SPECIFICATION NO. 99832. (MCCLUSKEY/MCGUIRE)

RECOMMENDATION: 1) Approve plans and specifications for "Rodriguez Adobe", Specification No. 99832. 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 \$280,000.

C5. WATER RECLAMATION FACILITY (WRF) DISSOLVED AIR FLOTATION THICKENER (DAFT) REPAIR, SPECIFICATION NO. 90461.
(MCCLUSKEY/MCGUIRE)

RECOMMENDATION: 1) Approve plans and specifications for "Water Reclamation Facility DAFT Repair", Specification No. 90461. 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 \$130,000. 3) Approve transfer of \$163,000 from the Major Equipment Maintenance Account to the project account.

C6. CONTRACT AWARD: DISPATCH CENTER UPGRADE DESIGN SERVICES.
(STATLER/SCHMIDT)

RECOMMENDATION: 1) Award a contract to RRM Design Group (RRM) in the amount of \$155,725 for Phase 1 design services to upgrade the police emergency dispatch center; and authorize the City Administrative Officer to amend the contract for Phase 2 services by up to \$110,000. 2) Appropriate \$412,200 in grant funds recently awarded to the City by the Federal Emergency Management Agency (FEMA) as follows based on the approved workscope: \$200,000 to the dispatch center upgrade project and \$212,200 to the radio system upgrade project.

PUBLIC HEARINGS

1. FILM ORDINANCE, REGULATIONS AND FILM APPLICATION FEE.
(LESAGE/FITZGERALD – 15 MINUTES)

RECOMMENDATION: 1) As recommended by the Parks and Recreation Commission and the Promotional Coordinating Committee (PCC): a) Introduce an ordinance establishing filming regulations within the City of San Luis Obispo. b) Adopt a resolution approving 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 intent and purpose of these regulations and will not have any significant policy impacts. c) 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 organizations and include the fees in the City's Master Fee Schedule. 2) As recommended by the PCC, do not require a fee for destination marketing organizations as defined in the ordinance.

**2. APPEAL OF THE ARCHITECTURAL REVIEW COMMISSION'S (ARC)
ACTION MODIFYING THE LOCATION OF PROPOSED PUBLIC ART FOR
12150 LOS OSOS VALLEY ROAD, COAST BMW/NISSAN (AP 148-01).
(MANDEVILLE/DUNSMORE – 30 MINUTES)**

ARC RECOMMENDATION: Adopt a resolution, denying the appeal, upholding the Architectural Review Commission's determination to relocate the proposed public art to the corner of Los Osos Valley Road and Auto Park Way subject to findings and conditions.

CAO RECOMMENDATION: Adopt a resolution, upholding the appeal, and upholding the Art Jury's recommendation to allow the public art at the proposed location in front of the building subject to findings and conditions.

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.